

COMMISSION OF INQUIRY INTO THE RIOTS , AT  
SOWETO AND OTHER PLACES IN SOUTH AFRICA.

AFTERNOON SESSION:

15th MARCH, 1977.

VOLUME 136

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THE COMMISSION CONTINUES ON THE 15th MARCH, 1977.

AUBREY DUNDUBELE MOKOENA: sworn states:

MR BIZOS: You gave evidence before His Lordship, but before I ask you any questions about the evidence that you have already given, I want to ask you some questions about your detention. Were you detained at the Norwood Police Station?  
-- No, I was detained at John Vorster Square.

Were you ever taken - were you never at Norwood? -- No, I have always been at John Vorster Square.

And were you at John Vorster Square on the 26th (10)  
November, 1976? Were you there? -- On the 26th?

On the 26th November, 1976. -- Yes, I was there.

And were you brought into the same room with a Mr Kenneth Rashidi and Mr Tandisizwe Mazibuko? -- Yes.

And were you all in a room on the 2nd floor of John Vorster Square? -- Yes.

The three of you. And was the person in charge - I may not have the correct spelling, but phonetically, Arbie, a person who was in charge there, a Captain Arbie. -- Yes.

And with him was there a Lieutenant Van Niekerk and (20)  
a Sergeant Prins? -- Yes, quite true.

Would it be correct that the purpose of this meeting was that you, Mr Rashidi and Mr Mazibuko should reconcile the different versions that you had given the police about certain events? -- Yes.

And the matter that you had to reconcile yourself about was as to whether or not there had been a meeting or rather, what had happened at the meeting which some of you had had with Mrs Mandela in March, 1976. -- Yes.

Is it correct that Mr Rashidi was denying that the (30)  
issue of Afrikaans had been discussed with Mrs Mandela? -- Yes,

he/...

he denied it.

And was he saying that the only discussion that there had been at this meeting was what <sup>would</sup> / the attitude of Mr Mandela be if he was offered to be released but voluntarily confine himself to the Transkei? -- Yes, that is correct.

And as soon as this ..(inaudible) .. took place, was Mazibuko asked to relate the proceedings of the March meeting? -- He was asked to relate the proceedings.

Yes, of what happened at the March meeting. -- To whom?

To Captain Arbie, if I am pronouncing it correctly. (10)

CHAIRMAN: Arbie, is it?

MR BIZOS: It was given to me as A-r-b-i-e.

CHAIRMAN: Arbie.

MR BIZOS: Yes, was he asked to relate this to Captain Arbie?

-- Yes.

And did Mazibuko say that the question of Mr Mandela's release was discussed and did Mr Mazibuko add that Mrs Mandela had been invited by you to become the president of the BPC?

-- Yes.

And did Mr Mazibuko add that there was then a challenge by Mrs Mandela as to what - I beg your pardon, I am corrected - was it you who asked - was it you who were said to have asked Mrs Mandela to become president or someone else? -- No, it was not me. (20)

Who was it? -- It was Tom.

Tom, the surname please. -- Mantata.

Yes, I was corrected about that. And then also that a challenge was issued as to what BPC was doing about Afrikaans. This is what Mr Mazibuko said. -- Yes.

Did Mr Rashidi tell Captain Arbie that Mazibuko was wrong? -- Yes, he said so. (30)

Wrong/...

Wrong in relation to there being any discussion other than Mr Mandela's release. Did Mr Rashidi say that there was only a discussion about Mr Mandela's release? -- Yes, he said so.

And did Captain Abrie then say to Mazibuko: you see that he (that is Rashidi) says that you, Mazibuko, are telling a lie. Do you recall that happening? -- Yes, I recall that.

Did Mazibuko then say: maybe Kenny (that is Kenneth Rashidi) has forgotten? -- Yes, he said so.

And did Captain Abrie say to Mazibuko that he must (10) not try to be clever and he then asked him if he was afraid of Rashidi. -- I do not remember that part.

You do not remember that.

CHAIRMAN: Isn't that rather illogical?

MR BIZOS: Yes, well, I may have transposed the c's and the c's, M'Lord, these instructions are handwritten and it may be that there is - but anyway, some suggestion was made that the one was calling the other a liar. You say you do not know.

CHAIRMAN: Well, Abrie said one is really saying you are a liar. (20)

MR BIZOS: Yes, to the one or the other, but if you cannot remember it. -- No.

You were then called upon to recite - were you then called upon to give your version? -- Yes.

What was your version? -- My version was that Tom, Kenny, myself and Mazibuko went to Mrs Mandela's place. The purpose was to consult her views with regard to the press statement that BPC wanted to publish regarding the release of Mr Mandela from the island. That was the purpose of our going there. Now when we got there, Kenny explained the purpose of the (30) meeting, that it was just to consult her because BPC wanted

to/...

to publish a statement and it wanted - it did not want to ignore her views on that and she said that she was opposed to the appeal being made by a homeland leader, because Mr Mandela was standing for national leadership and not for government created platform leadership and we all agreed in toto and BPC was then going to issue that statement in that train of thinking and she said that she was also going to issue a personal statement to the press and then as we went out, he raised this issue, Tom said that it was considered that it would be fine if she comes and joins BPC and (10) possibly be made president of BPC to give it adult membership and because of her courage and influence in the community and then went on to say that as we went out, then she said that this here was the issue of Afrikaans, the children being dissatisfied and nothing was done about it and .. (intervenes)

You really agreed with Mazibuko. -- Yes.

You agreed with Mazibuko but you excused yourself by saying that it was really on the way out. Do you remember that? -- Ja.

And you recall that Rashidi denied that anything (20) happened. -- Yes, I recall that he denied. He said that he did not hear that part of it as we were going out.

Now I know that you are in a very difficult position now, but I am going to suggest to you that the only reason that you went there has been described by you and that nothing else was discussed except the question of whether Mr Mandela would accept a conditional release or not. -- That is the purpose of the meeting, yes.

And it was the only discussion. -- It was the only discussion. This other one .. (intervenes) (30)

It was the only discussion. -- This other one evolved out/...

out as we marched out, moved out of the house.

I am going to suggest to you that it did not happen even whilst you marched out. -- It did.

You say that the question of the presidency of BPC was discussed? -- Yes.

Between whom and whom? -- Tom raised it.

Well, what did he say? -- Well, he said that we wanted to swell our ranks in BPC and have adult membership.

In whose presence did he say it? -- Well, he said it in the presence of the four of us. (10)

Including Rashidi? -- Yes.

Well, did you try and argue with Rashidi at John Vorster Square? -- I did point that out to him, but he said that he did not hear that part of it and I did not contest it because it was as we were going out ; he might not have heard that part of it because it was not the purpose of going there. The purpose of going there was just to consult her on the press statement that BPC wanted to issue. This was just a side issue.

Well, I am going to suggest to you that it was not discussed even as a side issue, but now how did you come (20) to make reference to this in your statement? -- Well, I was asked by the police whether this matter was not discussed.

What matter was discussed? -- The Afrikaans issue.

When were you asked by the police for the first time whether the Afrikaans issue was discussed? -- I was asked by the police when I was writing my statement, when they were interrogating me.

When did the idea that there may have been a discussion with Mrs Mandela in March, when did that - when was that raised with you for the first time? -- It was raised (30) when I was being interrogated.

How long after the commencement of your interrogation?

-- I cannot remember clearly, but it was almost at the beginning of the interrogation.

When were you detained? -- I was detained on the 14th August.

And when was this mentioned by you for the first time?

-- It was mentioned by me for the first time I think it was 6 weeks thereafter.

6 weeks thereafter? -- Yes.

So you must have mentioned this for the first time (10) towards the end of September. -- Yes.

As a result of direct questions being put to you in relation to it? -- Quite so.

Who put the direct questions to you? -- The direct questions were put by the various sergeants who were taking rounds in their shifts in interrogating me.

Taking rounds in shifts? -- No, taking shifts. The one used to start at 8 in the morning and then in the afternoon another one again.

Afternoon until? -- Until midnight and then midnight (20) till the morning, round the clock.

Round the clock? -- Yes.

And for how long had you been under interrogation around the clock in this way when you said that there was discussion about Afrikaans by Mrs Mandela in March? -- After a very long time.

CHAIRMAN: I am sorry, I could not hear your answer. -- For a very long time.

MR BIZOS: For how long had you been interrogated before you said that Mrs Mandela discussed the Afrikaans issue with (30) you in March? -- I was interrogated for 2 weeks, but I stayed, after/...

after my detention I stayed in the cell for 4 weeks without being interrogated and then I was taken out after 4 weeks and interrogated for 2 weeks.

You were interrogated for 2 weeks. -- Yes.

Did your interrogators show a particular interest in Mrs Mandela? -- Yes, they did. The interrogation was actually centred around her.

Did you come to the conclusion at any stage during this interrogation that the more you implicated Mrs Mandela, the easier life would be for you? -- Yes, I did come to that (10) conclusion.

Well, with that background I think we had better take some of the evidence that you have given relating to Mrs Mandela. Were any suggestions made to you in relation to the activities of Mrs Mandela with which you disagreed? -- I am sorry, I did not hear the question.

Were any suggestions made to you in relation to the activities of Mrs Mandela with which you did not agree? -- Were there any suggestions that were made to me in relation to the views of Mrs Mandela? In relation to? (20)

To Mrs Mandela which you did not agree with. -- Yes.

Were your answers accepted if you disagreed with the suggestions that were made to you in relation to Mrs Mandela? -- No, they were not accepted.

How was the non-acceptance communicated to you? -- Well, it was communicated in a very harsh fashion.

How? -- Well, initially when the interrogation started, it was just verbal interrogation as it is and the statements that were presented were rejected.

The statements that you presented were rejected? (30)  
-- Yes, several of them were rejected.

Several/...

Several statements were rejected? -- Yes, I made about 5.

Yes, I do not want to know about your general activities, I am really interested in Dr Motlana and Mrs Mandela. How was your failure to implicate Mrs Mandela on matters that you did not agree with, how was your denial rejected? -- It was rejected by physical torture.

When did this happen? -- This happened on the Monday prior to the Transkei independence, the 25th October from the Monday after the Friday.

Whilst this was being done to you, were you being (10)  
asked to implicate Mrs Mandela? -- Yes.

CHAIRMAN: You were asked to implicate her? -- Yes.

Were you told to implicate her? -- Yes, I was told that I associated with her and I should know what she was doing and so on.

MR BIZOS: You were associated with her and was it suggested to you what you might know that she was doing? -- Yes, well, they said that the things that I had said about her are things that make her very innocent and yet they know she is a very outspoken person and she is opposed to the present regime and (20)  
that they do not quite believe that what I said there is what she could have done or said.

Did they think that you had much more information in relation to Mrs Mandela than you had told them? -- Yes, they gave the impression that they thought I was withholding much information.

And you say that you have made 5 statements. On this question on whether Afrikaans was discussed on the March meeting, was this in the 1st, 2nd, 3rd, 4th or 5th edition of your statement? -- I cannot remember properly the sequence (30)  
but it should be in the 3rd.

In the 3rd? -- Yes.

Did your interrogators have any view as to the reasons why the disturbances of the 16th June started? -- Well, they said in the interrogation that they do not believe that students alone could have done that; somebody else should have given them the idea to start certain things.

Did they have any ideas who these other people may have been? -- They did not have any ideas, except that they said that people in the Black Consciousness Movement and Mrs Mandela should have played a very prominent role. (10)

Were you asked to provide evidence to that effect? -- Yes, I was asked to provide evidence.

Were you able to provide any evidence to that effect? -- I was not able to provide it in most cases.

And you say that you were told that what you had told them about Mrs Mandela, made her sound like an innocent person? -- Yes.

CHAIRMAN: Did you tell them - did you ever deny like Rashidi did, that she had spoken to you on this meeting of March about the Afrikaans issue in the schools? -- No, that I did not deny. (20)

You never denied that? -- No.

MR BIZOS: How did it come out in your 3rd statement? -- It came out when I saw that the spotlight was falling on her and they asked whether she did not in any way, either in a formal meeting or just casually, just spoke about Afrikaans as an issue that confirmed .. (intervenes)

You say the spotlight was falling on her. Who was operating the spotlight? -- Well, the various sergeants who had taken shifts in interrogating me. (30)

And for how long had you been - well, you told us that  
you/...

you had been in solitary confinement for a month and for how long had you been interrogated by the time you made your 3rd statement and mentioned that Mrs Mandela had mentioned Afrikaans in passing in March? -- It was initially they just gave me the book to write the statement and I wrote everything that I knew and then I gave it to them. Then it was rejected. They said that it was unacceptable. Then it was repeated until this direct questioning now as to what didn't she mention this at all or didn't we in BFC and SASO ever get concerned about the question of Afrikaans. (10)

No, what I want to ask you is this: when did they start focussing on Mrs Mandela, your interrogators? -- They started focussing on her, as I say, during I think it was the 3rd statement, after the others were rejected, the 3rd or 4th.

Before your 3rd statement was made, what pressure, if any, had been placed on you? -- No direct pressure, except that I used to write the statement, starting from 8 o'clock in the morning until 2 o'clock at night and just go to sleep for 6 hours and then in the morning taken again.

When was the spotlight placed on Mrs Mandela for the (20) first time? You know, when were you told: well, look, we want to know about Mrs Mandela and you must have some evidence of her complicity in some way or another in this? -- It was during the - when I was doing the 3rd or 4th statement.

CHAIRMAN: Did you understand that question correctly? You were asked when were you told for the first time that they wanted evidence of Mrs Mandela's part in the riots. -- It was - I cannot remember particularly the .. (intervenes)

Do you understand the question? -- I cannot remember the time specifically. (30)

Did they say to you that you must give the evidence or did/...

did they ask you whether you had the evidence? -- They asked me whether this was not discussed at all, didn't she mention this at all in our circles. They were asking in a way that was suggestive of surprise that it is impossible that she would not have asked this, she would not have mentioned this and the organisation as well.

MR BIZOS: Now, who said that you would have been surprised if Mrs Mandela had not said this? -- It was one sergeant now I cannot remember his name, but I know him.

And at what stage did he say this? -- He said this (10)  
at a later stage.

Which stage? -- When I had now started now writing this particular reference to Mrs Mandela and knowing what they wanted.

So there must have been at one stage when you were writing and you made no reference to this and somebody said they would have been surprised that Mrs Mandela would have had a meeting with BPC and she would not have mentioned the question of Afrikaans. -- Yes.

Right. (20)

THE COMMISSION ADJOURNS FOR LUNCH. THE COMMISSION RESUMES.

AUBREY DUNDUBELE MOKOENA: still under oath:

MR BIZOS: M'Lord, I believe that if we could possibly sit a little later, I may finish because on consideration I do not want to call all the witnesses and I do not think that my cross-examination of the witness of having placed before Your Lordship of what is likely to be as long. If we could possibly - if I could finish the witness, could finish my cross-examination and be given an opportunity to consider and then inform Your Lordship of whether or not it is intended to (30)  
lead any evidence, then there is no reason, depending on

when/...

when the Commission intends completing its work, why a date should not be fixed if needs be.

CHAIRMAN: As I say, the role is very tight at this stage.

MR BIZOS: Yes, but I am concerned about the cross-examination of the witnesses. They appear to be in detention and I do not know - it must be no secret to Your Lordship that Rashidi has been released and in fact what I put was on .. (intervenes)

CHAIRMAN: That was one of the reasons why I asked you whether you intended calling him.

MR BIZOS: Well, I do not - I will .. (intervenes) (10)

CHAIRMAN: Yes, you will arrange that eventually if you should decide. I do not know, you spoke at some stage of possibly addressing the Commission.

MR BIZOS: The Commission on the evidence. That could also wait.

CHAIRMAN: It is very difficult if I do not know at a very early stage what you are going to do, but however, that matter can be arranged. The responsibility with regard to this witness's evidence right at the outset that I may ask certain witnesses in which case you will be informed when they are (20) appearing so that we will not - so that that could be dealt with easily. There are a few questions in that regard then that I wish to ask this witness at this stage. When you were taken with Mazibuko and Rashidi, who were the police officers who were present? -- Captain Abrie, then there was another gentleman, I think it was Lieutenant Van Niekerk, I am not sure.

Lieutenant Van Niekerk and? -- I cannot remember. Then there was another one lying on the bed.

There was another one but you do not know his name. I want to narrow the issues in that particular regard. The (30) only question which you discussed there was the evidence of

what/...

what happened on that afternoon in March when you went to see Mrs Mandela. Is that correct? -- Yes.

And at that meeting Rashidi said that she had not referred to the language issue at school. -- Quite so.

Mazibuko said she did refer to it? -- Yes.

And you said that then at a particular stage Lieutenant Abrie said something. He said to Mazibuko that virtually Rashidi was calling him a liar. Is that correct? -- I said I did not hear that part, I cannot remember that part.

Can't you remember that? -- No. (10)

Because you see that was the question that was put to you. -- Yes.

Can't you remember that anybody was called a liar or stated that he would probably - the indication was that he ... -- I remember that there was disagreement. Kenny said that he did not hear that part.

Now you see I think I mentioned the improbability to Counsel. Are you quite sure of what the different people, what two of them said? Because if the effort was to collect evidence against Mrs Mandela, one would ordinarily have (20) expected them to call the man a liar who had said that she said that she (Mrs Mandela) had said nothing. That would be the ordinary case. -- Yes.

For that reason that I asked you to think back of what was said. -- Yes. The question was did Captain Abrie say Rashidi is telling a lie?

No, no, the other way around. That is the point. -- But that he said who was telling a lie?

That he said to Mazibuko that Rashidi was saying that he (Mazibuko) is a liar. -- No, I cannot remember that part. (30)

I want you to think very clearly about this. I have not/...

not read Mazibuko's evidence so far. It is correct that Rashidi has been released. -- I do not know.

Well I can give you that information, it is common knowledge now. -- Thanks for the information.

Now, the point is this, again, are you quite sure of your evidence? Because if the effort was to implicate Mrs Mandela and to influence you into - the three of you into saying certain things against her and detaining you for that purpose, then well, obviously you would not know what the reason is, but you are quite certain that the two people (10) who gave evidence against Mrs Mandela on that point are still detained? -- As far as I know, yes.

And you are certain that it was Rashidi who said that she had made no remark about this language issue? -- Yes.

I shall consider whether it is necessary or advisable to call some of these people, but if I do that, I shall ask the secretary to get in touch with you and then a particular date can be arranged.

MR BIZOS: You told His Lordship that there were 5 editions of your statement. -- Yes. (20)

Would it be possible for you at this stage to say what was in the 1st edition, 2nd, 3rd, 4th or 5th edition? -- I cannot recollect everything, but largely those editions comprised my activities, my little history, my activities in the Black organisation.

I notice a tendency on your part to speak at some length from the record that I have read. Let us try and confine it. Can you remember what was in the 1st edition, the 2nd edition or any of the other editions as you are standing there now? -- I can remember what was in the 1st - in the (30) 2nd edition, that is I was asked then to include specifically

to/...

to write about specific people, my acquaintance with them, where it began.

So from the 2nd to the 3rd you say you were asked specific things. -- Yes.

But it was really after the 2nd that the real interrogation started? -- Yes.

In relation to the evidence that you gave this morning, that you were told that what you had told the police made Mrs Mandela appear a completely innocent person. Do you remember that? -- Yes, quite so. (10)

Had you told the police the truth and everything that you had known about Mrs Mandela at the stage that they told you that it appeared to them that she was an innocent person? -- Yes, I had.

And this must have been by the end of the 2nd edition. -- Yes.

And you did not know at that stage and therefore now, of any illegality having been committed by Mrs Mandela. -- No.

You know of no such illegality. -- No.

During the course of your interrogation when you were (20) asked specifically about Mrs Mandela, were they interested to connect her with the student leaders? -- Yes.

People like Tsietsi Mashinini, Matopanyane and the others, did they really ever in your presence have any caucus meetings with Mrs Mandela? -- No, they never had any caucus meeting.

Did Mrs Mandela, in your presence, ever suggest to any student leader that anything unlawful should be done? -- No, she never suggested anything.

You say that in the 3rd, 4th and 5th editions details were wanted. -- Yes. (30)

Details in relation to activities between Mrs Mandela and/...

and the student leaders? -- Yes.

And you say that when you did not supply such details or did not agree with what was suggested, you were harshly treated? -- Yes.

This 5th edition that you made, is that under oath, was the oath administered to you? -- Yes, it was.

And you describe yourself as an intellectual and a man who has a degree. You know as you are standing there that if you depart in any way from this 5th edition, that you will get into trouble, don't you? -- Yes. (10)

CHAIRMAN: Could get into trouble.

MR BIZOS: Well, could. You could get into trouble. -- Yes, I know.

Yes, and you probably think that you are in enough trouble already. -- Yes.

Having been detained since when? -- 14th August.

And have you been in possession of a copy of this 5th edition? Of your statement, the 5th edition, have you had a copy in your possession? -- You mean kept it with me?

Yes. -- No, I haven't kept it with me. (20)

Well, have you had it in your possession from time to time? -- Not from time to time, except when I was busy with the statement.

Have you studied it? -- Yes, I have studied it.

Carefully? -- Yes.

And you memorised it? -- Not memorised it.

You have a pretty good idea of what is in the 5th edition. -- Yes.

CHAIRMAN: Did you have it with you when you were in consultation with I think it was Mr Van Graan? -- Yes, I had it (30) when I came to the Commission here.

Did/...

Did you have it with you when you were in consultation with Mr Van Graan, did you then have the final statement that you had made? -- Yes.

And your consultation was on that statement? -- Yes, it was.

Did you read some of your evidence from that statement? -- Yes, I did, I read part of it.

It was from the 5th statement? -- Yes.

You did that in court. -- Yes.

MR BIZOS: And at or about the time that you - before you (10) had this consultation and after this consultation were you left with a copy of this statement? -- No, I was never left with a copy.

On this question of the - in this connection you remember this meeting at John Vorster Square that Captain Abrie was present. -- Yes.

Your part of the reconciliation was really that Rashidi probably did not hear it because it was said in passing as you were going out? -- Yes.

But now - and you believed that to be true? -- Yes, (20) I believed it to be true.

And you still believe it to be true? -- Yes.

But now you now read in your evidence - reading your evidence, it is not something that can just be said in passing in relation to the events of the March meeting. You know what I am getting at? The evidence that you have thus far given is quite a bit of detail, not something that is just - can just be said in passing. Don't you agree? -- Yes, I agree.

Well, is it possible that by the time you reached the 5th edition, you were influenced by what your interrogators (30) had told you that Mrs Mandela is a guilty person and not

the/...

the innocent person that you maintained she was. -- Yes.

And that you started believing the allegations that they were making against Mrs Mandela. -- That is true.

That is true? -- Yes.

So did your view of Mrs Mandela change whilst you were in detention? -- It did not quite change, but the spotlight was on her and there was pressure to say most of the little things about her.

Why did you think you were making that statement? --  
They wanted me to say things against her. (10)

CHAIRMAN: They wanted you to? -- They wanted me to say things against her.

MR BIZOS: And eventually to do what with it? What would they do with the statement? -- Well, they would prosecute her.

And what role would you play in that? -- They would obviously make me a witness.

Were you told that you would be made a witness? -- Yes, I was told.

Well, is it possible that you took the way of people that in your position take out and you agreed with some things (20) that your interrogators believed to be true, without you yourself knowing that it was true? -- Yes.

Did this man that has become so well known, Tsietsi Mashinini, was he really a well known person before August? -- Before August?

Before August, 1976. Was he known to the public at large? -- No, he was not known.

You know, I am going to ask you about the night of the 15th/16th. Was there a student meeting at Mrs Mandela's house or not? -- There never was. (30)

There never was? -- Yes.

She/...

She maintained that right through. Did your interrogators believe that there was a meeting, a students meeting at Mrs Mandela's house on the night of the 15th? -- Yes, this is what they told me.

What did they tell you? -- They told me that there was a meeting at the place and I was seen in her company by Dr Matlhare. Dr Matlhare is the one who said that he saw me.

Oh, did they come and tell you what Dr Matlhare had said? -- Yes.

What did they tell you Dr Matlhare had said? -- Well, (10) they just told me that he claimed that he saw me there with the students at night.

And what did you say originally? -- Well, I said I do not know of any such meeting.

And? -- All I remember of the 15th is that I passed with Matimba.

Yes, on the way back from the choir practice. -- From the choir practice.

Yes, and what time was that more or less? -- It was more or less in the evening at about 6 o'clock. (20)

At about 6 o'clock? -- Yes.

You and Matimba. And was it suggested to you when this meeting might have been? -- Yes, they said we stayed there for quite a long time until the early hours of the morning.

They told you that you stayed there until the early hours of the morning? -- Yes.

Did they tell you where they got that information from? -- Yes.

From whom? -- Dr Matlhare.

And did you deny it? -- I denied it, but I agreed later (30) on under pressure.

You/...

You agreed later on under pressure. -- Yes.

What pressure? -- Well, I was assaulted.

You were assaulted.

CHAIRMAN: You now must be very, very careful because I am going to call evidence and I am going to put to you the statements that you have made in this court when I asked you whether you were prepared to give evidence. -- Yes.

Do you realise that? -- Yes, I do.

Do you realise that you have made - you are now making another statement on oath. -- Yes. (10)

Which does not agree with your statement which you made before this Commission. -- Yes, I do.

You realise that? -- Yes.

Why were you afraid when you gave evidence here to tell something which is different from the statement that you had made? -- Well, I was told that there are no obligations, no strings attached, nobody is being accused, I should just read through the statement.

What has changed now? Why do you now say that what you said here last time is a lot of lies? -- (No reply) (20)

Have you got an explanation for that? -- No, I haven't got an explanation for that.

You said to Counsel a little while ago - there is nobody accused here, I know that - you said to Counsel a little while ago that you were afraid of getting into trouble because you were in enough trouble already. Now what has changed that you are now not afraid of getting into trouble by saying that the previous statement you made was wrong? -- My conscience does not allow me now.

Your conscience? -- Yes. (30)

Where was your conscience when you made the statement in court/...

court a little while ago, a few days ago? -- Not only the conscience, but then I was told at that time that there was not going to be any cross-examination.

What difference does that make? -- There is a difference because now I am being cross-examined.

But if you speak the truth, you speak the truth and you do not come here and you say this never happened, I have said it already, there was no cross-examination; now I say it never happened. You are a learned man. Aren't you talking a lot of nonsense now? -- (No reply) (10)

I am here to find out facts about the riots. You are there to tell me the truth. -- Yes.

And you took an oath that you would do it. -- Yes.

And you did not, you lied last time or are you lying now? -- I am not lying now.

So you lied last time? -- Yes, I did lie last time.

Why? -- Because I was told, I was assured that I should just say everything that is in the statement there and that there are no obligations and there was not going to be any cross-examination. (20)

You know for a learned man, I do not understand this sort of thing. -- If I agreed now then I would be confirming the lies that were said. That is the difference.

Why did you tell them in the first place when you came here? You were then confirming the lies that you told to the police you say. -- Well, that is what it is.

What wasn't in it? -- I say that is what it is now, because if I agree then .. (intervenes)

Right now I am going to ask you about the one matter that we spoke about - I could not understand your answer (30)  
a little while ago. Tell me, at the meeting in March with

Mrs/...

Mrs Mandela, did she refer to the language question or didn't she? -- She did.

She did? -- Ja.

So that is not a lie? -- Yes.

Now, must I go through the whole lot to find out which are lies and which are not lies? -- (No reply)

MR BIZOS: There are other matters which Mrs Mandela disputes, but they are of lesser significance. This night meeting that she has always denied, was a matter of the utmost importance. I have decided that I should not ask the witness any (10) further questions, except to make it clear that my failure to cross-examine him does not constitute any admission on the part of Mrs Mandela.

CHAIRMAN: No, that I accept fully.

MR BIZOS: As Your Lordship pleases. I do not think I will ask the witness any further questions.

CHAIRMAN: Do you wish to put any questions? Naturally if anything comes out now and you wish to ask questions about it, you are free to do so.

MR VAN GRAAN: Did we have a consultation, Dr Yutar and (20) myself, with you on the 4th February, 1976? -- Yes, there was a consultation.

Can you remember that Dr Yutar told you that the consultation will be confidential? -- That it would be confidential?

Yes, that consultation. -- Confidential where we were having it at John Vorster Square?

Yes. -- Yes.

Can you remember that Dr Yutar asked you if you were treated well? -- I cannot remember. I remember him saying am I well and I said yes, I was well. (30)

What was that? -- I remember him saying was I well and I said/...

said yes, I was well.

Can you remember that Dr Yutar asked you if you were treated well by the South African Police in the cells? -- In the cells, yes.

And can you remember what you answered him? -- Yes.

What did you answer him? -- I said yes, I was well in the cells.

Well treated? -- Ja.

Can you remember that Dr Yutar asked you if you had adequate food? -- Yes, I remember that. (10)

And what was your answer? -- I said yes, I had adequate food more or less.

Now, why had you been implying here in your evidence now that you have not been treated well by the police? -- Well, I am taking this particular reference to the making of the statement. His question was not on the statement itself, he did not say .. (intervenes)

That was a general question in regard to your treatment by the police. -- No, I did not take it that way. I mean, he was speaking generally about health. (20)

No, he did not mention the word 'health'. -- He did. He even referred to the fact that he had some trouble and what not, physical trouble and he was buying himself some grapefruit or something in order that his system should operate well.

But if you were not treated well by the police, I presume you would not be in a good condition. Why didn't you mention it to Dr Yutar? -- Well, I did not mention that because he did not ask me about the statement itself, he just asked me about my general disposition and I said I was well because I was well.

I put it to you that you answered Dr Yutar in the affirmative when he asked you the question if you were treated well/... (30)

well. -- He said am I being kept well and I said yes and he said even in the cells are you having enough food, I said yes, I was having enough food and I was in a sound physical disposition, I said yes. He did not ask me about the statement.

Why didn't you tell him then about the statement? -- Well, I reported the matter to the magistrate who visits us.

Can you repeat that again please? -- I reported the matter to the magistrate who visits us.

Who is he? -- Well, I do not know him because they come in in turns, they take rounds. (10)

Why didn't you put that matter to us? -- Well, it was not necessary because I was not asked about it, I felt that it was .. (intervenes)

Of course you were asked about your condition in the cells. -- But I did not find it necessary to tell Mr Yutar about the statement because I reported that to the magistrate and it is in record, it is on record.

What question did the magistrate ask you? -- The magistrate usually comes and asks: do you have any complaint and do you have any request, have you been assaulted by the police (20) during your stay here.

Is that all that the magistrate asks you? -- That is all that he asks.

Are you sure? -- Yes, that is what he asks.

So he did not refer to the statement at all? -- Pardon?

So he did not refer to the statement at all? -- Who?

The magistrate. -- The magistrate asked me if I was assaulted.

Yes, but he did not refer to the statement. -- He did not refer to the statement, he asked me if I was being assaulted(30) by the police during interrogation. And I said yes, I was.

And/...

And I described how I was assaulted, and he wrote it down. He has got it on his record.

That you have added just now. -- But it is the truth.

Wasn't that a general question too? -- The magistrate's question was a specific one. He asked me three questions, each time he comes. Even now he still asks: do you have any complaints, requests to make and have you been assaulted during the interrogation - three questions. This is the set of questions that he asks when he comes to our cells. And I answered in the affirmative in the third question and I (10) even described how I was assaulted and he put it down on record. What is less specific in the question that Dr Yutar asked you about your treatment in the cells? -- Dr Yutar was asking me about my health, whether I was in good health.

He did not use the word 'health'. -- And he referred to the food. He was referring to the food, whether I was getting adequate food, I said yes, the food is not so bad here at John Vorster Square and I was in a sound physical disposition.

Can you remember that Dr Yutar told you that we are alone, myself, yourself and Dr Yutar and that you could (20) talk freely? -- Yes.

Now, why didn't you mention your treatment by the police during your interrogation? -- I did not think it was necessary because I had already told the magistrate and it was on record.

Can you remember the consultation that I had with you on the 7th February in my office? -- Yes.

Can you remember that we discussed the statement that you have read to the Commission? -- Yes.

Why didn't you tell me at that stage when we were alone too, that you made it under force? -- The answer that I (30) gave applies to you as well.

And/...

And what is that? -- That I did not deem it necessary to say that because I had already reported the matter to the magistrate and besides, you said I should just read the statement as it was and there are no obligations. You said there were no obligations, that is what you said to me.

Well, why didn't you repeat to me what you have told the magistrate? -- How relevant would that be to you?

I am asking the questions. -- I did not see the relevance because you said you gave me the statement and said I must just read through it. (10)

Why was it not relevant? We were discussing the statement that you have made to the police. -- Yes.

So of course their treatment of yourself during that formulation of the statement is relevant. -- But that was not a specific question and as I say that he was more speaking in terms of the present and he said his health was not so right because he was having some stomach ache and took resort to the fruit that he ate.

Can you remember that during the consultation that we had on the 7th February, I asked you if I should apply for (20) an order not to publish your name in the press? -- Yes.

What was your answer? -- I had already made that request previously to you. I said that because I am in detention and coming here is going to involve this statement as it was and I am in custody, then I requested my name should not be published, because I would not be able to be accountable for it whilst in detention.

But the police were present, weren't they? -- Present where?

Here in court. -- No, I am talking about .. (intervenes)(30) They accompanied you here. -- When I made the request, I made/...

made the request to you, I said because my evidence here to the Commission covering the whole situation was going to be confined with the statement that I made, then I requested my name should not be published because I am in custody and I would not be responsible, I would not be accountable to what is going to appear whilst in detention.

You never said that to me. -- I said so. Then I asked you then, you said you were going to apply to the Chairman of the Commission.

Was it not that you were afraid of intimidation once (10) you were released? -- I said ostensibly specifically that because I am in custody I would not be able to account for those things.

Was it not because you were afraid that you will be intimidated once you are released? -- Intimidated where?

Once you are released by the police. -- They did not talk about any release.

No, we did not talk about it, but I am asking you about the reason for this application. -- The reason was because I did not want that my name should be published outside and (20) associated with certain ideas, that I would not be accountable for because I would be in detention when the publicity goes out.

I want to make a suggestion that you have changed your evidence because your identity is no longer disclosed. -- That is not so. You said there were not going to be any obligations whatsoever.

Will you comment on my statement? -- Yes, you said there were going to be no obligations whatsoever and there is not going to be any interrogation.

I am not referring to the word 'obligation'. Your (30) statement is that - or my suggestion is that you have changed your/...

your evidence today because your identity is disclosed. -- No, not because my identity is disclosed, but because if I say what I say it is going to confirm - because cross-examination is going to confirm what I said previously. Because last time you said there was not going to be any cross-examination and there are no obligations. Now there is cross-examination and there will be obligations.

Is there no obligation at all when you give evidence-in-chief under oath, to tell the truth? -- There is that obligation. (10)

Did you abide with that obligation? -- Well, I admit it was a weakness on my part there, that I admit.

Was it a falsity? -- It was a weakness on my part.

Was it a falsity? -- Falsity?

Yes. -- I say weakness on my part.

No, your evidence during the 7th February and the 8th February. -- Quite so, because it was made under duress, as I explained.

Was your evidence here in court under duress? -- Not here under duress but I was still in custody and I am still. (20)

Can you remember that I asked you questions during the evidence? -- Yes, I do remember.

Why didn't you tell me when not reading the statement, that there was not a gathering at Mrs Mandela's house on the 15th? -- But you told me that there was not going to be an obligation, that is what you said.

Why didn't you tell me, when I asked you if there was a gathering on the 15th? -- I have answered that question, I said when we started during consultation, you said there was not going to be any obligation and I was just going to read that statement as it was and that is what I did. (30)

On page 4 771 of Volume 100, during your evidence-in-chief, I put the question to you:

"Weren't you present the night before the riots started? -- Yes, I was present."

Do you agree that that question and that answer is not a part of your statement? -- It is part of the statement.

In what way? -- Because it is the statement that I wrote.

No, but I put that question to you and that statement is not contained in your statement. -- It is contained in the statement. You are referring to my statement when you (10) ask that question and you referred to that specific paragraph.

And when Counsel was referring to your presence at Mrs Mandela's house, was that not in relation to the statement? -- It was in relation to the statement.

So why did you give him a different answer than you gave me on the 7th February? -- Because there is cross-examination now which will be confirmation of what I said, whereas at that time you said there was not going to be any obligation.

What is the difference between two questions when the one is put during evidence-in-chief and the other one during (20) cross-examination and they are formulated in the same manner? -- There is an obligation.

What obligation? -- The difference that if I admit that now, that is going to be a confirmation of what I said earlier on and I have already said to you that it was a weakness on my part, I admit it. I said so already.

Were you present on that night of the 15th? -- I was present.

Where? -- At Mrs Mandela's place, en route to the church choir practice, with Mandla. (30)

At what time did you arrive at Mrs Mandela's house? --

At/...

At about 6 o'clock, in the evening.

In the company of whom? -- Matimba, Mandla Matimba.

Was Mashinini there? -- He was not there.

You have said during cross-examination that the views contained in this statement are based on allegations made by the police. -- What did I say?

You have said during your cross-examination that the views contained in this statement, are based on allegations made by the police. -- Yes.

MR BIZOS: In fairness to the witness - I will keep out (10)  
of it.

CHAIRMAN: No, no.

MR BIZOS: I said some.

MR VAN GRAAN: M'Lord, may I ask permission to hand a copy of the record to Mr Mokoena to indicate to me which .. (intervenes)

CHAIRMAN: Well, I am going to put certain statements to him and if there are any further statements you can put them.

MR VAN GRAAN: Were you present at Mrs Mandela's house on the 3rd June? -- 3rd June?

Yes. -- Yes, I was present. (20)

With who else? -- I was with Zweli, Motapanyane, Khutumela, Mashinini and I cannot remember the other students.

CHAIRMAN: Whose house was that? -- Mrs Mandela's place.

MR VAN GRAAN: Was she there? -- Yes, she was there.

Did you suggest to Mrs Mandela that she has to deliver a speech at a certain conference? -- Yes, I suggested it, but not on the 3rd.

When then? -- It was earlier on, it was in February, when SASM was going to have a conference and the executive of SASM met and discussed the programme, they drew it and (30)  
suggested the speakers were billed and then Mrs Mandela was

one of the people who were going to speak, I was also going to speak at the conference. So we went with Zweli to her place to go and inform her about the invitation and she said that we should wait because she had made an application to go and visit Mr Mandela at the island and if that application comes, then she will not be able to come to the conference and deliver a speech and indeed she did not come to the conference.

Are you the owner of a car? -- Pardon?

Are you the owner of a vehicle, a motor car? -- No, I do not own a vehicle, it is the company's car. (10)

Did Mashinini ever approach you to use that motor car? -- Use that motor car?

Yes. -- That he should use that motor car?

Yes. -- Yes, he did approach me to use the motor car.

Did he approach you? -- Ja.

When? -- It was on the 15th.

And what did he ask you? -- He asked me to use - if I could lend him my car and I said that I was busy with it.

For what purpose did he need it? -- Well, he said he wanted to contact some reporters who were going to cover (20) the demonstration the following day.

Did the police tell you to put that in your statement? -- No.

Do you know if Mrs Mandela owns a motor car? -- Yes, I do.

Does she? -- Yes.

And do you know if Mashinini and his friends borrowed her motor car for the same purpose that they needed yours? -- No, I do not know.

Don't you know? -- No.

Did you at any stage see that Mashinini returned to (30) Mrs Mandela's house during the evening of the 15th with her

motor/...

motor car? -- No.

Can you remember what happened on the 19th June? -- Yes, I can recall.

What happened there and were you involved in the events of the 19th June? -- Yes, there was a meeting at Dr Matlhare's place of the Soweto Parents' Association.

Yes and what took place there? -- The purpose of the meeting was to make final arrangements for the public meeting which was called for the 20th, which was subsequently banned.

Was that information given to you by the police? -- No. (10)

At how many stages did you visit Dean Tutu's place? -- I cannot recall many other occasions, but we went to - that is the SPA Committee met at his place on Sunday the 20th late in the afternoon.

And what took place there? -- There we were discussing what should be done now that the public meeting was banned and the suggestion was brought forward that we should call an emergency meeting the following day of the heads or the executive members of the various Black organisations to come together and swell the ranks of the SPA and help us (20) prepare for the mass funeral and contain the situation of the riots.

Was Mrs Mandela present? -- Yes, she was present.

Can you remember any remark that she made there? -- The remark that she made there, she said that it was necessary that we should have a mass funeral.

Did she at any stage during that meeting refer to the cause of the riots? -- The cause of the riots?

Yes. -- I remember that she criticised police brutality and the manner in which they handled the riots. (30)

Did she at any stage say that Afrikaans was not the only grievance/...

wanted you to include the episode of the 15th in your statement?  
-- When I was - after the other statements were discarded and  
I was seeing the 5th one, the edition.

Can you remember the name of the officer who implied  
during pressure on you? -- That was Captain Abrie and the other  
gentleman that he was with.

Can you give us a more complete explanation of how Captain  
Abrie .. (intervenes)

CHAIRMAN: I do not think this witness can give us anything  
like that, because apparently he was questioned quite (10)  
some time, weren't you? -- Yes, I was.

MR VAN GRAAN: But he said nobody asked him the question on  
that episode and I want to get the information in what way  
he was made to understand that he should not include that  
episode or that he should include that episode of the 15th. --  
I was called specifically about the night of the 15th which I  
had already denied. I said that I only passed there in the  
evening en route to the church choir practice and that is all,  
but then I was told that I was seen there by Dr Matlhare  
until very early in the morning and I was there for a (20)  
very long stretch of time with the students and what were we  
discussing there.

CHAIRMAN: Now look, I know that you say that everything you  
said in your evidence or in your statement which I have not  
seen about Mrs Mandela is untrue, everything which may  
incriminate her. -- Not everything, I said some, I said some  
of the things.

All right, some of them which incriminate her. I am not  
interested in that part of your evidence now at this stage,  
but I want to see what else there is in your evidence (30)  
that may be of any value whatever to this Commission, because

you/...

you have wasted a great deal of time of the Commission. Now, is it correct that you are or were the treasurer of the regional branch of SASO? -- That is correct.

Is it correct that you helped the national organisers of SASO in various ways in organisation? -- Yes.

And there is only one name I am going to mention to you. I want you to be very careful when I mention his name and when you say yes, because this is a person who is not in this country and will therefore not be in the same position of coming to deny what you say about him. The person whose (10) name I will mention is Mashinini. Is it correct that SASM and its organising secretaries worked with Mashinini and others to organise and invite students in Soweto schools to come to a meeting which was to be held on the 13th June? -- Yes.

Was this the first time that you became involved with Mashinini? -- It was not the first time. I had made contact with him on the 3rd June when the Soweto Parents' Association was going to have its inaugural meeting on the 6th June and we were just distributing pamphlets, we just gave them - these other students pamphlets which were advertising that (20) particular meeting.

You knew that he was - was he the regional chairman of SASM? -- He was not at that time.

He was not at that time. -- Ja. He was only elected on the 13th June.

It was on the 13th - on your information, it was on the 13th June that it was decided to hold a demonstration on the 16th? -- That is so.

And there was an action committee and I am going to read to you this statement and then you tell me whether it is (30) correct:

"It/...

"It was at this meeting (that is the meeting of the 6th June) that the action committee was formed."

-- No, the 13th June.

Listen to my question. The 6th June.

"It was at this meeting that the action committee was formed which planned the demonstration on the 16th June."

-- No, it was the 13th.

Not the 6th? -- No, I think I said the 13th there. (10)

"Tsietsi Mashinini was elected chairman of the SASM Regional Branch as well as chairman of the action committee."

-- Quite so.

"The abovementioned students (never mind who they were) with the exception of Zweli also became members of the action committee, together with other members from other schools."

-- Yes. (20)

"The function of the action committee was to plan and organise the demonstration."

-- Yes.

"The object of the demonstration was the following: the intention was to bring pressure on the authorities of the Bantu Education to demonstrate against Afrikaans so that the authorities should hear the students' grievances regarding the enforcement of Afrikaans and also

(30)

to inform other schools so that there could be a bigger impact when more schools were involved in the demonstration."

-- Yes.

"I provided SASM with several facilities such as making available my office in White City to them to hold meetings, availing my motor car as well as the R1 700 that BCP was keeping in trust for SASO."

(10)

-- Quite so.

SASM you say:

"It operates on a political basis, the same as SASO. To bring high school students together and to conscientise them politically or political-wise."

Is that correct? -- Yes.

Now you addressed a conference, is that correct, some time between the 28th and the 30th May in Roodepoort. -- Quite so. (20)

You talked about the philosophy of Black Consciousness.

-- Yes.

And you summed up by saying that this was not a question of being anti-White. -- Yes.

It was that the Black people must close their ranks and build solidarity among themselves. Black Consciousness is not anti-Whitism, but after realising Black solidarity the Black people will bargain collectively with the White racist regime to bring about change. The ultimate goal is Black majority rule. Is that correct? -- Yes. (30)

Is this correct: On the 15th I was at my office when a certain/...

certain person came and informed me that there was going to be a demonstration the following day and that this demo was decided upon on Sunday, 13th June at the Diocesan Hall as protest against enforcement of Afrikaans in schools. This person said that I should lend the action committee my car because they wanted to touch reporters who were going to publicise the demo. Is that correct? -- Yes.

Now, I am not interested in where the meeting was held, it does not interest me, but did you see Mashinini and others of the action committee that afternoon? -- At my office? (10)

On the 15th. -- At my office.

Was that at your office? -- Yes.

You raised with them the question of what would happen if the police intervened. -- No.

Is that correct? -- No, no.

Is that wrong? -- That is wrong. I only met them earlier on. That statement falls into the...

Oh, I see. So there was no discussion by you with them. Now you will remember that I asked you a number of questions about that very thing as to what would happen to the procession. -- Yes. (20)

You do not seem to have given any indication that you were now just making up all these facts. You will remember I asked you what your own idea was, whether there could be trouble. But you say this you all made up. -- (No reply)

Do you remember that you gave a complete programme or fairly complete programme of where the students on the morning of the 16th would meet and where they would go to and how the procession would march down the streets. -- Yes.

Is that correct? -- Yes, that is correct. (30)

"Tsietsi Mashinini went on to state that  
the/...

the march would start in Naledi for all those schools in that area and that Naledi High School would lead them from that point of departure. That column of the march would then come down to Morris Isaacson High School collecting all students on the way .."

and then you speak about the schools in the Meadowlands area which would come and join the others at Morris Isaacson - (10) at Orlando West High School and they would then proceed as a main column to Orlando Stadium which was going to be their destination. Is that correct? -- Yes.

Do you remember whether on the 6th June the students had to collect at Dr Matlhare's place and how they were chased away? -- It was on the 3rd.

Yes, I will not go any further into that.

MR VAN GRAAN: No further questions.

MR BIZOS: No further questions.

NO FURTHER QUESTIONS.

(20)

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