

IN DIE HOOGEREGSHOF VAN SUID-AFRIA  
(TRANSVAALSE PROVINSIALE AFDELING)

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-06-09

DIE STAAT teen :

PATRICK MABUYA BALEKA EN 21  
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST en  
ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS  
ADV. P. FICK  
ADV. H. SMITH

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON  
ADV. G. BIZOS  
ADV. K. TIP  
ADV. Z.M. YACOOB  
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

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KONTRAKTEURS :

LUBBE OPNAMES  
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VOLUME 415

(Bladsye 24 267 tot 24 356 )

THE COURT RESUMES ON 9 JUNE 1988KENNETH BROWN HARTSHORNE, still under oath

FURTHER CROSS-EXAMINATION BY MR FICK: Thank you, m'lord, all the accused are present. Doctor, we were busy with the question as to whether you knew what the aims of organisations like COSAS and AZASO were by taking up the issue of education. Now I would like to put it to you that the organisations' ultimate aim for taking up the issue of education was not the solution of the education problem but to use the issue to mobilise the youths to partake in the struggle for political power in South Africa. -- As I have said previously, m'lord, obviously there is a connection between education and the broad political context but as I said yesterday I believe that the concern in the first place was with the inadequacies, the discrimination, all the things that I had laid out in some of those papers and that that was in fact the main concern. Naturally everyone who is concerned with education whether they be the leaders or whether they be teachers or whether they be pupils or students, have a concern in this. And I think in the first place my analysis would be that (20 most strongly the concern was to bring about a transformation of the education system.

I would like to refer you to a newsletter of AZASO. It is EXHIBIT W.15, it is in volume 3. AZASO Newsletter dated March 1984, it is on page numbered 2 - W.15, the third page of the document that is numbered 2.

MR BIZOS: Could I hand up the unmarked copy so that we can get on with it? Oh, he has got it.

MR FICK: It was found in possession of accused no.22 at Grahamstown. I would like to refer you to the first column

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the second and third paragraphs:

"Stated even in education this is something that AZASO can look at more closely, is the De Lange Commission and the White Paper that arose from it. All this is to be geared to the restructuring process and when this is examined it should be done so in the light of the above considerations."

And then:

"What we have to do is to look at whether this restructuring actually alters the terrain of struggle. The (10 question we should ask is not whether this is reform, are these changes genuine or cosmetic. The right attitude to adopt is that these changes are taking place, we know what the State's objectives are."

-- M'lord, this is not what I have in front of me.

COURT: You should have page 2. There should be a photograph on the right hand corner top. -- Thank you.

MR FICK: First column, paragraphs 3 and 4. Will you please read paragraph 3 then I will continue with paragraph 4. --  
Certainly. (20

"What we have to do is to look at whether this restructuring actually alters the terrain of struggle. The question we should ask is not whether this is reform, are these changes genuine or cosmetic. The right attitude to adopt is that these changes are taking place, we know what the State's objectives are. It is making these changes in order to maintain itself in power."

ASSESSOR: To maintain.

MR FICK: Maintain itself (originally said main only):

"The real question is how we can use them to our (30  
advantage/..

advantage because we also want power, therefore this is a constant dialectic of struggle between the contending forces, those that do not have the power and those that do."

Would you please then turn to page 4, first column, the second paragraph:

"Let us look at the motivations for actually taking on the State. Firstly the point has to be made that we are moving away from the phase that characterised the 1970s. the phase of protest politics, the phase of militant (10 rhetoric. One can shout militant slogans until one is blue in the face but this is not going to get power. What we have to do is to move into a different phase. We are serious about gaining political power in the country. We want to eliminate oppression and exploitation and we know we are the only people who can do this. When we deal with the State we believe in the concept of mass mobilisation and mass organisation, that we are answerable to the masses of the people. We have gone beyond the stage of militant rhetoric and therefore we (20 have got to show people that we can actually take on the State. We are beginning to organise ourselves in some way. We are a force, we can say that there are two or two and a half million people behind us, that there are five hundred organisations affiliated to the UDF."

Do you agree that it is AZASO's viewpoint that they use education to gain power? -- I do not see in these extracts a great deal to do with education except the paragraph which has to do with the De Lange Commission and the White Paper which it is quite clear the organisations concerned were (30  
certainly / ..

certainly suspicious of the De Lange in the beginning and certainly they were opposed to the statements and the proposals in the White Paper. The rest of the extracts that you have read to me have to do with political strategies. I have difficulty in understanding what kind of response you would like me to give.

COURT: Well the question which was put to you seems to be that AZASO, reading this document, was more interested in politics than education. -- I think it is natural for all student organisations wherever they are and whatever sector(10 of the population to be interested in politics. Student organisations do not, especially at university level, certainly do not keep themselves just to the issues of education. They are concerned about the broad social political situation and they see education as part of that. Terms such as mobilisation, organisation, are political terms that are used by all political parties when they are trying to find support for the kind of programme that they wish to put forward.

MR FICK: But the ultimate aim is not to gain support but to gain power? -- Politics, because whoever the political (20 party is, that is what politics is about. That is how you express what you want through the power of the vote and the power of being able to have a say in what is happening in the country.

I want you to turn to EXHIBIT W.21, it is not in the same volume, it is in volume 4.

COURT: What was the admission on EXHIBIT W.21?

MR FICK: It was found in possession of Edward Motobatse, Vereeniging. It is a SASPU FOCUS dated November 1984. I would first of all like to refer you to page 5. -- The page (30 that / ..

that is marked FOCUS 5?

That is so. The heading of the article is: "Year of Struggle - Time of Learning" and then I would like to refer you to the next:

"The rumbling of student anger was heard from the first day of school this year. The government ignored the warnings sparking a bloody and bitter struggle for control of the schools."

Now I would like to put it to you again that it was not - the issue of education was not taken up with the aim to (10 get a solution to the problem of education, but to gain control of the schools. -- It is always very dangerous in an article of this kind to take headlines. I think one would have to look at the substance of the article underneath in which I see, looking at it very quickly that in facts complaints and grievances and so on of the kind that have been discussed in this case are listed there. In other words what we are dealing with here are in fact genuine educational grievances, problems and so on which are listed underneath the particular heading that is given to this. (20

Will you turn to.. -- There is in a sense of course, yes, a struggle for control of the schools.

Will you turn to page 21, please. M'lord, the pages are numbered up to 19 and then the next page is numbered and the next, the following page is 22. I am referring to the page before 22. The heading of the article is: "The Schools of War". Now the first paragraph:

"Societies are about power, who has it and what they do to keep it. Power is controversial. There is a contest between those who have it and exercise it and those who(30

do / ..

do not have it and want it; those who have it and use it to their advantage want to keep it - those who do not have power, have to fight to get it. The contest over power plays itself out wherever people came into contact with each other. At school, at work, at home, people relate not as equals but as unequals; as people who have different amounts of power."

Now I put it to you from this it is also clear that this is a struggle for power, inter alia in the schools, and not a struggle to reach a solution for the education problems. (10 -- I must go back to what I have been saying repeatedly and what I have written in the papers that have been submitted that the students, quite correctly, are saying in student language with the exaggeration that young people often use, are saying nevertheless that you will not get real change in education until one is able to influence the political processes that govern that education and I have no problem with most of those two paragraphs. I think they are a true representation of the position that we are in in the country where everyone does not have the right through the franchise for (20 example to have a say in education.

Will you please turn now to page 24 of the same document, it is numbered in the left-hand corner, FOCUS 24, the last column, the last two paragraphs:

"The challenge to ruling class power is a challenge to us all to build democracy. The struggle for democratic education is about the same issues and the struggle for workers' rights and the struggle for democracy in the townships, and all these struggles are essential parts of the struggle for a democratic government in South (30

Africa/..

Africa. The people shall govern not only in parliament but also directly in the schools, factories and communities, nothing less than power to the people."

Now I put it to you again, also from this passage it is clear that the struggle is for power, this is not an attempt to reach a solution for the education problems. -- I have to repeat what I have said that it is for both, that it is concerned not only with education but having the political power to make changes in education that are necessary. These two are inextricably bound together. (10

COURT: So first the political power then the changes? -- No it is more complicated than that I think. If one is working towards a new dispensation, a new kind of society with a different division of power, education relates to that in two ways. It is difficult to bring about fundamental change in education until that is on its way. Education in itself also makes a contribution towards that change. Education is a strange thing in that within it there are two major drives, wherever it is. The one is a conserving drive which tends to support the status quo, but there is a very strong crea-(20  
tive drive in education which is concerned with the future, which is concerned with a better society. And these two are always in tension and you have this bond between the two so that the political system affects education, but what happens in education also affects the political system.

Do you know what is the policy of UDF, COSAS, AZASO on power sharing? If you do not know, just say so Doctor. -- No, from my reading, you mentioned two bodies - let me deal with only the one..

COURT: Three. COSAS, AZASO and the UDF. -- Oh, ja. The (30

UDF / ..



UDF would be the one that I would be able to answer you there. I think the basic policy in everything that is said is the concept of democracy. In other words the concept that everyone should have a say through the franchise in the political decisions of the country.

And do you know whether UDF is prepared to accept a fourth chamber in parliament for blacks? -- From my reading and you are taking me now to the field of education, but from my general reading I understand that they would be opposed to a separate chamber under a quad or whatever the cameral system would be. (10)

You are reading to your reading. What reading, what did you read?

COURT: Why are you interested in this witness' views in UDF? Do you think that he has been called as an expert on UDF documentation? If that is so, then you can go ahead. If you are going to argue that he is no expert, then you should not cross-examine him on that.

MR FICK: As the court pleases.

COURT: Don't waste our time, Mr Fick. (20)

MR FICK: Have you heard before about the Education Charter? -- Yes, it is one of the documents you will remember that I analysed in that statement that was placed before the court.

Do you know what the aim of the organisations, COSAS and AZASO, is with the Education Charter campaign? -- My interest is in what they had to say about education and my analysis of that is that they are part of that process that I try to show in that document, that you have a logical historical development through from the Freedom Charter to the UDF resolution to the Education Charter in which those basic ideas were (30)

developed and I think they were part of that process and in fact were saying very much the same things.

Is not so that the Education Charter campaign is just one of the ways in which the organisation seek to mobilise the youth in the struggle for power in South Africa? -- Primarily I think it is a campaign to improve the education system and to change it, to transform it.

Now whilst you are..

COURT: The Education Charter, does it exist as such? -- That is rather difficult to establish. I think I would describe (10 it rather much in the same words as you have to describe people's education, as I described it yesterday - as a process that is going on, a concept in process. A trying to work out a basis on which education can go forward.

So in fact as far as you are aware there is no charter yet? -- Not as I read it, not in the sense of an absolute final document. This is very difficult because in the education debate things are going on and are changing and are being refined and new statements are made so I regard it no so much as a finished product but as a process that is in.. (20

Yes, but I have some difficulty in - I understood for example that the Freedom Charter is a finished product. -- The Freedom Charter, yes.

So I take it up to that stage there have been discussions etcetera and then you get the Freedom Charter. -- Yes.

Now are we still in the discussion stage as far as the Education Charter is concerned or do we have a document? -- I had a document shown to me.

Yes, but what was the nature of the document? -- But the nature of that document I would think is not a final (30

document / ..

document. It is a document that is in the process of discussion. I would certainly say that it is in a different category from the Freedom Charter and from the UDF resolution on education.

MR FICK: Now would you please turn to page 19 of EXHIBIT W.21?

-- Is it in the same..

The same volume.

COURT: Just a bit back.

MR FICK: Volume 4. -- Thank you.

Have you seen the declaration of the Education Charter campaign? -- Yes, I do.

This document before? -- Yes, I do, I have yes.

Now I would like to refer you to the passage that starts with "Therefore pledge".

COURT: I am sorry, where are we now?

MR FICK: It is the middle column: "We the peace loving people of South Africa noting.."

COURT: Yes?

MR FICK: Then "Believing" and then "Pledge". -- Yes?

The bottom there it is stated to be the declaration of the Education Charter. -- The declaration, yes.

"Therefore pledge - to unite as workers, women, youths, students, professionals, sports people and others and fight side by side to interlink the struggles in education with the broader struggle for a united free and democratic and non-racial South Africa."

Is that not so? -- I have no problem with that, m'lord.

But is it not correct to say that the Education Charter campaign is just one of the ways in which the organisations AZASO, COSAS, seek to mobilise the youth in the struggle (30

for / ..

for power in South Africa? -- What it says here is the struggle for a united, free, democratic and non-racial South Africa.

COURT: Yes, you have no problem with the result. -- I have no problem with the linking..

But the question counsel is putting to you is that the Education Charter campaign is part and parcel of the so-called liberation struggle. -- It is part of that larger struggle, that I would have no problems with accepting.

MR FICK: Are you aware of the fact that COSAS called on (10 the students, scholars, to become uncontrollable and ungovernable as part of the struggle to destroy the present education system and the present system of government? -- No, I am not aware of that, I have not seen that in anything I have read.

I would like to show you a document issued by the Eastern Cape Regional Edecutive Committee of COSAS and signed by the regional full-time organiser, Temba Mangqase, and it has to do with the boycott at schools. There is no date on the document but it was issued after 21 March 1985, that is all we know. I would like to refer you to the second and the (20 third paragraphs. The third last sentence of the second last paragraph..

MR BIZOS: On what basis is this document being put in?

COURT: It may be that the witness identifies it.

MR BIZOS: Well I think it is most unlikely, m'lord, with respect and it is merely calculated to prejudice your lordship.

COURT: What is the answer, Mr Fick?

MNR FICK: Edele, die getuie het vir die hof kom sê as 'n deskundige het hy kom getuienis gee oor die skoleboikotte (30

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en die griewe van die mense en die rede hoekom dit nie daaraan voldoen, hoekom die skoliere teruggaan en dat hulle wel graag wil teruggaan skool toe om te gaan leer. Hulle stel belang in onderwys.

HOF: Ja, maar nou sê die getuie hy het geen enkele dokument van COSAS nog gesien nie. Dit kwalifiseer al die getuienis wat hy gegee het ten aansien van die motiewe van COSAS en insoverre dit daarop betrekking sou hê. Nou is die vraag op watter basis plaas u hierdie dokument voor ons? U het altyd die geleentheid gehad om dié dokument te bewys toe u (10 u eie saak geroep het, gelei het.

MNR FICK: Dit is so maar dit was nie in besit van...

HOF: En dit was een van die geskilpunte as ek dit reg onthou?

MNR FICK: . Dit is reg, die staat was nie in besit van die dokument op daardie stadium nie.

HOF: Dit is iets anders. Dan kan u die nodige doen daaromtrent. Ek weet niks daarvan nie maar hoe kom die dokument voor hierdie getuie?

MNR FICK: Ek sal hom dan op hierdie stadium nie probeer (20 inhandig nie, maar ek wil net aan die getuie stel sekere aspekte. I would like to put it to you that COSAS called on the students to harass the government and that they should use whatever means were available to them, and they were called upon to intensify the struggle against the government and those who collaborate with it. -- I am in a bit of a quandary now. Am I still dealing with this document or am I dealing with a general statement?

A general statement, forget about the document. -- Then I would like to hear it again, please. (30

I put it to you that COSAS called on the students and the scholars to harass the government and to use whatever means available to intensify the struggle against the government and those who work with the government.. -- All I can say..(simultaneously)

..as part of the - sorry - as part of the struggle in the schools. -- All I can say is that quite clearly COSAS as an organisation was vehemently if you like opposed to the education structures and the political structures that lay behind that education. That is all I can say about that. (10 I do not claim to be an expert on the inner workings of the details of student movements.

Didn't you as an expert try to find out what was behind the, the motives behind the student organisations in their struggle against education? -- The motives to me are quite clear and I think they are outlined in the various papers that have been put forward. Its background, long historical background that has been sketched, the desire of students and others to change that; to have a different kind of education system. I think the reason for education being taken up (20 as an issue because it is of such importance to them, to their parents, to the community of which they are part. I think this is quite logical and quite natural that education should be a central part of the whole struggle.

Now I would like to put it to you further that COSAS regarded the struggle in the schools, the struggle against education as a revolution, part of the revolution. Do you know anything about that? -- One has to be very careful about the use of the word "revolution". In educational terms and that is the basis from which I speak, revolution would mean(30

a / ..

a radical change in the kind of system, it could mean a radical change in the kind of methods, it could mean a radical change in the curriculum. So I find myself in a little bit of difficulty because of the broadness of the question but certainly, and I would say that the student organisations were not concerned with cosmetic changes to the existing system, they wanted a transformation of the whole system. That is the word that I would use as an educationist.

Now I would like to put it to you that the grievances, so-called grievances at school were used to mobilise the (10 youth to participate in the struggle and the revolution. -- These grievances m'lord were very real grievances. I think the evidence for that is very clear and any organisation, any association that wants to change things will of course use the things that are wrong with the present system. I think that is a perfectly natural process that would be followed.

When you gave evidence about EXHIBIT 209, that is the De Lange Commission report. -- The De Lange.

Yes. You referred to the first principle and you said it was the first time ever that this principle as spelled (20 out in any public document or by any government commission. -- In that way, yes.

But was it not before the De Lange Commission report spelled out by the Prime Minister, Mr P W Botha? -- That was not the question. The question was whether it had been spelled out in an educational document of this kind.

But is it not so that it was accepted on 5 May 1980 as the policy of the government? -- Well, I do not have the actual statement in front of me so I have some problem but I can certainly not say that the statement was as clear and (30

as / ..

as unequivocal as the statement that was given in principle one.

Well, I would like to put it to you that the government made a public statement on 5 May 1980 and the Prime Minister then said that the government pledges itself to the goal of equal education for all population groups but emphasised that the historical backlog could not be overcome overnight. -- That still does not have the clarity of principle one.

Then you also referred to principle six, that the community shall have a shared responsibility, choice and voice (10 in education. Is that correct? -- Correct, that is principle six.

Now is it not correct that school committees and school boards were established in 1966? -- They were established much earlier than that m'lord, they were established just after the passing of the Bantu Education Act.

Is it not so that a new communication structure was established in October 1984 by the government? -- There was a new, that is quite correct, what was called a communication structure was set up. (20

And have you seen the document issued by the department on this? -- I have a copy of it at home, yes.

Is it this document? -- That is right, yes.

I would like to refer the witness to the document, m'lord, For the convenience of the court I would like to hand up the documents. -- Thank you.

I will try not to hand it in as an exhibit.

COURT: Yes, the document to which reference is made is headed: Department of Education and Training, Communications Structure 9 October 1984. (30



MR FICK: Thank you, M'lord, now the first page, there is reference to class leaders. -- Sorry...

I am referring to the cover. -- Oh, to the cover?

The cover of the document yes, the cover page.

COURT: Are you starting at the bottom?

MR FICK: At the bottom, yes. There is reference to class leaders, then SRCs, then pupils, is that correct? -- Yes, indeed, it is in front of me.

Is it so that class leaders were elected in schools? -- There is always a great deal of difference between theory (10 and practice. You will see in this document, starting at the bottom with class leaders going through to SRCs and pupils, I have to say that in a recent question in parliament, in Hansard on this structure at the bottom that we are dealing with, that there are SRCs in only 20% of the TED high schools so that while this structure was laid out the question is rather how well it is working.

But the SRCs referred to here is not the SRCs of the student organisations but the SRCs envisaged by the department? -- Absolutely correct. (20

COURT: Now where does the prefect system come in? -- The prefect system has been replaced in the new document by the departmental SRCs in terms of the document. The question of practice is another matter.

MR FICK: Then from the pupils the next line is the liaison committee, is that correct? -- That is quite right.

Now who are represented on the liaison committees? -- The liaison committee is an attempt to link the schools, in other words defining the schools in that case as the principal and the teachers, the governing bodies or school committees (30 with / ..

with the pupils. It is a triangular relationship.

The liaison committee is it composed of the chairman, that is an official appointed by the regional director of education, is that correct? -- Yes. Would you must give me the reference to that, I know it is somewhere in the..

Page 26, but I would not like to refer too much to the document.

COURT: Yes, I am sorry, while you are looking Doctor could I just ask you a question as well? What is the status of this document? What is it supposed to mean? Is it an (10 internal document for discussion or is this policy laid down by the department on 9 October 1984, what does it mean? -- As I understand it this was an attempt by the department of education and training to cope with obvious communication problems that we are all aware of and I am not sure, I cannot be sure as to who exactly it was sent to except that I know it did go through to all the regional offices, the circuit offices and to the schools as a basis for working out this kind of structure.

So can one say then that as from 9 October 1984 this (20 was now departmental policy as set out on this first page? -- Yes, I think one could because this is an official document.

Or had it been before that and that this was merely an ex post facto communication to principals etcetera? -- No my knowledge of this is that this was the beginning of a new attempt to set up a more effective communication structure. Of course some of the components of that structure were already in place.

Yes, let us just put on record what is meant here. At the bottom, right at the bottom we have in brackets class (30

leaders, above that we have in brackets SRCs, above that we have without any brackets pupils, and these pupils liaise with the liaison committee above them and also sideways with governing bodies and sideways to the other side with schools. What that means I do not know. The liaison committee also liaises with schools and with governing bodies. Then above that you have further higher structures. What does the liaison committee do then? It consists of pupils and teachers or what would that be? -- The details of how the liaison committee works, its composition and its functions and the rules under which it operates are in chapter 3 on page 26. (10

MR FICK: Is it correct that every secondary school has a liaison committee? -- I could not vouch for that.

Supposed to have them? -- Supposed to.

Did it comprise 14 members of which the chairman was appointed by the director, regional director, there was a circuit inspector, about six students, members of the SRC, two additional students nominated by the SRC, and two members of the governing body plus two members of the staff of the school, namely the principal and one member of staff and two members of the parent/teacher association. -- That is what is in front of me. The assumption is of course that these components exist and as I have said in a large number of schools the SRC does not exist so the liaison committee cannot exist. I think it is also true that there are many schools in which there is not a parent/teacher association so that you would have that representation too. So I have a problem here. I accept this, I know about this document. I have studied it, I would not be able to tell you how it is (30

working / ..

working in practice. That would have to be dealt with by the department.

As an expert on education did you ever try to find out how it was working? -- Well, as I have said from the information I got about SRCs and so on it is quite clear that the system is not functioning very well.

Is it not so that the aim of the school liaison committee is to contribute to effective education in general by effecting the necessary liaison between students, staff, governing bodies, parents, the community and the department. -- That (10 is what it says yes.

And is it to effect personal liaison among students, staff, governing bodies, parents, community and the department on the local level? -- That is what it says.

Yes, and to formulate and submit positive and constructive ideas, is that correct? -- Yes, that is what it says.

And it is to effect participation and involvement between the parties, is that correct? -- That is what it says.

COURT: Now these SRCs proposed on 9 October 1984, were they elected SRCs? -- I am sorry? (20

Elected SRCs? -- These are SRCs set up in terms of the objectives and duties and so on which are set down in the same document from page 10 and you will find the composition, the nomination requirements, the voting and so on, is all set down in this same document. In fact the way in which the departmental SRCs were to be set up is a major part of this particular document.

MR FICK: Is it not so that the members of the SRC are to be elected by the pupils? -- Yes.

The objective of the SRC is to act as representatives (30

of / ..

of the fellow students? -- True.

To serve as a channel for communication between the students themselves, the students and the staff and the students and the principal? -- That is true, yes.

To assist in maintaining orderly schooling in accordance with the approved school rules, is that so? -- That is so, yes.

COURT: Do you have any objection to this system? -- No, the system of the SRCs?

Well, to what is set out, this communication structure? (10 I am not interested in the top part of it insofar as it affects the schools. -- Well, I would not go along necessarily with them all, the functions that are given, but in general - in general terms this would be quite a good beginning to setting up a structure within the school. The problem however has been in practice that in the establishing of these particular procedures and functions and so on, there has been a breakdown in communication between the department and those most closely involved and that is students themselves and that is why I think the application of this has in fact (20 been very limited.

Yes, but I do not understand what you are saying. Normally there is no communication between the department and the student. The communication is between the teacher and/or principal and the student. Are you saying that there was a blockage and that the principal did not apply the new communication structure laid down by the department? -- I think there have been a great many breakdowns in this whole communication structure as could be expected even under the best scenario there could be breakdowns here, but what I was (30 saying / ..

saying is that in the discussions leading up to the establishment of these so to speak written regulations which lay down how an SRC is to work, what its function should be and so on, I do not think there was sufficient consultation with people outside of the department. I think it was done to much as a top/down exercise instead of consultation about the bringing in of the system. I think that is the reason why it has not been very acceptable.

So it is not a question of what the pudding tastes like it is who made it? -- There is a lot of that in it, yes. (10  
It is not so much the substantive content here, it is the processes by which these things are brought about and dealt with.

Now apart from the generalisation as far as the liaison committee is concerned, the SRC as set out in this communication structure, do you have any objection to that - to the concept of the SRC, the functions, the aims and the powers of the SRC? -- No, in substance I might disagree about detail but in substance I think one is provided with a reasonable base on which one could start to set up a system. I do (20  
not think that is actually the problem.

So was the sole problem as far as SRCs are concerned then after October 1984 that they were not introduced? --  
No the problem I would think was basically a problem of perceptions. It was a problem that had resulted from the whole question of lack of trust, lack of communication, lack of acceptance as between the education department on the one hand and students on the other. It is part of what I was saying yesterday that often when reasonably good things are put forward they are treated with reservations because of (30

the / ..

the whole background. That is one aspect of it. The other aspect I have already pointed to and that was too much of a top/down process to bring the SCR in instead of a much larger measure of consultation with the bodies in the schools, the teachers, the parents and the students themselves. I think those are the two issues which surround the SRC.

Well, the department could not very well discuss matters with the students, they could only discuss it with student bodies? -- Well, in the absence of student bodies..

Well, there were. -- One could for example and it has (10 sometimes been done, one could at least in terms of - one could discuss this in the schools for example with groups of pupils before formal, any formal structures were set up. That would have been quite possible.

Are you saying this was not done? -- I am saying - I cannot say that it was never done, that would be impossible, but my reading of the situation was that there was very little if any of that kind of consultation.

Well, was the problem not that the body formed by the students being COSAS was too radical and too opposed to the (20 department of education and training that there could just not be any communication between them? -- That is probably the case insofar as the organised student bodies were concerned. I still feel however that with the pupils, students in the schools one could have tried to reach through to them in a greater measure.

Yes?

MR FICK: Is it not so that COSAS, the student - organisation for scholars - followed a policy of non-co-operation with the government and any government bodies? -- Well certainly (30

on / ..

on this particular issue there was a very strong difference of opinion as to the nature of the SRC and so on and so there was some discussion on some levels but certainly not a great deal. They would be opposed to a structure of the SRC which had been decided upon at departmental level on a top/down basis.

ASSESSOR: But does what you are saying Doctor, not amount to this that they were prepared to accept anything as long as it was not given from the top? -- No, I would not say, I do not think one could say that they would have been prepared to accept anything. The whole issue of SRCs as I remember at the time in a whole lot of local situations was one of the major areas of discussion so they gave a lot of time to thinking out what kind of SRC they would like and I think the cut-off point so to speak would be that they would want more power, authority for the SRC, than the department would be prepared to give. (10

They wanted to set up the SRCs themselves as they saw fit? -- Not quite as they saw fit but to set up the SRC according to principles and structures they felt would satisfy them. (20

But how would that ever tie in under any governmental structure then? -- The only way obviously in which that could tie in would be through a process of negotiation, a process of give and take between the parties concerned.

Somewhere along the line there must be a tying in? -- Exactly and that is what has not happened here, that kind of negotiation. We still have two opposing parties.

COURT: Well wasn't the answer that under no circumstances were they prepared to tie in with existing government (30

structures / ..



structures as these were tied to the department of education and training and that was seen as bantu education? -- That is of course a large part of the issue, yes.

Yes?

MR FICK: Doctor, have you seen the proposed constitution for the SRCs drafted by the national co-ordinating committee of parents? -- No, that I have not seen.

Well, I would like to put it to you that the SRC proposed by the national co-ordinating committee of parents would have all the power to all such things as are in its view desirable or necessary to achieve its purposes. -- I am not sure what the question is? (10

The national co-ordinating committee of parents drafted a constitution for SRCs.

ASSESSOR: Are you quoting from the draft?

MR FICK: I am quoting from a document but I cannot put it to the witness because he has not seen it but I want to put it to you that the powers and purposes of the SRC was set out firstly, to act as representatives of the fellow students in all matters concerning education and then it was stated that the SRC shall have all the powers to do all such things as are in its view desirable or necessary to achieve its purpose. -- I am still not sure what the question is. Am I am being asked to accept what is written there? (20

Do it find it acceptable that an SRC should have the power to all such things as are in its view desirable and necessary to achieve? -- I think I have already answered that. Quite clearly when you are in a education situation like this there always has to be negotiation between the school, the parents, the education authority and students about what an (30

SRC's / ..

SRC's function should be. So one could not just accept a blanket statement of that kind, one would need much more detail.

Now just to complete the question of communication structures, is it correct that according to the document dated 9 October 1984 it was possible for the pupils to make through the SRCs and liaison committees representations up to the minister of education? -- My experience of education structures I would then have to say yes it is possible but if you look at the complexity of that structure, the channels that have to be followed, the wrong road, then I believe a lot of what happened lower down would be diluted as it went through that process.

COURT: The request would run out of steam uphill all the way? -- I am afraid, I do not want to deal with this, but when you have to deal with bureaucracy then you have a problem.

ASSESSOR: Can you do without it, sir? -- You cannot. It is a necessary evil, like examinations.

COURT: Like court cases.

THE COURT ADJOURNS FOR TEA / THE COURT RESUMES (20

KENNETH BROWN HARTSHORNE, still under oath -

FURTHER CROSS-EXAMINATION BY MR FICK: I put it to you, sir, concerning the SRC's that the proposed constitution of the SRCs as proposed by the national co-ordinating committee of parents seek to affiliate with any other organisation concerned with educational matters. Can you.. ? -- I cannot comment on that.

You cannot comment on that. Mag ek net meld, ek het met my geleerde vriend gepraat, hy het ook versoek dat ons hier- die bewysstuk wat handel oor die 'communication structures' (30

n/..

'n bewysstuknommer gee en ophandig in sy geheel. Hy sal ook wil vrae vra daaroor, dan is dit voor die hof.

HOF: Net so 'n oomblik.

MNR FICK: The number should be CA.40.

ASSESSOR: CA.40?

MNR FICK: Dit is die nommer wat ek het, die volgende nommer.

COURT: This will go in as EXHIBIT CA.40.

MR FICK: Now Doctor, you gave evidence about the difference in the figures for black education as far as the per capita expenditure was concerned. -- I did. (10

Am I correct in saying that in white schools education is provided by the provincial administrations? -- No, I am afraid you are not correct. It used to be, it is now provided by the department of education and culture, house of assembly.

That was until when? -- Quite a short while ago, eighteen months, two years.

And is it correct to say that the provincial education department accepted responsibility for the medical health services rendered at schools? -- Yes, they had medical inspectors of schools. (20

And school nurses? -- And school nurses.

Yes, whilst in the case of the black schools the medical services are rendered by the department of health and welfare? -- Medical services in the department, at black schools are almost non-existent despite the fact that technically that is the case.

Now is that not one of the reasons why the per capita expenditure is higher for white education than for black education because the medical services are included? -- Well, of course, if one section is being provided with a service (30

that / ..

that another section is not being provided with of course it is going to make a difference, but it is not the major reason.

No, no, but is it not so that the question of medical services forms part of the budget for white education but does not form part of the budget for blacks? -- That is perfectly true.

Is it also not so that 80% of the education budget is allocated to salaries? -- It ranges from various departments from about 75 to 80 yes.

Is it also not so that teachers are paid according to (10 their qualifications? -- Absolutely true.

And if a black and white teacher has the same qualifications they receive equal salaries? -- From a certain level. Parity has almost been reached but not quite. Parity has not been reached for instance in the case of women.

Is it not so that approximately 78% of black teachers at this stage have lesser qualifications than white teachers? -- That is not true.

And is that not a further reason why the per capita expenditure is lower? -- I would like to develop my answer (20 on this one. It is perfectly true that that is one of the causes, but one has to read that together with the fact that if that is so then the money that otherwise would have been spent on the salary of teachers who were lesser qualified in fact should then be spent on seeing that their qualifications are raised to the level that they should be and also it should not be the position and the major saving in fact, if you work it out in detail, is not on teachers' salaries but it is caused by the difference in the size of class. In white schools classes are roughly over the board about half the (30

size / ..

size taking the whole system. So that means you are employing half the number of teachers, you can look at teacher/pupil ratios there and then of course that becomes one of the major savings and one of the major reasons for discrepancy. So you have the whole range of reasons, you have the question of size of class, you have the difference in salaries because of the disadvantage nature of the African teacher, you have things like health services and so on, and altogether they amount even now to a 1 to 7 discrepancy as I said yesterday.

ASSESSOR: Are you au fait with the availability of manpower as far as black teachers are concerned? -- Yes, I am. (10)

Can you give us an idea of what the position is there?  
-- I am not quite - let me try and answer the question in this way. There is a shortage of qualified teachers, that is the basic issue and of course that should be addressed. It has to be addressed through the training of teachers, through the erection of training colleges and so on. Even now in the present system the latest figure is that across the board taking the whole system there is about a 17% employment of completely professionally unqualified teachers. So this (20) is broadly the situation. This is no new problem and it should have been addressed long ago through upgrading of the teachers who are in service and through the provision of greater training facilities.

MR FICK: Is it correct to say that approximately 78% of the black scholars in the country is in primary schools? -- I think there has been a slight improvement on that but certainly it is true that the greatest proportion of pupils in black schools are in the primary school and in fact in the first four classes of the primary school. (30)

And / ..

And is it also correct to say that approximately 50% of white students, scholars, are in the primary and 50% in secondary schools?

COURT: 50?

MR FICK: 50, m'lord. It is not quite that. The figure as I remember it and I am speaking of memory now, at the secondary school level is something in the area of about 43, 44%.

Is it also not so that primary education is substantially less expensive than secondary education because of lesser... -- It becomes substantially less expensive if (10 the teachers within it are not well qualified.

No.. -- But it is even in a better system such as the white system it is true that the per capita expenditure at the secondary level is more than at the primary level.

Can you give any figures? -- It is very difficult in fact to get accurate figures on that because they are not often published in that way. They are published as an overall per capita figure for the whole of the education system, primary and secondary. But there certainly is a difference between the two, the secondary per capita is higher. (20

Is that not one of the further reasons why the per capita expenditure for blacks are less than that of white education? -- It is another reason but at the same time it is a reason that reflects the position of black education.

Is it not so that the per capita expenditure figures for blacks do not include the considerable contributions made by the agricultural and private sectors towards the erection of physical facilities, farm schools? -- Now we now moving into a completely different area here. I had assumed we were talking about state expenditure. If we are going to move (30

into / ..

into the area of private funding of education then of course we are in an entirely different, on a different basis, because private funding of course is quite extensive. I had understood we were talking about the position of the state.

Ja, but is it not so that there are more than 5 000 farm schools which are only subsidised by the department of education and training? -- There are 5 000 farm schools under the department of education and training where the teachers' salaries which is the major part of current expenditure is paid by the department. That difference is only shown if (10 you look at the per capita grant if it is on the basis of including capital because the major subsidy in terms of farm schools is towards the erection of class rooms.

Am I correct in saying that as the teacher/pupil and pupil/classroom ratio are improved the per capita expenditure for black education will also rise? -- Of course yes, necessarily.

ASSESSOR: That has been happening in the last few years? -- There is a gradual slow improvement.

MR FICK: Do you agree that between April 1979 and December (20 1987 more than 20 220 new classrooms were erected?

COURT: What is your figure?

MR FICK: 20 220. -- Yes, I was going to say..

New classrooms were erected and 3 679 classrooms at farm schools were subsidised by the department.

COURT: 6 000 and..?

MR FICK: 3 679. -- I will accept those figures.

Will you agree that between the period 1961 to 1987, 126 475 black teachers were trained by the department? -- Would you give me that figure again? (30

126 475 / ..

126 475. -- Yes, that would be about right. That is from 1961, over a 25, 26 year period, yes.

Do you know that compulsory education at 371 schools and for 254 115 pupils were introduced in 1981..

COURT: 115?

MR FICK: 254 115 pupils were introduced in 1982, that this has been extended horizontally to higher classes from year to year and also to other areas at the request of the communities concerned? -- Those figures I would accept as accurate but of course they must be put against the total number (10 of schools, something over 7 000, and the total number of pupils which now is in the region of 1 750 000 under the department of education and training.

COURT: I am sorry, could I just ask a question here please. How is education made compulsory then, is it upon request by the community? -- In the 1980s roughly the department of education and training has started a scheme whereby if the parents of a particular community would agree to keep their children in school then that particular area would be regarded as an area of compulsory education. It is an agreement (20 between the community and the department but behind it there is no statutory authority which forces a parent to keep the child in school. There are no truant officers, there are no follow-up services. It is purely a contractual agreement between the community and the department and if a community in fact agrees to that it gets certain benefits in terms of school supplies and so on.

MR FICK: Do you agree that black adult education was introduced in 1975 and that in 1987 there were 332 centres for black adult education spread throughout the country where 93 000 (30 adults / ..



adults were taught by 5 645 teachers. -- Yes, all these figures are to be found in the reports of the department of education and training.

And do you also agree that these courses varied from literacy classes to preparation classes for the st.10 examinations? -- They did.

Do you agree that in 1960 there were only 18 blacks on the academic staff at universities and that in 1987 there were 394 black academics at universities of whom 104 were professors and senior lecturers? -- I think those figures (10 would be found in the reports too, yes.

ASSESSOR: What was the figure in 1983, please?

COURT: 1960.

ASSESSOR: 1960. -- They of course have to be taken..

COURT: Sorry, wait a bit, Doctor, was the first one 1960 and the one 1987?

MR FICK: Correct. -- 1960 was the year in which the black state universities started so that was the first year and one must keep those figures in relation to the overall growth of those universities up to the present. Percentage (20 would have been a more useful statistic to offer me.

Do you agree that the pupil/teacher ratio which had been 1 to 58 in 1968 decreased to 37,5 per teacher in 1987? -- Yes, that is the position in the DET, it is not the position in the wider black education field. It has to be compared too with the 1 to 19 of whites.

Would you agree that the number of full-time matriculants, black matriculants increased from less than 10 000 in 1975 to more than 94 000 before 1985? -- Those are the number of candidates.

{30

Yes / ..

Yes. -- Not the number that was successful.

COURT: At least they must have been successful in st.9.

MR FICK: And do you agree that the st.10 passes which in 1980 was 23 999 increased to 39 824 in 1983? -- I do but the percentage of passes did not improve.

Do you agree that since 1960 up to 1984 the percentage of passes increased by 417%? -- I do not agree.

COURT: 417%?

MR FICK: Correct. -- Percentage?

Percentage. -- We are not talking about numbers? (10

No, percentage. The number of passes increased. -- Are we talking about percentage or numbers?

COURT: Yes, you put it as percentage. The percentage of passes increased by 417%.

MR FICK: No, I am sorry, the number of passes increased. -- Of course that was very easy because the numbers were very low in the first year you quoted and it does not alter the percentage issue.

COURT: Is it the state's contention that all is well in the state of Denmark? (20

MR FICK: No, it is the contention of the state that it does everything in its power to improve whatever shortcomings there are, and not a question that nothing is being done.

COURT: The state wants to put to you that the department tries its best but is still aware of all the shortcomings and difficulties it has. What is your comment to that? -- Do you want a response to that?

Yes. -- I would like to say that in the last few questions we have playing what I call an education in numbers game. We have been dealing with pure quantity and the educationist's(30  
quality / ..

quality is the real issue and I think it is quite clear from many of the things that have already been said and the papers that had been produced that that is so. That is where the problems are. I have to say that I believe there are professionals within the department of education and training who do set it as their aim to try and improve but they have not been helped by state policies which have constrained them and which has made them unable to do the things that they could have done if they have had the resources.

MR FICK: Now I would like to ask you about the national (10 education crisis committee. Now in EXHIBIT DA.213 you..

COURT: I notice that you are still standing. Haven't they provided you with a seat? -- No, there is a seat. I talk better on my feet, m'lord. That is from being a teacher.

So does counsel.

MR FICK: In EXHIBIT DA.213 you made mention .. -- Sorry, which one is that?

It is the paper on "The current Crisis in Education" delivered at Potchefstroom on 19 February 1988. -- Thanks very much, thank you. (20

Now being an expert on education did you try and find out what the NECC was about? -- You will notice in the paper I have a brief summary on the NECC and people's education because the two are inextricably linked. I certainly have studied this area of education very carefully so I would think yes I did take the trouble.

And did you take the trouble to obtain the documents issued by the NECC on education and people's education? -- Yes, I have the documents from December 1985, conference at Wits; the documents from the Durban conference in March (30

1986 / ..

1986. In fact in my study at home I have a whole box of material on people's education including a number of articles that have been written by other academics about it and about the NECC.

You have made a study of the documents issued by the NECC? -- I have.

Did you attend any of these conferences? -- No, I did not.

Do you know the members on the committee of the NECC?

-- I have met some of them when they were still available.

Yes. Have you met Vuyisile Khanyile? -- I have. I (10 met him when he was at the University of Cape Town.

COURT: Spell that for the record, please?

MR FICK: I am not sure, I have two spellings but I will spell the first one : V-u-s-u-m-u-s-i, that is Vusumusi Khanyile. He is the chairman of the NECC is that correct? -- Yes, he was.

And Ehron or Ihron Rensburg? -- No, I have not met him.

Did you know that he was the secretary?

COURT: What was he - Iron?

MR FICK: Ihron and the surname is Rensburg. Did you know (20 that he was the secretary? -- Yes, I believe so.

Have you met Eric Molobi? -- Yes, I have.

He was the national co-ordinator? -- That is so.

Have you met Molefe Tsele, the treasurer? -- No, I have not.

Did you know that he was the treasurer? -- Yes.

Have you met Zwelakhe Sisulu? -- No.

Did you know that he was one of the chairmen of the commission? -- Yes.

Did you know that he was the chairman of the people's (30 education/ ..

education commission? -- Yes.

Do you know that Moosa Alli Kaprey (spells names), then J T Nidindwa and Mr H H Dlamlenze, they were members, regional representatives of the NECC. -- Of those three names that you have just read I know only the last one. I know him very well because I taught him, trained him as a teacher.

He was also a member of the Soweto parents' crisis committee? -- That is so.

Now is this the paper or the report you received about the conference at Wits on 28 and 29 December 1985? (10

ASSESSOR: Is dit Desember 1985?

MNR FICK: 1985. -- No, this is not the form in which I have had material on the 1985 conference. My material was material published in some documents of the South African Institute of Race Relations.

Did you not receive copies of the speeches delivered at the national consultative conference in Desember 1985? -- The Institute of Race Relations' summary dealt mainly with the actual resolutions which is what I was interested in, the decisions that were taken and the definitions of (20 people's education that are contained in those resolutions. The speeches I have seen only insofar as they were reported in the press.

COURT: So in fact you did not get any NECC documents, you got documents about the NECC? -- Not this particular document that has been placed in front of me, no.

MR FICK: Can we turn then to page 28 of the document to see whether you recognise the resolutions there? -- Yes. Yes, those are very familiar to me.

Did you only receive pages 28, 29, 30, 31 and 32? -- (30

Those / ..

Those were incorporated in the Institute of Race Relations' account of the conference. There was a preamble in the Institute's which gave some account of the people represented there, speakers and some short comment on that, but the major part was what you have just pointed out to me, from page 28.

Well, I put it to you that you are not in a position to give any expert evidence on the national consultative conference on the crisis in education by simply reading the resolutions. -- My interest and my concern was not with the conference as such but was concerned with the outcome of (10 the conference as far as education was concerned. And that is what is contained in the last pages where the educational issues are actually dealt with and the policy of the NECC as far as education is concerned begins to show itself. It has been developed further later but the substance is here. In the sense that I was not at the conference I cannot comment on what happened at the conference.

I will try and avoid handing up this document. I would like to refer you to page 30, the resolution.

COURT: Could you just give me the date of that conference (20 again?

MR FICK: It was on 28 and 29 December 1985, held at the University of the Witwatersrand, Johannesburg. In the middle of the page, paragraph nine. I am going to read the resolution and ask you to comment on it:

"On people's education this conference notes that apartheid education -

1. is totally unacceptable to the oppressed people
2. divides people into classes and ethnic groups
3. is essentially a means of control to produce (30

subservient/..

subservient docile people.

4. underestimates and..(hesitates)

-- I think that would be "indoctrinate".

Sorry -

..indoctrinate and dominate.

5. Is intended to..

(intervenes)

COURT: Are you attempting to shield your voice from the microphone? If you do not succeed in that you are attempting to succeed in doing that from me. I have difficulty in understanding what you are saying.

MR FICK: As the court pleases, I will read it again.

The resolution on people's education:

"This conference notes that apartheid in education?

1. is totally unacceptable to the oppressed people.
2. divides people into classes and ethnic groups;
3. is essentially a means of control to produce subservient docile people;
4. Indoctrinates and dominates
5. Is intended to entrench apartheid and capitalism.

Therefore we resolve to actively strive for a people's education as the new form of education for all sexes of our people, declaring that people's education is education that:

1. enables the oppressed to understand the evils of the apartheid system and prepares them for participation in a non-racial democratic system;
2. eliminates illiteracy, ignorance and the exploitation of one person by another;
3. eliminates capitalist norms of competition, (30 individualism/..

individualism and stunted intellectual development and replaces it with one that encourages collective input and active participation by all, as well as stimulating critical thinking and analysis;

4. equips and trains all sectors of our people to participate actively and creatively in the struggle to attain people's power in order to establish a non-racial democratic South Africa.
5. allows students, parents, teachers and workers to be mobilised into appropriate organisational structures which enable them to participate actively in the initiation and management of people's education in all forms. (10
6. enables workers to resist exploitation and oppression at their work place.

Then resolution 10 - let me just ask you (intervenes)

COURT: How many resolutions are you going to read? I cannot write down all that you are saying..

MR FICK: Only two, m'lord.

COURT: Well, can't you give me the two pages that you (20 are reading from?

MR FICK: Very well, I will have to get it done. I am referring, on the documents before the court I have marked pages 28, 29, 30, 31 and 32 with the heading: Resolutions. And I have been reading from page 30, paragraph no.9 on people's education, 1. Now from resolution no.9, the third last paragraph numbered no.4, it says that people's education is education that equips and trains all sectors of our people to participate actively and creatively in the struggle to attain people's power in order to establish a non-racial (30 democratic / ..



democratic South Africa. Now I put it to you again that also the NECC is more concerned with the establishment of a non-racial South Africa and to attain people's power than in education itself. -- I am afraid I cannot agree. The NECC specifically is very concerned with the education situation but as I have said repeatedly it puts that in the context of what it calls a wider struggle to change the political situation. The NECC is first and foremost and I think its practice since then has shown that it is first and foremost concerned with the education of the people of South Africa. (10

Is it not so that people's power and people's education go hand in hand? -- I am being put in the position where I shall have to be a little - take a little more time. As I have talked to people over the last few years about this quite clearly the issue is this question of people. Now when we talk about all the people of our country as the NECC does very often, I think that is quite clear. However, some of us do have reservations about people if it is going to mean the same as "die volk" meant in Afrikaans. In other words, it was applied to a sector of the people so that the (20 problem with this kind of statement here is when one talks about "people's power" what is it exactly we are talking about. If it is sectional I would certainly be opposed to it but if we are talking about all people of South Africa in the way that it is spelled out in many places in the NECC documents then I have no problem with it.

ASSESSOR: Did you use the Afrikaans word "volk"? -- Die volk.

Die volk. -- If you go back in the history of Afrikaner political development, Afrikaner education, "die volk" was (30 used / ..

used in a very specific sense for that sector of the total South African population. I have a problem with that. Equally I would have a problem if the "people" was being used in a sectional sense. But if it is being used in the sense of all the people of South Africa I have no problem with it.

And the nation? -- Well, there are difficulties once we get into that because "nation" has been used both for the broader South Africa and also for the nations within it. One has to define one's terms before one starts.

MR FICK: And if by "people" it is meant the black masses? (10 -- I do not read that into the documents of the NECC. The NECC in these very statements that are in front us, the ones that I quote in my paper keep on saying "all the people of South Africa.

Which papers of the NECC did you read which refer to all the people? -- In the very clause that was put to me in 4: "equips and trains all sectors of our people". In the preamble to that group, therefore..

COURT: I am sorry, where do you read? -- In the middle of page 30. (20

Oh yes. -- "Therefore we resolve.." I am afraid my copy is terribly .. "to actively strive for people's education as a new form of education for all sections of our people" and you will find that phrase consistently being used in NECC and people's education speeches and publications.

MR FICK: That "all sectors" is that not simply a reference to women, youths, students, churches? -- It refers to that too.

COURT: Now we are talking of other documents than those that are before court. Could you just enumerate them please so that we know what we are talking about? Could we give this(30

an / ..

an exhibit number then I can refer to it by its exhibit number.

MR FICK: Yes, EXHIBIT CA.41.

COURT: CA.41. It consists of pages 28 to 32.

MR FICK: It is headed "Resolutions".

COURT: It is headed "Resolutions". Now apart from CA.41 what other documents did you see where this phrase was defined as you have said? -- I think apart from the documentation of the 1985 conference, if you look at for example the press statements on the Durban meeting you will find the same phrase: "all our people". You will find it further in the work, (10 then the preambles, the introductions to some of the work that has been done on curriculum by people's education, on English, mathematics and history. It is a common phrase which runs through the whole of their - whether they are presented in documentary form or in speeches - that phrase is used. And I have quoted in that DA.213 the IRS paper, you will find it there in describing people's education.

MR FICK: You have referred to press statement and statements by other organisations but what, which documents of the NECC do you refer to? -- Principly this document here which you (20 have before me.

COURT: That is CA.41, the resolutions? -- The resolutions, page 28 onwards. And for example also I said that my information on this came from the South African Institute of Race Relations documents. They also had a full account and summary of the Durban meeting and the same quotation, that same phrase is to be found in the quotations from that committee.

MR FICK: What did you receive about the Durban conference?  
-- The South African Institute of Race Relations run a regular information service under various headings that is quarterly

update / ..

update, there is topical briefing in which they make it their concern to keep people informed of things like that and they produce the material for people to use, to study and to be informed. That is my source.

And did you also read the keynote address delivered at that conference? -- That I have only read in the press form of that, so I do not know whether it was complete.

Was it not part of the documents you received? -- They were quotations, they were quotations from it.

And did you get any other documents about this conference from any other source? -- The Durban conference? (10

Yes. -- No, not apart from that and apart from studies that have been made of this by other academics.

But why? You are interested in education, people's education and there is a conference on education, why did you not obtain the keynote address for instance? -- The number of educational conferences that go on in this country are very large. If I was to try to go to every conference that was held, one could be a full-time conference goer. At my stage what I have to do is keep myself informed with the (20 written material that comes out of various sources. That is what I have done.

Now the documents you have received can you identify this document, whether this document had been received by you? -- Yes, this is basically, and as I do not have the Institute of Race Relations' document in front of me this is what was reproduced by the Institute of Race Relations information service.

M'lord, that is.. -- As I say this did not come from this source directly to me but through the.. (30

But / ..

But it is a reproduction of the same documents? -- Sorry?

It was a reproduction of the same documents. -- Yes well not a reproduction in that sense but certainly as I read it, go through quickly the headings, these were all in what I have received yes.

I would like to hand up to the court a document with the heading: "Report on the Second National Consultative Conference on Crisis in Education", Durban, 29-30 March 1986. A document published by the National Education Crisis Committee, Khotso House, 43 De Villiers Street, Johannesburg. (10) Could we mark this one CA.42?

COURT: CA.42.

MR FICK: Now I would like you to turn first to page 4, the pages are numbered at the bottom. Paragraph numbered 3:

"Opening Address", and there is a quotation:

"People's education and freedom go together. This was said by Dr Beyers Naude, the General Secretary of the South African Council of Churches, in his opening address at the National Education Conference."

Then from page 5 at the top, we see that the keynote address<sup>(20)</sup> was delivered by Zwelakhe Sisulu, the editor of the New Nation and son of the imprisoned ANC leader Walter Sisulu and UDF imprisoned Albertina Sisulu and there is an edited version of what he said. I first want you to turn to page 6, the current situation, the first line under that heading:

"We are at a crossroads in our struggle for national liberation. We hold the future in our hands. The decision at this conference will be truly historic because they will help determine whether we go forward to progress and peace or whether the racists push us (30) backwards/..

backwards and reverse some of the gains we have made." and then further down, the third last paragraph of page 6, that is approximately in the middle:

"Having said this, I want to strike a note of caution. It is important that we do not fail to recognise the moment or understand it to be something it is not. We are not yet poised for the immediate transfer of power to the people, to believe that this is so could lead to serious errors and defeats. We are however poised to enter a phase which can lead to the transfer of power. (10 What we are seeking to do is decisively shift the balance of forces in our favour. To do this we have to adopt appropriate strategies and tactics. We have to understand our strengths and weaknesses as well as those of the enemy, that is the forces of apartheid and reaction."

Now I put it to you from this it is clear that the national education crisis committee were more interested in gaining political power than the solution of the education problem. -- I have to repeat what I have already said, that the two are inextricably involved with each other. You cannot change (20 education fundamentally without looking at the society in which that education is so it is absolutely natural that when the NECC looks at education it looks at it within that context.

And I put it to you the struggle for freedom is the struggle for power, political power. -- I cannot see anything wrong in a group of people who do not have political powers struggling for political power. Everyone has done this throughout the world.

Then page 7, the middle, under the heading "Advances of the people":

(30

When / ..

"When the emergency was declared a situation of ungovernability existed in some areas but at the beginning of this year the situation was very different. Ungovernability had extended to more areas. The period of emergency saw very important advances made by the people. Structures were built and survived the period of emergency and beyond. As a result in many cases our organisations matured and grew under the guns of the SADF. Action taken against the leadership did not result in the collapse of organisations, so we saw the emergence of (10 areas people's power in a number of townships. Another feature was the highly political character of the struggle we waged and the tendency for the struggle to develop in a national direction. The masses linked up local issues with the question of political power. A set of national demands emerged which transcended specific issues or regional differences."

We now turn to page 9 under the heading "The people's education for people's power":

"The struggle for people's education is no longer a (20 struggle for students alone, it has become a struggle for the whole community. It reflects a new level of development in the struggle as a whole. The struggle for people's education can only be won when we have won the struggle for people's power. Any gains which we make are only finally guaranteed when the enemy is finally defeated. It is true that where we are strongest where people's power is most advanced, we are able to frustrate the State in its objectives. What do we mean when we speak of people's education? We are agreed that we do not (30

want / ..

want Bantu education but we must be clear about what we want in its place. We must also be clear as to how we are going to achieve this. We are not demanding the same education as whites, since that is education for domination. People's education means education in the service of the people as a whole. Education that liberates, education that puts the people in command of their lives, education that prepares our people as responsible citizens in our country rather than mere tools of industry and commerce. To be acceptable every initiative must come from the people themselves. It must be accountable to the people and must advance the mass of students. This means taking over the schools, transferring them from institutions of oppression into zones of progress and people's power."

MR BIZOS: Transforming not transferring.

MR FICK: Transforming, I am sorry. (Continues reading)

"Our task is not only to building democratic organisations but to build these in such a way that they can withstand with harassment of the apartheid government. We know that our greatest strength lies in the power of the people in our mass based communities, in the - committees, in the schools, streets and factories, in our co-ordinated strength, in our national organisations such as the NECC. Long live the struggle for democratic people's education, long live the united popular struggle against apartheid, forward to a free democratic people's South Africa."

Now I put it to you from this it is also clear that the struggle is to take over the political power in this country and not to address education problems. -- If one looks at this (30



one has to look at the introductory address and as I read it it is in a sense an analysis not just of the NECC but of where the broad position of black politics stand and he was putting it into this context and so when he comes to page 9 where you have the people's education for people's power, you have again this expression of understand of the nature of the struggle, that it is both educational and political. Education can make its contribution and that is what is hoped the people's education would do and I note here for example you have the phrase that I was mentioning earlier, all the people; and (10 on the other hand fundamental transformation as it is mentioned here is not going to be achieved until there is a democratic form of government in which people would have a say in the decisions that affected not only education but other matters. I would not as an educationist always use the actual words that you see here. Perhaps some of them are emotive, but when you are trying to build up support for a cause and that is true of any political party one uses phrases of this kind but the basic statement that is made about people's education in 'the middle of that paragraph on page 9, I have no pro- (20 blem with whatsoever, as an educationist.

Even the taking over of schools? -- That can be read in a number of ways and one has to say too of course that at conferences of this nature there is a certain euphoria, a certain enthusiasm that sometimes leads people to overlook the realities and I would say certainly since then there has been a much more realistic view of this. But taking over the schools of course could happen in many different ways and I am not sure what is meant in that phrase there.

But is it not also said what is meant? -- No, I think (30  
you / ..

you would have to discuss that, what does that mean in practice. There are many ways in which that could happen.

It is not stated anywhere however that it would be non-violent? -- I do not see any mention of violence here.

No, I am talking about non-violence, neither. -- I do not think violence is an issue in what you have just read to me.

Would you please turn to page 13..

ASSESSOR: Well, just before you go on, do you think Doctor that the interpretation given to this phrase, taking over (10 the schools could have different meanings to different people? -- It could indeed yes.

A different meaning for instance to an educationist on the one hand and a hardheaded radical on the other hands? -- All kinds of meanings, for the politician, for the educationist for the teacher in the school, for the student in the school. I would need to sit down and work that out with the people who had used it before I would know exactly what was meant.

MR FICK: Now would you please turn to page 13 with the heading: "6. Conference Resolutions." It is stated there: (20

"The major decision taken at the conference was that students should.."

(intervenes)

COURT: Before you go on there could you please have a look at page 12, which is just to the left of it:

"The DET has not officially approved the implementation of democratic SRCs. Those students and parents have gone ahead, establishing democratic structures without the DET's approval."

but this is now where in 1986, March 1986. I thought that (30

in /..

in October 1985 it had been approved? -- Well, if we are go go by the earlier document it would seem that it had been approved as far as the DET is concerned at a policy level. At what stage the implementation of the departmental SRCs started I think there is some doubt in the sense that it is still going on.

Well, can't it be that the wording "democratic SRCs" means something different to.. -- Oh yes.

..to these gentlemen than it does to the DET? -- We have the situation in the schools at the moment where the figure (10 that I gave you of 20% in DET schools is in fact for the officially recognised SRCs established under that particular constitution. However, there is evidence to show that in a number of areas there are functioning SRCs that have been set up locally through the co-operation of principals, teachers parents and students that do not follow the official constitution that we saw in the earlier document.

What does that mean then? Does it mean then when it speaks of a democratic SRC it is an SRC outside the constitution laid down by the department? If one.. -- That would (20 be part of the difference but I think it would also mean that a lot of the criticism in fact of the communication structure of which the SRC is a part, has been that it has been too top/down. Democratic I would read in this sense as coming from below.

Well, it cannot be that because it says the DET has not officially approved the implementation of democratic SRCs. This means the implementation of SRCs coming from below not coming from the top? -- The DET had its own SRCs according to the constitution that we saw in that earlier document. (30

However/..

However, apart from that there has been a movement among parents and students and teachers in local areas for setting up a SRC that they are happy with and that they can work with. And that does not work under the constitution that has been set down by the DET, it is the local organisation that operates in that particular area. So you have to parallel kinds of system.

Yes, but would you say that the SRC provided for in EXHIBIT CA.40, which is the document of the department, is not democratic? -- No, I would not go so far as to say that (10 in substance much of it is. I have to repeat what I have said earlier, I think the problem lay in the way in which it was approached. I think there is a basis for negotiation in that document that could certainly be useful and positive.

Would this then mean, your answer, that you and I give a different meaning to the word democratic and the person who wrote this sentence? -- Democracy, democratic can mean so many different things to different people and of course if one is looking at it in print there it does not give us much guide as to its meaning. (20

Well, it would seem to and I would like your comment on it, that democratic SRCs mean SRCs created by the people not SRCs created by the department of education and training. -- Yes, I think that would be the fundamental distinction.

Yes, thank you.

MR FICK: Page 13, paragraph 6: "Conference Resolutions":

"The major decision taken at the conference was that students should remain at school. The schools have been closed down. Students should occupy them and demand the right to education. Student organisations should (30

use / ..

use the presence of students at schools to regroup and build student organisations. Alternative education programmes should be started at once."

Page 13 at the top, "Conference Resolutions". Is it not clear that the education issue is used by the organisations and the NECC to mobilise and organise the youth. -- Obviously in order to - if you are going to have a student organisation then you have to organise it, you have to have discussions, you have to have debates, you have to have meetings. I do not see any difficulty about that. Obviously the NECC in looking at (10 the situation, were looking at a strategy that would enable them to deal with the situation.

Is it not so that the schools, the students should remain at the schools not to be taught but to be mobilised for people's power? -- No, I must disagree with that most firmly. The primary purpose I think is quite clear. What the discussion led to was the need for pupils to return to school, to return to education. I think it was at this point that there was a change of direction, a reaffirming I think of the value of education and that is the principal thing. As it said (20 there itself, the major decision was that students should remain at school. The fact that they are at school of course that they are there means that student organisations can be in operation, but I think it is a by-product rather than the major reason for the decision being taken.

COURT: If you look now at the conference resolutions, the first resolution is clearly a political matter not an educational matter, is it not? Page 13. -- Yes, when it comes to the May Day national stay-away.

Yes. -- Yes, indeed.

(30

And / ..

And the second resolution is also a political matter and not an educational matter. -- I would agree, I would agree.

So they started off with at least two political resolutions. -- That is so, yes.

And I am sure there are some more. Resolution 6, political prisoners.

MR FICK: Where they demand the..

COURT: Resolution 8 is sanctions, resolution 10 is on Angola. -- Yes.

Would you call this an educational consultative conference? -- I have to go back again to the context. It may seem strange to us. Many of us are able to think of education in a vacuum but I think it is quite clear if you look at the total context in which a body like the NECC has to operate that these aspects of education and the political, social, economic context that surround education, bring people to look at education in that total picture, that total situation. And so you have the basic education resolutions and so on here as you see surrounded by what are quite clearly and what one has to accept, are quite clearly political (20 areas.

ASSESSOR: Doctor, could we go back to page 13, please. Well, pages 12 and 13.

MR BIZOS: I am sorry, I did not hear the page numbers?

ASSESSOR: Pages 12 and 13. There is something there which I think you could perhaps explain. Under 5.2, we have three demands not met by the government. The last one of those is:

"Many school buildings which were damaged last year have not been repaired. As a result, students in some regions have had to use the platooning method of (30 attending/..

attending school."

What is that? -- The platoon method is essentially using one classroom or one whole school building for two sets of schools or two sets of classes. There have been, over the years one would get a school building which had a complete school with its own principal and its own teachers that would meet for the first five hours of the day. Then that school would move out and a new school would move in and it would use the same school building for the second half of the day. That is the platoon system. Sometimes it is not just, it is not (10 a separate school, some of the classes within that school might have to meet so that you get the classroom used twice during the day. So I think what is meant here is supposing you had a school which was damaged and had lost say three of its classrooms then there were three classes who did not have a classroom, so they would use three of the other classrooms but at a later period of the day.

I appreciate that. Now one other implication in this particular item seems to be that there was a demand that school buildings which were damaged last year, that would (20 be 1985, should be repaired. Now as it is phrased here it appears as a criticism that this was not met. -- Well, I think of course it still is the case. There are quite a number of school buildings that have not been repaired.

I think you are quite right there, but has this been a demand that the school building should be repaired immediately? -- There certainly to my knowledge has been a number of community negotiations with the department about the repairing of schools and it has appeared in some of the local student petitions, lists of student grievances about the repair to (30 schools / ..

schools, yes.

Then on page 13 just this one underlined section there in the very first paragraph after "Conference Resolutions".

-- Yes.

Heading 6. -- Yes.

"The major decision taken.."

we have dealt with that. -- Yes.

And then we have it:

"Student organisations should use the presence of students at school to regroup and build student organisations.."(10 and then underlined is:

"Alternative education programmes should be started at once."

What does that mean? -- That can mean a great number of things. In one of my papers I think the IRS one, I have some discussion of the area of alternative education of which people's education is a part, but I think what was meant here is something more specific, something nearer to the schools. There are quite a lot of programmes run by the community, run by the private sector, run by private funded foundations and (20 so on which offer programmes that supplement the work that goes on within the formal school. So an alternative education programme could be anything from a group of students coming together and deciding that they would like to do A, B or C and asking someone to come and talk to them about that, to more formal academic supplementary programmes to help them with their work if they were in matric and so on. It is a very wide field of meaning when you talk about alternative education. It is education outside of the system really.

THE COURT ADJOURNS FOR LUNCH.

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THE / ..



THE COURT RESUMES AFTER LUNCH

KENNETH BROWN HARTSHORNE, still under oath -

FURTHER CROSS-EXAMINATION BY MR FICK: Thank you. Doctor, will you please turn to page 21 of EXHIBIT CA.42. It is the one of the March 1986 Conference, page 21.

COURT: Resolution 13?

MR FICK: Correct, m'lord. There is the resolution more fully:

"Therefore resolves that all students should return to school when the new terms starts. (10

2.1 in such cases where schools have been closed they must be occupied and we must demand the right to education.

2.2 to use the presence of students at school to assist in building and regrouping of our student organisations

2.3 to implement alternate people's education programmes immediately."

What do you understand from resolution 1, to occupy the schools and demand the right to education. -- Perhaps I can illustrate that best by a practical example. There was an example in the Cape where the department of education and training had closed a school. At the beginning of the new term the parents and the teachers, the principal and the teachers together with the students decided that they wanted to resume education. They approached the local officials who refused to take any action and so in fact what happened was that the principal and the teachers went into the school, opened it, started classes and that school operated so to speak normally like any normal school and I would presume that that is in (30

fact / ..

fact a good example of the meaning of no.1.

But there is no reference to the permission of any authority to occupy the school? -- But in fact in the particular case that I know of, that is what was done first but it was refused.

But that was done with the permission of the principal in any case, and the teachers? -- It was done in co-operation with the principal and teachers, yes.

And paragraph no.3, implement alternate people's education programmes immediately. What do you understand by (10 that? -- Well, I tried earlier to explain something about alternative education to a question from the bench. As I said at that time it could mean a whole range of programmes designed to help students in one way or another. I think the distinctive thing about them would be that on the whole they would be outside of the normal school system.

I put it to you with paragraph 3 is meant not any programmes to supplement the education programmes of the department but to substitute the programmes of the department. -- In practice there have been both kinds of alternative pro- (20 grammes, both programmes that in a sense supplement, add to, do things which are not done in the school and there are cases of a programme being set up which is a substitute for what is going on in the school.

COURT: What type of programme would that be? -- There are examples of what you might call broadly private schools, community private schools which have been set up outside the system to offer an education closer to what the community wants. Some of those offer a whole range, some programmes might just offer a particular programme in English or (30 history / ..

history for example along the lines of what the people's education commissions would have recommended.

But do you read paragraph 3 as a private school or do you read paragraph 3 as the same school with a different curriculum? -- Well, again to speak from practise, there have been cases in schools, schools that are formally run by the education department where either students alone or sometimes with the co-operation of teachers, have run programmes within the school that are not part of the normal school programme. That has also happened. It is a very wide range of alternatives that you have happening in this particular field. (10

When you say not part of, does that mean then in contravention of the rules? -- That would be difficult to answer because I think in some cases a lot of the alternate programmes have been run as what one might call under ordinary school circumstances extra-mural programmes. I would not be able to give a judgement on whether they could be declared in that way, in the way that you would..

But one must read paragraph 3 subject to the introductory clause which says: "All students should return to school". -- That is right. (20

So I take it that that means in normal school hours, not after hours. Now reading that together what does that mean? -- Well, I can judge is by the practice and in the practice you have had both. You had some programmes within what would be regarded as normal school hours and you have had some programmes which have been broadly at the school but extra-mural to the normal say 8 to 2.

Now if it is in school hours and it is outside the curriculum, is that within the rules or against the rules? -- I (30  
would / ..

would have difficulty in fact in tracking down what the rule was on that, m'lord.

I mean if the syllabus is that you teach say geography of Egypt in st.4 and you ignore that and you teach the geography of Taiwan in st.4, would that be against the rules or would it be allowed? -- It is not as simple as that, it is not a question of rules. Teachers are dealing with a particular syllabus. It is not only the content of the syllabus it is the method of using that syllabus. A syllabus is also regarded in education as a minimum requirement and I do not(10 think anyone would have any problems with a teacher who not only did what was the minimum that was required, but taught additional material. And I do not think there are any rules about that. What he is expected to do as a kind of bottom line is to make sure that he has covered the syllabus that is laid down.

But if you replace this syllabus with something else because you have spoken of substitution. -- Yes.

We are dealing with substitution, Doctor. Now if there is substitution is that against the rules? Or is it allow-(20 ed? -- I think the question of whether..it probably is against the rules in the sense that in terms of the inspection of the school and in what the school is doing, it would certainly be dealt with in terms of the teacher carrying out his task as far as the syllabus is concerned. Whether it is allowed or not of course would depend on to what extent the department was aware of what was going on in the school.

Well, that is not the question. -- But that is another issue.

Yes, thank you.

(30

MR / ..

MR FICK: Was the department of education and training ever approached by any organisation to allow people's education to be taught in the schools? -- I am aware of some discussions in the earlier days of the NECC between NECC representatives and the deputy minister of education and training over a number of issues and the issue of people's education in terms of the relevance of school syllabuses was one of the issues and of course since then there have been statements by the minister himself that they are prepared to look at people's education, at some of the issues that are raised and be (10 prepared to look at the syllabuses from that point of view. That is a public statement that had been made by the minister.

And up to now it was not allowed? -- Not to my knowledge.

Yes. Now were you aware of the fact that Mr Sisulu was detained? -- Yes, I am aware that that happened, yes.

Do you know why? -- No, we are told why.

Were you aware of the fact that the keynote address delivered by Mr Sisulu was before the court in an application for his release? -- No, I am not aware of that.

Are you aware of the fact that the supreme court (20 expressed an opinion on the keynote address? -- No, I am not aware of that either.

Are you aware of the fact that the application for his release was turned down? -- Yes, that I am aware of.

By the supreme court. Are you aware of that? -- Yes, yes, I am certainly.

Now what I cannot understand is why you have not obtained the keynote address, the full version of the keynote address? -- The version of the keynote address that I have, as I have said that is given here in the document CA - is it 42? (30

Yes / ..

Yes. -- That was reproduced in the documentation that I had from the South African Institute of Race Relations.

Was the full keynote address reproduced in your documents? -- What was reproduced is what is here. Whether that is full or not I am not sure. It would seem from this particular document that it is called an edited version.

So why didn't you try to obtain the full version? -- The sheer limits of human energy, m'lord. There are things that one can do, one cannot be perfect, one cannot get everything, one does one's best to keep informed. (10)

ASSESSOR: Would that limit also apply to organisations?

The sheer limit of possibility and impossibility? -- It is because this is a very wide field that is being covered and I notice that a number of questions have been directed at me about student organisations. One cannot cover everything and that is a rather specialised field and what I have done there is to make sure that I have kept in touch with the major statements that have been made. And while I am talking may I say that I have been reflecting over the lunch hour on the trend of the questions and perhaps I have not been (20) as absolutely clear as I should in answering and I would like to try and sum up because it keeps on coming up and I would like to get this as clear as I can to assist the court. I write much better than I speak impromptu and I would like to reflect on something. In my answer on the range of questions which have affected the NECC would be this. I accept that the NECC has political purposes as well as educational purposes, that those political purposes vest broadly in the compass of what you might call the UDF movement, but its major focus in theory and practice is on the education (30)

crisis / ..

crisis as it is stated in its title. And when I say that I mean a focus on education in all its facets and one of the facets of education is the political context in which that education exists. That is how I would sum up my attempt to sum up earlier questions where perhaps I was not as clear as I should be, and I would like to put that on record.

MR FICK: But how can you say that if you have not studied the documents of the NECC? -- I would dispute that I have not studied the documents of the NECC. I studied the range of resolutions, statements about education in both the Johan- (10 nesburg and Durban meeting. I in fact have discussed NECC issues with members of the NECC and just to bring this forward a little too I am a member of a board of control which is carrying out a research project at the University of the Witwatersrand where the board of control consists of an equal number of university members and NECC members and the chairman being the deputy vice-chancellor of the University. This body governs what is called the education policy unit, so it is concerned with education and I have to say that the NECC's interests are in that field of education and the development of curriculum. So it is not just what appears in the documents. It is a whole range of experience, of studies done by the University of the Western Cape and other bodies that lead me to what I am saying.

But how then can you say that you have not studied the full text of the keynote address of the NECC on education? It is a very important document. -- That may be. That may be a fault on my part but I do not think that it takes away from the rest of the information that I have.

I would like to put it to you that the NECC works (30

towards / ..

towards the total liberation of the people in South Africa by supporting the creation of so-called liberated zones in the townships. Do you know about that? -- No, I do not think I can comment on the concept of liberated zones.

But haven't you studied their policy? -- Yes, I have studied the policy, their education policy.

Haven't you come across the viewpoint stated by the NECC that ungovernability is part of the struggle for liberation. It is necessary to make the country or the township ungovernable before there can be people's power and after (10 that liberation? -- I have not come across that as an official statement of NECC policy. I have seen statements of that kind which have been in fact a statement of what the actual situation was in a particular area but I have not seen it declared as a part of the basic policy of the NECC.

Do you think that the NECC, it is part of the NECC's viewpoint that it is necessary for the students and the community in the township and schools to govern themselves. -- Yes, I have seen that concept expressed.

Do you know what was the slogan accepted by the NECC (20 for the conference in March 1986? -- You would have to remind me of that. There are so many slogans that I would have to be reminded of which one that was.

Do you know if the slogan, inter alia the slogan: "Forward to people's power" was accepted? -- Yes, I do.

Do you know that it is the viewpoint of the NECC that the organised youth together with the older people in the township in exercising people's justice and setting up people's courts are in fact showing an example of people's power? -- I know of course of that concept, but I do not (30

have / ..



have any immediate knowledge of that.

I would like to put it to you that Mr Sisulu in his keynote address also addressed the question of people's courts and people's power and he made it clear that when disciplined organised youth together with the older people participate in the exercise of people's justice and the setting up of..

COURT: Where are you reading?

MR FICK: I am reading from the full text of Mr Sisulu's speech. (10)

COURT: Well that may or may not be, but the witness has not got it and he has never seen it.

MR FICK: As the court pleases. Do you know whether it is the policy of the NECC to call on the people as a demonstration of people's power to reject school committees and set up pupil/parents' committees? -- Yes, I know of that certainly.

Now..

COURT: Just a moment. What is the difficulty with the school committee then? Let us forget about its antecedents, how it originated and that it is a statutory thing, but (20 what is the problem with a school committee? It is democratically elected? -- Yes, that is true but in this large context that I have tried to sketch and explain one has to see that the school committee nevertheless is seen as part of the, of what in general terms is called the system, part of the departmental structures and there are large numbers of people who reject those structures completely and therefore the school committee falls into that category.

Yes?

MR FICK: Is it not so that although the conference in (30  
March / ..

March 1986 convened, was convened by the NECC the main force behind the committee of the NECC was the UDF? -- I cannot really speculate on that.

But haven't you spoken to the members of the NECC? -- I take people at their face value and when I talk I am not really concerned about the internal movements and so on that are going on. What I am interested in is what is the thinking on education. That is my field, that is what I try to stick to.

I would like to put it to you that your definition of (10 people's power as set out on page 20 of EXHIBIT DA.213. -- Is that the IRS?

Yes, the last line on page 19. -- 19?

The last line yes. -- Thank you.

"In the political context it is inextricably bound up with the concept of "people's power, which is the collective strength of the community" and "an expression of the will of the people".

I put it to you that that is not the correct definition of "people's power". -- That is the definition which appeared (20 in the first documents from the 1985 conference. Those quotes are taken direct from that document.

Is that no the document that you received from the SAIRR. -- The South African Institute of Race Relations in terms of the 1985 conference had a complete set of all the resolutions that had been placed before me.

I would like to turn to another subject and that is the age limit. You said in your evidence-in-chief that the age limit was introduced before 1980 for the first time? -- As I remember the first indications of an age limit were before (30

1980. The application of the age limit as I remember was in the years 1980/81/82. Maybe earlier but that is my memory of it.

When last was the age limit restriction applied, to your knowledge? -- To my knowledge the resistance to the age limit in the years 1980/81/82 was such and was so strong that basically I think that it is not being applied at the moment to any great extent that I have been able to establish.

Since when, 1982? -- It has died out over the years. I think the figure that I saw round about 1983 it must have (10 been was that in that year there was only about - I think it was between 200 and 300 cases where it had been applied. And if one looks at the reports of the DET since that it is not something that is commented on or facts or figures are given about. It seems to have died a natural death.

Now I put it to you that the student/parent committees were set up with an ulterior motive to help with the organisation and mobilisation of the students and the parents in the liberation struggle and not to help with the solution of education problems. -- We are back to the same question (20 basically. I have to repeat that the education problems were the immediate ones, that students and parents had to deal with but quite clearly they saw these problems in a wider context and that is what I have to stick to. That is my considered judgement and I have to repeat that answer in this case as well.

Do you know whether there are any links between COSAS Soweto Youth Congress, AZASO and the UDF? -- Now we are going back to COSAS?

Yes. -- One's own knowledge of this is yes, there are (30  
links / ..

links.

Do you know what links? -- I am not sure in what sense you mean except to me in educational terms the links are a broad shared kind of belief or philosophy about education, that they would broadly share the same ideals, they would have the same kind of claims and they would be striving for the same kind of things.

And the other organisations, Soweto Youth Congress and AZASO? -- I do not have a great deal of information on them as far as that connection is concerned. (10

Finally I would like to put to you Doctor, that the organisations like COSAS, AZASO, Soweto Youth Congress, SAYCO and UDF are all participating the liberation struggle and they are all using education as a means to mobilise and organise the youth and parents to participate in the liberation struggle to overthrow the government. -- And the question is?

Do you agree? -- No, I do not.

Thank you, I have no further questions.

RE-EXAMINATION BY MR BIZOS: Thank you. Have you delivered any keynote addresses in your lifetime at various conferen-(20 ces. -- Many. I have to do one on Tuesday.

Have the ideas that you have expressed in your keynote addresses become the policies of the organisations that invited you to deliver the keynote addresses? -- Sometimes I have had some influence and sometimes I have not.

Do you know whether Mr Zwelakhe Sisulu was an office bearer of the NECC in 1985 or 1986? -- I am not sure of that.

You do not know. Whilst you have the documents, they are readily available, we will take them in back to front order so to speak. Please turn to EXHIBIT CA.42 on page 21(30

the / ..

the middle of the page, resolution 13:

"But believing that one education struggle must increasingly involve parents, teachers, students and all democratic organisations.."

as a student of the history of this period do you know whether anything happened or did not happen to make that expression of that belief necessary in this resolution? -- If one looks back at the history of education, black education in general of course one in educational terms is looking back at a fairly authoritarian system, in which certainly parents did not (10 have a great say. For instance parent/teacher associations were quite foreign to black education and one of the things I think that arose as a result of the 1976 occurrences which in the beginning caused an alienation between students and their parents and their teachers, has seen in more recent years a better understanding between parents and teachers and students and this has resulted in parent/teacher organisations and parent/teacher/student organisations. There is a wide variety in local situations so I think in fact this has been one of the developments of say the last ten years. (20

Are you at all familiar with the expression of enrichment programmes in any schools? -- It is a very common educational term and it is concerned with in a sense supplementing what the ordinary teacher is able to do in the classroom. It may be through films or exposure to other people who are brought into the school to talk to pupils and so on. There is a wide variety of kinds of enrichment programmes.

Is this during, is enrichment done during or after school hours or both? -- Both.

Have you ever heard the department, assuming that it (30

is / ..

is done, it is educationally acceptable, have you ever heard the department censuring any principal or any teacher from conducting such enrichment projects? -- No, no, I have not. It could be alternative education in the wider sense, but it is a longstanding thing in education, the use of enrichment programmes because within the limits of the class of 40, 50 children and the teacher restricted to a particular syllabus there are all kinds of interesting things the children should be learning about but in fact they are not able to do within the constraints of that time, and many of our best schools in fact have got very considerable enrichment programmes that go on in the afternoon. There are all kinds of activities that can be called enrichment taking children to camps over the weekend and looking at nature and so on. Things that you cannot deal with in the normal classroom situation. That field, it is that field that we would call enrichment programmes, m'lord.

Still on page 21, this belief in relation to parents/teachers and democratic organisations, during this crisis from 1976/77 to say 1985 do you know what the students' attitude was to parents/teachers participation and organisations other than own in relation to the attempted solutions of their problems? -- If I can speak at the school level?

At the school level, yes. -- As I have said just now I think there was a very definite period of alienation between parents and students, immediately after 1976, but very rapidly I think this came right and by 1980 one already had strong links growing up, a better understanding I think by parents about what the problems of the students were and the beginnings of better understanding between some groups of teachers and(30  
students / ..

students and I take it that the question is did students welcome this kind of participation, and in my experience yes I think they did and I think they are examples of co-operation which show this.

Your attention was drawn to CA.42, that they are political resolutions and the first one that reference was made to was the resolution no.2 on Inkatha. I want you to please have a look at the introduction to CA.42, the middle paragraph..

COURT: Page?

MR BIZOS: Page 1. (10)

"Despite the denial of conference facilities at the University of Pietermaritzburg in Natal and also attacks by Inkatha impis the conference finally took place but had to be cut down in one all night session on Saturday." Assuming that to be correct, would you consider the second resolution as an irrelevant resolution to this conference? -- Not in terms of that particular..

MR FICK: I object, m'lord, this is an opinion, an expert opinion. I don't know that this man can give it.

MR BIZOS: He was asked, m'lord.. (20)

COURT: Yes, the question is allowed.

MR BIZOS: As your lordship pleases. I would read that in the context as being relevant to what happened at that particular conference.

Now the other resolution is on May Day National stay-away - no.1 thank you. The people that attended this conference from your experience, your knowledge and experience would they in the main be executives or workers? -- I suppose the definition of worker is also of course a difficult one. Certainly they would not be executives. (30)

COURT / ..

COURT: I was told here Bishop Tutu was also a worker, so it is a very difficult question. -- I suppose a lot depends on whether it is spelled with a capital W or a small w.

MR BIZOS: Yes, I also suggested m'lord, that the hours of my work should be restricted to workers' hours without success.

COURT: We will let you off on May Day, that is not on 1 May.

MR BIZOS: And I notice here that we were expecting the 100th anniversary of the May Day celebrations. Would you notice this as the main resolution at that sort of conference? -- No, I do not think so. I think that was just a recognition(10 of an important occasion as far as, let me say labour, was concerned.

I am afraid the inevitable has happened (drops voice) (inaudible) Thank you. Sorry. Would a document such as CA. 42 and other documents which from time to time speak of a non-racial democratic country be enough evidence for you or would you look further to see whether it included all the people or only a portion of them? -- Yes, my concern as an educationist certainly would be that we did not again suffer a sectional definition of people and my part in the papers I(20 have written and my part in the education debate has been to do what I can to see that it is all the people that are involved.

The minister that you referred to having made the public statement that certain aspects of people's education are being looked at and some of it may be incorporated in the syllabi which minister was that? -- That was the minister of education and development.

Who is that? -- That is Dr Gerrit Viljoen.

Dr Gerrit Viljoen. Yes, thank you. Do you remember (30  
when / ..



when that statement was made? -- It has been made on two occasions. The last occasion was towards the beginning of this year. I cannot give you an exact date.

Yes. Is there any statutory provision for the establishment of SRCs in white schools? -- No, there is none.

Are there schools that in fact have SRCs, white schools? -- The only place that I have come across the concept of the SRC in the way that we have been discussing it here is in some of the private schools.

Are private schools registered and under the control of the department? -- They have to register. They are not under the same control of the department as the state school would be. They have more freedom and generally of course at the moment they are only partially subsidised.

Yes. Do you know whether the department has ever raised any objection to SRCs at these schools?-- In the private schools not to my knowledge.

Would you please have a look at CA.140?

COURT: CA? 41?

MR BIZOS: CA.40. And more particularly chapter 2: Student Representative Council Constitution. -- On what page?

Yes, page 11, page 10, sorry, page 10.

COURT: We have the class leaders there on - no, sorry, page 9. On page 10.

MR BIZOS: Page 10, yes. Now I do not want you to repeat what the demands or main demands of the young people at black schools, especially the st.8s, st.9s and st.10s were but would I be summarising it correctly that they are concerned about the quality of education that they were getting? -- Yes, I think in a nutshell that would be fair to say. (30

Now / ..

Now would you have a look at some of the very laudible matters that the SRCs had to do like..

COURT: Maintaining order.

MR BIZOS: Like maintaining order and taking care of the principal's office and congratulating teachers on their birthdays, all of which of course are very important.

COURT: Setting a positive example of morality to teachers.

MR BIZOS: Etcetera. To teachers, yes. Is there anything that this SRC if its constitution was adopted, which would have enabled them to address their main problem? -- I have (10 to answer this one in this way. There is nothing very much in what is written here but of course once a group of students mix together one doubts very much whether they would limit themselves to what is actually laid down here. That is all I can say about that.

But assuming they expressed views or pass resolutions which are not covered by the duties that are set out in paragraph 3, page 10 and sequence.

COURT: You mean paragraph 3 or paragraph 2?

MR BIZOS: M'lord, the objectives are in paragraph 2 but (20 the duties, the duties are more detailed. The objectives are in generalised terms.

COURT: Yes, but the duties do not mean the rights. They might have wider powers than their duties.

MR BIZOS: Yes, I take your lordship's point. We will take the two together, both the objectives and their duties. Do you know whether there was any fear that the acceptance of this constitution might lead to something less than they wanted from their SRC? -- I think that is the whole point at issue. That is the whole reason I think for the lack of support (30

of / ..

of the departmental SRCs and the rise of what you might call the local student SRCs which act outside of these particular functions here.

COURT: What Doctor, would be the limiting clause? What clause would limit them and what would their objection to that clause be? -- I would think it is not so much what is here as perhaps what is not here. If one studies these they are very carefully tabulated. They do not give any room for example for discussion of real issues in the school which have to do with issues of curriculum and issues of the way (10 in which what methods are being used and what the school is doing in general. What we have here is..

Well would that not fall under 2.1 and 2.2? Is there anything which prevents them from discussing the curriculum or anything else and then act as representative of their fellow students and act as channel to the principal? -- I see a difficulty here in the way this works out. It is set as an objective but in the later development the kind of duties which are laid down would tend to be interpreted as this was the job they were supposed to carry out. I think (20 it would differ from school to school and a lot would depend upon the relationships between the principal and the students as to the extent to which this would work.

Well, let us have a look at duties. 3.1 says:

"Duties

Promotion of good relations among -"

and we turn to 3.1.2:

"amongst students and staff at the school by ensuring that problems raised by students are formulated, submitted and solved by means of negotiation and (30

consultation

consultation with the principal and the staff."

-- Yes, that is a positive..

So if they have a problem with the curriculum they are entitled to raise it themselves, submit it and negotiate it with the principal and the staff. -- Yes, certainly that could be interpreted..

So how are they precluded from raising that sort of thing? -- I think in terms of practice more than in terms of what is laid down.

MR BIZOS: Well let me ask you this, if you have a look at (10 the duties great care was apparently taken to spell out what the duties would be and among those duties although specific things are covered under duties, there is nothing about curriculum or subject choice? -- No, it is not mentioned specifically.

Right, we will argue this. Now you told his lordship that you did not know whether they went to the department to negotiate with them or to try and make suggestions for improvement. Do you know whether the department itself offered any student organisation any meeting or any platform or (20 any negotiating procedure to try and come to terms on any differences between - well, even before CA.40 was issued or thereafter? -- All I can comment on as far as that is concerned is that there was a period when there was some positive discussion and negotiation particularly between the deputy minister and various bodies in the community. However, I have no knowledge of exactly what was discussed at those meetings and it is in fact rather difficult to find out what departments do or do not do or how they do it.

I do not, in view of his lordship's remark to my (30

learned / ..

learned friend, I do not want any facts and figures but purely a concise answer if you have it, do you know what percentage of the total bill goes to medical services for white children? Is it anything worthwhile speaking about? -- I really cannot give an answer to that.

In relation to your sources, the publications of the Race Relations publications, are they generally accepted or not, recognised or not as source material in your field of expertise and study? -- I would think that no educationist in South Africa who is concerned with the problems that we (10 have been concerned with here could do without the annual survey of the Institute of Race Relations on his desk. It is the best statistical, factual, tested material that is probably produced in South Africa and that also goes for the interim production of what is called the quarterly updates and other material which at the end of the year are then incorporated in this larger survey. It is an absolute basic research source for educationists in this field.

Now your paper DA.113 delivered at Potchefstroom..

ASSESSOR: Is it not 213? (20

MR BIZOS: 213, I beg your pardon. -- 213.

213. Was that the only paper on alternative education or were there other papers as well? -- Well, this was a whole conference in which the basic issue was the education crisis and there were a large number of papers given both on the question of alternative education in general and people's education in particular.

Was your paper and the other papers discussed? -- Yes, indeed in the normal set-up of a conference there were various methods of discussion, questions and discussions immediately (30 after/..

after the paper and there were also group discussions after a number of papers had been given.

And was your paper subjected to the criticism of your peers? -- Oh indeed, yes.

And were there any factual errors pointed out to you which you may have found it necessary to change? -- No, the debate is not about the facts. The debate is about the philosophical platform from which one approaches the education debate.

Was any evidence presented at that conference that alternative education was a violent revolutionary adjunct (10 to a violent revolutionary struggle? -- Not alternative education as such. There was a paper by a Professor Van der Walt from Potchefstroom who I must say placed his platform clearly as I had done and placed it firmly in the field of christian national education, who had certain misgivings from that philosophical point about people's education.

And is that as far as it went? -- That is so.

Now right at the beginning you were asked as to whether you had seen certain documents, COSAS documents were mentioned. Do you recall whether at the time that you were asked to (20 give evidence whether a batch of documents was handed over to you? -- Yes, I was given a batch of documents.

Were they in a file? -- They were in a file.

Did you look at them? -- I presumed that they had been given to me to get a feel of the issues that were inherent in the case so I looked at them to get a feeling of this and I then concentrated on the matters that we dealt with yesterday.

And is this the file..

COURT: You did not study the documents, you just glanced through them? -- I did not study every single document. It(30

was / ..

was rather a fat file and I felt that it was wise for me as a specialist to concentrate on those issues where first of all education policy was being stated and quite clearly the other major field of interest which kept coming up were the area of student grievances and so on. So those were the two areas which I concentrated on among the mass of documents.

MR BIZOS: Is this the file that you brought back to court this morning? -- Yes.

M'lord, I was not responsible for the compilation of the file, Mr Marcus was, but I got Miss Potter to go through(10 it, it is the whole..

COURT: How does that help you, Mr Bizos? The witness just glanced through the documents. Do you want to reopen the field again?

MR BIZOS: No, I do not want to reopen the field but he said that he had a look at the documents more particularly in relation to the grievances and I merely want to place on record that it was the whole AB-series.

COURT: AB?

MR BIZOS: 1 to AB-48.

(20

COURT: AB.1 to AB.48? Yes very well, hand the file to Mr Fick and he can confirm that and then that is that.

MR BIZOS: As your lordship pleases, yes. There are just two other matters. You were referred to passages in W..the number is not clear, I am sorry.

COURT: 21 I seem to remember.

MR BIZOS: That was the one and the other..

COURT: 14 or 15.

MR BIZOS: 14 or 15. Do you view anything in those passages as.. -- Can I just remind myself of what they were. We (30

have / ..

have been through so much.

COURT: They were articles in a SASPU FOCUS was the one.

-- If we can just get them.

And the other was an AZASO Newsletter. W15 I think.

MR BIZOS: W.15 and 21. W.15 on page 2 and page 4.

COURT: Well let us have a question first. I may well be that the witness need not have to read all the passages again.

MR BIZOS: No, I will try and generalise it. In these passages my learned friend relied on words such as "liberation (10 struggle". What do you - and "power to the people" - what do you understand by the expression "liberation struggle" as used in relation to education or used by students? -- I think in terms of education when the word "liberation" is used it is used in terms of freeing the human mind, the human spirit, providing opportunities for development; taking away constraints that would prevent children in this case having equal opportunities, having equal access, having the same kind of quality. It has to do in education I think with that aspect as far as the school is concerned, but it also has (20 to do I think with the democratic right of parents and community to have some say in what happens in the education system that affects their children. That is how I would begin to define it. I think one could say much more but I think these are the basics. .

Did you ever understand expressions such as "liberation struggle" or "power to the people" as used by students in the documents you have seen and the contacts that you have had, ever to have been a violent struggle for the overthrow of the state? -- No, they are not terms that as an (30 educationist / ..



educationist I would use. I would put it in a different way but I have no reason to suppose that there is a violence built into those concepts.

COURT: Did you have an opportunity to read the articles which were put to you? -- I would merely refer to..

You merely referred to certain passages? -- To certain passages yes and I can only go on those.

MR BIZOS: In fact I intended putting a couple of sentences before and a couple of sentences after but decided that we will draw your lordship's attention to them.. (10)

COURT: We can read the whole article at leisure and not burden the witness with it.

MR BIZOS: As your lordship pleases. You have told us that you rely on the resolutions of organisations in order to determine what their policy is. The presentation of papers at conferences and meetings, do the ideas expressed in the papers, are they always incorporated into the resolutions? Do they become the policy? -- No, by no means. By no means. I think before a policy is worked out one has probably gone through a long process of discussion and contributions (20 from various people before you get to that point.

Yes, thank you. I have no further questions.

NO FURTHER QUESTIONS

MR BIZOS: Could we place on record in relation to the AB-series..

COURT: Ab.1 to AB.48.

MR BIZOS: I have on my notes that AB.20 is there. My learned friend says that they are all there except AB.20. I just want to have a quick confirmation or lack of confirmation of it. (30)

COURT / ..

COURT: Yes well you can come back to me later on this.

We can have the following witness now.

MR BIZOS: It would see that AB.20 is not in. Apparently the heading is in but not the document.

COURT: So we note that AB.1 to AB.48 is there except AB.20.

MR BIZOS: Whatever it was, was not given to Dr Hartshorne.

COURT: Yes, it is so noted.

MR BIZOS: Perhaps before leaving I understand that your lordship asked the state of play so to speak of Mr Yacoob on Monday. Perhaps before leaving I should indicate to your lordship that we are busy in fact pruning rather than adding, so the goal will be achieved we believe before the end of the month, but I would ask your lordship with respect..

COURT: I could lend you a couple of sharp shears.

MR BIZOS: And it is the season, m'lord, but I would ask your lordship from time to time - there is another witness available now and in all probability he will take the whole of tomorrow, but my learned friend Mr Chaskalson, my learned friend Mr Tip and my learned friend Mr Marcus are busy with the argument. I would like to be of assistance in that regard. It may be as we have done in the past, I may have to find another witness that come here and sits here until about 12h20 or so when it becomes apparent that there will be no other witness. I think with respect that we would ask your lordship for some greater tolerance at this stage when it is more difficult to marshall witnesses.

COURT: But let the witness wait, it is not necessary for you to wait, but get the witness here to wait and you can be telephoned to come over should the occasion arise. That may help a bit.

(30

MR / ..

MR BIZOS: It helps a bit but some of these people are professional people that are not on tap at short notice.

COURT: Yes, I know you have this difficulty and it is a difficulty counsel always has with all witnesses, not only professional witnesses. It is the question of either the convenience of the witness or the convenience of the court.

MR BIZOS: Absolutely.

COURT: And we have to keep the ball rolling.

MR BIZOS: No, we are not unmindful of this and we have tried hard and I would submit that we have succeeded to a (10 very large extent.

COURT: We have not done too badly so far. As long as we do not tire now.

MR BIZOS: No, no, the last lap is difficult but that is all I am saying.

COURT: Yes, very well. If I may be excused?

MR FICK: May I also be excused?

COURT: Yes, certainly.

From Adelaide:

THAPELO NKAYI, d.s.s. (throug interpreter) (20

EXAMINATION BY MR YACOOB: As my lord pleases. How old are you? -- 22 years.

COURT: Are you Ngayi or Nkayi? -- Nkayi - "k".

Yes.

MR YACOOB: Are you presently at school? -- Yes.

What standard? -- St.9.

Were you at school during 1985? -- Yes, I was at school for a certain period.

What school were you in during 1985 for that period? -- Majinqi where I was doing my st.7. Majinqi spelled (30

m-a-j-i-n-q-i /..

Majinqi.

COURT: Is it a high school, secondary school? -- Then it was a secondary school but now it is a high school.

MR YACOOB: Is it Majinqi or Amajinqi? -- Anyone of the two. You can call it Amajinqi or Majinqi.

COURT: And what is official? -- Majinqi.

You say you were in st.8? -- In 1985?

Yes. -- St.7.

MR YACOOB: Now up to what standard could you study at Majinqi school at that stage? -- St.8. (10

And is the position that you can now go up to matric at that school? -- Yes.

I would like for us to turn to - where do you live, you live in Adelaide is that right? -- Yes, I live in Adelaide.

Which part? -- Newtown location.

I would like now to turn to the events of 11 April 1985. It is the evening of 11 April 1985. -- Yes.

Were you at home that evening? -- Yes.

Do you recall that anything in particular had happened on that day that was good news for you? -- Yes. (20

What was that? -- A friend of mine with whom I was living at the time, that is sharing the same house was released from prison on that day.

What was his name? -- Mngcineni - M-n-g-c-i-n-e-n-i July is the surname.

K1427

Now that evening did you hear anything going on in the township? -- Yes.

What did you hear? -- I heard people singing.

At about what time was this? -- Past 16h00.

From which direction did the singing come? -- From the (30 direction/..

direction of the shopping centre.

And did you at some stage join that group? -- Yes, it was past 19h00 then when I joined them.

Why didn't you join them immediately you heard the singing? -- The reason why I could not join them earlier was because my mother is employed at the hospital, therefore she was doing day duty on that particular day as a result of which I had to look after the children at home until her arrival. It was immediately after her arrival which was after 19h00 that I had time to go and join these people. (10 I therefore joined them.

Right. Now what is the name of the street on which you live? -- D Street.

COURT: D for Daniel? -- Yes, D for Daniel. Letter D.

MR YACOOB: And when you left your house to join the march or rather, where were you when you caught sight of this group of people before you joined them? -- There is a street parallel to this street on which I live. It is a street lower down, I had gone around the corner just about to turn into that street when I noticed them passing in a direction. The (20 majority of the group had passed that intersection when I joined the group which was following those that had passed already.

Is the street which is parallel to your street called C Street? -- Yes.

And is it correct that the street which you would use.. -- C is a letter, C for Caroline.

And is it correct that the street that you used that evening to walk from D Street to C Street, was the main street, a street called Main Street, is that correct? -- (30

Yes / ..

Yes.

Now did you see anything at all when you got to..

COURT: Just a moment. So you met this group on the corner of D Street and Main Street? -- When I saw them for the first time part of the mob had already turned into C Street and some were still walking Main Street. That is when I joined them.

I am sorry. Did they originally walk in C Street or did they originally walk in Main Street and then turned into C Street? -- Yes. (10

And you ran after them? -- I did not necessarily have to run in order to join them. Some of them had already turned into C but there were still some of them along Main Street. I just joined those who were still in Main Street.

MR YACOOB: When the group was walking along Main Street would they have been coming from the direction of D Street towards C Street or from the other direction? -- They were coming down Main Street past D and then turned into C.

COURT: So they came from the direction of E Street? Or have we run out of the alphabet now? -- Yes, yes, that is (20 from E past D to C.

MR YACOOB: As your lordship pleases. But now when you joined this group were they quiet or were they singing? -- They were singing.

COURT: How big was this mob as you call it? -- 100, 150 or 150 plus.

MR YACOOB: And when you joined the group did you ask anybody what was going on? -- Yes, I did ask from the person next to me.

And what were you told? -- What I asked was what was (30  
this / ..

this singing about, on which in reply I was told that this was because of their being happy that Mngcineni July had been released.

Now is it correct that on C Street there are blocks of houses, each block consisting of two houses? -- Yes.

And is it correct also that between the blocks there are actually a narrow passway?

COURT: Running parallel with what?

MR YACOOB: Running parallel with each other.

COURT: I am sure, but running parallel with Main Street or (10 running parallel with C Street?

MR YACOOB: Oh sorry, it is running parallel with Main Street. -- Yes, there is.

COURT: So is it then that on C Street you have per block two houses with a little lane in between? -- No, after every two blocks is a passage.

MR YACOOB: Right do you know on what street Constable Springbok's house is? -- Yes.

What street? -- In C Street.

Now bearing in mind the direction in which you were (20 proceeding along that street that evening, would Constable Springbok's house be on your left or on your right-hand side? -- It was on my right.

Would this house be right next to a passway or not? -- Right up front of the yard next to the passway.

And as you were marching along, bearing in mind the direction in which you were going on that day, would the pathway which is right next to his house, would you get to that after you get to his house or before you get to his house? -- The way we were walking in that direction with the singing (30 group/..

group you first pass the passage, which is the lane between the two blocks and then find his house which is part of the next block, the second block from the first one you pass at this passage.

ASSESSOR: Do you pass the passage and one house before you come to.. -- And one block and then his house forms part of the second block.

MR YACOOB: Now this group of people that were going along did they cover the whole of the width of C Street? -- Yes.

About how many people would you say would it take to (10 cover the whole of the width of C Street, walking side by side? -- About eight.

And at what sort of rate would you say you were walking? Were you running, walking fast or walking at a normal pace? -- We were not running, we were just walking normal.

And did this group remain the same size as you were going along or not? -- It is difficult to say because some were leaving the group, some joining. Now I am not in a position to say what the size exactly was at the time.

COURT: Was it dark at the time? -- Yes. (20

Is there street lighting? -- No.

MR YACOOB: Was there any light available at all when you joined this group? -- It was already after dusk and there was no light at all.

What happened as you were going along? What happened when you were in the vicinity of Constable Springbok's house? -- Part of the group in which I was had passed Springbok's house. I was amongst those who were still coming to pass the house of Springbok. Prior to my passing without any incident having taken place, a shot was fired. (30

COURT / ..



COURT: Where were you then? -- I still had not passed the house, I was still some distance away from the house of Springbok and the second shot was fired from the same direction in that vicinity, which resulted in me turning back, that is going back in the direction from which we came as a group.

Yes but now when the first shot was fired, how far were you from Springbok's house? -- I was about in the middle of the yard of the first block after the passage, before reaching the yard of his block when this happened.

In distance how many metres would you say it was? -- (10 Approximately from where I am standing now in the witness stand to the main entrance of the courtroom at the back.

ASSESSOR: Courthouse?

COURT: No, this room here. -- This room here.

20 metres? Yes, then you say a second shot was fired? -- Yes.

When the second shot was fired were you still in the same spot? -- More or less in the same spot because when the first shot was fired I got a fright and reduced speed therefore when the second shot was fired I was still in the immediate (20 vicinity of the first shot. I therefore turned back and ran away.

Yes, thank you.

MR YACOOB: Thank you. Could you tell whether any stones were thrown by the group in which you were or by anyone in the group in which you were, at Constable Springbok's house before the shots were fired? -- No, I did not hear any sound of a stonethrowing.

And was the pace of the group in which you were reduced or increased in any way before you heard the shots being (30 fired / ..

fired? -- We still walking at the same pace at which we were walking prior to reaching that point.

Right. Now let us turn to the school situation. Before 1985 did you have problems at your school, Majinqi school? Did you have difficulties or complaints? -- Yes, we had problems.

What short of complaints did you have at your school in 1985? -- The shortage of books, textbooks and other books that were being issued by the school in the sense that for instance that if I was sharing a desk with somebody who (10 lives at a different part of the township and we are given one textbook to use, the two of us and in case where we have to use the same book in the afternoon after school, it means one of us is going to suffer because we cannot both have the book and we live far apart.

Any other problems that you would like to mention that you had before 1985? -- The prefect system was creating problems for the students, namely that whenever there were problems that were to be taken by the prefects to the head of the school or the teachers, the prefects were reluctant (20 to do that. They would not do that as fast as they could do, in the case where something was to be drawn to the attention of the scholars which came from the principal or the staff.

Can you give examples of the problems you had with the prefects? -- Yes.

Yes, any other problems at the school? -- The age limits. For instance a person who was about 20 years of age would not be allowed to be promoted to st.6 because of the age.

Was corporal punishment used at your school? -- Yes.

Did you have any complaints about corporal punishment?(30

Yes / ..

-- Yes well, there was nothing we could do. One would just complain with himself and say this is too much or whatever. You were not in a position to do anything about it.

I would like to come back to the first problem which you mentioned and that is the problem arising out of the sharing of textbooks. Was this complaint raised anywhere? -- Yes, it was raised with the prefects.

In what year was this problem raised with the prefects for the first time? -- In 1984.

Now did each class have its own prefect? -- Yes. (10

When you say the problem was raised with the prefects, do you mean anything more than that your class raised it with your prefects? -- It was raised with the prefect in our classroom to take it up with other prefects.

COURT: How many prefects were there per class? -- You had a prefect and a monitor in one class.

Right down to st.5? -- No, not during my time there were no prefects or monitors in st.5.

So what standards had prefects? -- From st.6 that is when I started my secondary education. It is where I found the prefects system. (20

Yes, thank you. Would this be a convenient time for the adjournment.

MR YACOOB: As your lordship pleases.

COURT: I would like to make an announcement. We will start 15 minutes late tomorrow morning so the court adjourns until 10h15. Will the accused please note, it is because of official duties.

THE COURT ADJOURNS UNTIL 10 JUNE 1988.