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

WHOLE SESSION:

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(Pages 6 491 - 6 599)

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MATLHARE.

COMMISSION RESUMES ON 14/3/1977 AT PRETORIA.

DR. YUTAR: May it please Your Lordship. My Lord, my Learned Friend Mr. Bizos desires the recall of certain witnesses in the order in which they were led. The first one is Dr. Matlhare who testified in Volume 99, pages 4 717 onwards. Before my Learned Friend commences his cross-examination I would like to place on record that I have pointed out to my Learned Friend that on page 4 727 where Dr. Matlhare says he was handing in the speech made by Mrs. Mandela, I pointed out to me Learned Friend that by an oversight that speech was not handed in as an exhibit and my Learned Friend will decide later whether he wants it to be handed in or not.

MR. BIZOS: May it please you M'Lord, I appear on behalf of Mrs. N.W. Mandela and Dr. H. Motlana, the persons to whom reference was made in the absence of my two clients. May I at the outset say that we are indebted to Your Lordship for the opportunity to cross-examine these witnesses and I would also like to place on record that we appreciate the fact that the Secretary of the Commission, Mr. Jacobs and my Learned Friends Dr. Yutar and Mr. van Graan, tried their best to smooth over the difficulties that we almost inevitably find in preparing for a matter such as this, such as getting permission for Mrs. Mandela to come here from Johannesburg where she is restricted and other matters. I thought I would place that on record.

CHAIRMAN: Mr. Bizos, you appear for Mrs. Mandela and for?

MR. BIZOS: And Dr. Harrison Motlana. Your Lordship will recall that he was also mentioned in the evidence.

AARON MONTFOEDI MATLHARE:

CROSS-EXAMINATION BY MR. BIZOS: Dr. Matlhare, I want to take you back to the two weeks or thereabout prior to the 16th of

June/..

June, 1976 when the unfortunate events in Soweto commenced. I have had an opportunity of reading your evidence before His Lordship and I want to ask you some questions about it.

--- Yes.

Would it be correct to say that you told His Lordship in broad outline that you were a peaceloving man, correct?

--- Well, I am a peaceloving man, yes.

Please, Dr. Matlhare, don't answer questions which I don't ask. You were during this period a peaceloving man?

--- During that period, yes.

You were a peaceloving man. A man who believed in doing things properly through the usual channels, correct? --- That is correct.

And that is the impression that you tried to give His Lordship when you gave evidence in the absence of Mrs. Mandela and Dr. Motlana. Correct? --- Well, that is correct whether the impression I gave him, that was a fact.

That was a fact, yes. And that you were not in favour of protest of any sort, is that correct? --- That is not correct.

Not correct. Were you in favour of protest? --- Well, normal protest, I mean like the..usually happen, I mean I am not against any type of protest.

Yes. Well you say that you were in favour of protest during these two weeks, were you? --- Not during this two weeks.

You were not in favour of protest during these two weeks immediately before the 16th of June, 1976, dr. Matlhare? --- Well, I wasn't in favour of protest.

You were not in favour of protest. You also told His Lordship in the absence of Mrs. Mandela and Dr. Motlana, your colleague/..

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(20

(30

June 6th meeting

colleague in medicine that you were really misled by Mrs. Mand who you described as a mischievous woman, correct? --- Corre

And you realised that you were being misled by this mischievous woman, you said to His Lordship sometime later correct? --- Correct.

Correct. And that she quite contrary to your expectati introduced political matters to use your expression, into the meeting of the 6th of June? Correct? --- Correct, that is correct.

Thus your idea of the meeting of the 6th June was merely to deal with the matter in hand, namely the plight of the persons who had unfortunately lost their children in the... what was then known as the Lourenco Marques bus disaster, correct? --- That is not correct. The other thing, there is another thing was that we were also worried about this Afrikaas issue that was also on the agenda.

You were worried about this Afrikaans issue. --- And that was on the agenda, we were discussing that.

Yes. But you were concerned only with matters which affected parents strictly, so the question of the bus disaster and the Afrikaans, correct? --- Yes, that is correct.

Correct. And you were not interested that there should even be discussion at that meeting about the broader aspects of political rights of the Black people in South Africa, that was not your concern? --- That was not our concern at that meet:

That was not your concern at that meeting and it was re: you as the chairman, who really were bluffed and the occasion was abused, correct? That is the impression that you tried to give His Lordship, correct? --- I won't say that is correct.

Well, didn't you say that you and your Committee were shocked and surprised at this political speech that Mrs. Mand made/..

made? --- Yes, we were quite taken aback.

Taken aback, yes. Now, Dr. Matlhare, it is my sad duty to suggest to you that you are being untruthful about yourself never mind about others. --- I don't agree with you.

You don't agree.

CHAIRMAN: One moment please.

MR. BIZOS: If we were to suggest to you that you made what you would describe as a political speech at that meeting, what would you say? --- Well, I wouldn't argue with you.

You wouldn't argue with me? And that you yourself did (10 not confine yourself to the question of Afrikaans and the bus disaster, what would you say? --- Well, I'll say I confined myself to the Afrikaans medium in fact and the bus disaster, the reporting back to the people what we had been doing all the time.

Yes, and you did not touch up on any other broader subjects? --- Well, broadly speaking we did speak about the general plight of the parents.

The general plight of the parents. Now do you say that right up to the time of your detention, Dr. Matlhare, you did (20 not identify yourself with the plight of the Black people generally? --- Generally I did.

Yes. And do you say that before your detention you merely confined yourself to the question of the bus disaster and Afrikaans? --- Well, I have said that before.

Do you say that you confined yourself to Afrikaans and the bus disaster right up to the time of your detention? --- Well, I wouldn't say so because I..(intervenes).

You wouldn't say so? --- After the..up to the time of my detention now there was a problem of the children getting (30 buried and all that, the children that had been killed.

Yes/..

Yes. --- That was another factor added to..(both speaking simultaneously)..

..merely in having proper burials, it was not a general political issue. Correct? --- Yes.

So would you say that you remained an apolitical person right up to the time of your detention, Dr. Matlhare? --- I won't say so because in fact I did in my statement say I questioned the presence in the Committee of some political organisations, and our Chairman explained why they were needed in the Committee. So I was obviously now..because I complained that this gives the BPA a political tinge.

I will repeat my question: Did you remain an apolitical person right up to the time of your detention? --- Well, I have never taken up in..been involved in politics ever since.

Do you say that you remained an apolitical person right up to the time of your detention, Dr. Matlhare? --- I wouldn't tie down myself to that.

I will repeat the question just once again with His Lordship's permission: Do you say that you remained an apolitical person right up to the time of your detention? --- I have always been apolitical.

An apolitical person. Let us see what the facts are, doctor. I want to hand you a cutting from the Rand Daily Mail of the 9th June, 1976, Dr. Matlhare. Copies are available of some of these My Lord, we will arrange or perhaps the good office of the Secretary of the Commission will enable us to have copies. Stay there, doctor, it will be brought to you.

CHAIRMAN: I think perhaps we had better just make this an exhibit then it is..

MR. BIZOS: As Your Lordship pleases. Yes, Your Lordship is in a hurry...(intervenes).

DR./..

DR. YUTAR: No, it is 348. EXHIBIT 348. And whilst I am on my feet might I..I believe my Learned Friend pointed out that at the beginning of this witness's evidence we asked that neither his name or identity be disclosed. That of course still stands.

CHAIRMAN: I had omitted to say this. Naturally, unless he consents, the previous order stands.

MR. BIZOS: Yes M'Lord, I may have to address Your Lordship in relation to that, especially in relation to this and other witnesses.

(10)

CHAIRMAN: Well, perhaps..(intervenes).

MR. BIZOS: There is a danger in..first of all Mrs. Mandela and Dr. Motlana and the people in court presumably know who this witness is. It may well be that..(intervenes).

CHAIRMAN: Well, I think perhaps you had better have a look at the Regulations which have been promulgated with regard to... (intervenes).

MR. BIZOS: Well, could I continue, yes. Could we continue with the cross-examination and then perhaps..

CHAIRMAN: Yes, I will show you..the Regulation.

(20)

MR. BIZOS: As Your Lordship pleases.

(To witness): Now, does that purport to report what you said? --- Yes.

It purports to say what you said. Now, would you mind reading it out to His Lordship please? --- "Throughout the years the Black parents have been left out of matters affecting his child, educationally and otherwise.."

Perhaps I had better read it. --- "..but this was.."

Unless you are going to speak up so that His Lordship and others can hear it. --- I will speak up. "Throughout the years the Black parent has been left out of matters

affecting/..

affecting his child, educationally and otherwise but this was one time the parent was not going to take this lying down'. These were the remarks of Dr. Aaron Matlhare when in his capacity as Chairman he officially launched the Soweto Parents Association". I think this is incorrect, this was not.. (intervenes).

Read it and we will ask questions about it later. --- "Addressing the large gathering at Naledi Hall at the weekend Dr. Matlhare said the first two years saw the group searching for an identity. It will be an organisation defined for the promotion of the welfare of Blacks, especially the parents to act at the way our children are forced to be instructed in a foreign language. We want a just share of the good things of our own people, particularly our children. We too have the right to protest when our pleas are ignored or carefully argued away. Citing the Mozambique bus disaster which claimed the lives of 11 high school children including their teacher two years ago, Dr. Matlhare said that the tragedy opened the eyes of the Black man. "

May I have it back please. Is it a fair and accurate report of what you said? --- I don't think that report is fair.

I beg your pardon? --- I was misquoted, it is not.. (intervenes)..it is not accurate.

You say you were misquoted? --- It wasn't accurate.

It was not accurate. Well, now you were a leading figure in public life at that time? This was on the front page of the Extra Edition of the Rand Daily Mail, was it not? --- It was.

Yes, so does that mean that you saw it at the time? --- No reply.

Does that mean that you saw it at the time? --- Well, I didn't/..

didn't see it at the time..

Then how do you know that it was on the front page of the Extra Edition of the Rand Daily Mail? --- I saw it during the afternoon, I saw it during the afternoon.

I see, okay. So you saw it on the day that it was published but not in the morning but in the afternoon? --- The afternoon, yes.

I am glad that you draw such fine distinctions, we will get on very well in this case, in this matter, it is not a case. Right. Did you then phone the editor, you a man in public life or anybody else and say: Now listen, how dare you misquote me in this way? --- I didn't. (10)

You did not. Did you know the reporter, Mr. Matwe Lonjane? --- No, I didn't know him.

Not. Did you take any steps whatsoever to correct this misrepresentation that had been made in relation to what you had said at this meeting? --- Well, I didn't take any steps to try and correct that.

The misrepresentation? --- I didn't take any steps to try and correct that. (20)

Why not? --- Well, I thought it was not necessary to correct that.

You thought that it was not necessary, you the peaceloving man? Who was only interested in the limited matter of the rights of parents and Afrikaans, through official channels, you thought it not necessary to correct it, right? --- Well, very often these reports misquote people.

Very often they correct..they quote them correctly though. And those who are wrongly quoted from time to time take steps, especially if they have been misquoted in important matters, to correct it, not so? --- Yes, that is quite right, but I didn't (30)

deem/..

deem that..(intervenes).

May I suggest to you that you were correctly quoted that you were giving forth that you were the courageous leader of the Black people of Soweto at that time. --- I never deemed myself as a courageous leader.

But your unfortunate detention has changed your mind and that you are being untruthful about yourself. --- I don't agree with you at all there.

Yes. So you say..could you please tell me in what respect you were misquoted in the Rand Daily Mail of the 9th of June? in what respect were you misquoted?

CHAIRMAN: I think perhaps you had better give it to him and go through it.

MR. BIZOS: Yes, could you please tell His Lordship..(intervenes)

CHAIRMAN: Sorry, I hope I am not interfering with your..(intervenes).

MR. BIZOS: No, you are welcome.

CHAIRMAN: Because I haven't got one either, so that I..(intervenes).

MR. BIZOS: Yes, M'Lord, we tried to make photostatic copies but it is from the microfilming and it comes out very badly and illegibly. --- We were badly represented...reported here where they say: "We want a just share of the good things of our own people, particularly our children. We have the right to protest when our pleas are ignored or carefully argued away", I never said that.

You never said that. Any other respects in which you are misquoted? --- I am misquoted again here where they say: "...When he officially launched the Soweto Parents Community Association.." there is nothing of that sort.

Yes/..

Yes, what else are you misrepresented about? --- That's all.

Now which is the "foreign language" that you refer to, doctor? --- Excuse me?

Which is the "foreign language" that you were referring to? --- That is why I say I am misrepresented, that Afrikaans, I meant Afrikaans.

Well, did you use the expression "foreign language"? --- I never used that expression.

I see. So that was also a misquotation? --- Yes, this (10 whole paragraph is a misquotation.

The whole paragraph is a misquotation. Yes, right. Now could we have all the newspaper...(intervenes).

CHAIRMAN: Which paragraph would this be?

MR. BIZOS: The one that says M'Lord, "...our children..".

Could I have that back please? I am so sorry that you haven't got copies.

CHAIRMAN: No, it is in order.

MR. BIZOS: Yes, well perhaps let us just get clarity in respect of what you..."Throughout the years the Black parent had been (20 left out of matters affecting his child." Did you say that or not? --- That I did say.

"Educationally and otherwise", did you say that? --- That I did say.

You did say it. "...but this was one time the parent was not going to take this lying down", did you say that? --- Yes, I said that and I have got an explanation why I said that.

"These were the remarks of Dr. Aaron Matlhare, when in his capacity as Chairman he officially launched the Soweto Parents Community Association. Addressing a large gathering at Naledi (30 Hall at the weekend, Dr. Matlhare said that the first two years

saw/..

saw the group searching for an identity", did you say that?

--- No, sir.

You didn't say that.

CHAIRMAN: The name of the organisation, is that correct?

--- The name of the organisation is incorrect. There is no organisation like that. Soweto Parents organisation. There is no Soweto Parents Community organisation.

MR. BIZOS: Wasn't there a Soweto Parents Association? --- Ye:

Yes. So the word "Community" was wrong? --- That's right

I see yes. All right. It will be an organisation destined to the...or dedicated to the promotion of the welfare of Blacks especially the parents", did you say that? --- Especially the parents.

Yes, did you say that?

CHAIRMAN: No the whole..I think the whole sentence you...(intervenes).

MR. BIZOS: Yes, "...dedicated to the promotion of the welfare of Blacks", did you say that? --- Yes, I did say that.

Did you say that. Yes. "...especially the parents.." did you say that? --- No, I didn't..I meant children.

I see, so you say that you only meant children. "...to act as a watchdog.." --- No, that is a word I never used.

A word you never used. --- No.

"Where our children are forced to be instructed in a foreign language". --- I never said that.

You never said it. --- I said: Instructed in..to learn in Afrikaans.

You didn't...(intervenes).

CHAIRMAN: ...learn in Afrikaans? --- To be instructed in Afrikaans.

MR. BIZOS: Now...sorry Your Worship. (Chairman intervenes).

CHAIRMAN/..

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MATLHARE

CHAIRMAN: No, look do that because there has been a clear distinction in the evidence of a number of witnesses that the objection was to the instruction through the medium of Afrikaans.

MR. BIZOS: The medium of Afrikaans, yes.

CHAIRMAN: Now you say it is not to be instructed in the language of Afrikaans, it is through the medium of Afrikaans, is that what you say? --- Not by the instruction of the medium of.. with the medium of Afrikaans.

MR. BIZOS: Then: "We want a just share of the good things for our own people". --- I didn't say that. (10

You didn't say that? --- No.

Well, don't you want or did you not then want a just share of the good things for our own people? Don't you want a just share for the Black people? --- I wouldn't like to commit myself on that part.

Why not? --- Because they are getting...the normal Black so far is in the process of getting some form of just.. (intervenes).

No, but do you say..you say you did not say: We want a just share of the good things for our own people. I ask you: Do you not want a just share of the good things for your own people? --- I am sure every man wants a just share of..

Yes. Why are you so sure that you didn't say this? --- Well, I am sure I..(intervenes).

If it is the wish of every man? --- Well, I am sure I didn't say that, I..

I beg your pardon? --- I am quite sure I didn't say that.

Well, if it is something that everybody wants, why are you so sure that you didn't say it? --- I am definite about it (30 Your Lordship.

You/..

MATLHARE

- 6 50 -
You didn't say it, very well. "Particularly our children. you didn't say that either? --- Children I did mention.

Yes, but not "...particularly the children", you didn't mention that. "We too have the right to protest when our pleas are ignored or carefully argued away", did you say that? --- We..can you repeat that again?

Yes. "We too, have the right to protest when our pleas are ignored or carefully argued away". --- Well, yes that I did say.

You did say that. Now, did you ever phone the editor of the Sunday Times to complain that you were misquoted, the Sunday Times, as distinct from the Rand Daily Mail? --- Not of the Rand Daily Mail.

I beg your pardon, the Sunday Times, to protest that you were misquoted in the Sunday Times? --- Yes, I phoned a certain lady I don't know that she was the editor but she was the one that had written the story.

Written what story? --- It was in fact..this had to do in fact it was a story not about me ..(both speaking simultaneously)..

Who is it you phoned and when? --- It was/the evening I can't remember the day, and the time...(intervenes).

And more or less when? --- It was more or less early in August.

Early in August, you phoned whom at the Sunday Times? --- A certain lady, I can't remember her name.

Where did you get her name from? --- She had been phoned and she left a message that she would like to speak to me when I arrive I should phone her.

Did you ever give an interview? --- I had never give an interview before.

You/..

You had never..did you give an interview to anyone employed by the Sunday Times? --- I did not give an interview to anybody employed by the Sunday Times.

Right.

CHAIRMAN: Now this is now prior to the article you say they were writing about you or did write about you? --- That was..

First of all: Did they write an article about you? --- They did write an article about me.

Did you have an interview with anybody before they wrote the article about you? --- Before that I had an interview with somebody. (10

MR. BIZOS: Why did you have an interview with somebody from the Sunday Times? --- Yes, before then.

Before then. --- Yes, I remember now.

Do you remember whether it was a man or a woman that you had an interview with? --- I cannot remember whether it was a man or a woman.

You mean to say that you had an interview with somebody from the Sunday Times and you don't remember whether it was a man or a woman? --- I think it was a woman, I might be wrong. (20

You think it was a woman. Black or White? --- Well, I suppose White, she was White.

So you can't remember whether the person that you met from the Sunday Times was a man or a woman or Black or White? --- Well, you can't say..(intervenes)

You are not being very careful, are you, being very helpful are you? --- One cannot say over the phone whether one is White or Black.

Oh, I beg your pardon, was this not a personal interview?

--- No, it was..(intervenes). (30

Not a personal interview? --- No, it was over the telephone. Did/..

Did you never have any personal interview with anybody from the Sunday Times? --- Personally I did have an interview with..(intervenes).

With whom? --- That was long..that was before..prior to that.

When? --- I think it was some time..(intervenes).

So you have made some terrible allegations against Mrs. Mandela about what had happened in the middle of the night and you didn't have any difficulty in remembering them. What is the difficulty in remembering whether or not you had an interview with someone from the Sunday Times or not, a personal interview? You remembered what happened at 2.30 on a particular morning. How is it that you don't remember with whom you had an interview from the Sunday Times, whether it was Black, White, male or female? --- Well, I just can't remember and that is all.

You just can't remember and that is all. Do you remember seeing an article in the Sunday Times about you..not really about you, but purporting to set forth what you had said to the reporter from the Sunday Times? --- That's right, I remember.

You remember seeing such an article? --- Yes.

After you saw that article did you protest to anybody?

--- Yes, I telephoned the Sunday Times.

Who? --- A lady, I think..(intervenes).

Who did you ask for? --- I asked to speak to...I cannot remember the name now, exactly the name.

Who did you ask to speak to and in connection with what?

--- In connection with some story that said I was a political weakling or something, some student said I was a political weakling.

Oh, is that what you phoned about, that you were a political weakling/..

weakling and this was in August, is that correct? When some of the students accused you of being a political weakling.

--- That's right.

And that upset you and you phoned the Sunday Times to put the record straight, is that what you are saying, doctor?

--- No reply.

Is that what you are saying? --- Yes, you see that was an insult to me.

Yes, I am sure that to have been called a political weakling in August would..you might have considered an insult. But now was that the only occasion on which you telephoned the Sunday Times? --- That was the only occasion.

Right. Now, did you see the Sunday Times of the 13th of June? This will be exhibit..My Lord might mark them by number. EXHIBIT 349. Do you remember seeing this article? Don't read it yet, just have a glance at it please and tell me whether you remember seeing that article. --- I can't just remember.

You can't just remember. Right, could I have it back please? Now, this was but three days before the unfortunate events, when you were watching the newspapers what they said. Now, here Mr. Lucas Molete says that..writes the following: Perhaps I had better read the whole of it so that His Lordship can get some of the picture that you were involved in on the 13th of June.

"The blame for the recent state of disturbances at Soweto schools which include two murders, class boycotts and violence and the..."

CHAIRMAN: When was that, I am sorry?

MR. BIZOS: The 13th My Lord.

CHAIRMAN: The 13th.

MR./..

MR. BIZOS: Yes, there had been difficulties since before the 16th. I think that that is...I don't know what...(inter-

CHAIRMAN: Well, that I know, but it is the murders that surprised me.

MR. BIZOS: Well...(intervenes).

CHAIRMAN: However, it doesn't matter.

MR. BIZOS: Yes, I am instructed that it was the previous Wednesday that there were two...whether they were connected or not of course...they were on the 9th are my instructions.

"..which include two murders, class boycotts and violence and the burning of a police car is placed on Black parents by students who claim their elders are ignored in their plight in the field of education. Students in Soweto declared they had had enough. A legal educationalist and school master Mr. T.W. Khambule, head master of Orlando High has warned that the situation is more serious than most people including the Department of Bantu Education seemed to realise. Mr. Khambule said: 'Things can't be dismissed by saying it is agitation. If some politics exist in the total situation, then they must be removed. The authorities must not just scrape the surface, they must look deeper into the underlying causes. We, the people who are looking after the students are very worried because we don't know when things will blow up. The students must not be regarded as children, they know what is good for them and they are becoming more and more restless'."

Do you remember reading this statement made by Mr. Khambule?

--- I do not remember reading that.

Did you know Mr. Khambule? --- I know Mr. Khambule.

Yes/..

Yes. Do you remember whether he said something like this, whether you read something like this before the 16th?

--- No.

You don't remember. Now, well that perhaps you may not remember but Mr. Lucas Molete then writes the following:

"Dr. Aaron Matlhare is a Soweto medical practitioner and Chairman of the newly formed Soweto Parents Community Association who has undertaken to fight the cause of the students."

Now is that substantially correct? Except for the word "Community" in your Association, is it substantially correct? --- "Who has undertaken to fight.."

"Who have undertaken to fight the cause of the students"

Is that substantially correct? --- Substantially, yes.

Substantially correct. "He said 'one day when we are dead these students who will be the leaders, will spit on our graves and blame us for the situation in which they find themselves, like they are doing right now' ". Did you say that? --- I did say that.

You did say that.

"I have been approached on a number of occasions by students who have told me plainly: You parents have let us down, you never had to obtain your education through the system like Bantu Education. "

Did you say that? --- Yes.

You said that.

"Now another obstacle forcing us to study in the medium of Afrikaans is placed before us, and you are doing nothing about it. We realise that we are on our own".

Did/..

Did you say that? --- I did say that.

"Dr. Matlhare said that some students told him he never experienced the difficulty of learning subjects like history and mathematics in Afrikaans as they were now being forced to do. He will never fully appreciate the disadvantages of Bantu Education as they did."

Did you say that? --- I did say that.

Then again:

"Dr. Aaron Matlhare, the Chairman of the Interim Committee said: 'If the Government takes a strong stand they can rather close the school. We will use church halls for our children's education'."

Did you say that? --- No, sir I totally disagree.

You didn't say that? --- No, I didn't say that.

Well, can you give an explanation as to how you might have come to be misquoted? --- I have no clue why I am misquoted as I have.

You have no explanation as to how you may have come to be misquoted. --- No.

Now, do you regard a statement such as "...one day, when we are dead, the students who will be the leaders will spit on our graves and blame us for the situation in which they find themselves, like they are doing right now", do you regard that as a statement coming from an apolitical, peaceloving man --- I do regard it as that.

Now, Mr. Molete also on the same page said the following "The Soweto Parents Community Association was formed this week and teachers, school committee members and school board members have been barred from being elected to office in the Association. Dr. Aaron

Matlhare/..

Matlhare, the Association's Chairman says that Soweto parents would be invited to a meeting to be held shortly where everything about the Association would be fully explained"

Did you say that to Mr. Molete? --- I did say that.

"But he added: 'We are sorry that school committee members, school board members and teachers and other people connected with Bantu Education won't be allowed to hold office in the Association' "

Did you say that? --- We have been working..I didn't say that because, because we had been working hand in hand. (10

We will come to explanations.

CHAIRMAN: He says he didn't say that.

MR. BIZOS: Did you..? --- No, I didn't say that.

Oh, you were again misquoted? I'm sorry, I didn't...

'This is unfortunate, but it can't be helped'

Did you say that? --- No.

'The decision was taken in view...'

CHAIRMAN: I think..I think..pardon my interruption, the other part has now been missed, where you say they will therefore not be able to serve on the committee. (20

MR. BIZOS: Yes,.. "...we are sorry that the school committee members, school board members and teachers and other people connected with Bantu Education won't be allowed to hold office in the Association. This is unfortunate but it can't be helped.." - Did you say that? --- I didn't say that, I was misquoted there again.

You did say that? --- I say I didn't say that.

You did not say that, I see. Then Mr. Molete says:

"The decision was taken in view of the fact that these people worked..." (intervenes). (30

CHAIRMAN/..

CHAIRMAN: Now who is Molete, I am so sorry..(intervenes)

MR. BIZOS: He is the reporter according to the by-line..

CHAIRMAN: Yes.

MR. BIZOS: "The decision was taken in view of the fact that these people work within the system and had so far failed to better the lot of the Black students.."

--- Oh, no.

You didn't say that? --- I didn't say that.

You didn't say that.

"Dr. Matlhare said that the formation of the Association came about because of the growing awareness by parents that they were not taking an active role in the education of their children."

--- Your Lordship, the Association came about through the death of these children, I was again misquoted there. I didn't say that.

So you didn't say this? --- No, sir.

You didn't say this, right.

"He said..." still purporting to quote you. "He said concerned parents felt they should not be blamed by their children as they are doing now, of neglect".

Did you say that? --- That I did say that children do blame us for neglecting them.

Yes, you did say that. Did or did not? --- I did. You did.

"One of the first people on the scene at the Naledi High School when students burnt down a police car with the police retaliating with teargas and police dogs, was Dr. Matlhare".

Is/..

Is that correct? --- Well, yes I was on the scene.

Yes. --- But I wish..(intervenes).

Is this information that you gave to the reporter? ---
That information I gave to the reporter.

You said "It was a pathetic sight. Some policemen
held their guns in their hands". --- No. They had dogs,
I said they had dogs with them.

Well, we are coming to that, so you deny that you said
that? --- Well, all policemen were carrying guns.

Do you deny that you said: "It was a pathetic sight.
Some policemen held their guns in their hands". --- I didn't
say it was a pathetic sight, I didn't say that, I deny that.

You didn't say it? --- No.

So you were misquoted again. Correct? --- Correct.

"I had one girl in my car who was bitten by a policeman"
Did you say that? --- That I did say.

"At first the police wouldn't let me through into
the school yard", did you say that? --- That's right.

"But I insisted. A senior policeman was saying something
to me in Afrikaans and I told him I did not understand the
language", did you say that? --- No, sir I didn't say that.

You didn't say that? --- No.

"Another one came and addressed me in English, saying I
must treat one student who had been injured during the skirmish",
did you say that to the reporter? --- Yes, I did say that.

You did. "I refused and told them I was not a police
doctor". --- I treated a lot of children, I didn't say that.

You didn't say it? --- No.

"I demanded that they rush the children to hospital in
their van, which they did". --- I treated the children and
asked them to put them not in a van, I said not in a van but

in/..

(10)

(20)

(30)

in a police..because these are badly injured. There were
two girls who were badly injured.

"Such things should never be allowed to happen". Did
you say that? --- No, sir.

Now insofar as it may be necessary for me to argue
before His Lordship whether you should be believed or not,
I am going to suggest to you that in your present condition
you are still under detention are you not? --- I am.

You are not prepared to repeat the things that you were
saying before your detention if you think that they are going
to displease the people who may be responsible for your
detention. --- I wouldn't say so.

You see..would you say that it is just a coincidence
that anything which is critical of the authorities you say you
were misquoted, everything that is not critical of the authori
you say that you were correctly reported, is that a coincidenc
--- Well, it might be a coincidence.

It might be a coincidence. In relation to this one
statement about parents' graves being spat on, isn't that a
very dramatic way of drawing attention to a grievance? --- I
won't comment on that.

Why not? --- No reply.

Why don't you want to comment? --- Well, I don't feel
I should comment on that, whether it is dramatic or not, to me
it doesn't seem dramatic.

So you do want to comment and you say it is not dramatic
is that it? Which lets me out of reminding you perhaps that
you have to answer the questions, but you say that it was not
a dramatic way, is that your answer? --- Yes, I would say..

Now, in your description in your evidence, you told
us that everyone was embarrassed by Mrs. Mandela's speech,
correct/..

correct? --- Yes, they were taken aback, yes. They were..

And they were embarrassed? --- And embarrassed, they didn't expect that.

Yes, and there were just a couple planted supporters of hers that really applauded? --- Yes.

Yes. It was a completely flat meeting as a result of the embarrassment that was caused by Mrs. Mandela, correct? --- No reply.

Correct? --- Correct.

Yes. Now, do you remember - did you see a newspaper report in The Star newspaper about that meeting? --- No, I cannot remember now.

You can't remember now. You gave one description of what happened at that meeting of a speaker, the guest-speaker embarrassing everybody by speaking out of context. May I read to you what was written in the Star on the 9th of June, 1976.

"The woman in the flowery African print dress standing on the platform at Naledi Hall, Soweto, stared down into the crowd of 250 people".

Is the report correct that far? Leaving aside the dress, I don't you expect you to remember that, but were there 250 people and was Mrs. Mandela on the platform? --- There were about that number of people.

"Then she began slowly, in her deep, sonorous voice: 'We are Black, we have a tradition. When we marry we sing, when we die we sing. This is us. We can't be seated here and not sing'."

Did she say that? --- Who is quoted there?

Mrs. Mandela. --- I can't remember, I think she said that, I can't remember what she said.

Yes. You can't remember.

She/..

"She then broke into song, with the people joining in the singing: 'Unzima Umtwalo, Unzima ufuna amadoda.' It is heavy this burden it is heavy, it needs men, men".

Did that happen? --- That happened.

Yes.

"Mrs. Winnie Mandela, wife of the Robben Island prisoner Nelson Mandela was stirring up people and uniting them behind the cause".

Well that is..would you agree with that comment of the reporter?

--- I am not..I can't agree with this.

I beg your pardon? --- I don't agree with the comments.. (intervenes)..of the reporter.

You don't agree with that comment.

"And her words were nectar to a people starved of charismatic leadership for so long. She had everyone behind her when she spoke at a public meeting last Sunday."

What do you say about that comment? --- I wouldn't like to comment on that.

Well, is it true or untrue? --- She didn't have...(intervenes)

That it was apparent that she had everyone behind her at that meeting? --- She didn't have anybody behind her.

Certainly not you, according to your evidence. --- And my committee members.

And the whole of your committee. So this newspaper report missed the whole point of the meeting, the embarrassment of the committee on the platform, was not obvious to him? --- And people on the floor also.

And people on the floor. He missed all that.

"The meeting had been called by a Parents' action group/..

(10

(20

(30

"group to report back on the developments pertaining to the Mozambique Bus Disaster Fund which was established in 1974, after 10 pupils and a teacher from Maledi High School died in an accident in Lourenco Marques"

That is correct, is it? --- That is correct.

Then the following comments by this reporter:

"Assured of the support from the assembled crowd, Mrs. Mandela who was guest speaker said that they were gathered there as parents and not just to comfort those who lost children in the accident 'but to rediscover ourselves and our role as parents and citizens'."

Did she say that? --- Well, I don't remember that. She did say..I mean I don't..I can't remember her speech.

Well, what do you say about the fact that she was reassured by the crowd, if your evidence is correct everybody sort of dissociated himself from her. --- I didn't say everybody dissociated..

Certainly the committee and the majority of the people except a few planted supporters was your evidence. --- Except a few people on the floor, yes that is quite right.

"The Government, she claimed was doing everything to break down the unity.." etc.

Do you remember her speaking about that? --- I don't remember her speech, no.

You don't remember her speech. Perhaps My Lord we could put this in as an exhibit. EXHIBIT 350. Now then, you continued associating yourself with Mrs. Mandela after the 6th of June, didn't you, doctor? --- I have, I did.

Yes. --- And I always had, even before then.

And/..

And you always had even before then. Now you know, doctor as a medical practitioner, you told His Lordship that there was nothing wrong with her, is that correct? --- That there was..?

Nothing wrong with her? --- Physically?

From the point of view of health. --- Well, they were conclusions we reached and specialists reached.

No, but you yourself, did you ever observe anything wrong with her? --- Well, when I examined her I did say she had what I thought was sinus tachycardia.

Sinus tachycardia, yes. Is that a serious ailment? --- It is not a serious ailment.

Well, is it an ailment? --- It is.

It is an ailment. And did you diagnose that sinus tachycardia? --- It was diagnosed by the specialist.

And it was diagnosed by the specialist also, was it. And were drugs prescribed both by you and the specialist? --- Yes, she was given pills, yes.

Drugs? --- Yes.

Not just pills. You know that sometimes you give just for the purposes of making people comfortable, that something is being done for them. --- Yes, medicine, yes.

Medicine, and quite expensive I am told. Not so? --- No reply.

Not so? --- Yes, they are.

Yes. The medicine that you and the specialist prescribed for Mrs. Mandela was quite expensive medicine. Yes. How did you come to tell His Lordship that there was nothing wrong with her? --- Well because I mean I found finally that the sinus tachycardia is an ailment, but it is not a serious ailment and she after the lifting of her banning, she suddenly didn't consult/..

consult me about her illness.

Wasn't there a very simple explanation for that? ---
The..what I meant was her illness had suddenly gone, she
was no longer ill then.

Isn't there a very simple explanation for that? Whilst
she was restricted she couldn't go to Dr. Motlana, could she,
who lived in another part of Soweto to which she could not go.
You knew that. Didn't you doctor? --- Well, she could phone
Dr. Motlana to come up and see her.

Well, let us deal with one bit at a time, because I (10
am going to suggest to his Lordship that you picked up all
sorts of gossip from all over the place in order to smear
Mrs. Mandela and you repeated it in evidence before His Lordship
without having any regard whether it was true or not. Did
you know that at the time that Mrs. Mandela came to you for
medical treatment, she was restricted to the portion of Soweto
that her home is in, and your surgery is in, and outside the
area to which she could go is Dr. Motlana's surgery. --- I
didn't know.

You didn't know? Didn't you know that she was confined (20
to a small area of Soweto? --- I didn't know that.

She never told you that? --- No, all I knew she was
confined, but I don't know to what extent of an area.

And do you say that the evidence that you gave before His
Lordship was correct about her health, that there was nothing
wrong with her? --- Well, I..(inaudible).

For how long did this treatment that you and the specialist
prescribed last? --- Well, I think about a month I think.

Only? --- A month to six weeks.

That is all? Is that all? --- Yes, and then I referred (30
I mean I treated her for that period and then I referred her

to/..

to the specialist.

On how many occasions did you refer her to the specialist
--- She went to the specialist once and then I don't know how
many..I referred her once to the specialist. I don't know what
she returned..(intervenes).

Only once? --- Yes, I don't know whether she returned
back to the specialist.

I am putting to you that you referred her for specialist
examination on two occasions. --- I referred her once, I don't
know whether the specialist recalled her.

So you..you are absolutely certain that you only referred
her to the specialist once? --- Yes, that is on my records.
Unfortunately my surgery was burnt down and I have no records.
That is what I said.

THE COMMISSION ADJOURNS FOR TEA/COMMISSION RESUMES.

AARON MONTGOMERY MATLHARE (still under oath):

CROSS-EXAMINATION BY MR. BIZOS (Cont.): We were dealing with
your evidence about the fact that you only referred Mrs. Mandela
you say to the specialist once? --- I might have made a mistake

You might have made a mistake? --- I might have referred
her twice.

You might have referred her twice. Now, did you know the
facts when you gave evidence before His Lordship in the absence
of Mrs. Mandela? --- Yes, I did tell His Lordship that I did
refer her to a specialist.

Did you? --- I mentioned it in my statement that I
referred her to a specialist.

Yes. Now..but didn't your physical examination of Mrs.
Mandela show that she had in fact a heart-beating rate of 140?
--- Well, under the circumstances she knew she was..that is
what our telephonic conversation with the specialist was, was

that/..

that under the circumstances he knew she was her heart rate must..should have been so high.

What..(intervenes). --- A restricted person...(intervenes).

Yes, living alone, living completely alone and at the time did she complain to you that she had been harassed? --- I don't remember.

Been harassed in the middle of the night? --- Harassed, I don't know that.

Having windows broken..(both speaking simultaneously).. broken into, her motor car interfered with. --- She did tell (10 me once that a window was broken into.

Yes. Now didn't she call you..you live fairly near her house, don't you? --- Yes.

Didn't she call you when this harassment took place, didn't she call on you for help? --- That harassment?

Didn't she ever call you to say look, I am being harassed.

--- You mean the breaking of the window?

Yes. --- Well, that I took it for burglary, not harassment.

I see. Did she ever complain to you that she was attacked?

--- She did once mention that people broken into her house (20 if I remember well but..and they stole some things from her bedroom I think.

Not that she was attacked personally? --- No, not being..

She never complained to you that she was attacked or assaulted in her house, ever? --- Never, I don't remember that I don't remember.

She never complained about that. And because you live near her, didn't she call on you for assistance whenever this harassment took place? --- Well, she only called on me twice I think. (30

Only called on you twice for assistance. --- I remember

two/..

two occasions.

Yes. Did you ever examine her when she called on you or she asked you to come and see her in the middle of the night? --- Yes, I did.

Did you find anything wrong with her? --- Well, except this fast heartbeat.

Never anything else? --- Well, physically no, she was.. bodily.

You never found anything wrong with her at any stage except the fast heartbeat is that correct? --- That is correct.

Are you sure about that? --- I am sure about that..I mean I never saw anything in the way of scratches or wounds or anything on her body.

Or any injuries of whatever nature? --- I don't remember seeing any injuries. I don't remember seeing any injuries on her.

That would be consistent with the evidence that you gave His Lordship here that there was never anything wrong with her, isn't that so? --- No reply.

That would be consistent, not so? --- Yes, it should be

Yes. That you never found anything wrong with her, ever. Did she ever complain to you that somebody had come into her house and had throttled her or attempted to throttle her? --- I remember such an occasion.

Yes. Did you examine her? --- No.

You did not examine her, and was it obvious to you that she was being untruthful about this throttling incident, is that correct, or there was no real need for you to examine her, is that what..(intervenes). --- ..I would say..I mean how can you examine a person who had been throttled?

Yes/..

Yes, so you didn't even bother to examine her? --- No, I didn't.

Are you sure about that? --- Well, I am sure I didn't examine her except taking her pulse rate or something like that.

Yes. I am sorry to tell you doctor, that you are telling deliberate untruths to His Lordship. Aren't you? --- I am not.

You are not. Will you have a look at this document please? Don't read it yet, is it your letterhead? --- Yes, it is my letterhead.

Is it your handwriting? --- That is right. (10

Please read it out loudly and clearly to His Lordship.

--- "This is to certify that I examined Mrs. Winnie Mandela on the 19th November, 1972, morning. She had allegedly been assaulted. There were no obvious injuries but on close examination I found that.." (intervenes).

Read it loudly please so that we can both hear it. --- "There were no obvious injuries, but on close examination I find that she had apparently been throttled. Her throat was hyperaemic" (intervenes).

Read it, read it doctor. --- "Her throat was hyperaemic (20 and her nucha showed some bruising."

Did you write that? --- Well I wrote that on her request.

Doctor, do you realise what you are saying? --- Yes, I wrote this, she requested for a note and I wrote this note.

Yes. So you realise what you are saying, doctor? --- No reply.

Do you realise what you are saying? You can have one of two answers to this. Either that you committed perjury before His Lordship a short while ago, or that is a fraudulent document, you can have your choice. Which do you choose, perjury or (30 fraud, or don't you want to answer it? --- I don't wish to answer/..

answer that.

You don't..I think that was a wise decision.

CERTIFICATE HANDED IN AS EXHIBIT 351.

You told His Lordship that you thought there was nothing wrong with Mrs. Mandela. Would you have a look at the next document please, undated. --- "I am referring this patient to you for investigation/examination and possible treatment. She had a long history of praecardial pain, fainting attacks and dizziness and has been seen at the hospital and by some private practitioners. She gets these attacks frequently and the last time she had one, she had a tremor of her hands and a tachycardia of 140 per minute which is regular. These are usually the only signs present. She has been on tranquill: for some time now and I am afraid she will become dependent on them. There is also a psychological problem about her which I would like you to go into it. This concerns her family life I would be glad to hear from you as soon as you can."

Did you write that? --- Yes, I wrote this.

Is that consistent with what you told His Lordship that you thought that there was nothing wrong with her? --- Yes, said to you she had signs of tachycardia which means a fast heart rate.

LETTER TO SPECIALIST HANDED IN AS EXHIBIT 352. (Undated).

DR. YUTAR: M'Lord, the first EXHIBIT, 351 is dated the 20th November, 1972. and EXHIBIT 352 is undated.

MR. BIZOS: (To witness): Would you have a look at the next document please. EXHIBIT 353 --- "I am referring Mrs. Mande: back to you for re-examination and for possible continuation of treatment. She is feeling much better but my feeling is that she has been on those tranquillizers for some time now. I would be glad if you could re-assess her condition".

Yes/..

Yes, and the date on that? --- The date is the 9th May, 1969.

Yes. Was the treatment continued after that visit? --- No.

Are you sure about that? --- I can't remember whether she went there..(intervenes).

Why did you say no then? --- I cannot remember.

Why did you say no? --- Well, I say I cannot remember.

Now why did you say no in the first instance? --- No reply.

(10)

Why did you say no in the first instance? --- Because I cannot..I mean I cannot remember, I mean..(intervenes).

If a person can't remember, a professional man with two degrees such as you boast of, on your letterhead, doctor if he doesn't remember, he says: I don't remember, he doesn't say: No, and then say I don't remember. --- Oh well I changed, I said I don't remember.

Did you charge Mrs. Mandela any fees? --- I did charge her fees but she never paid me. I never asked..(intervenes).

Did you ever send an account? --- Excuse me? (20)

Did you ever send an account? --- I don't remember sending an account to her.

Well. How does one collect fees when one charges them? --- Well, I deal on a cash basis.

Don't you send your patients accounts? --- No, I don't.

Did you ever ask her for money? --- Yes, and the fees.. I do ask her, I mean I..(intervenes).

Did you ever ask her for money? --- Yes, I did.

When? --- On my first examination when she first called me, I can't remember when but on the first time when she called on me. (30)

Did/..

Did she pay you? --- No.

What did she say? --- Well, as I said in my statement she had funds..(intervenes).

Never mind your statement, you are giving evidence now, what did she say? --- She had not enough money.

She didn't have enough money. Right. Did you ever ask her for money again? --- Well, I didn't.

You didn't. So your treatment throughout was for nothing correct? --- Well I expect..yes, it is correct. I expect a patient to pay me on treatment on the spot.

Well, Mrs. Mandela didn't. Mrs. Mandela didn't, isn't that so? --- That is so.

Now could I remind you of something to your credit? --- Yes.

Isn't there a practice in Soweto by Black doctors or some Black doctors and as far as Mrs. Mandela was concerned, including yourself, not to charge people whose husbands or breadwinners are in prison or detained or have fallen into some other misfortune? --- Well, I am not aware of that.

You are not aware of it? Well, can you give any other explanation? Well, I know that you do not generally do it, do you agree that some of your colleagues do it generally? --- I am not aware of that.

You are not aware, but now can you furnish any explanation for not charging Mrs. Mandela other than wanting to assist her knowing that her husband was in prison? --- I can't offer any explanation.

Can you offer any other explanation? --- No, I cannot.

You know, I am going to suggest to His Lordship and I am putting this to you in order to give you an opportunity to deal with it. By the end of 1969 on how many occasions had you seen/.. (3)

seen Mrs. Mandela? --- I can't remember that, that is on my records, because every time I saw her I enter..every time I see a patient, I enter it in my records.

More or less how many times? --- I don't want to commit myself on that.

You don't want to commit yourself. Could I say a dozen times? --- Your Lordship, I said I don't want to commit myself on that point.

Who paid the specialist that you referred her to? --- Well, I had arrangement that she..because of her financial problems (10 as she had said, and..(intervenes).

Who paid the specialist? --- I gave her the money to pay the specialist.

Who, just speak again? --- No reply.

Speak again who paid the specialist? Who paid the specialist for the two visits? --- I am a little bit confused about that, I think..(intervenes).

You are a little bit confused about that. --- Yes, I can't remember well.

CHAIRMAN: Did you say something about having given her the money? --- Yes I slightly remember having given her money. (20

MR. BIZOS: Slightly remember? --- On the first occasion.

Slightly remember? --- I remember giving her money on the first occasion.

Well, just slightly remember? --- No reply.

Slightly remember? Isn't it perhaps that you asked the specialist to treat her on the basis that she was..she fell into the class of person who shouldn't perhaps be asked to pay? --- Possible.

Possible. Now, you had seen her, you had seen her on a number of occasions, you had referred her to a specialist, (30

she/..

she had reason to be grateful to you, not so? --- No reply.

Not so? --- No... everybody...I would say yes.

You would say yes. Now, do you remember that you even placed a sinister imprint on the fact that Mrs. Mandela sent you a Christmas card and a present, at Christmas time? Do you remember that? --- I remember that but I wouldn't say it is sinister.

Well, you said it was sinister. Don't you remember telling His Lordship that the reason for the Christmas card and the reason for the present was in order that because she wanted to befriend you? --- Yes, she wanted to befriend us, we had just arrived at that place.

When? When had you just arrived? When was the Christmas card and when was the present, December, 1969 wasn't it? --- Yes, that is..(intervenes).

Not so? --- Yes, I should imagine so.

By that time you had treated her, you had sent her to a specialist you had not been paid. What was so sinister in Mrs. Mandela sending you a Christmas card and giving you a present? --- No reply.

Would you like to answer the question? --- I would rather not answer that.

You would rather-why not? I can understand you not wanting to answer the question whether guilty of perjury or fraud but why don't you want to answer this one? --- No reply.

Why don't you want to answer the simple question? --- Well, I said that she sent me..and the fact that Your Lordship suggested that she was being grateful by sending those things to us.

You suggested a sinister thing in the Christmas card and the present, not so? --- Yes, she wanted to befriend us, that

is/..

is what I said.

Well, but you had already shown a willingness to be befriended long before that, hadn't you? --- By doing what if I may ask?

Treating her for nothing, sending her to the specialist without trouble. --- I treat a lot of people for nothing, especially the old people, I treat them for nothing in my surgery.

I don't think that you can describe Mrs. Mandela as old. Why did you place a sinister inference on a simple thing such as a Christmas card and a Christmas gift to a woman to whom you had shown considerable consideration? --- No reply. (10

You don't want to answer that? --- No, I would rather not answer that.

All right. You remember that I suggested to you that you held yourself out as a leader of the Black people in Soweto? --- I have never regarded myself as a leader of the Black people.

Well, weren't you the Joint-Chairman of the BPA? Or second Chairman after Dr. Buthelezi, were you not the man? --- I was the second chairman. (20

Yes, isn't that one of the leaders of the Black people, did you not hold yourself out as one of the leaders of the Black people in Soweto, after the 16th of June? --- But the suggestion that I regarded myself as a leader of the people of Soweto is not true.

Not true, you did not regard yourself as a leader? --- I didn't regard myself personally as a leader.

Were you regarded as a leader? --- I do not know.

I see. Were you referred to as a leader? --- Well, yes I was. (30

You were referred to as a leader. Did you protest and say

I /..

I had played no leadership role, or did you enjoy it whilst it lasted? --- No reply.

Did you protest at the fact that you were referred to as one of the leaders of the Black people of Soweto? --- No, I never protested that.

Did you enjoy it whilst it lasted? --- Well, I didn't.. there was no enjoyment about it because we were working hard towards the burial of these people.

Did you express views to the press regularly about how the problems of the Black people in Soweto and elsewhere could be solved? --- Well, I did give press reports.

You gave press interviews on behalf of the Black people. --- Interviews.

Correct? --- Interviews.

Interviews. Purporting to speak on behalf of the Black people in Soweto. --- That was especially during or after the riots, when we were preparing for...(intervenes).

Purporting to speak for and on behalf of the Black people in Soweto. --- Well, I would say yes, we have to be speaking for them.

And whatever the issue may have been before the 16th, after the 16th the matter became one of general political interest did it not? --- I wouldn't say so.

Why not? --- Well, after that, after..there was a lot of rioting I would say.

Yes? Did you ever quantificate as to how the rioting could be stopped and how permanent solutions could be found to South Africa's problems? --- Well, I remember giving an interview to a newspaper about that.

Yes. Were you correctly quoted in that newspaper? --- I should think so, I am not sure.

Did/..

Did you ever protest to that newspaper that you were not correctly reported? --- No. I didn't, I don't remember protesting to them.

You know, you read newspapers regularly during this period didn't you? --- Yes, but I have got a busy, very busy practice and I used to read papers, morning papers in the evening, I had no time during the day to read papers.

No, I didn't ask you when you read the papers, I asked you whether you read papers during this period. --- Not regularly. (10

Right, but even though you may not have had an opportunity to read them regularly, I suppose that you were not so modest as to not look out for your own interview, you know we are all interested in the things that we feature in, not so? --- That is so.

And you couldn't have missed your own interview. --- Well, I couldn't have.

You couldn't have. And was that interview in The Star?

--- I should think so.

Now I want to read to you that interview and I am going (20 to submit to His Lordship that you were far from the apolitical person that you wanted His Lordship to believe, when you gave evidence originally. Listen to it, it is from The Star. My Lord the date can be determined but I haven't got the precise date but I think with the events described Your Lordship will be able to date it within a..(intervenes). --- I think it was on the..it appeared on the 6th.

The 6th of..? --- Of August I think.

Yes, you are probably correct. It says:

"The Parents Association is possibly the only (30 group which can act as a bridge for dialogue

between/..

"between White authorities and the Black youth who are now calling the tune in Soweto. Dr.

Aaron Matlhare...an executive member of BPA which was formed after the disturbances in June as an umbrella organisation representing both radical and more moderate Black bodies, outlined the areas where immediate change had to come before there could be any return to normality. 'The most important thing and I cannot stress just how important is the immediate release of student leaders detained by the police in the past few weeks', he said."

Is that correctly reported? --- That is correctly reported, I was reporting what the students demanded, that the students demand..which was a very important thing, they demanded that and that is what I said.

Well, here they say it is your words and your opinion.

--- It is my words, but I was saying the students demanded that

"'At the same level of importance is the need to change completely the system of Bantu Education which the students are rejecting as inferior and inadequate'."

Is that correctly reported? --- That is correctly reported, that is also one of their grievances which..

"'The general demand is for free and compulsory education of the same quality for children of all races. On the Bantu Education the students feel that they are being done down', he added."

Is that correctly reported? --- That is also one of the grievances of the students.

"'It is because nobody ever listened to them in the past that the students are now trying to get things/..

"things right their way", Dr. Matlhare said."

Correct? --- That is correct.

"Even us, the BPA they take with some suspicion'."

Is that correct? --- Well...(intervenes).

Did you say that? --- That I said yes, I did.

Yes, very well.

"Another immediate priority was the need for a change in attitude from the police side', he continued."

--- That is also what the students demanded, I said that. (10

Were you just...(inaudible)..were you expressing the students' feelings and not your own? --- The students' feelings that is right.

Did you agree with what they said? --- Well, I agreed, yes.

You agreed with them. So your feeling was the same as the students' feelings, correct? --- That is correct.

Is it correct? --- That is correct.

"The police are provoking the students even when they try to be peaceful'."

Did you say that? --- That is also the students' complaint, (20 I mean...(intervenes).

Was that your feeling? --- Well, that I was expressing their feelings.

Was that your feeling? --- That was not my feeling, I mean I haven't seen them provoke the students.

I beg your pardon? --- I hadn't seen them actually do that.

You are sure about that? --- This is one of the...(intervenes).

You are sure about that? --- I am sure about that.

Doctor, again...all right let us put to you the next (30 step and then we will put the comment.

"I/..

"I witnessed this myself'."

Did you say that? --- Well, I think I would...

I beg your pardon? Did you say: "I witnessed this myself". --- I don't remember saying that.

You don't remember saying that? --- No, I don't remember saying that.

Well..

"I saw teargas thrown at students who were out of the road and who sat down, declaring:

We are not fighting. This is uncalled for'."

Did you say that? --- That I did say and I saw that. That I did see.

I beg your pardon? --- That I did say.

But now...(intervenes). --- And we...(intervenes).

Now which part do you say you are incorrectly reported in? --- The first part.

The first part, namely "...the police are provoking the students even when they try to be peaceful". You say that you didn't say that? --- That's right, I didn't say that.

You didn't say it, or you don't remember saying it? --- I don't remember saying that one.

"I saw teargas thrown at the students...I witnessed this myself'."

Did you say that? --- Yes, I witnessed students..teargas being...(intervenes)

"I witnessed the provocation myself'."

Did you say that? --- I didn't say that, I didn't say that.

I beg your pardon? --- I didn't say I witnessed the provocation but I said I witnessed the teargas being thrown.

You said you witnessed the provocation, but then why do you say you didn't say "the police were provoking the students/..

students even where they were trying to be peaceful". Why do you deny that you said that? --- I say I said it.

Do you now say that "the police are provoking the students even when they try to be peaceful"? --- Yes.

You said that. And did you say: "I witnessed this myself"? --- Yes.

You did say that, and did you say:

"I saw teargas thrown at students who were out of the road and who sat down declaring:

We are not fighting'."

(10

--- Yes, I did say that,

"This is uncalled for'."

--- I did say that.

Right.

"And for the community at large the main grievance which is of explosive proportions, is the lack of security in their lives", Dr. Matlhare added."

Did you say that? --- Well, the word "explosive" is too harsh. I mean I never used that word, I don't think...I don't remember using that word.

(20

"And for the community at large, the main grievance which is of explosive proportions is the lack of security in their lives'."

Did you say that? --- I don't remember.

You don't remember. --- No.

Did you say:

"A person has to feel he has some stake in the country but at the moment what has the average Black to lose, nothing. This is often said but it is true'."

(30

Did you say that? --- I think I did say that.

You/..

You think you said that. Now may I just pause for one moment. What caused this tremendous transformation, in your personality that this morning you were not prepared to tell me that you wanted the best for the Black people, and then you were able to make a statement: "A person has to feel he has some stake in the country but at the moment what has the average Black to lose, nothing. This is often said but it is true". What has caused this transformation? --- Well it is that...I mean I have my own..that is my own feeling.

What has caused the transformation. --- That has always been my own feeling, like everybody has got his own political feelings. I mean even if I don't belong to a political party but I have my own feelings.

Try and come to terms with my question. Do you remember this morning you were not prepared to go as far as to tell me that you would say that Blacks are entitled to a just share of the good things in life. Do you remember that? --- I don't think that..yes, I remember that.

Now, if you were afraid to subscribe to a statement like that before the short adjournment that His Lordship took, and you agree that at the end of July, beginning of August, 1976 before your detention you were prepared to say "A person has to feel he has some stake in the country but at the moment what has the average Black to lose, nothing. This is often stated but it is true". What was the reason for this transformation? --- It was a simple statement, there is no reason whether..it is not information it is a simple statement which expresses my personal view.

This expresses your personal view now? --- Which expresses my personal view.

It expressed it then, it does not express it now, is that what/..

what you are saying? --- Well, it still expresses it now.

Is this still your view? Is this still your view?

--- Well, I don't know about what changes have gone since I have been in detention, what has been happening I don't know.

Well, assume that it was as good or as bad. --- Yes, it is still my view that people that the Black man needs some security.

Yes. I thought this morning you said that changes are taking place, do you remember that? However, I don't want to become involved in a debate with you on that aspect.

(10

"The lack of housing and the resultant overcrowding in small dwellings, being a doctor I see all the problems this causes'."

Did you say that? --- Yes, I did say that.

"What do the people who have lived like this for years have to lose. That is why so many people can damage the property in the township with such ease. None of it is theirs'."

Did you say that? --- I said that.

"Home ownership. Proper freehold ownership and a massive effort to build more homes, that has to be done'."

(20

Did you say that? --- I did say that.

"And all the moves to force us into homeland citizenship, that is a very sore point'."

Did you say that? --- I said that.

"Urban Blacks generally have nothing and want nothing to do with the homeland', Dr. Matlhare asserted. 'This must be dropped'."

Do you remember that? --- I don't remember saying that part.. (30

Did you say that? --- That portion I don't remember.

Is/..

Is it possible that you said it? --- Well, it is quite possible, yes.

Quite possible.

"Freehold ownership in urban areas and the rejection of enforced homeland citizenship are also both uncompromisingly advocated by Mr. Toleka Mayaba, Mayor of Soweto and the moderate spectrum of Black thinking."

I want to come back. Yes, well the rest purports to 'other people'. Now..EXHIBIT 353. Now, I am going to put to you that that is not the statement of a peaceloving, apolitical man. --- As I would you like me to comment on that?

Yes. --- I maintain that everybody has got his..even a peaceloving person has got his own political views about things everywhere. Those are my own political views. One doesn't have to belong to a political organisation in order to be a political man.

Is there anything else that you want to say? --- No.

Yes. Now I am going to put to you that this speech of yours is substantially similar in tenor and effect as the speech that was made by Mrs. Mandela on the 6th June. What do you say to that? --- I will not comment on that.

I am sorry if I described it as a speech, but your views expressed to this reporter. Do you want to make any comments? --- No, I wouldn't comment on that, that is my personal, own personal views.

Right, now it would appear that you in common with other people, who made general and unsubstantiated allegations, accused Mrs. Mandela before His Lordship of having corrupted Joyce Sikhakane, did you intend that? --- No reply.

Did you intend to convey to His Lordship that Mrs. Mandela

was/..

was responsible for the corruption of Miss Joyce Sikhakane?

--- Well, it was..yes, that was my intention.

It was your intention. Did you tell His Lordship the truth about that or were you being untruthful? --- I was talking the truth.

You were talking the truth. When were you at Fort Hare? --- In 1956 to 1959.

1956 to 1959. Have you told His Lordship that you knew Joyce Sikhakane at Fort Hare as a nice, innocent girl? --- No reply.

(10)

Correct? Do you remember that? --- Yes.

Was that true? --- Well, I think they are...(incomplete).

Yes, doctor? How old was Joyce Sikhakane when you were at Fort Hare? --- I don't know.

Well, was she at Fort Hare with you at all? --- No, I don't..I have made a mistake there.

You made a mistake. She was a child when you were at Fort Hare, not so? --- (Inaudible).

No, did you meet her afterwards? --- Yes, I did meet her.

Where? --- In the township. (20)

When? --- It was during 197...I cannot remember, during 1972 or 1970 thereabout.

During 1970..? --- Or 1972 or..

1972. --- Yes, thereabout, I am not sure of the...(intervenes)

For the first time? You met Joyce Sikhakane in 1972 for the first time? --- 1970 or 1972, thereabout.

All right. In any event after her detention and release. Not so? --- Yes.

What contact..what was the basis, on what basis did you meet?

--- Well, she came to my..she was doing knitting and I think (30 she was selling knitting materials.

Oh/..

Oh. --- Knitting hat or something like that.

Yes, and what contact did you have with Joyce Sikhakane?

--- Well, no real contact I mean..

No..I beg your pardon? --- I didn't have contact with

You didn't have any contact with her really, she just.. she tried to tell you something you say? --- Yes, and I knew her.

Well, where did you meet her other than with this occasion when she tried to sell something to you? --- Well, on a... public places, and..

Which public places? --- Like..I mean on a public occasions that I say.

When? --- I cannot say when.

Where? --- In the township in Soweto.

Where in Soweto, what public occasion did you meet Joyce Sikhakane, where? Where did you meet her? --- I cannot remember that is far..that is a long time ago.

The only specific evidence that you can give us about Joyce Sikhakane is that she tried to sell you something once some knitting materials? --- Yes, and she was..yes.

That is the only personal contact that you ever had with her? --- Not the only personal contact.

What other personal contact did you have with Joyce Sikhakane? --- During social occasions in Soweto.

Social occasions, where? --- I repeat, I don't know, I cannot remember where and when.

But the first time that you met her was in the 1970's after her detention and release, correct? --- No reply.

Correct? --- No, I think I have met her..I must have met her before that.

When? --- I cannot remember, that is quite a long time

ago/..

ago.

What were you doing when you met her, what was her job?

--- I cannot remember now.

Can you give us any details about Joyce Sikhakane at all? --- I cannot.

And the only specific thing that you can give us is that she tried to sell you something once? --- Yes.

Now: If that is so, how did you come to give the evidence that you gave on page 4 721?

CHAIRMAN: 47..?

(10

MR. BIZOS: 4 721.

CHAIRMAN: Yes?

MR. BIZOS: How did you come to give that evidence? --- Well, I don't understand you.

Is it possible that you..it is a common practice of the security police, when asked to give information that you had in your possession, whether you picked it up in the gossiping circles of Soweto or whether you knew it first-hand or not or whether you had any personal knowledge, they are interested in the information that you had and the people that you knew, isn't (20 that so, isn't that how you came to speak about Joyce Sikhakane?

--- I wouldn't like to comment on the way the security police work, I don't know how..

Why not? --- I don't know how they work.

Well, how did they work with you? How did you come to introduce Joyce Sikhakane into your statement? --- Well, it.. (intervenes).

What was the relevance, you were detained, were you not?

--- Yes.

Now, were you asked questions about Joyce Sikhakane? --- (30 No.

You/..

You were not asked questions. Right. Now you cannot tell us what her job was, you told us that you met her personally only once, is that correct? You told us that you made a mistake when you said that you were at Fort Hare with her, correct? --- Yes.

Is there anything else that you know of your personal knowledge about Joyce Sikhakane. --- I still repeat that I have nothing I know, except that she was once detained with Mrs. Mandela.

That you got from the newspaper? --- From the newspaper. Right. Now, can you please explain to me if that is all that you knew, how you came to give the evidence that you did on page 4 721? --- Well, that was relevant, it was relevant to the detention of Mrs. Mandela, during that time.

Relevant to the detention of whom? --- Mrs. Mandela.. I said Mrs. Mandela, Joyce Sikhakane and others were detained that time.

But the security police didn't know that? --- Well, I don't know whether they knew that.

Do you think that the police did not know who they had in detention in 1969 and they expected you to inform them, is that what you thought the purpose was? --- No, sir.

Well, then what was the relevance? --- The relevance was mentioning her name together with others who were detained that time.

Did you think the police didn't know? --- I do not know.

Where is Joyce Sikhakane now? --- Well, the rumours were that she was in Sweden.

In Sweden, where did you hear the rumours? --- Well, I appeared in the papers.

It appeared in the papers, I see. How did you come to make/..

make the mistake that you were at Fort Hare with her? ---
Well, I cannot answer that portion.

"I further viewed her (referring to Mrs. Mandela)
as a mischievous woman because of her influence
on innocent people such as Joyce Sikhakane
who was known to me to be a good person."

How did you come to give that evidence? --- Well, Joyce..
(intervenes).

How did you know if you didn't know Joyce Sikhakane before
her arrest, how did you know whether she was a "good" or bad (10
person? --- Well, her appearance and I mean she looked innocent
and she appeared an innocent person, she was a..

She was detained, she was tried in this Court and she
was acquitted. Now why should that misfortune that befell her
make you believe that she was a bad person? In this courtroom
I should say, not in...? Was she a bad person? --- Well, that
is my opinion of her.

Well, on what is your opinion based? --- No reply.

What is your opinion based on, doctor? Why did you want
to blacken Mrs. Mandela's name before His Lordship in this (20
Commission? --- Well, she had been..I mean we had known, we
had read newspaper reports about her and all that.

But His Lordship is not interested in bad newspaper reports
and all that. I am sure that it was explained to you that His
Lordship was interested in evidence. --- Yes, I mean a man can
make his own impression after reading something in the paper.

"Now this Joyce Sikhakane (you were asked by my
Learned Friend) who is she? Reply: She was
known to me as she was attending school at Fort
Hare with us." (30

How did you come to say that? --- Sir, that was a mistake, that
was/..

was..(intervenes).

"And you found her to be an innocent person
as you put it? Reply: Yes, well as I put it
she was just, you know, some ordinary person."

Now was Joyce Sikhakane an ordinary person, a run-of-the-
mill person? --- Yes, she was just an..I mean..ordinary perso
shall I say.

Well, how would you know what she was like? How would
you know what she was like, you had never met her before her
arrest. You know one would have thought that a man with two
degrees such as yourself, would have known that a broad allegat
of corrupting the youth is age-old. And it has often been
used in order to detract from worthy people, did you know that?
--- No, I never knew that part.

Well, I am sorry that you fell into the category of making
the allegation against Mrs. Mandela. Last time you said that s
was in Denmark. It seems that you can't even remember the
gossip correctly. --- Yes, it is either Sweden or Denmark.
CHAIRMAN:

He said he read it in a newspaper.

MR. BIZOS: Oh, well you can't even remember what you read in
the newspaper correctly? Is that so? --- That is so.

I am sorry to pry into your personal matters, did you in
fact have a child that was killed in the L.M. disaster? --- Y

What was her name? --- Ellen.

Was that your child? --- It was my child.

Your child. --- Yes.

Who was the mother? --- The mother?

Yes. --- It is my wife.

Which wife? What is her name? --- Francis.

Francis who? --- Ramashala.

Francis Ramashala. Where is she? --- She has gone, she
is/..

is overseas now.

I beg your pardon? --- She is overseas.

Doctor, I am sorry to put this to you but my information is that you have never had a child. --- No, I have had this.. (intervenes).

And that this child was your sister's child? --- That is incorrect. According to our custom the child in fact belongs to our home, if I get out of marrying.

No, are you now saying that..(intervenes). --- Then the child..(intervenes).

(10

What I am putting to you is correct, that it was not your child, but it was a child of your family and not your child? --- It was my child, it was my child definitely.

Well, doctor I will not pursue the matter but you have been how many times have you been married? --- Twice.

Your first wife was..? --- Excuse me?

What was the name of your first wife? --- Francis.

Francis. And was this Francis' child you say? --- That is right.

When was the child born? --- In Johannesburg.

(20

Where was the child registered? --- She was registered in Johannesburg.

In Johannesburg. --- Yes. But seeing that we..I mean I got this child before we got married to this woman. Before marriage.

Are you registered as the father of this child? --- Well, on the birthcertificate..I don't remember whether my mother did take it to the Commissioner or something and I think she must have been registered in my father's name.

Well, I won't press you on this. Now, as I have Dr. Motlana here - My Lord he is here but he would like to go back

(30

to/..

to his practice in the afternoon to arrange to see his patient. I am not going to take it in order, I will deal with it now because I don't think that he will be able to be with us this afternoon. He has arranged his surgery for the afternoon. Now, did you have a breakdown in July/August?

CHAIRMAN: Last year?

MR. BIZOS: Last year, in 1976? --- Well, I was ill, yes. I wouldn't call it a breakdown. I was quite ill, yes.

Did you have a breakdown? --- I had a pneumonia and it developed into something else which made me very ill.

Did you have a breakdown? --- A nervous breakdown?

Yes. --- Yes, I had a nervous..

You had a nervous breakdown. And were you drinking excessively? --- Not at the time.

And were you taking..(intervenes).

CHAIRMAN: You say you were not drinking excessively? --- I was not drinking excessively but I was drinking.

MR. BIZOS: You were drinking and were you taking habit-forming drugs? --- No, I was taking drugs which were potentially habit-forming.

And did that cause a breakdown? --- That was not the case it was part of the treatment that I was taking.

Part of the treatment. Now, could you please..pneumonia we know even in the days of the antibiotics, is a serious illness is it not? --- Yes, it is serious.

Who treated you for pneumonia? --- Well, I went to the hospital one morning.

Who treated you for pneumonia? --- And the man...first of all I was treated by Dr. Bengani came and treated me, he was visiting me at my house.

Dr. Bengani treated you for pneumonia? Who treated you for pneumonia/..

pneumonia? --- Dr. Bengani treated me for pneumonia.

On how many occasions did Dr. Bengani come to treat you for pneumonia? --- I think he visited me about four times or so.

For pneumonia? From when to when were you bedridden with pneumonia? --- It was from the beginning of August till about the 15th I think.

From the beginning to the 15th of August? --- I think. If I am not mistaken.

Were you taking large quantities of codeine? --- Yes, I (10 was.

Is that treatment for pneumonia? --- No, that was for my..I was shivering and having rigors and I had to take this and I had bad pains and I had to take codeine.

And do you remember that when you were taking this...was during the first two weeks in August that you were taking codeine? --- Yes.

That is not a treatment for pneumonia, is it? --- Well, I was taking antibiotics also.

Codeine is not a treatment for pneumonia? --- Not it (20 is not, but..

Right. Now did Dr. Motlana come and visit you whilst you were busy taking these large quantities of codeine? --- Yes, he did visit me.

Is one of the effects of taking large quantities of codeine dehydration? --- Well, yes if apicod..the aspirin part of it..

Is one of the effects of taking large quantities of codeine dehydration? --- Yes, it is.

Were you in fact dehydrated? --- Well, I wouldn't...I was dehydrated from..(intervenes).

(30

Were you dehydrated. Is that a serious condition? ---

Well/..

Well, I wasn't so seriously dehydrated.

Is dehydration a serious condition? --- It is serious but curable.

But curable, I am sure yes. Especially if you stop tak codeine and stop drinking. Isn't that so? That is the best way to cure that sort of dehydration is to stop drinking and taking codeine. Not so? --- No, it is to take fluids.

Right. Were you bringing up everything solid that you were eating at that time? --- Was I..excuse me?

Were you bringing up, were you vomiting everything solid that you were eating at that time? --- No, I was vomiting.

You were vomiting. Does that add to the dehydration? - It does add, yes.

It adds to the dehydration. Do you remember that Dr. Motlana came there with Mrs. Mandela? --- Yes.

And are you in a position to remember that Dr. Motlana diagnosed your condition as having been dehydrated and saying that some liquids had to be got into you one way or another? --- No, he didn't say that.

Well, is it possible that you were in the sort of condit that you don't remember what Dr. Motlana said? --- No, I was in a condition..I remember exactly what he said when he came with Mrs. Mandela.

Yes, and do you remember that he gave you an injection? --- Well, I don't remember, he didn't give me an injection, I refused to get the injection.

Are you sure? Are you sure that he didn't give you an injection? --- Well, I don't remember him giving me an inject

Now, were you delirious? --- I was delirious.

Now, do we ^{remember} always/what happens if we are delirious?

--- Yes, one can remember a few things, yes.

Yes/..

Yes, some things you remember and some things you don't. So were you delirious at or about the time that Dr. Motlana came to visit you with Mrs. Mandela? --- Yes, I was.

So is it possible that there are some things that you remember about this visit and some things that you don't?

--- Well, there are things that I don't remember..about the visit.

Yes, and is it possible that one of the things that you don't remember was that Dr. Motlana asked Mrs. Mandela to go to her nearby home and prepare some soup, do you remember that?

--- No, sir.

You don't remember it? --- No.

Well, do you remember attempts being made to force-feed you with this soup? --- Oh, no.

You don't. Well, is it possible that you were delirious?

--- No, no.

Were you at the time drinking bottles of beer and whisky? Were you drinking beer and whisky at that time? --- I was, drinking but I wasn't...(intervenes).

Were you drinking beer and whisky? --- I was drinking whisky.

Is it possible that while Dr. Motlana with the assistance of Mrs. Mandela was trying to give you the soup because of your dehydration, you were resisting this? --- No, that is nothing.. that is quite incorrect.

Well, is it possible that in a state of delirium that you were...(intervenes). --- No, I am quite aware that that is not right. I am emphatic about it.

Yes. And that in order to calm you, an injection was given to you? --- What injection?

An intra-muscular valium. Does that ring a bell to you as a medical practitioner now that you have had an opportunity to/..

(10)

(20)

(30)

to sober up? Is that an injection that is given to a person who is unruly and behaves like a drunkard? --- Well, it is an injection to be given to a person who..to calm somebody down or something like that.

To calm somebody down, yes. Was an injection given to you in order to calm you down? --- Because of pain, I had pain as I said.

Now...(intervenes). --- It is given for pain and also to calm me down.

So you now remember...(intervenes). --- For my delirious state.

...that an injection was given to calm you down? Correct --- No reply.

Do you now remember that an injection was given to you in order to calm you down? --- I don't remember an injection given to me.

Are you in a position to deny that an injection was given to you in order to calm you down? --- Well, in the state in which I was, I am not in a position to that remember that part

You are not in a position to say so. At that time you were in very strained family circumstances, were you not? Was your wife at home? --- No, she wasn't at home.

Yes. Now, if you are not in a position because of the state that you were in at that time, to say what happened, how did you come to make these preposterous allegations that your colleague Dr. Motlana and Mrs. Mandela tried to kill you? --- Well, that impression I got why..I mean..without examining me. (both speaking simultaneously).

...drunk and in delirium? --- I wasn't drunk, Your Lord I was ill and delirious from the temperature I was running. I fact when they came there they found me with a lot of blankets on/..

on top of me, I was delirious and having rigors and in fact I had a palpitations and Mrs. Mandela herself held me, while waiting..still waiting for Dr. Motlana she held me and gave me artificial respiration.

How did you come to the conclusion that your colleague, Dr. Motlana and the woman that you had helped previously, tried to kill you unless it was the delirium, whatever may have caused the delirium? --- Your Lordship I think it is common practice that for one..a doctor to give a patient an injection is to find out what is wrong with the patient. (10

And unless it is very obvious. Unless there were empty bottles under your bed. --- Unfortunately my bed has no.. it is covered right through there were no bottles under my bed.

Well, unless there were bottles around then, were there bottles around? --- No, there were no bottles around.

Well, you were drinking at the time, weren't you? --- At that time I wasn't, I was ill, I was delirious, I had rigors.

Were you drinking at that time, or do you want to go back on your answer? --- At the time when Dr. Motlana came I wasn't drinking. (20

When had you had your last drink? --- I think some time earlier on or late in the afternoon.

And this was the evening? --- Yes.

Where did you get a drink from? --- From my house.

From your house? --- Yes.

Where did you get your supplies from at that time? ---

Well, from town I used to have liquor in my bar and in my side cabinet.

Yes. Hadn't you exhausted your supply by the beginning of August? --- No, I hadn't, I hadn't in fact, there was some (30 there was some liquor in my bar.

Weren't/..

Weren't you in the habit of going into your money box during this period and going to nearby shebeens and throwing the money on the..(intervenes). --- Oh, no.

And saying you wanted liquor for this money? --- No, si

No, very well. I am putting to you that you did not suffer from pneumonia at all. What do you say? --- Well, I still say I did have pneumonia.

You say that you did. Right. Now then, can you please on what evidence you, a professional and fair-minded man came to the conclusion that this was an attempt to kill you? A man who has got a Bachelor's Degree in Science and an M.D. B.Ch. --- Firstly the injection without examining me and the soup and the..of course I was staying with my mother and she was very suspicious of my having the soup. In fact the soup, the story of the soup comes long after Dr. Motlana had left.

Well, I am sorry to raise another question. Your mother: Is she an alcoholic? --- Well, she drinks.

Is she an alcoholic? --- I wouldn't say she is an alcoholic.

Is she often drunk? --- Well, not often.

Was she drunk at the time that you were supposed to have pneumonia? --- No, she was looking after me, but she used to have drinks, she used to drink also.

Was your mother in a position to look after you? --- Yes together with my maid, yes.

This artificial respiration that Mrs. Mandela gave you was this before or after the arrival of Dr. Motlana? --- It was before.

Yes. Now I am still asking you: On what evidence did you come to the conclusion that there was an attempt to kill you? --- Well, I am still telling Your Lordship that Dr.

Motlana/..

Motlana gave me the injection he came late, he gave me the injection and then Mrs. Mandela decided, volunteered to bring soup to me as she saw I was shivering and really ill.

Now you have just said that he gave you an injection. Are you sure that he gave you an injection? --- Well, I... Dr. Motlana came after being called and gave me an injection and I remember refusing to have an injection.

But now you said that he gave you an injection. --- I refused to have an injection.

Do you now say that he didn't give you an injection? (10)
That you..(intervenes). --- He wanted to give me an injection I remember.

Did you get an injection or didn't you? --- No, as far as I remember I refused the injection.

So you don't really remember whether you got an injection or not? Is that the answer? --- Well, yes I..(intervenes).

Now, is that the answer, you do not remember whether you got an injection or not, is that your answer? --- Yes.

Right. You as a medical practitioner can possibly inform His Lordship on why one would forget whether one had an injection or not, it is not something that..you know, I can imagine whether one..you know, forgets a phrase used or whether somebody drops a glass or something like that. How can you not remember whether you had an injection or not? --- Well, if one is delirious one can forget. (20)

Yes. And is it possible that in your state of delirium in your state of delirium you fantasise, you had a hallucination about an attempt to kill you which you came to repeat to this Commission? --- Well, I wouldn't..(intervenes).

That is the other question. --- I wouldn't disagree with(30)
you there.

You/..

You wouldn't disagree with me there that that was just a bit of fantasy that you came to speak about, correct? --- Possible.

Possible. Would Your Lordship bear with me for one moment please.

CHAIRMAN: Are you going to take this particular issue further?

MR. BIZOS: I don't know, M'Lord, but in any event I can't ask Your Lordship to continue.

THE COMMISSION ADJOURNS FOR LUNCH/THE COMMISSION RESUMES.

AARON MONTLEDI MATLHARE: (Still under oath): (

DR. YUTAR: My Lord, before my Learned Friend continues may I just put the position correctly..correct the position with regard to the exhibits. The first medical certificate dated the 20th November, 1972 is EXHIBIT 351. Then there is the undated medical certificate that is EXHIBIT 352 and then the third medical certificate dated the 9th May, 1969, is EXHIBIT 353. With the result that the extract from the Star of the 6th August 1970..then becomes EXHIBIT 354.

CROSS-EXAMINATION BY MR. BIZOS (Cont.): Were you visited during the period that you say you had pneumonia, by a person from the Mental Health Society? --- No.

Now, did not a Miss Alcom come to you? --- No.

No? --- I was informed by Dr. Motlana that she had made arrangements for me.

For you to..? --- To go into hospital.

Dr. Motlana told you to go into hospital? --- Yes.

Which Hospital? --- Baragwanath Hospital.

Baragwanath Hospital, yes. When did he make that suggestion to you? --- I cannot remember the exact date but it was during the July month..

Was that during the period that you say that you had pneumonia/..

pneumonia? --- Yes Your Lordship.

And was that at the visit when you think that there was an attempt to kill you? --- Yes.

Well, you know to any person with elementary logic, a suggestion that you should go to hospital is quite inconsistent with an attempt to kill you because you know if there was an attempt on your life, if you were given some dangerous drug or anything like that, this would have been discovered at the hospital, wouldn't it? --- Well, it would have been discovered.

Yes. So was it this fantasy..was it this fantasy that led you to that conclusion then, without you having regard to reality? --- Well, it was..I would say during the delirious..moments of delirium which I had.

Had the exposed parts of your skin become mottled at that time? --- No, sir.

Some of it? --- Well, some..I had a rash I think I have always had a rash on my arm.

Was it mottled on the exposed part of your face and arms? --- No Your Worship.

Is that not a clear sign amongst Black people of alcoholism? --- No, I wasn't mottled.

Well, is mottling such a sign amongst Black people, you know the equivalent of red faces amongst Whites? --- Well, it is not really mottling, it is peeling off of the skin.

Peeling off of the skin. Had that happened to you during this period? --- No.

Not at all? --- No.

Are you sure? --- I am sure except that I had a rash on my arms.

What sort of rash was it? --- It was a fine, itchy rash on my arms.

You are a doctor, what was the rash? --- Well, I think it was an allergic rash. I thought I was allergic to something.

Was there nothing..had your lips not started to discolour completely? --- No reply.

And had portions of your face not discoloured? --- Not to my knowledge.

Well, isn't your lower lip still discoloured? --- Well it is.

What is that from? --- Well, when I was young I had some infection of both my lips.

During this period did you meet with unfortunate accident with all three of your motor cars? --- During which period?

Yes, July/August? --- Well, I had an accident with my one motor car of mine.

Only one? --- Only one and the other one had an accident, it was driven by the boy that drove it, who used to be my driver. It was only two cars.

Did you have a driver during this period? --- Yes, this boy had lost his job and he was helping me out, driving around.

Well, when did you have an accident with your one car? --- It was in..it was towards the end of June.

Towards the end of June. --- If I am not mistaken.

With which car did you have an accident. --- The Jaguar.

Yes, and with which car did this boy that you refer to have an accident? --- It was early in July I think.

What is the name of the person who was driving this car when it was involved in an accident? --- His name is Dan.

Dan who? --- His surname..I don't know his surname.

You don't know his surname where can we get hold of him.

--- No,..

--- No..we just call him that. I know where he stays.

Where does he stay? --- At Orlando East.

Where in Orlando East? --- I know the house but I don't know the house number.

Were you in the car when the accident occurred? --- Yes.

Which car was that? --- A Mercedes.

And the third car, was that damaged? --- No sir, not when I was..it was damaged while I was in detention I lend from my wife.

Yes. Now I am going to put to you that from the time (10) that your wife left for America, you went completely to pieces both physically and mentally and that you were very often under the influence of liquor. --- Well, I won't say I went completely out of pieces.

Were you under the influence of liquor? --- Well, I used to drink. I don't deny that.

Yes, and you used to get drunk. --- After work Your Lordship I used to sit at home and have a drink.

Yes, you used to get drunk. --- Yes, Your Lordship.

And you appeared drunk at public places from time to time. (20) --- No.

Well, don't you remember Aubrey Mokoena's graduation ceremony? --- Oh yes, that time yes.

You were drunk? --- I had had a drink with my brother.

You were drunk? --- Yes, I had..

In public. --- No reply.

Do you remember that one night when you were drunk, you said that you had been asked to go and represent the BPA at a dinner, at a formal dinner. Do you remember that? --- No.

Don't you remember Mrs. Mandela telling you that in your (30) state you couldn't do that? --- No.

Well/..

Well, if I give you the name of the person that you were supposed to meet at this dinner, Mr. Stanley Uys, do you remember that? --- No.

Do you remember that name? --- Well, I think it is a newspaper reporter or an editor.

Yes, well, he is a senior journalist. Do you remember that Mrs. Mandela tried to persuade you not to go? --- That's right.

Do you remember that? --- That point I remember.

Do you remember why she tried to persuade you not to go?

--- Because of my physical condition.

Because of your physical condition. Now where..is that the only senior journalist from the Sunday Times that you remember, or do you remember any other name? --- I don't rememl any other name.

What does the name Serfontein mean to you? Does it mean anything? --- No.

Yes, because you gave some defamatory evidence both in relation to a Mr. Serfontein and Mrs. Mandela, and here you don't even..the name doesn't register on you at all? --- I never mentioned that name at all.

You never mentioned the name Serfontein? --- In my evidence I..(intervenes).

Yes. Oh, well not only don't you remember what happened in Soweto in July/August 1976, you don't even remember what your evidence was before this Commission? --- I don't..I have never mentioned that name Your Worship in front of the Commission.

Yes, well let me assure you that you did. And is that how you say..is that how you attribute..do you use people's name without even remembering or even without even knowing anything about them? --- No.

Yes/..

Yes..do you know..my Learned Friend says My Lord that I may be making a mistake. I don't think so with respect. I am being corrected, it is Aubrey Mokoena who mentions the name - the witness refers to the same incident without remembering the name.

CHAIRMAN: I have a recollection of having seen the name.

MR. BIZOS: Yes, but it is Aubrey Mokoena putting the name in the witness's mouth Your Lordship, is how the confusion..this is how the confusion has arisen.

(To witness): Now, do you know that Mrs. Sally...do you know Mrs. Sally Motlana, Dr. Motlana's wife? --- Yes, I do. (10)

Do you know that there is a close friendly and personal relationship between Mrs. Sally Motlana and Mrs. Mandela?

--- No, I don't know that.

You don't know that. Now do you remember that you gave evidence that you were surprised that Mrs. Mandela should want to come to you as a doctor? --- Yes.

Because she was in love with Dr. Motlana, where did you get that from? --- No, I said it was rumoured that she was in love with Dr. Motlana. (20)

Who asked you to repeat rumours? --- No reply.

Who asked you to give rumours? --- It was generally rumoured in the whole of Soweto.

Who asked you to repeat rumours? --- Nobody did.

Did you have any evidence of this, because my instructions are that Dr. Harrison Motlana and Mr. Mandela were great friends from their student days and there is a very close personal relationship between Mrs. Motlana and Mrs. Mandela. Where did you get that nonsense from? --- Well, from people talking around, it is just rumours and I can't substantiate that. (30)

And/..

And are you in the habit of repeating what other people are talking around? --- No reply.

Why did you find it necessary to incorporate that in your statement? --- No reply.

Why did you find it necessary to incorporate that sort of rumour in your statement? --- I would say because if it was rumoured that it was through...the rumour was correct, then I would have expected Mrs. Mandela to consult Dr. Motlana.

No, but she had consulted you, but why did you find it necessary to repeat a rumour that you had heard in 1968 or 1969 in your statement in 1976/77? --- Well, it was just... trying to say why...to show that Dr. Motlana could have, if it were so, was in a position to treat Mrs. Mandela.

Well, even that is wrong for doctors, isn't it? Isn't it? --- No reply.

Isn't it wrong for doctors? --- To do what?

Well, if I haven't made it clear, it doesn't matter. Now let us just leave that sort of thing, now I want you to please as you are standing there, to tell us when you first met Tsitsi Mashinini. --- I first met Tsitsi Mashinini during the a meeting at my surgery when they were accompanied by Aubrey and some other students..(intervenes).

Was that in order to get pamphlets from you? --- No, that was after that incident.

That was? --- That was after that.

After when? --- To get..after getting pamphlets.

When more or less did you first meet Tsitsi Mashinini?

--- It was some time in June.

When in June, before or after the 16th? --- Before the 16th.

How long before the 16th? --- It was early in June.

In/..

In your surgery? --- Yes.

In your surgery? --- Yes.

Was he introduced to you as Tsitsi? --- Well, I..he wasn't formally introduced to me.

You didn't even know his name? --- Well, I..(intervenes).

Let me try and make this easier for you. When was Tsitsi Mashinini known to you as one of the leaders of the students in Soweto for the first time as one of the leaders of the students in Soweto, when was that first known to you? --- That was first known to me in my surgery as a leader. (10

That he was one of the leaders? --- Yes.

Who introduced you as..to him as one of the leaders? --- It was Aubrey Mokoene who introduced them all to me.

Did he introduce you... Tsitsi Mashinini as one of the leaders? --- No, he said he brought all the student leaders to come and meet the parents.

Come and meet the parents? --- Yes, we had a parents' meeting on a Wednesday.

When was that? --- On a Wednesday evening in my surgery.

What date would that be? --- That was early in June, (20 I could say, I couldn't say the date specifically the date.

You couldn't say specifically the date? --- Yes.

I'll tell you what evidence there has been here, that the BPA really first met Tsitsi Mashinini as the leader in August. --- That is not so because when BPA was formed, Tsitsi Mashinini was there himself also.

Yes, but was he introduced, was he introduced, was his name mentioned at all during that meeting? --- I cannot remember.

You can't remember. Isn't it that he really became recognised at all to adults only in August, when there was some newspaper (30 publicity about him? Isn't that the first time that he really/..

really emerged as a student leader? --- Well, I think if I am not mistaken, he was deputy to somebody else at..before August. And he became..(intervenes).

Before August..are you then agreeing that he did not emerge as the leader before August because he was really...there were others who were above him, so to speak, is that what you are saying? --- That is what I am saying.

Is that what you are saying. Yes, you see because there is one bit of your evidence which I want to refer you to which may be support for this and perhaps it will have the effect of refreshing your memory. Now you see, you said at page 4 758 the following, I will give it to you in context.

"After we got hold of some of the leaders we drove to Dr. Manas Buthelezi's house where the meeting was to be held and the following were present:

Dr Manas Buthelezi, Winnie Mandela, Dr. Matlhare..

Reply: I must say, here I made a mistake. Tsitsi Mashinini was not there, in fact I told the investigating officer that I was mistaken in one of the students who was also a bearded, tall student and I at that time thought he was Tsitsi Mashinini."

Now do you remember giving that evidence? --- Yes, I remember.

Right. Now what meeting were you referring to when you gave that evidence? --- That was a meeting on the 4th of August.

On the 4th of August? --- Yes, Your Lordship.

So that on the 4th of August, your state of mind was that you could really make a bona fide mistake about the identity of Tsitsi Mashinini? Not so? --- No reply.

Not so? That in your state of mind, your knowledge of Tsitsi Mashinini was such on the 4th of August that you could

make/..

make a reasonable mistake about his identity, you could confuse him with another bearded student. Not so? --- Well, that is so because I wasn't used to him.

You were not used to him. Yes, you were not used to him so that you could make a reasonable mistake in your statement about the identity of Tsitsi Mashinini present at a meeting which lasted how long? --- It lasted about I would say roughly two hours or so.

About two hours and you agree that one has ample opportunity to keep under observation a person at a meeting under-for over (10 two hours, not so? --- It is correct.

Correct? --- Yes.

So that we can then finish up with this conclusion that even by the 4th August, 1976, you had such minimal contact with Tsitsi Mashinini, if any, that you could be mistaken about his identity even though the person that you thought may have been Tsitsi Mashinini, was in your presence for approximately two hours, is that correct? --- That is correct.

That is correct, yes. Now, you see you deliberately misled His Lordship about an important aspect in this matter. You (20 deliberately misled His Lordship about the presence of Tsitsi Mashinini at Mrs. Mandela's house on the night of the 15th, didn't you? --- I didn't.

Didn't you? --- I didn't Your Lordship.

Well, now tell me: You know you must think that anything that you say, any nonsense that you care to give will be...did you see Tsitsi Mashinini in Mrs. Mandela's house on the night of the 15th? Of June? --- Not in the house, outside the house, going outside...(intervenes).

Even outside the house. Now, your contact with (30 Mashinini prior to the 4th August was such that you did not recognise/..

recognise him and you thought he was there for two hours and he wasn't. How could you have told His Lordship that Tsitsi Mashinini was outside the Mandela house on the night of the 15th? Because I am going to tell you that you have been deliberately untruthful about it. He was not there. --- No.. no Your Lordship, I..(incomplete).

Well, how could you have recognised, driving along on the street, how could you have recognised Tsitsi Mashinini if you were not sure of his identity on the 4th of August? --- Well, on the 4th of August, I mean that day I did recognise him on the 4th of August I made a mistake as I said because of this other student.

Now just hold on...(intervenes). --- Who is also bearded

Is it possible that you made a mistake on the 15th? --- Well, it is quite possible.

It is quite possible, but now do you think that it is highly probable that you made a mistake about the 15th? If you could have made a mistake when you had two hours to look at the person? --- It is probable.

It is probable that you made a mistake. Can we take it one step further that it is false that you saw anybody outside Mrs. Mandela's house? --- I wouldn't agree with that.

You wouldn't...why not? --- I did see people outside..

Whom did you see? --- The one that I say I mistook as Tsitsi Mashinini.

But why did you make such a mistake, why couldn't it have been a mistake about something else, you see what I am going to put to you that whilst in detention you realised that your interrogators wanted evidence against Mrs. Mandela and you fed them with what they wanted to hear in your mind. --- That is not correct.

Right/..

Right, now how did you come to give that evidence then that Tsitsi Mashinini was outside Mrs. Mandela's house?

--- No reply.

How did you come to make that probable mistake, on your own evidence? --- Well, it could have been a mistake, I mean..(intervenes).

You said "probably" you made a mistake in view of your evidence about the 4th... how did you make that mistake?

--- Because as I said, there was another student who was also bearded like that one, like Tsitsi Mashinini.

(10)

How is it that you made that mistake? That probable mistake? --- I cannot answer that question.

You can't answer. Now then: My information is that you do not - having acquired some of the good things in life like a Mercedes Benz and a Jaguar and a BMW, my information is that you are one of the doctors that does not do night calls. Is that so? --- Well, I do night calls.

When did you do a night call before your detention? And to whom? --- Well, I always do night calls.

To whom, which was the last night call that you did immediately before your detention? --- The last one I did was I think on the same night of the 15th.

(20)

The 15th of..? --- Of June.

So is it then..are you then saying to His Lordship that between the 15th of June and the date of your detention which may we have please, when were you detained? --- On the 13th of August.

On the 13th of August so that for a period of almost two months, you did not do any night calls, is that correct? --- No reply.

(30)

Is that correct? --- Well, it is correct.

Right/..

Right, so the last night call that you did was the 15th of June, which was the one that you did before that?

--- Well, I have always been doing night calls.

Please tell us which was the other - you see, night calls are rare occasions, on your own evidence because you didn't.. you told us that you didn't do one from the 15th of June to the 13th of August when you were detained. Will you please tell us which was the night call that you did immediately before the 15th of June? --- Well, in Naledi when I knock off..(both speaking simultaneously).

When did you do a night call prior to the 15th of June?

--- Early in June, in Zola.

Early in June, right. --- In Zola.

Early in June in Zola, to whom? --- Well, it was a patie: who was sick and..(intervenes).

Whom..what is the name? --- I can't remember the name offhand but it was an old man..

I beg your pardon? --- I say it was an old man whom I eventually referred to the hospital.

Now..but you know, people that phone at night are usually the people who have got telephones at home, aren't they? --- Yes, or neighbours with telephones.

Or neighbours. Yes, now who is the person who phoned you that night? In the beginning of June? --- Unfortunately the records..my records are...(intervenes).

No, try and remember since night calls are such a rarity with you doctor, try and remember who it was? --- She was a Mrs. Mtinkulu as she said.

She said that she was a Mrs. Mtinkulu and for whom did she phone? --- Her daughter was ill.

Her daughter was ill? --- Yes.

Her/..

Her daughter was ill? --- Yes.

Didn't you just say it was an elderly person? --- No,
I mean on the 15th Your Lordship.

I see. I thought that you just said it was also a man?

--- No, it was a little girl.

All right let us see if there was a first one in June.
The first one in June in respect of whom Mrs. Mtinkulu phoned
you, who was the patient? --- No that..the first one in June
I didn't have a phone call, they called me at my..that was after
hours, when I was closed and I saw this man on my way from work. (10

This is the one before the 15th of June? --- That's
right.

Right, and who was this man? --- It was an elderly man
I cannot just get his name offhand now.

Where was his home - what number, what street, what..?

--- It was in Zola.

Yes? --- And I cannot Your Lordship as I say I keep records
of all these things and..

I know. --- And one cannot remember patients in a busy
practice all..just like that. (20

On the 15th, whom did you go to see? --- I went to see
this Mrs. Mtinkulu who said this daughter..her daughter was ill.

Mrs. Mtinkulu whose daughter was ill. Where does Mrs.
Mtinkulu live? --- She directed me..her number is..I just
hope that is still at home but it is a five number..which is
in Orlando West Extension.

Yes, and when were you telephoned? --- It was the early
morning about 2 o'clock in the morning.

2 O'clock in the morning. Yes, Mrs. Mtinkulu phoned you.

--- That's right. (30

Do you know if she is a person who had a phone at home?

--- Excuse/..

--- Excuse me?

Did she have a phone at home? --- Apparently she was
phoning from a neighbour or somebody else, I don't know.

But now was this a regular patient? --- No.

Not a regular patient? --- No, because I work far from
where I live.

Now why should you go and see a non-regular patient as
an exception once you hardly did any night calls? --- Because
it was nearer home.

Near whose home? --- Nearer my home, according to her
directions.

Don't you bar up your home in the evening and even people
who come to you late at night are turned away? --- No.

How many dogs have you got? --- Three.

What kind? --- I have got two Alsations and one ordinary
dog, I think..

I am going to put to you..(intervenes). --- A bulldog.

..that it is well known that nobody can get to you at
night, far from you going to anybody. --- That is not correct

Right. Now, when did you hear for the first time the name
of - PAUSE - When did you hear the other student leaders' name
for the first time? --- Which students your Lordship?

The other student leaders' names, when did you hear them
the first time? --- For the first time it was when..on the day
of the formation of BPA.

What date was that? --- It was on the...

On the? --- The 23rd if I am not mistaken of June at
a youth centre in..(intervenes).

Whose names did you hear there for the first time? ---
Well, I heard the name of Zweli for the first time.

Yes?

CHAIRMAN/..

CHAIRMAN: The name of? --- Zwelli.

Yes.

MR. BIZOS: Had you seen him before, ever? --- Well, I had seen him before in my surgery when they came to my surgery.

And did you know his name? --- By that first time when I saw him I didn't know his name.

You didn't know his name. So you did not know his name on the 21st June. Yes, what other student names did you learn for the first time on the 21st? --- Well, others I knew before the 21st, like Murphy Morobe I knew before the 21st. (10)

All right, yes. When did you hear Motapanyane's name for the first time? --- Well, I have known him because we go to the same church.

You go to the same church as Motapanyane. And when did you hear Mandela's name for the first time? --- We go to the same church as him.

You go to the same church as him, yes. So..but as far as Zwelli is concerned, you say you heard it on the..you heard his name for the first time on the 21st of June? --- Yes. Although I had seen him before that. (20)

Although you had seen him before, but you were not introduced to him by name? --- Yes.

Now then, how could you - did you stop outside Mrs. Mandela's house on the 15th of June? --- No.

Were you driving along, which of your fast cars were you driving? --- I was driving a Mercedes.

Yes, did you slow down? --- Well, I wasn't driving fast.

Did you slow down? --- There was no need for me to slow down, I was driving slowly.

There was no need for you to slow down, yes. And at (30 what speed were you travelling? --- Well, it is difficult to say/..

say.

More or less? --- I would say more or less about 30 or 35 miles an hour, something like that.

30 to 35 miles an hour. --- Roughly.

Yes, is this a well lit up place? --- Our place is not too well lit up.

Not too well lit up. --- Some lamps are not working.

I beg your pardon? --- Some street lights aren't..(intervenes).

Just some street lights, the ordinary small globes. --- No, the long ones.

I beg your pardon? --- The neon..(intervenes).

Fluorescent lights. --- Yes

Yes. Now then: Can you please explain to His Lordship how you could have recognised four people, four people as you were driving along at 30 to 35 miles an hour and two of whom you did not know at all? --- Well the lights..my lights are very very bright, I put in bright lights in my car, and I always drive with bright lights.

You always drive with bright lights but how could you recognise four people, two of whom..at least two of whom you didn't know before? --- No reply.

Now, tell me can you give us some idea of..can you give us some description of this house of this patient? --- Well, as I said in my statement, I went to the house, apparently I was misdirected. This lady told me that she stays next to the West End shop, if I may explain.

Next to? --- Next to the West End shop in Orlando West Extension.

Yes? --- And the shop is further in, whereas she meant the shop just below me. In fact I..it is just below me. The shop/..

shop that she meant.

Has it occurred to you that Zola..that you would not have passed Mrs. Mandela's house if the house was in Zola?

--- I would have passed it because it is along my way.

Yes, so what is this business of where the shop was got to do with this? --- Well, they were directions, she had to direct me how to get there because I..(intervenes).

Can you give us some idea of what this house looks like, the one that you say that you went to a patient at 2.30 in the morning? --- It is an ordinary house. (10

Yes, well try and help us by giving us some distinguishing feature of this house. --- Well, it is an ordinary four-roomed house like all the..(intervenes).

Some distinguishing feature, has it got a tree there, some distinguishing feature, you know what I mean. --- Well, I wasn't particularly looking for any features Your Worship, at that time.

What was the patient's name? --- The girl's name was Joyce.

Joyce, and the surname. --- Well, she was Mtinkulu. (20

Mtinkulu and why was she referred to hospital? --- Well, the following morning she had tonsillitis, she had to go to hospital.

Tonsillitis, tonsillitis, is that the sort of emergency that you went out for at half-past two in the morning? --- Well, it can choke somebody. I mean a child can get choked with tonsillitis at night.

Do you know whether this person went to hospital? --- Well, I am not sure whether she did go to hospital because the next day there was..(intervenes).

Were you paid for that visit? --- Yes. (30

How much? --- Well, for a night visit we charge R7,50.

Did/..

Did you get paid R7,50? --- Yes.

Is this Mrs. Mtinkulu the daughter of a shopkeeper near your place there? --- Near my place?

Yes. --- No, Your Worship.

How far is it from your house, this place that you visited? --- Well, it is from the other side, next...

How far away, minutes or in kilometres? --- Well, in minutes it is..I would say about 5 to 7 minutes' drive or something.

Five to seven minutes' drive. Very well, I will leave it at that. Now then: When did you first see Mashinini at a meeting after the 16th? --- I saw him during the..on the 24th of June.

On the 24th of June. --- Yes, Your Lordship when the day..the day the BPA was formed.

Are you sure of the date, that it was the 24th? --- It is either the 23rd or 24th.

Not the 21st? --- No, Your Lordship, it wasn't..(indisti I beg your pardon? --- No.

Yes but in any event you told us that he was then not introduced to you as Mashinini? --- Yes.

You never saw Mashinini from the 15th, 16th, right up to the public meeting where BPA was formed, is that correct? --- Yes.

And that was a big meeting, that was a big meeting at which Dr. Manas Buthelezi and all the other people from BPC and SASO and other organisations were present, not so? --- Yes, that is right.

You are absolutely certain there was no other meeting? Correct? At which you saw Mashinini. --- Well, I saw him at subsequent meetings. (

Not/..

Not subsequent, I am talking about 15th, 16th to the formation of BPA correct? --- Yes.

And where was the meeting at which BPA was formed? --- At a youth centre in Central Western Jabavu.

And when did you see Mashinini after that? --- Well, I saw him after that I saw him on the 1st of August at a meeting in..a church meeting, BPA meeting at a church at Regina Mundi Catholic Church.

And except for those two occasions, you didn't see him at all? --- Well, I didn't see him those occasions. (10

You didn't see him at all.

CHAIRMAN: What was the date of the second one?

MR. BIZOS: The 1st August.

CHAIRMAN: The second, what was the date of the second..? --- The 1st of August was a Sunday.

MR. BIZOS: Yes, at the church meeting. Right. Now then: Why did you tell an untruth to His Lordship then at page 4 745? Shall I read it to you? --- Yes.

"On the 23rd of June, Winnie Mandela, Aubrey Mokoena and Kenneth Rachidi, accompanied by some student leaders (20 such as Tsitsi Mashinini, Motapanyane, Zwelli, and Murphy Morobe and two others known to me, came to my surgery where I was having a meeting with my committee."

--- Well, I wasn't misleading Your Lordship because I came to know, after having been officially introduced to Tsitsi that in fact he is the one that came to my surgery with Aubrey Mokoena and Mrs. Mandela, I was working my mind back.

But now, you know, I..as you were standing there, you had a mental picture of Tsitsi Mashinini in your mind, didn't you? You now know what he looks like, not so? --- That's (30 right.

And/..

And I asked you when did you see Tsitsi Mashinini after the 16th, correct? --- That's right.

Yes. Now, if you had seen him on the 23rd as you said that you had, what was the difficulty, why couldn't you say to His Lordship that a week after the commencement of the difficulties of the 16th I saw him in my surgery. --- Yes, I did mention it in my statement that they came to my surgery.

Do you know something? --- Yes?

It may be easy to make statements which you think may please the people who are detaining you, but it is a little bit more difficult to answer questions in court. --- My idea was not to please the people who detained me.

Well, can you explain why you made this statement to His Lordship, read it from your statement apparently, whereas in truth and in fact when I asked you directly whether you saw this man, you say: No, you did not see him and you give the two meetings where you saw him and no reference at all to your surgery. Any explanation? --- Well, I came as I say to know his name. Many of these students I didn't know their names until later on.

Aren't you really coming very near to what I am going to put to you? That before the formation of BPA Aubrey Mokoena had around him a number of young people who did the distribution of pamphlets for Mokoena and their names, their identity, their position in the student movement was completely irrelevant to you as the Soweto Parents' Association? Is that a correct way of putting it? --- Well, yes we didn't..that is correct because we didn't bother about their identity.

Yes, so that if in fact a person such as Tsitsi was there or Zwelli was there or Motapanyane was there on the 21st, it would have been something that would have had no special significance/..

significance to anybody present, correct? --- Yes, because we took them just as students.

As young people who distributed pamphlets which you had drawn and paid for. Correct? --- No reply.

Correct? --- We hadn't paid for them.

Incidentally, just by the way in order to show how you dissociated yourself from Mrs. Mandela and her political activities: Who forked out the money for the printing of these pamphlets? --- Well, we were told that it was later on Aubrey told us it was going to be seven..

CHAIRMAN: That..? --- I think R7,50 or something like that but..(intervenes).

MR. BIZOS: Who paid for it? --- We didn't pay for it, we didn't get a chance to pay for that.

Weren't you forking out money yourself, your own money for the cause at this time? --- No.

But who paid for them? --- Nobody paid for them.

Nobody paid. R7,50 for how many pamphlets? --- I think there were 1 000 or 2 000.

Well, the printer must have given very liberal discount. (20) --- No reply.

Now, on your committee on the Soweto Parents' Association there was you, there was Mrs. Mandela, there was Aubrey Mokoena yes, who else? Soweto Parents' Association, who else was on it?

--- Mrs. Mandela was not on the Soweto Parents' Association.

Are you sure? --- And Aubrey Mokoena was not on the Soweto Parents' Association but they were on the BPA.

Are you sure about that? --- I am quite sure, it was only the ten parents who were on the..the parents who had lost their children who were in the committee. (30)

No, perhaps I was wrong about that, I am sorry. But in your/...

your Parents' Association there was yourself was there? --- Yes.

And who were the other members of your committee at that time? --- Well, it was Mr. Mayeta.

Mr. Mayeta, yes? --- And another Mr. Mayeta, his brother And another Mr. Mayeta. --- A Mr. Magongwa.

Yes? --- And Mrs. Motha.

Yes? --- And the rest were also in the committee but we were the executive, the rest of the parents were in the committee.

You know, I think you don't care what you say. --- And. (intervenes).

Have a look at this document, was this printed by... under your guidance? Was that printed under your guidance, did you see it at the meeting of the 6th? --- Well this...(intervenes)

CHAIRMAN: The 6th of..?

MR. BIZOS: June, Your Worship.

(To witness): Did you see this document at the meeting the 6th of June? --- That's right, I did see it.

Right. Does this document show that Mrs. Mandela was a member of this committee? --- It does show, and it is a misprint.

A misprint. Now...(intervenes).

CHAIRMAN: It does not show?

MR. BIZOS: It does.

(To witness): And was this misprinted document distributed to the people? --- Well, it was unfortunately.

Why unfortunately? --- I mean Mrs. ..there was Mr. Mayeta who suggested that we..I mean Mrs. Motha who suggested that we see Mrs. Mandela and...(intervenes).

Oh, just forget about that please. How could a person who/..

who was not a member of the committee be shown as a member of the committee on a document drawn under your guidance? --- Well I think here she was supposed to be, she was our guest speaker.

No..(intervenes). --- That should have been written as "guest speaker" I think.

Just pass it up to His Lordship please. It says "committee member" perhaps this could go in as an exhibit My Lord. It says "committee members" does it not? --- It says members.

It says "committee members", at least credit us with the intelligence of being able to read. --- Yes, it does say so. (10

Yes. Now, from your committee..(intervenes).

CHAIRMAN: This will be EXHIBIT 355

DR. YUTAR: And the second one, 356.

CHAIRMAN: Just the one, which is the second one?

DR. YUTAR: Is it one and the same? One document?

CHAIRMAN: One only so far.

MR. BIZOS: (To witness): You see,..there was more than one copy of it.

DR. YUTAR: Is it the same? (20

MR. BIZOS: It is the same.

DR. YUTAR: The same document.

MR. BIZOS: You see, the reason why I am putting this to you, is that you again tried to mislead His Lordship at page 4 747. Because there you say the following:

"My committee and me were completely dominated by the rest of the crowd present which numbered about 20. I objected to the presence of the Black People's Convention, the South African Students' Organisation and the South African Students' Movement, being among the midst because this would

give/.. (30

"give Black Parents' Association a political tinge."

CHAIRMAN: That was the formation of the Black Parents' Association?

MR. BIZOS: Black Parents' Association.

CHAIRMAN: Yes.

MR. BIZOS: Now, you remember giving that evidence? --- Yes, I remember.

But now: How big was the BPA committee? --- Well, it I think it was composed of 6 people.

Six people. --- Or seven.

Seven. Okay, have it your way. They dominated you in this way. Dr. Manas Buthelezi was the chairman, correct? --- Yes.

The domination succeeded to the extent of making you second chairman. Correct? --- What I meant by domination.. (intervenes).

The domination succeeded to the extent of making you second chairman. Correct? --- That is correct Your Lordship

The domination succeeded to the extent of having a member of your committee, Mrs. Mandela, elected, correct? On the BPA. --- Well, as I say the actual fact is that Mrs. Mandela wasn't actually a member of..a member. That is a misprint. I still insist, she was really helping us out, especially with the lawyers and things and that is why we included her there.

Yes. Anyway she..the domination succeeded in your commit which was really a modest committee, with a modest overall aim to have at least two out of the seven people on the BPA, correct? --- No reply.

Correct? --- I wouldn't say it is correct.

Yes. --- It was different..all of us represented differ (intervenes)/..

(intervenes).

How many organisations were represented in all? --- I won't say how many but there were quite several of them which..

(intervenes).

How many in all? --- I would say roughly ten.

Roughly ten, and I am going to put to you that Mrs. Mandela was a member of your committee as the document said and two out of the seven were from your committee. What sort of domination is that? --- No reply.

What sort of domination is that? --- Well, when I (10 meant "we" I meant myself because I went with my vice-chairman and my secretary and my assistant secretary were also there.

You said: My committee and me. --- That is correct.

Were completely dominated. That wasn't true, was it?

--- It was true. I mean we were only four there.

Yes. --- And there were quite a lot of people.

That was the time when you were singing another tune.

Isn't that so? --- It is not so.

Yes. Did you try and argue away..well let me put it (20 this way: Were you a dissident voice about the formation of BPA and its aims and objects and its composition? --- No.

You were not? --- No.

So you were really part of the general correct?

You didn't have any objections at the meeting? --- No.

CHAIRMAN: How many people were there present at that meeting?

--- At the formation of BPA?

Yes. --- I cannot say but I..roughly about 25 people or 20 to 25 people.

MR. BIZOS: What did you mean then when you said: "I was completely overruled in this matter and I left it at that" at page 4 748? (30

What did you mean by that? --- Which matter?

About/..

About the formation and the composition of BPA. "I was completely overruled" means that you were a dissident voice and you were overruled? --- I Your Lordship was invited to form..to be part and parcel of BPA in fact I was the Presiding Chairman when BPA was formed, I wasn't a dissident..

Well, all the more reason. Why did you say: "I was completely overruled in this matter" if you didn't dissent? --- That is when I objected to the presence of political organisat

But I thought you said that you were not a dissident voice Is that incorrect? --- No reply.

Was your evidence that you did not dissent, incorrect? I did not dissent, but I merely just objected to the presence of students because this was a Parents' organisation.

Now, do you realise that you have gone on record as having given evidence at page 4 749 that Dr Motlana set off to Cape Town for a sinister purpose. Did you intend to convey that to His Lordship? --- Well, I didn't intend to convey that.

I beg your pardon? --- I didn't intend to convey that it was for a sinister purpose.

You did not intend to convey that it was for a sinister purpose. What did you intend to convey and why did you mention it? --- Well, that I overheard when Aubrey gave him the ticket that he is going to Cape Town.

That Aubrey gave Dr Motlana a ticket for Dr Motlana to go to Cape Town? --- Correct.

Now, do you know whether Dr Motlana went to Cape Town? --- I don't know.

Do you know that..whether it was a ticket for Cape Town or for somewhere else? --- Well, I don't know, because I didn't see it.

You didn't see it, and why did you introduce Cape Town?

--- Well,

--- Well, that is the word mentioned by Mr. Aubrey Mokoena.

What did you hear Mr. Mokoena say? --- I heard him give..he was saying to Dr Motlana that he must be at the airport at 8 a.m. in the morning..

Who must be at the airport? --- Dr Motlana.

Dr Motlana, to do what? --- He must be at the airport at 8 a.m. on Sunday morning on the 27th of June I think.

Now you see I am going to put to you that no such thing ever happened. And that Dr Motlana has not been to Cape Town since 1974. Now did you make yourself a party to this? (10)
You see, we are going to lead evidence this week which will connect up with this bit of evidence that certain people again were summonsed from Cape Town to come to Johannesburg also before the riots broke out in Cape Town. Now you have no information and you never intended to suggest anything like that in relation to Dr Motlana? --- No.

CHAIRMAN: This document, the pamphlet..? --- Yes?

This was the pamphlet to invite people to attend on the 5th, on Sunday the 5th June, a meeting of the Soweto Parents' Association? --- That is correct. (20)

Is that..now why is this called Parents' Action Committee? --- Well it was called Action Committee..there was a special Committee which was dealing with the people that were responsible for the administration of the Lourenco Marques Bus Disaster Fund and they were reporting, coming to give a report of what they have done so far and what they have achieved so far.

But it wasn't a meeting of the Parents' Action Committee, was it? It was a meeting of the Soweto Parents' Association.

--- Parents' Association which had the Action Committee, we had an Action Committee in the Association itself. (30)

Now, underneath you say: "...You are urged to attend this/..

this all important meeting, joining Soweto Parents.", then it says: "Committee members". Now which are those, committee members of the Parents' Action Committee or committee members of the Soweto Parents' Association? --- Those are the committee members of the Soweto Parents' Association.

How large was the Soweto Parents' Association? --- It was composed of 12 people.

And the Parents' Action Committee? --- Well, we assign about four of them I think, to look into different ways of dealing with..(intervenes).

Were they four of the twelve? --- That is correct.

Yes?

MR. BIZOS: Now were you asked by Dr Motlana to resign? --- Y

And did he give you the reason that you were not in a condition to hold the office because of your physical and mental condition at that time? --- My absence from the meetings for the whole of the month of July, I didn't attend meetings. That was a point he mentioned and that I was also not well.

You were also not well. Well, I suppose the one goes with the other. Maybe he was being polite as a colleague. When did he say that to you? --- That was on the 30th of July.

On the 30th of July. And you had not taken any part in activities during July, correct? --- That is correct.

And did you refuse to resign? --- Well, I didn't refuse. I said..I didn't refuse to resign, I agreed to it.

Well, did you resign? --- Well, eventually I did resign.

What did you do when Dr Motlana came to you? --- When he said they met, I don't know who are "they", they met and decided that I must resign from the BPA.

Yes, and..? --- And I said that..(intervenes).

Did you seize this opportunity of now dissociating yourself from/..

from these people that had done you so much wrong? According to your statement. Did you seize this opportunity of resigning?

--- Well, I told him that if they are of the opinion that I must resign, well that is all right, I will resign.

Did you then resign? --- I finally did resign.

Did you resign when Dr Motlana told you? --- I told him that I would resign like Mr. Ngakane resigned, formally on a written letter, I would write a letter to the chairman and resign formally.

I see, so you say..well, do you say that at that stage (10
you were still a member? --- At that stage he said I must resign from the Executive but just become an ordinary member.

But now were you still the second chairman when Dr Motlana asked you to resign? --- No, I had already not left that position.

When did you leave that position? --- I left the position before the burials. I mentioned it that I am not in a position to keep up, to keep this position because I still have commitments to the Soweto Parents' Association.

Were there objections about some of the irresponsible (20
statements you were making to the Press? --- Yes, there were objections that I was making statements to the Press without consulting the chairman and that is why I actually finally resigned.

So you were actually asked to leave, you didn't leave?
--- I was asked to leave but our chairman when I confronted him he said he wanted to discuss the matter because apparently he was unaware himself of all this that I had been asked to resign. He wasn't aware of it, he was quite shocked when I asked him on Sunday the 1st. (30

CHAIRMAN: Were you asked to resign from the vice-chairmanship

or/..

or from the Association? --- From the vice-chairmanship but remain as a member, ordinary member.

MR. BIZOS: You say that Dr Motlana asked you to resign from the vice-chairmanship? --- Yes, the second chairmanship.

CHAIRMAN: The second I follow.

MR. BIZOS: But that can't stand because you told us that before the funerals you had already resigned that (intervenes). --- That is correct yes, that is why I say.. (intervenes).

Yes, but you told us that Dr Motlana told you that..to resign at the end of July. --- Yes, officially they had come to that conclusion after meeting.

CHAIRMAN: But didn't you resign by going to a meeting and informing the meeting that you were resigning? --- Yes, I finally did tell

That was on the 4th of August, wasn't it? --- On the 6th of August.

The 6th of August. --- Yes.

MR. BIZOS: This was after Dr Motlana had asked you to resign? Correct? --- Yes.

CHAIRMAN: He had asked you at the end of the previous month? --- That's right.

MR. BIZOS: Now then: You know that the ANC is an unlawful organisation? --- Yes.

And would you work with someone who openly admitted to be a member of the ANC? --- I would because I am sure that I can't be contaminated by somebody else's ideas. I have got my own ideas.

Oh, I see. Oh, I see, so you had no objection whatsoever at working with Mrs. Mandela? --- Yes, because I had my own ideas and I had no objection to her, working with her.

Are you still of the same view? --- Well, I have no hatred against her, I am still of the same view.

No, /..

No, we are not talking about that. Are you still prepared to work with her? --- Well, I am no longer in that BFA now.

Well, are you still confident that you cannot be contaminated and are you still prepared to work with her? --- Well, I am not prepared to work with anybody else now.

Oh, what made you change your mind? --- Well, I just don't want it is just that, I just don't..(intervenes).

Why? --- Because of the loss..I mean I have lost quite a lot. I mean they have burnt my..(intervenes).

You have lost a lot. --- I have lost a lot of money, (10) they have burnt my surgeries and all that and I am..

Incidentally, who did you think burned your surgery at the time that it happened? --- Well, as I say I don't know, up to now I don't know.

Well now what was your..what view did you express then, never mind now, what view did you express then? --- Well, I said even to the reporters that I don't know who burned my surgery.

I know that. What was your feeling then? --- But my feeling was that it is not students. (20)

What was your feeling then?

CHAIRMAN: That it was not students.

MR. BIZOS: That it was not students but who was it? --- I don't know, I said I don't know.

What was your feeling? --- But I don't get you, Your Lordship because as I said I didn't know who..I don't know up to today I don't know.

CHAIRMAN: Well now perhaps we can get closer to this. Your surgery was burned twice? --- That's right.

When was the first occasion? --- On the morning of the (30) 30th of July.

Of/..

Of July, and the second occasion? --- The second occasion was some time in October while I was still in detention.

On the first occasion you were asked who did you think had burned your surgery. --- And I said I don't know. Up to now I don't know.

MR. BIZOS: At the time was not the consensus that the police were responsible? --- Well, that was the consensus of opinion.

And you were party to that consensus? --- No.

No? --- No, Your Lordship.

Did you object? --- I in fact I remember quite clearly on Sunday when my..on Sunday the 1st when Mrs. Mandela came.. had an appointment with my wife together with Dr Motlana to come and discuss something and they sat in my diningroom and the consensus among people was that the police in fact had burned my surgery themselves.

But did you dissociate yourself from that consensus? --- Well, sir by merely saying I don't know. I can't say I don't know who burned my surgery and then say the police.

Anyway..(intervenes).

CHAIRMAN: Well, perhaps we can bring these things together. You heard of the fire in your surgery. --- Yes.

At the moment when Dr Motlana was with you. --- That's right.

He was sitting with you? --- That's right.

Was that the occasion upon which he asked you to resign?

--- That was the day we had an appointment for that morning.

And he asked you to resign on that day? --- That's right

Is that the day it was burned? --- That was the morning I heard it was burned.

That was the 30th of July, then? --- That's right.

Now/..

Now what was your feeling towards him when you heard this information that your surgery had been burned? --- Well I had no particular feeling towards him but I was quite surprised that he showed no emotion or something like that. Well, I expected him as a colleague to pity me or something or comfort me at the loss which I had incurred, I might have incurred.

MR. BIZOS:

What was your condition then? --- I was quite all right, perfectly all right then.

Perfectly all right? --- Yes.

(10

CHAIRMAN: Had you recovered? --- Completely.

MR. BIZOS: When did you recover? --- At the beginning of that week I..in fact the week before that on Wednesday I started going to work.

Now, you also told His Lordship that you thought that Mrs. Mandela went to set alight her own house. --- No, I didn't say that.

You didn't say that? --- I didn't say she went and set alight her own house.

Yes? --- I said perhaps that was a gimmick to try and.. (20 (intervenes).

Well, what evidence have you got for that? --- Well, I have..my thinking in the terms that during the same morning Mrs. Mandela had a very heated argument with a Major at Protea.

Yes? --- A Major Visser.

Yes? --- And we had heard that that evening when we were in the meeting somebody came and reported that police were at Mrs. Mandela's house and Mrs. Mandela went there and found out-came back and reported that it was police who were there.

Yes, now why did you think that Mrs. Mandela had done this? --- Well, that was my own thinking that..(intervenes).

Why/..

Why? --- To try and blame this..because the police - well, to try and blame them shall I say.

What evidence have you got for it? --- I say the argument the heated argument they had with the Major.

Well, I can assure you that to my knowledge Mrs. Mandela has been having arguments with members of the police force since 1958 that..why do you suggest that this was the reason why she should go and put fire in her own home? --- Well, that was my own personal view.

All right. You then say that somebody was sent to kill you, by Mrs. Mandela, do you remember saying that? --- I remember Your Worship.

Now was that during the period that you were having hallucinations and delirium..were you delirious or must we examine it as a serious proposition? --- That was the time when my wife had returned and I was well enough to see everything.

Must we examine it as a serious proposition still being made by you? --- Well, I still maintain that because that was done..(intervenes).

All right, we must examine it as a serious proposition. Yes. The way I read your evidence at 4 752, the reason why you believed that this person had come to kill you was because you couldn't speak Zulu? --- Let me explain this to you.

CHAIRMAN: That he couldn't speak Zulu?

MR. BIZOS: Yes, the...

CHAIRMAN: Yes.

MR. BIZOS: The person that had been sent.

CHAIRMAN: That's right.

MR. BIZOS: Couldn't speak Zulu.

CHAIRMAN: Well, I must admit that I thought that all those things together gave him the impression, I don't know whether he

MR./..

MR. BIZOS: Yes.

CHAIRMAN: That was my impression but I may be wrong.

MR. BIZOS: Yes. --- It is not the only fact that made me.. (intervenes).

Well, what was the other factor? --- One fact is that I expected Mrs. Mandela as somebody..I mean educated to come personally and make prior arrangements that look, I am sending a visitor to come and sleep here at your house, have you got accommodation, can you accommodate this person.

Yes. --- Which she didn't do.

(10

Now if she wanted to kill you and wanted to bluff you to have this person in the house, I suppose she might have done that, yes, what other reason? --- Further..(intervenes).

..come personally, didn't she send a young woman that was living in her house at that time? --- She did, she sent a young girl.

Yes, and didn't she ask whether you have accommodation?

--- We said yes, we agreed.

I beg your pardon? --- We agreed that we had.

Yes, so the fact that she did it through another person made you suspicious. Yes, what else? --- And the fact that this man I accommodated him at my outbuildings and hardly ten minutes after, ten to twenty minutes after this little girl had left she came back again to come and fetch this man saying that this man..Mrs. Mandela has got alternative accommodation for him.

(20

Yes. You have servants' quarters? Isn't that so? --- Back rooms, that's right.

Yes, and this guest of Mrs. Mandela's was sent to your servants' quarters, is that it? --- That is correct.

(30

Yes, and he had been sent to you because Mrs. Mandela had

a /..

a young person, this young woman living with her and didn't have enough space. And Mrs. Mandela expected you to treat this person as a guest, not so? --- Well, I expected her in she had come personally to me to let us discuss that and then that would have been okay.

In any event, he was asked to come back to Mrs. Mandela house because he had been sent to your servants' quarters, is that the reason? --- That is the reason.. that is how I take So is this why you came to the conclusion that he had been sent to kill you? --- That is the conclusion I reached, the personal opinion..(intervenes).

CHAIRMAN: Why did you put him in the servants' quarters? --- Well, we didn't..we were just suspicious, I mean at that time nobody was sure of anything and we were suspicious. My wife and I suggested that let us keep him in the outbuildings because the only room he could have occupied was the one next to us.

MR. BIZOS: But now..(intervenes).

CHAIRMAN: You were already suspicious beforehand, is that correct then? --- Yes, everybody was suspicious..we were suspicious beforehand.

MR. BIZOS: Suspicious of what? --- Everybody was just scared in Soweto of anything that might happen.

Everybody was scared of whom? --- Of everybody.

Oh. Now, I am going to submit to His Lordship you see.. incidentally just when we are speaking of Zulu, do you agree that there are some Tswana speaking people who don't speak Zulu? --- Yes, there are some.

There are some. Yes. May I suggest to you that this was yet another of your hallucinations? This business about her attempt to kill you? --- Well, I wouldn't agree with you.

Why should anybody if this was a sinister plot to kill you/..

you, do you think that they would have taken umbrage at the fact that you had put the man, a guest of Mrs. Mandela's in the back quarters? --- No reply.

Do you think that if this man intended to kill you, Mrs. Mandela would have taken umbrage at the fact that you had sent him to your servants' quarters?

CHAIRMAN: I wonder whether we are not at cross purposes because that is, as I understood the position, in his evidence, that was what confirmed his suspicion he said because the man was put outside and not in the room next to him, so the man was not given the freedom of the house. I don't know, I..(intervenes). (10

MR. BIZOS: Well, perhaps I should...(to witness): Do you say that you wouldn't have allowed him to come into your house? --- No, I would put him where I put him in the backrooms, your Lordship.

Now, couldn't he have come into your kitchen and have tea? --- Oh, sure yes, he would.

Yes, and wouldn't you have offered him any food? --- I would have.

Yes, of course. So why does the fact that Mrs. Mandela took umbrage at the fact that you put him into the back quarters confirm your suspicion that he was there to kill you? --- I cannot answer that question. (20

You can't answer, well, the answer may be that this was yet..that you were reaching the stage of having a persecution complex, the soup, the injection, the man who couldn't speak Zulu. You survived them all, didn't you? --- No reply.

You survived them all? --- Well, I did.

Is it possible that you were going through a period of the well known symptom to you of a persecution complex? --- Well, I wouldn't agree with you there. (30

I beg your pardon? --- It is possible but I wouldn't

agree/..

agree..

It is possible, yes I am sure it is possible. You see, were really two reasons why this young woman, Miss Hoy came back and took him away quickly. It was a very unpleasant experience that you were drunk, and you started making a lot of noise and you ushered him to the back room and Miss Hoy was sent back immediately to bring him back because that was not a way to treat a guest. --- In fact the person..that is incorrect because the first person to meet this particular man and open the door was my wife. I was already in bed, we were in bed already.

Well, were you drunk? --- I wasn't drunk at all.

Your wife had come back shortly before? --- Yes, she had been there a week, two weeks now.

Yes. Incidentally Dr Motlana will say that..(intervenes).

CHAIRMAN: Is he going to give evidence or not?

MR. BIZOS: I have not yet decided, perhaps I should reframe the question.

CHAIRMAN: Yes, well will you reframe it.

MR. BIZOS: I'm sorry, perhaps I should rephrase the question. I am putting to you that Dr Motlana behaved in a completely new way when there was a report about your surgery being on fire. And although he did not panic he nevertheless registered the emotion that would have been expected of an ordinary person at that time. Is it possible that you were not in a condition able to observe Dr Motlana's..? --- I say I was perfectly well then.

You were perfectly well. Very well. No, do you remember perhaps we should deal with this. Before your detention, what did you know about Communist tactics? --- Well, it is just recorded in the books and all that.

Which book did you read which described Communist tactics? --- It is a book by an American which I..I can't remember the

author/..

author.

Who? --- It is either an Anderson or.. W. Anderson I think. I am not sure.

Yes, where did you get that book? --- That was when we were still at the university, at the library.

Which university? --- Natal University.

Natal University and you read a book about Communist tactics whilst you were at the Natal University? --- Yes, that was the time.

Right. Now what do you remember about Communist tactics? (10
--- Well,...

What are Communist tactics? --- Subversion and..

Yes, subversion, yes. What other Communist tactics do you remember? --- And then guerilla warfare.

Guerilla warfare, yes. What other Communist tactics?
--- Using children in Marxist..(intervenes).

Using children, yes, yes let us hear that. Using children?
--- Teaching them getting them..getting them young and teaching them young.

Indoctrination? --- So to say. (20

Yes. Well, that I can understand as well. Yes, what else? What else do you know about Communist tactics? --- Well, that is about all I can remember now.

Have you ever read anywhere in any book that when there is a confrontation with the police, it is a Communist tactic to put young children in front and older ones at the back, have you ever read that in any book? --- I have read it in papers.

In papers. What papers? --- An incident in Ulster, in Belfast.

In where? --- In Belfast I think of an incident in (30
Belfast.

In/..

In Belfast. Yes, when did you read that in the paper?

--- I think two years ago or so or a year ago.

Yes. And were these Communists that did this in Belfast
--- Well, that is what it was reported like.

How was it reported? --- That they are using Communist tactics by taking children on protest. I remember it was call a.. "The Bloody Christmas Day" I think. I think that happened a Christmas day.

On a Christmas day in Belfast? --- I think if I am..I might be wrong or so.

When in 1916? --- No, it is not it is quite recently I think 1970..

Quite recently. Now when did you see a formation of stu in Soweto? --- When did I see what?

A formation of students in Soweto in confrontation with police? --- Well, that was when I was from town in the morning of the 16th.

In the morning of the 16th. --- Yes.

At the bridge? --- At the bridge yes.

Was that a confrontation there? --- No, there wasn't t was a march.

Was there a march near the bridge? --- Towards the bri

How far away from the bridge? --- Well, I would say ab half a mile.

Half a mile. You know, in your evidence you described this bridge and my information is that that bridge was really the police headquarters and there weren't any students anywhere near it. --- They were about a mile away from them, they wer (intervenes).

Oh, now it has become a mile away. Did you go anywhere near them? --- No, I went straight into my house.

So/..

So you didn't go anywhere near the students on the morning of the 16th? --- No, I didn't go because the road was blocked.

So you did not witness a confrontation between the police and the students on the morning of the 16th? --- Well, I didn't because immediately I came there there were already others that were injured.

Yes, so you did not witness any police/student confrontation on the morning of the 16th? --- No, I didn't.

Right. The only student/police confrontation that you witnessed was on the 4th of August if my memory serves me (10 correctly, near the New Canada station. Correct? --- Yes, correct and..(intervenes).

And that is the only student/police confrontation that you observed, correct? --- No reply.

Correct doctor? --- That is correct.

Yes, and no other? --- Well, there was another at Naledi High School where..(intervenes).

When? --- Where there was a police car burned.

Well, that is not a confrontation/demonstration.

CHAIRMAN: That was on the 8th of June. --- That is correct. (20

MR. BIZOS: That was before the 16th, that was not a confrontation. Was it? --- Well, I would call it a confrontation.

Yes. Now..so would you please tell us at the only police/student confrontation that you saw, was this Communist tactic used of putting young children in front? --- Well, I was describing the march, the march down towards the bridge.

The march you didn't see, you have already told us. --- I say I saw them on my way from town towards..and they were coming down, I was going down..(intervenes).

They were a mile away from the bridge and you turned off (30 to your home shortly after the bridge. --- Not shortly after the/..

the bridge.

How far away from the bridge did you turn off at your home? --- Well, just about three-quarters of a mile from the bridge I turned off.

So you were a quarter of a mile from any marching childr on the 16th, correct? --- Yes, and as they were..they were advancing, as they were advancing.

Now on the 4th of August when you did see a confrontatic between students and the police, was this Communist tactic use --- No, because..we came when they were already..shall I say already protesting, that time when we came.

They were already protesting. Were there young childrer in front? --- No, there weren't at that time.

Yes. Is this a correct..I want to show you a photograph Is this a correct representation of what you saw on the 4th? Of August? Probably the 5th. Yes, it is the Rand Daily Mail of the 5th of August. Do you see any young children in front? --- Well, this..we didn't see these children. By the time we arrived they had settled down on the koppie at New Canada.

I beg your pardon? --- By the time we arrived they had settled at the koppie at..we didn't see them march. By the time we arrived, they had settled on the koppie.

Was this not at the confrontation? --- Well, I wouldn't say because I don't see police there, I just see students marching.

Yes.

CHAIRMAN: I think the confrontation was afterwards, wasn't it After you had attempted to persuade them to leave? --- That correct, that is correct Your Lordship.

MR. BIZOS: Yes, could we have..because there is also M'Lord a picture on the second page which shows the 4th of August.

There/..

There are no young children. Now we have a picture of the march of the 16th. I want you to have a look at it. Is this the march that you saw?

CHAIRMAN: You know that march took miles and miles...(intervenes).

MR. BIZOS: Yes, this is..

CHAIRMAN: Where is that scene, is that near Orlando West High School? Is the Orlando West High School..when the march came there, they were coming down a hill.

MR. BIZOS: Yes.

CHAIRMAN: And they could be seen from the opposite side, in fact the witnesses have described this from the opposite side. Where is this bridge...(intervenes). (10

MR. BIZOS: I cannot say, I cannot say, I merely want..I cannot say where this is.

DR. YUTAR: My Lord, the last exhibit I handed in will be EXHIBIT 356, the present one..that is the one handed in is the Rand Daily Mail of the 5th August 1977, EXHIBIT 356 and this page from the Rand Daily Mail of the 5th of August, 1977 is EXHIBIT 356, and this...oh, 1976 rather and this extract from the Rand Daily Mail of the 17th June, 1976, will be EXHIBIT 357. (20

MR. BIZOS: Would you have a look at EXHIBIT 357 and tell us whether there are any young children on it, after His Lordship has had a look at it?

CHAIRMAN: I don't want to see it, he can have a look at it, and see if he..

MR. BIZOS: Would you have a look at EXHIBIT 357 where there any very young children in front? --- Well, there are no young children in front.

There are no young children. Now, I want to deal with the discussion that there was between you and Dr Motlana. Can you remember whether there was any discussion between you and

Dr/..

Dr Motlana at the time that you and Dr Buthelezi and Mrs Mandela and Dr Motlana tried to help out the situation at New Canada station, do you remember? --- No, I..well the students..I went to the police.

Yes. Never mind that, please answer my question. Can you remember whether there was any discussion between you and Dr Motlana? --- Well, I cannot remember whether there was a definite discussion between us.

You can't remember any discussion between you and Dr Motlana on that date? --- At the site of the demonstration.

Yes, either at the site or in the car there or in the car back or anything like that? --- Oh well, from Protea we were just generally discussing and...(intervenes).

Please tell us about the discussion that you had with Dr Motlana on that day? --- Well, I..we were just talking and generally talking and remarking about what was happening.

Yes... --- And what struck me was that we heard that they had cut the signal line at New Canada and that struck me also.

Yes? --- And I said well, this..these students can't do such a thing there must be somebody that knows very well..

Yes, please carry on? --- And well, also..and then Dr Motlana said: These boys are geniuses.

Yes, anything else? --- And Mrs. Mandela...(intervenes).

Let us confine ourselves to Dr. Motlana at the moment.

--- He said perhaps the boys are back from training something like that.

Who said that? --- Dr Motlana.

What did Dr Motlana say? --- He said perhaps the boys are back from training.

What did you understand by that? --- Well, I understood perhaps that meant some people that had gone abroad for training had/..

had come back or something like that.

Dr. Motlana said that? --- That's right yes.

Yes, and what did you say to that? --- Well, I didn't say anything I didn't respond to that.

Now you know the words that you have attributed to Dr Motlana now you attributed to Mrs Mandela in your evidence at page 4 754 to 4 755 the last time you gave evidence. Will you accept that from me that what you have now told His Lordship Dr Motlana said you put into the mouth of Mrs Mandela last time you gave evidence. --- That is not correct, I don't think I (10 could have..(intervenes).

..page 4754 to 4 755. Do you deny that you said it? --- I said it but it I attributed it to Dr Motlana, not to..(intervenes).

You attributed it to Dr Motlana? --- Mrs. Mandela only said she got a telephone call from London.

"With that Winnie Mandela replied that perhaps the boys are back from abroad from training.."

At the top of page 4 755. Do you really know what you are talking about? --- I am.

Well, why did you attribute this statement to Dr Motlana (20 now and to Mrs Mandela on the last occasion? --- Well, I am sorry that I made a mistake.

Well, how do we know when you make a mistake, when you are having hallucinations and when you are imagining things and when you are telling the truth. Can you give us any yardstick by which to measure this? --- I cannot give you a yardstick.

You can't give me a yardstick.

Can you remember Dr Motlana saying anything else? --- No I don't remember now.

Can you remember whether Mrs. Mandela said anything (30 about the ANC at this meeting, at this discussion that you were

having/..

having? --- About what?

About the ANC can you remember whether Mrs Mandela said anything about the ANC? --- Well, no I cannot remember now.

Can you remember whether anybody said anything about the ANC? --- No.

Now if anybody had introduced the ANC into that discuss would you have remembered it? --- Well, I am sure I wouldn't have because I don't know, I don't know.

You don't know whether you would have remembered it or --- Or not, yes.

Now you know for a man who doesn't remember, how did you come to put into Dr Motlana's mouth a sentence such as this

"On the way to New Canada Dr Motlana remarked that he was a member of the ANC.."

--- Oh, yes I remember that now.

You now remember what, something happening or something that was incorporated into your statement? --- No, that was something that he said that during their days..the ANC had to stage stay-away strikes but hadn't achieved as much as the students had achieved on that particular day.

Well, how is it that you didn't remember it now? --- reply.

CHAIRMAN: Are you going to be some time still, Mr. Bizos?

MR. BIZOS: Yes, I am on page 55 and the witness's evidence finishes at 65. There are not very many issues but I can't finish in the next few minutes.

CHAIRMAN: Can we adjourn now until 10 o'clock tomorrow morning would that suit you?

THE COMMISSION ADJOURNS UNTIL 15/3/1977.