

IN THE SUPREME COURT OF SOUTH AFRICA.

(TRANSVAAL PROVINCIAL DIVISION)

BEFORE: The Honourable Mr. Justice DE WET. (Judge President)

In the matter of:

THE STATE versus MANDELA AND OTHERS.

Appearances:

For the State : DR. YUTAR AND OTHERS.

For the Defence: MR. BERRANGE AND OTHERS.

30th April, 1964.

-EXTRACT OF EVIDENCE-

Belt 70E. ACCUSED NO. 7:

RAYMOND MHLABO. (s.s.)

EXAMINATION BY MR. BERRANGE: Mr. Mhlabo you are 44 years of age? --- That is correct.

You were when you made the statement, are you still 44 years? --- Yes.

Prior to October, 1961, what was your occupation? --- I was a clerk and messenger in the lawyers offices in Port Elizabeth.

Firm of attorneys offices in Port Elizabeth? --- That is correct.

And for how long were you working for this firm of attorneys or had you been working for this firm of attorneys? --- For eight years.

And when did you start work with them in Port Elizabeth? --- From June, 1942.

And did you become interested in any workers or political organisations? --- Yes, I became interested in the Trade Union movement and I was also interested in the policies and programme of the Communist Party.

MHLABO

And since 1943 to 1953 did you occupy yourself with work in the Trade Union Movement as well as up to a certain stage thereof in the Communist Party? --- That is correct, my Lord.

And I think that you acted in the Laundry Workers Union? --- That is correct, my Lord.

And what about the African National Congress? --- I joined the African National Congress in 1944.

And your political activity on behalf of the African National Congress and all the other organisations that you mentioned was carried on mainly where? --- In the Cape Province.

I understand that you took part in the Defiance Campaign? --- That is correct, my Lord.

And after the South African Communist party was banned in 1950 to what organisation did you devote all your activity? --- I devoted my activities in the African National Congress.

And I think we may as well have this, in 1948 you were arrested for organising a strike of the Dry Cleaning and Laundry Workers in Port Elizabeth? --- That is correct, my Lord.

You received a suspended sentence? --- That is correct.

And in 1952 during the Defiance Campaign you were charged and arrested and you were sentenced to 30 days imprisonment? --- That is correct, my Lord.

And in 1953 you ^{were} charged under the suppression of Communism Act in respect of your activities in the Defiance Campaign? --- That is correct, my Lord.

And you received a sentence of 9 months imprisonment which was suspended for 3 years? --- That is correct, my Lord.

During the state of emergency in 1960 you were also detained? --- That is correct, my Lord.

So it is clear, Mr. Mhlabo, that you have been a devoted worker of the African National Congress? --- That is correct, my Lord.

What was the type of work in which you were particularly engaged in the African National Congress? What was your speciality? --- Organisation of work.

Organisation of work. By that do you mean organising the African National Congress? --- That is correct, my Lord.

Now, you remember a zoning system started, I think it was at New Brighton, wasn't it? --- Yes, that was at New Brighton.

In 1952? --- That is correct, my Lord.

What was that as a result of? --- It was as a result of the riots which took place in 1952 in New Brighton.

Yes? --- And the Port Elizabeth City Council decided that there were not to be more than ten Africans coming together at a particular....

Prohibited meetings of more than ten Africans at any one meeting? --- Yes, that is correct.

What effect did that have upon the African National Congress? --- It deprived us of having public meetings. It deprived us of coming together. For instance the general meeting could not be organised and therefore we decided that we should have what we called then a zoning system.

Was that introduced by the African National Congress to overcome this difficulty? --- Yes, that is correct.

And this system of zoning, I don't know whether it is necessary for you to explain it, because we'll get onto the next point in regard thereto, what did that ultimately develop into? --- In its refined form it was called the M Plan.

And that came into being in 1952/53, did it? --- Early in '53.

And what part did you play in the implementation of the M. Plan? --- I took an active part in the implementation of the M. Plan as a whole.

As part of your organisational abilities? --- As part of my organisational work.

And shortly would you describe to his Lordship what is meant by the M Plan and what its intention is? --- Well, my Lord, the M Plan is intended to zone an area into what is called zones, and in a particular zone you have streets and in a particular street you have what we call cells...

By the way, may I just break in for a moment. Whilst you were in the Communist Party how were cells referred to? --- In the Communist Party we never used the term.

What term do you use? --- In this country we refer to groups.

Anyway go on. You say you had cells in the streets? --- Yes, a cell composes of 10 houses, and then of course you have a cell leader put in charge of those particular houses.

Do you have zone leaders? --- Then from a cell leader you have a street leader, a leader who is in charge of the whole street and the highest will be a zone leader in charge of the whole zone.

And this was a new departure for the African National Congress when it started to introduce the M Plan, was it not? --- Well, it was intended to meet the same illegal and legal conditions as per legislation by the Government.

I'm not quite following you there in that respect? ---

BY THE COURT: Legislative restrictions. WITNESS: That is correct, my Lord.

EXAMINATION BY MR. BERRANGE (CONTD.) Was it anticipated that the time would come in due course when the organisation would be declared an unlawful organisation? --- Yes, from our own personal study of the present Government.

This plan was then being put into operation to meet that situation? --- To meet that situation, yes.

And where was it put into operation first, do you know? --- In the Eastern Province.

Throughout the whole Eastern Province and naturally in

Port Elizabeth where you took part? --- That is correct, my Lord.

Did you participate in organising in other places other than Port Elizabeth, did you do the whole Eastern Province or just Port Elizabeth? --- Well, I took part in organising the Eastern Province.

In the whole of the Eastern Province? --- Yes.

And this was during 1952/53? --- That is correct. As from then.

Do you know whether this M plan was put into operation in other parts of what was then the Union, at that time? --- We intended to implement it throughout the country, but in certain parts of the country the African National Congress was still enjoying the right to have public meetings.

I see? --- And then the implementation then varied from place to place.

So where public meetings were allowed they usually did not put the plan into operation? --- They were supposed to mind you but had the use of the right of having public meetings.

But you say it was in Port Elizabeth that meetings were prohibited and it became necessary to put this plan into operation? --- That is correct.

And after the African National Congress was declared to be an illegal organisation did you leave its rank? --- No, took part in the favour of the African National Congress.

You continued to be a member? --- That's correct.

And you continued with your work in the organisation? --- That's correct.

And after the Communist Party had been banned, did you continue to take part in Communist Party work? --- No.

Like everybody else you must at some stage or another have heard of the fact that the Communist Party had been revived after its banning? --- I became to know that.

Did you rejoin the Communist Party thereafter? ---
No, I did not rejoin.

Were you ever asked to do so? --- I was never asked.

Now, during October, 1961, did you receive communication from anybody? --- I received communication from the National secretary of the African National Congress.

Advising you? --- Informing me that I should report to its head quarters immediately.

That would be the National executive? --- The National executive, yes.

Which were where? --- In Johannesburg.

And were you told then or was it later on that you were told what was going to happen to you? --- Well, I must say that before I got the letter I was already informed by Accused No. 4 that a decision had been taken by the National executive to the effect that I'm going to be appointed full time in the organisational work of the A.N.C.

Of the African National Congress? --- Then the letter came as a result of that decision.

And did you remain in Port Elizabeth or what did you do? --- I left Port Elizabeth on the 26th October, 1961.

And you came to Johannesburg? --- That's correct.

You had at that stage been working eight years with this firm of attorneys? --- That is correct, my Lord.

Did you give them notice? --- No, I just left without giving notice.

And you then came to Johannesburg and who did you go and see there? --- When I came to Johannesburg I met Duma Nokwe in his house.

Why did you go to him? --- He was the secretary general.

Secretary general of the African National Congress? ---
Yes.

And what happened as a result of going to him? --- I reported to him and then he told me of the decision of the

National executive.

You've already told us that you were to be full time on Congress work? --- That is correct, my Lord. And then after that he gave me an assignment and instructions to carry out.

And for how long, Mr. Mhlabo, were you occupied with this assignment that you had been given? --- For one year and two months.

And after you had completed whatever task you were given, where did you go to then? --- At the end of December, 1962, I came to Accused No. 2's house and gave the report about the fulfilment of my mission.

And did he make any suggestion to you? --- He suggested that it is possible the police may be looking after me.

Looking for you? --- Looking for me. And that I should go to a hiding place and he suggested that I should go to Lilly's farm at Rivonia.

Did he tell you about the farm? --- He informed me, yes.

-COURT ADJOURNS UNTIL 2 p.m.-

ON RESUMPTION OF COURT:

RAYMOND MHLABO, (s.u.o.)

EXAMINATION BY MR. BERRANGE (CONTD.) Mr. Mhlabo, you went to Mr. Sisulu's zone in order to report on your activities, he told you that you could go into hiding and that he would make certain arrangements? --- That is correct.

And later where were you taken to? --- I was taken to Lilliesleaf Farm at Rivonia.

And had you ever been to Rivonia before? --- No.

Was this the first time? --- First time.

Now, how long did you stay at Rivonia? --- I stayed in Rivonia for about eight days.

I see. What month did that take you into? --- That was January, 1963.

And then were you sent anywhere? --- I was then sent to

the Eastern Province.

On what sort of work? For what organisation? --- For A.N.C. work.

And in brief what did this work consist of doing. What were you supposed to do??--- I was supposed to go and check the organisational work in that area. Check about the implementation of the M plan by the groups of the A.N.C. in that particular area.

And did you go to a number of places in the Eastern Cape? --- Yes.

In connection with this? --- Yes.

And after you had done that, where did you go to? --- I came back...

Whereto? --- To Rivonia again.

Yes. About when was that? --- That was at the end of February, 1963.

And then how long did you remain at Rivonia then - Lilliesleaf Farm? --- About 12 days.

That would take you into March then? --- That is correct.

And did you leave again or did you stay there? --- I had to leave. I was given another assignment to fulfil, and I went out again.

Can you remember when about in March this was - approximately? --- This was around about the 13th I think, the second week in March.

And when next did you return to Rivonia? --- At the end of June, 1963.

Who did you find at Rivonia when you got there at the end of June? ---- I found Accused No. 4 and Accused No. 2 & 5.

And what were you then supposed to do? --- Well, from the discussions between Accused No. 2 and 4 and myself, they told me that I should lie low for about a week or so, thereafter I'll have to implement M Plan on the Reef.

On the Reef? --- Yes.

Anything said about a report? --- Well, they said I must arrange that I should give a full report of my mission to the National secretary.

And how long did you remain at Rivonia? --- For four days.

And then where were you taken to? --- I was taken to Travallyn a certain farm.

Did you go alone? --- I went together with accused No. 3 and 4.

In a motor vehicle? --- In a combie.

Who was driving? --- Accused No. 3.

And whilst you were at Travallyn did anybody arrive there? --- Yes, later on we were joined by Accused No. 2. After two or three days.

After you had been there two or three days? --- Yes.

And then did you receive any information about what was going to happen about this report you say you had to make to the National secretary? --- Well, I reported later on, but a meeting had been arranged for the 11th July in the evening around about 8 o'clock.

In the evening around about 8 o'clock a meeting of what? --- Of the National secretaries of the African National Congress.

And as a result of that where did you go on the 11th? --- On the 11th in the afternoon, that is after lunch, we left for Rivonia.

Now, you had to give a report to the National secretaries at about 8 o'clock, where was this report to be given? Where were you to meet the National secretary? --- In one of the Townships of Johannesburg.

I see. Why did you go so early? At 2.30 p.m.? --- Well, the reason advanced at the time was that ^{there won't be} ~~the only~~ transport later on if I were to remain behind, because Accused No. 2 and 4

had to attend a meeting about 2 o'clock that particular afternoon.

At about 3 o'clock that particular afternoon? --- Yes.

And did they tell you what the meeting was about? --- It was in connection with the 90 days detention.

So who all went to Rivonia that afternoon? --- It was accused No. 2,3,4 and myself.

And when you arrived at Lilliesleaf farm, what happened to Accused No. 2, on your arrival? --- When we arrived at Lilliesleaf farm we found a car there, there was a certain white man in the car, and we remained there in the combie - that is Accused No. 4 and myself whilst Accused No. 2 went to this particular gentleman.

Yes, and where did the two of them go to? --- They both walked to the main house. They entered the main house through the kitchen door.

And after they entered the main house what did you do? --- Immediately they entered the kitchen then we came out of the combie. That is Accused No. 4 and myself. Into the first room.

Did you see No. 5 there at all? --- Yes.

That is Kathrada I'm talking about? --- Yes, he was there busy talking with Accused No. 3 at the time we were going into the room. Outside near the combie.

That's the time when you and Mr. Mbeki went into the room? --- That's correct, my Lord.

Now, which room did you go to? --- The first room. I think it is referred to as room No. 1.

That's the room in which you were later arrested? --- That's right.

And once you had entered the room, what did you see did Mbeki do? --- Well, when we came into the room he mentioned that he had to look for a certain document which is supposed to have been left in the store by Mr. Arthur Goldreich and whilst he was busy looking for the document I was putting on an overall at the time.

And what did he do then? Mbeki? --- He got the document and he sat at the table.

And after you had put on your overall, what did you do? --- Well, I was also instructed, because he had previously referred to this document...

I'll come back, you say he had previously referred to this document, I'll come back to it in a moment? --- Well, I went up to him and I joined him in reading.

Where was he, standing? --- He was sitting down.

And you? --- I was standing there behind him reading over his shoulder.

Now then, let's go back a little bit, Mr. Mhlaba. Were you ever a member of Umkonto we Sizwe? --- No.

Were you ever on its High Command? --- No, my Lord.

During this time and prior thereto, to what did you confine your activities? --- Well, in the favour of the African National Congress.

And I'm sure the question will be asked of you, so I'll ask you it now. If you had been asked to join Umkonto we Sizwe, would you have done so? --- Oh yes.

When and from whom did you first hear of the Umkonto we Sizwe? --- I heard of it for the first time in October, 1961, from Duma Nokwe.

Now you said that you came up from Port Elizabeth - you left Port Elizabeth on the 26th October, and you came and presented yourself to Duma Nokwe who was then the secretary general? --- That was the time when I heard about the formation of the Umkonto.

What did he tell you about it? --- He told me that there are certain members of the African National Congress who were forming Umkonto we Sizwe, and they of course mentioned that one of those was Accused No. 1.

And did he invite you to join it? --- No, he said that the A.N.C. ^{will} ~~was~~ not allow that all the members should be

engaged in the activities of the Umkonto we Sizwe. That it had been decided that for the purposes of maintaining the African National Congress to run its affairs properly, that certain members will be instructed to confine their activities purely in the African National Congress.

And were you one of those members? --- I was one of those.

And during the latter part of 1961, the years of 1962 and 1963, did you have anything to do with Umkonto? --- Not at all, your Lordship.

What was your work entirely confined to? --- As I say I confined my activities in the African National Congress circles.

Now, you say you arrived at Rivonia on the 30th June, 1963 and you stayed there for three or four days until you went to Travallyn? --- That's correct.

And amongst the people that you saw there, you saw and met and spoke to Mr. Mbeki? --- That is correct.

Was there any discussion about guerrilla warfare whilst you were at Rivonia? --- Well, the question of guerrilla warfare was brought up in a discussion which I had with Accused No. 4.

Are you able to tell his Lordship what his attitude was to guerrilla warfare? --- Well, my Lord, this was brought in connection with - when he referred it to me that there was a certain document under discussion - and then he said amongst other things on that particular document was the question of guerrilla warfare, and of course he gave me his opinion about it.

Did he indicate to you what his opinion was, was he in favour of it? --- No, he was not in favour of it. He found certain difficulties confronting the implementation of the introduction of guerrilla warfare in the country.

Did you have only this one discussion or did you have

a number of discussions with him on this topic of guerrilla warfare? --- I'll say a number of discussions.

Was that only at Rivonia or also at Travallyn? --- No as well as at Travallyn.

And was the matter of great importance and interest to you people? --- It was because it was current. It was being discussed at the time.

And you say that there was a certain document which dealt with it. He told you that there was a certain document which dealt with it? --- That is correct.

And did you see the document, did you ask him to show you the document? --- I asked him, having referred to the document that I would like to see the document.

Yes. --- Unfortunately he had not the document with him at the time.

Did he indicate where the document was? --- He said it was in the possession of Mr. Arthur Goldreich.

And when you arrived at Rivonia on the afternoon of the 11th July, you say he went to the stove and he took out a document? --- Correct.

Was that the document - the document he had been talking about? --- Yes.

Now, to get back to the time that you were in this room now. You say he was sitting at the table and you were reading this document over his shoulder? --- That's correct.

Were you alone in the room or were there any others in the room at that time? --- We were the only two at the time.

And how long did you remain alone - approximately? --- I think about ten to fifteen minutes.

And then did anybody come into the room? --- Yes, accused No. 5 and 2 came into the room.

Mr. Kathrada and Mr. Sisulu? --- That's correct.

Yes, and did you and No. 4 continue reading this document after they came into the room or what did you do? --- No,

when they came in we stopped reading and we started discussing the meeting which was going to be held.

That was about 90 day detention. And did he put the document back in the stove? --- No, he just left it on the table.

Was that the only document on the table or were there other documents on the table? --- There were a number of papers and books on the table.

And after these two, No. 2 and No. 5 had come in, you say you started talking about the meeting that was going to be held. Did anybody else come in thereafter? --- Yes, Mr. Bob Hepple came in and then after him Accused No. 6 came in.

Could you give his Lordship some idea for how long accused No. 2 and 5 had been in the room before Mr. Hepple came in? --- I think it was hardly five minutes.

And after Mr. Hepple had come in what time elapsed approximately before Mr. Bernstein came in? --- I would say about two to three minutes later.

And then what happened when Bernstein and Hepple had come into the room? --- Well, we were still there greeting each other and all of a sudden we heard Mr. Hepple saying 'there are the police', closing the door at the same time.

Well, I suppose that wasn't very calmly received, was it? --- Everything was disorganised and Accused No. 4 started climbing through the window followed by Accused No. 2 and No. 5.

And you, did you jump through? --- No, I remained there.

Why not? Why didn't you jump through? --- Well, the first thing that struck my mind was that it wouldn't have any purpose.

Did the police then come in? --- Yes, I came to understand that he was Mr. Kennedy.

And to cut a long story short, you were all thereafter arrested? --- Yes.

Now, at that time I take it you were still wearing the

overall that you had put on? --- That is correct.

I would like you to tell his Lordship how it came about and why it was that you were wearing overalls or that you had put on overalls. First of all when you came to the house at Rivonia on the 11th July, was that the first occasion on which you had ever put on overalls when you went to Rivonia, or had you done so before? --- No, the question of putting on overalls was brought up when I came at the end of June, when I was told by Accused No. 2 and 4 that we should put on overalls when we are on the farm to be able to disguise. To make that we should all look like labourers, so that whoever comes in would identify us as being labourers.

And did you then put on overalls after you came here on the 30th June? --- The first four days in July when I was there I had no overalls on.

How many pairs of overalls were there on these premises? --- There were three.

And were they all the same size? --- No, my Lord, two were a small size and there was one a big size which I chose.

I take it they weren't new overalls, they were obviously used? --- They were new.

I take it I was wrong then? --- They were new, they were new.

Yes but by new, had they been used before or what do you mean by new? --- Yes, they had been used but not for a long time. That is what I mean by new really that they had been used but not for a long time.

And when you came back to Rivonia on the 11th July, you say you put the overalls on again? --- Yes.

You were going to a meeting that evening? --- That's correct.

In the Township? --- That's correct.

How were you going to be dressed when you went to the

meeting in the Township? --- Well, that is why I put on the overall for the evening.

I see. --- So that we should not look conspicuous in the township with our suits and so on, just like ordinary labourers.

How was Mr. Mbeki dressed? --- He had an overall on.

He also had an overall on. I think the police themselves have confirmed that. After you were arrested, you were searched? --- That is correct.

And we were told that out of the pockets of one of the overalls the police took some papers? --- That is correct.

Did you know of the existence of those papers in the overalls that you had borrowed and that you were wearing, did you know that the papers were there? --- No, I did not search inside the pockets.

And when the police took the papers out, did they show these papers to you? --- No.

Did you think that the papers that were found there were of any importance when the police found them? --- Well, since I did not know the contents I could not tell.

I see. In court the police have put into evidence one piece of paper which looks like a pledge or an oath or whatever you would like to call it. They say that was found amongst the papers in the overalls. Remember that? --- I do.

Did you know of the fact that that pledge or oath was in the pocket? --- I wouldn't know.

Just one other thing before we leave Rivonia. After Hepple had called out the police were coming and he closed the door and you saw the others jump through the window, did you see anything being burnt by anybody? --- Yes, he burnt some papers.

Who is he? --- Mr. Hepple.

Where did he burn them? --- At the stove.

And lastly, Mr. Mhlaba, you say that you left Port

Elizabeth on the 26th October, 1961? --- That is correct.

Did you ever return to Port Elizabeth or to the Eastern Cape again until you came back in 1963? -- I've never been there since I left October, 1961 until the end of December, 1962, I then went to the Eastern Province.

You know that certain witnesses have testified to the fact that you were there, and there was one witness who testified to the fact that you participated or assisted in certain acts of sabotage during December, 1961? --- That is incorrect. That is a lie. It cannot be the truth.

Belt 72E.

And to take that a bit further, you say that you weren't asked to join Umkonto and if you had been asked to join Umkonto you would undoubtedly have done so? --- Yes.

And if you had been a member of Umkonto would you have been prepared to commit acts of sabotage? --- Yes, I would.

Did you know whether Umkonto we Sizwe ever had any pledge or form of oath for its members to take? --- I have no idea.

You have no idea? --- No.

This document that was found in your pocket, do you know whether it belongs to the Umkonto we Sizwe whether it is the oath or pledge of the Umkonto we Sizwe, or don't you know? --- I don't know.

Not of your own knowledge? --- Well, later on during this case I came to know that it is not in fact a pledge of Umkonto we Sizwe.

MR. BERRANGE: NO FURTHER QUESTIONS.

RAYMOND MHLABA, (S.U.C.)

CROSS-EXAMINATION BY DR. YUTAR: Mhlaba, this document that Hepple burnt in room No. 1, what was it? --- I don't know.

And where exactly did he burn it? --- At the stove, he moved to the stove.

And the stove of course is some distance away from

the table? --- Well, yes. I don't really know what you mean by distance. It was not so far from the table.

What kind of stove is this? --- It is the coal stove that is used for purposes of warming the room.

That is shown over here on this photograph, not so, No.7, where the pipe goes down the wall? --- You can see it according to this photo behind the table.

That is the pipe leading down to the..?--- In fact clearly visible is the pipe.

But not the stove? --- Not the stove.

And the stove is at the bottom of this pipe? --- That's right.

And it is one of those little stoves which has a little lid which you open up and put the coal in? --- That's correct.

And was it burning at the time, was there a fire in the stove at the time? --- I don't think so.

And how did he burn the document? --- Using matches.

And did he burn it in the stove? --- Not in the stove on top of the stove.

And did he burn the whole of the document? --- I wouldn't say the whole of the document because I was not actually concentrating. All I saw was the starting of the burning of the document and he was on the stove at the time.

It must have been a very important document if he burnt it, he didn't want the police to see it? --- That is the impression I got at the time.

The police told his Lordship that they found a burnt part of a document. They found it in the wastepaper basket? --- Well, I don't know about the evidence of the police. I'm just giving the statement insofar as what I saw at that time.

Do you know Fransby. I don't mean a person Fransby, I mean a place called Fransby in Port Elizabeth. Do you know the place? --- No, I don't know the name, but from the

description of the area which was described by a State witness here, I know the area.

You know the area? --- Yes.

And do you know of the existence of an electric sub station there? --- No.

You don't? --- No.

How long have you been in Port Elizabeth? --- I think nineteen years.

Nineteen years in Port Elizabeth? --- That is right.

Where did you stay? --- Firstly I stayed in Sidwell and from there I went to New Brighton.

And you don't know this electric sub station at this place called Fransby in Port Elizabeth? --- No, I don't.

Although you know the area as described by the witness? --- I know the area.

Yes, you know the area well? --- Yes, but I'm not in a position to say that there is a place there.

Do you know Brickmakerskloof? --- I know the area as I say.

Do you know Brickmakerskloof, Port Elizabeth? --- Yes, I know that.

And obviously you must know the Bantu Labour Office at New Brighton? --- Oh, that I know.

That you know very well. In fact an object of apartheid, a symbol of apartheid. A symbol of oppression according to the Umkonto? --- Even besides the Umkonto, those people who have in fact been effected by it regard it as a symbol of oppression.

And both these places that I have named, the electric sub station at Fransby and the Bantu Labour Office at New Brighton were both bombed in the early evening of the 16th December, 1961? --- According to information I got that is correct.

Where did you gather your information? --- In this

particular court.

You didn't know before? --- No.

So you like Sisulu, you are learning some things for the first time in this court? --- Yes, some things I've learnt from this court.

Do you know a man called Strachan? --- I do.

Who he is? --- He is Mr. Strachan.

Who is he? --- I don't follow your question.

Where did you first meet him for the first time? --- In Port Elizabeth.

Where about in Port Elizabeth? --- I met him at the New Age Offices.

At the New Age Offices? --- Yes.

That is the office occupied by Accused No. 4? --- That is correct.

When did you meet him there for the first time? --- I'm not sure now, but all I know is that I met him for the first time in the New Age Offices in Port Elizabeth.

When? --- I'm not sure of the month.

Give us the year? --- I'm not sure of the year at all.

You say you left Port Elizabeth to come to Johannesburg in October, 1961, that is what you say? --- Yes.

Did you meet him before or after that? --- Before.

Before and for the first time at the offices of the New Age? --- Yes.

Do you know who he was, what he was doing? --- I was told that he was a lecturer at the Technical College.

Do you know what subjects he was lecturing? --- Art.

Another artist. Strachan in Port Elizabeth, Goldreich in Johannesburg. And what was he doing in the office of the New Age? --- I don't know. I came there I found him there, he was sitting with accused No. 4.

Talking to Accused No. 4. And what was he talking about? --- Well, when I came in he was only introduced to me by

Accused No. 4.

Yes? --- And in fact I went there for a particular thing to get something from the office.

What did you get? --- I might have gone there to get a copy of the New Age.

And you were introduced to Strachan and then you just left? --- Well, I must have said how are you and so on.

Yes, because you and No. 4 were very great friends? --- Oh yes.

Yes. You were both working in the same movement for the same cause? --- Precisely.

And here you find a European in the office of the New Age, and you can't tell us what was discussed? --- No, I can't tell you what was discussed.

You can't? --- This was the first time for me to see this man.

All the more reason? --- And I was on duty mind you.

What duty? --- I was on duty, I was at work.

What work? --- I was at work.

What work? --- I was working in the office. I was from my office. And I went to get the copy of the New Age there, and I hadn't time to discuss anything, and this was the first time for me to see this man.

You were at your office? --- Yes.

You mean the office where you were employed by the attorneys? --- That's right.

How far is that from the Court Chambers? --- Just opposite.

You went across to get a copy of the New Age and you did not speak to Strachan at all? --- No.

Did you make any arrangements to meet again thereafter? --- What for?

I don't know, I'm asking you? --- No, if you are

meeting somebody for the first time...

BY THE COURT TO THE ACCUSED: Don't start an argument about it. Say yes or no. It's a frank question that you can answer yes or no without making a long speech about it? --- No.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) The answer is? --- No.

Do you know Silas? --- Yes, I do.

What is his full name? --- Silas ^{Mtongama} ~~Yydydy~~. I suppose you are referring to Silas ^{Mtongama} ~~Yydydy~~.

How do you spell his surname? --- Mtongama.

And who is he? --- I don't understand the question.

Who is Silas? What work does he do? --- I don't know.

All I know is that he was working for a certain factory. That is all I know.

Does he belong to the A.N.C.? --- Yes.

Both before it was banned and after it was banned?? --- Before it was banned.

And after? --- I have no idea.

You have no idea.

BY THE COURT TO ACCUSED: Surely you surely know. Mhlaba, you were organising the people into zones and into groups and into what not. You know which people were members in Port Elizabeth surely? --- No, my Lord, it is impossible to know. It is impossible in a Township like New Brighton to know each and every member of the organisation. Of course if Mtongama was in a special position like a branch secretary or perhaps within certain level in the M plan like being in charge of a street, then I would know.

You say you don't know all the members? --- Oh no.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) And yet you were the man specially selected to come up to Johannesburg to work full time for the A.N.C. and you were the man specially selected to go down to the Eastern Province to see that the M plan was implemented. And you know all about the cells and the cell

leaders, the streets and the street leaders, the zones and the zone leaders. You know all that. Not so? --- Well, I handled the M Plan. An important man is the man who is called the Chief Steward.

Yes. But you went down to see that the M Plan was implemented in the Eastern Province? --- Yes.

And to see that it was functioning according to the plan. That each zone had its zone leader, each cell had its cell leader and each street had its street leader. Not so? --- Yes, but I must make this one thing clear, for instance a man in my position coming to an area, the person whom I would like to see are the executive members of the branch and the chief stewards. And in a number of cases I would rely on their reports about details, you know.

Yes, I know. Who were the members of the executive in Port Elizabeth? --- I'm afraid I can't assist you there.

Why not? --- It is not my duty to tell you about that.

You are taking up the same attitude as Accused No. 2? --- Yes, insofar as divulging the affairs of the organisation, yes.

You are taking up the same attitude also as Accused No. 5? --- Yes.

In fact I just hear now on the side that you are all going to take up the same attitude? --- According to what I understand, yes.

Who gave you instructions not to divulge their names? --- Nobody gave us instructions.

But you are all acting alike? --- We are acting alike, because we feel that it is not in the interest of the organisation, it is not in the interest of the oppressed people of this country.

You have taken an oath? --- I have.

Does the oath mean anything to you? --- It means

something to me, yes.

What does it mean to you? --- It means that I must assist this court insofar as I can, in giving my evidence.

No, the oath you took was to tell the truth, the whole truth and nothing but the truth. Did you take that oath? --- I have.

But you are not prepared to obey that oath? --- Well, the oath in this particular matter conflicts insofar as to give confidential matters away of my nation.

Conflicts with what? --- Conflicts with the fact that if I were to do so in compliance of the oath as you put it, then I will be divulging the affairs of the organisation which will be detrimental to the organisation.

So it conflicts then with your loyalty to the organisation? --- That is correct.

And when you speak of your loyalty to your organisation, what organisation exactly are you referring to? --- To the African National Congress.

But you are also a communist? Is it conflicting with your loyalty to the Communist Party? --- The Communist Party I joined and it was dissolved in 1950 June.

Yes. You were a member of the A.N.C., weren't you, when it was not banned? --- That is correct.

And although it was banned in 1960 that didn't stop you from continuing to be a member of the A.N.C.? --- That is correct.

You were a member of the Communist Party when it was banned? --- That's correct.

I suggest to you that that did not stop you from continuing being a member of the Communist Party after it was banned? --- I did not continue.

Why not? --- Well, the sequence of events differ in this case, my Lord. With the Communist Party in June, 1950 it was dissolved.

Yes? --- In a constituted meeting.

Yes? --- And thereafter members were informed of the decision. The A.N.C. when it was banned by the Government it then declared that it was going to go under ground. We are going to go.

And you know all about it? --- Of course I do.

But the Communist Party was revived, if I may be permitted to use that term, in 1953? --- According to the information I gathered here.

Yes. And if you were loyal to the African National Congress you were certainly loyal to the National Liberation movement of which the African National Congress was the leading partner? --- That is correct, my Lord.

And one of the other partners was the South African Communist Party? --- That is correct.

And you were not a member of the Communist Party? --- No, I think when we speak of the Liberation movement, the organisations which form part of the Liberation movement did not lose their identity. They are still independent organisations with their own policy.

And independent? --- Of course.

So the position you are taking up now is this, that you know who constituted the executive of the African National Congress in Port Elizabeth, but you are not prepared to tell his Lordship? --- I'm sorry, I can't go so far.

Are you prepared to tell us who was the zone leader in Port Elizabeth? --- As I say anything which interferes with the affairs of the African National Congress or the whole Liberation movement, unfortunately I'm not in a position to tell this to the court,

Well, listen let's put it quite clear, you might have difficulty in using the English language. When you say you are not in a position to assist the court, what you actually mean and understand it clearly, that you know the answer, but you are

not prepared to divulge it to court. That is correct. And in other words to put it even more bluntly you just refuse to divulge the information you have and know? Isn't that so? --- Well, I say that I'm not going to assist the court insofar as giving information....

All right. You are not going to assist the court. Tell me, and don't tell me what Kathrada told me that you feel sorry for me, but can you suggest in what way I can test the truthfulness of your story that you have given under oath to tell the truth? --- Well, I think, my Lord, you have all the grounds of testing.

You are not prepared to tell me the names of the people I want to know? --- No I think that would be wrong of me to do so.

Are you prepared to tell me how many zones you had in Port Elizabeth? --- No.

But that is not going to implicate anybody if you just tell me the number of the zones? --- No, I'm not going to.

Are you prepared to tell me that originally the zones were numbered numerically and afterwards they were numbered alphabetically. Are you prepared to tell me that? --- No.

Tell me, do you know Joseph Jack? --- I do.

Who is he? --- I can't understand the question 'who is he'.

A member of the A.N.C.? --- Yes.

One of the leading members? --- I won't say a leading member.

But one of the responsible members? --- Yes.

What was his responsibility. What was his position in the A.N.C.? --- The position?

Yes, what position did he hold in the A.N.C.? --- I don't know, but all I can say is that he was a prominent member.

Prominent member. That's what I said just now, he was

a leading member.

But as an organiser, you must know what position he held in the movement? --- No, my Lord, I'm not going to...

You refuse again. Well we are off to a very good start Mhlaba,...

BY THE COURT TO THE ACCUSED: Before you go on, Mr. Yutar. I've understood from the evidence here, Mhlaba, that the Umkonto was to be formed from members of the A.N.C. That is correct, that is your information too, isn't it? --- Not confined to, my Lord.

That is not confined to, but I mean the executive or high command whatever you call it, would be drawn from members of the A.N.C. --- That is correct, my Lord.

The A.N.C. members would be recruited into Umkonto when necessary, all over the country? --- That's correct, my Lord.

To do the work of Umkonto? --- That's correct.

But these people remain members of the A.N.C. even although they were members of the Umkonto, not so? --- That is correct, yes.

I mean, for instance in Port Elizabeth, people from the various zones would be recruited into the Umkonto it would do sabotage work, but they would still remain in their own group or cell in the A.N.C. Not so? --- Yes, my Lord.

Now, are you going to ask me to believe that you don't know, that you've never discussed the question as to which members are suitable to be recruited into Umkonto and which are not suitable, as an organiser who knew all the people who knew the zones? --- Well, as I say, your learned, if for instance I were to recruit, I would go to persons whom I regard as suitable.

No, I'm talking about the Umkonto we Sizwe? --- I'm referring to Umkonto we Sizwe. I take it for instance that the members of Umkonto when they want new recruits would go to people whom they regard as suitable.

Yes, but I mean, wouldn't they ever discuss with you, now who are suitable people to get in Port Elizabeth to get into Umkonto. You were the person who was the head organiser there. And didn't you know which ones were recruited into Umkonto and which were not? --- The thing is, my Lord, that the A.N.C. throughout the country were in charge of the programme and they ^{in turn} have got members of the original committee, and in turn there is the branch executive; and I take it that within the circles of the A.N.C. they would go to visit the respective organs.

The ad hoc committee would be the liaison. I don't know whether you understand the meaning of the word 'liaison'? Between the A.N.C. and the Umkonto, is that the position? --- No.

Well, what would it be then if it wasn't that? --- Within the circles of the A.N.C. we have these organs from the top to the bottom, I say there won't be any difficulty, therefore, for a member of the A.N.C. if at all it is a question of choosing.

Well, I don't know, you now know all about Port Elizabeth. I've only heard evidence about Natal, but as I understood the evidence the ad hoc committee in Natal was the liaison between the Umkonto and the A.N.C. Not so? --- I wouldn't say that.

What do you mean by the Ad hoc committee. What is your definition, what does the Ad Hoc committee do? --- The Ad Hoc committee receives instructions from the A.N.C.

Yes, but what is its function, what does it do? --- Its function was to be in charge of the Province.

The Ad Hoc committee? --- Yes, yes.

But surely the regional executive is in charge of the province? --- When you speak of regional, it's the demarcation, you demarcate an area and you call it a region. Then you have a regional committee in charge ^{of} that region. The Regional Committee, I'm dealing now purely with the A.N.C.,

the regional committee then is under the jurisdiction of the ad hoc committee, which is in charge of the whole province. In other words we have about 101....

Is the ad hoc committee then the A.N.C. committee, is the chief A.N.C. committee in the province? --- Yes.

And the chief committee of the Umkonto in the province would be the Regional Command? --- Regional Command, that is correct, yes.

In what way do these two committees work together? --- They are separate.

Don't they work together at all? The one doesn't know what the other is doing? --- No, no they are separate.

You expect me to believe that?

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) You know, in the light of what his Lordship has put to you let me help you if you don't want to help his Lordship. Mobbs Gqirana, do you know him? --- Yes, I know him.

Yes. Member of the Port Elizabeth Regional Command? --- I don't know.

You don't know, or do you refuse to tell us? --- I don't know.

You know him? --- I know him as a member of the A.N.C.

Only of the A.N.C.? --- Yes.

Now what is his position in the A.N.C.? --- No, I'm not prepared to...

Not prepared? Right. In the light of what his Lordship has asked you about the relationship between the two I'm going to put to you all the members of the Regional Command in Port Elizabeth. Titus Jobo. You know him? --- No.

You don't know him at all? Don't shake your head like that, because this can't take it down - this microphone? --- I don't know him at all.

You don't know him at all? --- No.

Never heard of him? --- No.

And yet he is on the Regional Command according to the State evidence? --- Confession?

Both? --- No, I don't know him.

Latan, do you know a man called Latan? I'll spell the surname, you know who I mean? Mpongoshe. You know him? --- Mpongoshe, yes I know him.

Yes. Who is he? --- What do you mean by saying 'who is he'?

Don't keep on asking me the same question. I mean what is his position in the A.N.C. and in Umkonto? --- I'm not prepared to...

Not prepared to. He is another member in the Regional Command. Joseph Tabata? You are not prepared to confirm that? --- No.

But you know him? --- I know him.

You know him, Joseph Tabata. And then Simon Twebe. Member of the Regional Command? --- I don't know.

You don't know him at all? Not even as a member of the A.N.C.? --- No.

Never heard his name? --- No.

And you regard yourself as a smart and full time organiser of the A.N.C. and you were specially sent down to Port Elizabeth to organise the organisation? --- That is not the .. (inaudible) ..

I'll come back to that. I want to deal with items of sabotage. You know Dr. Pather? --- I do.

Who is he? --- He is Dr. Pather.

That's very clever. Who is he? Does he belong to any particular organisation? --- I think he is a member of the Indian Congress.

Member of the Indian Congress. And where does he stay? --- At Highveld Road, Port Elizabeth.

And you've been to his house? --- Yes.

Together with No. 4? --- Yes.

And with No. 1? --- That's right, yes.

Let's mention two more names. Do you know Bennet Mashiyana? --- No, my Lord.

Never heard of him before? --- No, my Lord.

Never seen him? --- No, I've only seen him in this court.

In this court. Where? --- In the court.

Giving evidence? --- Yes.

Well, he told his Lordship he was a member of the A.N.C.? --- That's correct.

And you've never met him before? --- I never met him before.

Do you know a man called John Thingana. Do you know him? --- I know him very well.

Very well. A member of the A.N.C.? --- That's correct.

That's right. A taxi driver? --- That's correct.

By profession. Have you ever had any trouble with that man before? --- Not at all.

No personal differences? --- No personal differences.

Now I'll read you what John Thingana told his Lordship under oath, and he never refused to answer any questions, even under cross-examination. This is what he says: 'On several occasions I conveyed Mhlaba in my taxi together with Mbeki and others.' Is that correct? --- That is correct, my Lord.

'And on one occasion when he called for Mandela to convey him to the house of Dr. Pather, you and Mbeki accused No. 4 accompanied them in the car? --- That is where he is telling a lie.

Why do you suggest he is telling a lie? --- I say he is telling a lie, because I know of the arrival of Accused No. 1 in Port Elizabeth.

Then he says: 'On the evening of the 16th December, 1961, Mhlaba (that's you) together with Silas (whom you know) together with Joseph Jack (whom you know) and two umfaan's from

the Transkei came to him.'? --- That is his second life.

Second life. You're counting them. 'Together with a man called Makaba.' Do you know Makaba? --- There are two I know.

Quite right. The one is Douglas and the other is Hen'kel? --- I know both of them.

You know both. Both members of the A.N.C.? --- Well, I'm not prepared to tell.

Not prepared to tell. Don't worry, the police have told us that they are. And he says that the six of you, that is yourself, Silas, Joseph Jack, the two umfaans and Makaba came to him and that all of you went by taxi to Rink Street in Port Elizabeth? --- Not true.

Not a word of truth in it? --- Not a word of truth.

And he went on to say that you all stopped over there. He remained in the car, you got out and you all returned together with a European named Strachan, whom you know? --- I know him, but not in connection with that particular incident.

It is all fabrication? --- It is all fabrication.

All fabrication. Well, let me read then from this fiction novel "They were carrying cartons, sugar pockets with sand in a plastic bag. The cartons contained pipes with some black powder, and these articles were put in the boot of the car. Strachan went back and the other six got into the car and drove off." And now listen to what he carries on and he says: "On the way Mhlaba said that the goods in the car was dangerous and they got it from Strachan and that it contained bombs."? --- That is pure invention as far as my name is concerned.

All right. Well, let me continue to read the thrilling story. "They stopped at a plantation near Fransby where Silas and the two umfaans got off, taking with them portion of the goods and Mhlaba's parting words to them were 'Work nicely boys.'? --- It is absolutely impossible for me to have been there at the

time.

So this is all wrong. And when they went and you told them 'work nicely boys' you continued the journey and you said to those remaining in the car 'I hope they do good work there.' And that is item No. 14 and that is why I asked you do you know this place called Fransby? --- Yes, I do.

Now, in fact the electric sub station at Fransby was blown up that night of the 16th December. You of course, had you been a member of the Umkonto, had you been asked to blow up the sub station, you would have done it? --- If I'd been?

Yes. You would have done it, you would not have worried about the consequences, if you had been asked to do it? --- I would have done it, yes.

Now let's continue. You continued the journey and you said 'I hope you do good work there' and then John Thingana with the three remaining passengers, including yourself, went to the Labour Bureau, when he stopped the car the passengers took the remaining goods from the boot of the car and Thingana says further: "Mhlaba told me not to tell anybody what I saw that evening."? --- That is wrong.

It is untrue? --- Untrue.

And he says that he arrived home about 9 o'clock and then just as he got home he heard a terrific noise from the direction of the Labour Bureau which sounded like a shot from a gun. That is Item No. 16 which was also blown up that night at New Brighton. Not a word of truth in it? --- It's not true.

But of course I must ask you, if the Umkonto had asked you: 'please Mhlaba will you join us and blow up the Labour Bureau offices at New Brighton' you would have done it ~~the~~ then? --- I would have done it.

You see nothing wrong in it? --- I see nothing wrong in it.

Even if there may be people in the office, if you were asked to blow it up you would? --- Well, I take it that in

an operation of that nature the people involved do in fact inspect the place to find out whether there are people inside.

Why do they do that? --- To see if there are people inside.

That is exactly what John Thingana said was done on another occasion when he took Mbeki on a long drive in order to inspect the possible powers along the road. Be that as it may, we'll come to it later. Then he says, you paid him for the transport which he did that evening and you remarked that the work was well done? --- Untruth.

And then he says apart from this occasion when these two places were blown up that night, he continued to convey in his taxi both you and Mbeki to further meetings of the organisation? --- To further?

To more meetings, additional meetings, he conveyed you? --- Well, that might be correct. We were using the store accounts.

That part is correct? --- Yes.

BY THE COURT: He is talking about the 16th December.

WITNESS: No, no, no.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) No, as his Lordship says he is speaking - well, I have read now about the 16th December, and then he says thereafter he continued to take you to other meetings of the same organisation.

BY THE COURT: He is talking now about the end of 1961, beginning of 1962.

DR. YUTAR: That's right.

WITNESS: No, no, no, that will be incorrect. From the end of October, 1961 to the end of 1962, he can't say anything about me. He is not in a position to do so,

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) Malaba, can you tell his Lordship one reason, just one reason why John Thingana, a member of the African National Congress, should invent this story involving you? --- Well, my opinion about it is that he was confronted with the police and he thought he should invent this.

So in other words, you are suggesting that the police told him to say this and make you a scapegoat? --- I don't use the word police suggesting. I say that when he was confronted with the police, he must have decided that I should be the scapegoat.

What do you mean confronted by the police? --- When he was arrested and he had to account for his movements on that particular day.

Oh, so you are suggesting that what he said about the visit to these two places may be true as far as it concerned himself, he might have done it? --- Oh yes. I wasn't there.

But you weren't there? --- No.

But Silas might have been there and Joseph Jack might have been there and the two umfaans from the Transkei might have been there? --- ^{When} I'm ~~saying~~ saying, your Lordship, it is not true, insofar as the story relates to myself.

It may be true insofar as the rest of the party is concerned? --- Well, I don't know, I wasn't there.

Why do you suggest his story can't be true. In fact these two places were blown up? --- Well, my Lord, I thought I was trying to explain the position clearly.

Go on, go on. Why should he make up this story? --- I don't know.

He could have made Mbekwi a scapegoat. He could have used Mbekwi? --- That ^{is} what really puzzles me. Why should he single me out?

Well, you see because he says he conveyed both you and Mbeki and on two occasions Mandela, he doesn't single out Mandela or Mbeki, but he singles you out and he is puzzling you? --- And insofar that accused No. 1 was in his taxi, that is not true, because I know all about it, I know all about that arrangement.

You were going to say you know all about the organisation? --- Then I said 'arrangement.'

Now, just before we part. You know on the day of your arrest you were searched? --- That's correct, my Lord.

And you know what the purpose of a search is? --- I do, yes.

The purpose of a search is to find out what you've got in your possession? --- Correct.

What in fact is found on you, on your person? --- That's correct, my Lord.

With the view to coming to court and to tell the judge 'I searched the accused and this is what I found on him.' You know all that? --- I know all that.

After all you worked for a lawyer. And the police found two documents on your possession in your presence, when they searched you? --- That's true. And another thing which may interest the court is that these were never shown to me.

But you saw Detective Warrant Officer Kennedy - well, you must have - take out two documents from you? --- That I saw.

Did you say to Mr. Kennedy, 'Mr. Kennedy let me see these documents'? --- No, I didn't.

Did you say to Mr. Kennedy "I don't know what you found there, you might have found something serious, but I want to tell you these are not my documents"? --- He didn't show the documents to me.

No, but you never told him that? --- No, he didn't show the documents to me.

And you never also told him 'this is not my overall it belongs to somebody else'? --- No statement was taken from me.

I'm just telling you, you never said that to him? --- I didn't say that.

Right. And this is how you were dressed that night. There is page 7, there you were dressed in the overalls with a coat over it? --- That is correct.

Strange thing is this, you come to Rivonia and as soon

as you get to Rivonia you put on an overall? --- That's correct.

In order to disguise yourself? --- That's correct.

But you go to Rivonia without any disguise in day light? --- I was in a combie, it is closed.

Yes, it is closed with a curtain? --- Yes.

And Rivonia is secluded, nobody knew about it until shortly before .. I'm giving away secrets .. Nobody knew about it for a long time? --- Well, I don't know.

Now, let me read you the document that was found in your possession. My Lord, I refer firstly to EXHIBIT R.183, page 714 of the third volume. I think you better keep this in front of you, and this is a document found on you. "Today in the presence of you all I swear to place my life at the service of my people. I will uphold the policy and follow the leadership of the National Liberation Movement." "Today in the presence of you all I swear to place my life at the service of my people." Is that not exactly what you meant when you became a member of the A.N.C. and a responsible leader of the A.N.C.? --- Well, I hope you are not referring to me in connection with this document.

I'm asking you, have you placed your life at the service of your people? --- Yes.

"I will uphold the policy and follow the leadership of the National Liberation Movement." Is that what you undertook to do, and were doing all the time, upholding the policy and following the leadership of the National Liberation Movement? --- Yes, correct.

"I will guard the lives and rights of my people and respect their person and their property." You are even doing that in the witness box today by refusing to disclose their identity. Isn't that so, Mhlaba? --- Correct.

"I know the duties of a scout in the people's struggle" What people were struggling, according to you? --- The word

'struggle' is being used there in ordinary language to refer to people who are fighting against discriminating laws in this country.

In this instance did you have in mind the non-Europeans? --- That's correct.

"To obey the orders of my appointed leaders without hesitation." Have you not been doing that all the time you were a member of the National Liberation Movement? --- I was doing that all the time as a member of the African National Congress.

"To guard their secret whatever the cost to me" Is that not exactly what you are doing now? --- That is correct, my Lord.

"To defend the rights of my comrades as though they were my own" That's exactly what you are doing now? --- Yes.

"I swear to carry out these duties for all time until the liberation of the people have been won." That is what you intend to do? --- That is correct.

You've been doing it up to now. "And therefore I claim today the title of scout in the people's army." What organisation of the National Liberation Movement had a people's army? --- That I don't know.

What does the U stand for? --- That I don't know.

Have you any idea? --- No idea.

Not the slightest? --- No.

It couldn't stand for the A.N.C.? --- No.

It couldn't stand for the Communist Party of South Africa? --- I don't think so.

Could it stand for the Umkonto we Sizwe which begins with a U? --- Well, I don't know, as I say, I don't know.

And you mean to tell me and tell his Lordship that you did not know of this document? --- I didn't know.

And you never displayed it when it was found. Now, I'll tell you the next one. Dated 8th June, 1963. This was

also found in your overall when you were searched. "Thanks for the information per B. About the date has been fixed as well as the amount." Who is B? --- As I say, I don't know the documents, so I don't know.

You don't know. "I'm a bit confused because of the conflicting amounts, would you clarify the position please. H informed us it would be £25 and the latest information is £10. This has to be cleared immediately else it might create a most unfortunate misunderstanding as well as a poor reflection of dishonesty by us on some of our prospects. I shall appreciate it if this matter is treated as being of utmost urgency. I shall certainly suspend our contacting campaign until we hear from you again. Please send us word by return of post. You do appreciate there is hardly any^{time} left. So long" Signed Earnest! Who is Earnest? -- I don't know.

You don't know? --- No.

And you had to wait until today, it was not even suggested to Kennedy in cross-examination to say that these documents - that the overall in which these documents were found was not your property? --- I'm not sure whether that was put to him.

Now, you stayed when you were at Rivonia in room No. 1? --- Yes.

Who else stayed in room No. 1? --- What date are we dealing with.

Whenever you were there? --- The first week of January when I was there I was staying with a certain gentleman.

What is his name? --- That I'm not prepared to disclose

Right? --- And we were the only two with the exception of the labourers who were working there.

Well the labourers were not living in such luxury as these rooms, with easy chairs. So I'm not talking about the labourers, they had their rooms. Who was staying in room No. 1 whenever you stayed there? --- I'm dealing with the occasions

when I was there. Then in February the same gentleman.

The same gentleman? --- And end of June when I came back, I stayed with Accused No. 2, 4 and 5.

Accused No. 2, did this overall belong to him? --- No.

Did it belong to Mbeki? --- No, my Lord.

Did it belong to Kathrada? --- No, my Lord.

Belt 74E.

Who did it belong to? --- Well, I'm told that in my absence this gentleman I'm talking about was wearing the overall.

He was in your absence using it. Who is this gentleman? --- As I say, I'm not prepared to disclose his name.

Is he in court? --- He is not in court.

Well, why are you afraid? --- I've already said that he is not in court.

Is he in this country? --- He is in this country.

Was he a member of the A.N.C.? --- I don't know.

Member of the Communist Party? --- I don't know.

Was he a member of the Umkonto? --- I don't know.

You are not prepared to tell us who he is? --- No, my Lord.

If you were to tell us ^{he} who/is we will be able to test your story whether these documents were yours or not? --- Well, if I say...

By the way, you told his Lordship that when you left in December - when you left Port Elizabeth in October, 1961, you never returned to Port Elizabeth until when? --- Up to the end of December, 1962.

Up to the end of December, 1962. So you were away the whole of 1962? --- That's correct.

Do you know what Detective Warrant Officer Jordaan told his Lordship, that he knew you during 1962 in Port Elizabeth. Now, is he also telling a lie? --- He knows me?

Yes, in Port Elizabeth in 1962? --- I can't understand him to say that.

Yes, and he went further, he said during that time you

had a cyst on your forehead? --- No, no, there is a mistake there, my Lord.

Did you ever have a cyst on your head? --- He knows me.

Yes. You had a cyst on your head and this cyst was removed when you went on one of your missions to Russia and China? --- I'm not prepared to answer that.

You see, you were led about secret missions purposely for me to enquire about it. I introduce it now. Is that not a fact that a cyst which you had on your head you had removed in Russia? --- When?

When you went on your mission? --- When?

Don't ask me, I'm asking you? --- I'm not prepared to.

So he is telling a lie there, hey? --- He is telling a lie, yes. If I'd heard him in this court saying that I would have instructed my advocate to cross-examine him on that very point, but I doubt very much that he did say that.

You doubt it. Yes, all right. By the way, who is Magabela? --- A certain guy that I know in East London.

East London, did you say? --- Yes, my Lord.

Yes. Who is he? --- I'm not prepared to disclose this.

You are not prepared to disclose who he is, but you know who he is? --- I do.

Well, let me read you this interesting bit of evidence. Bennet Mashiyana - and he says that this Magabela introduced you, Mhlaba, to him Bennet? ---

BY THE COURT: I've been looking for the evidence of Jordaan, and there is no mistake about this. He says No. 4 was a representative of New Age offices in Court Chambers. The paper was banned on the 30th November, 1962, saw him regularly up to this date, he says. So there is no mistake, he did say that.

DR. YUTAR: No, your Lordship, that is No. 4, that is Mbekwi.

BY THE COURT: Oh, I see that is No. 4 yes. No, he said No. 7

had a lump on his forehead.

MR. BERRANGE: My Lord, I don't want to join the issue with my learned friend, but I don't remember very well, but I am told by other members of my team that Jordaan never said anything of the sort about seeing him in 1962. It is a matter that can be dealt with later on.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) Now, I'm dealing with Bennet. Is he telling the truth when he says Magabela introduced you, Mhlaba, to him? --- If you were to tell me the period I could tell.

I can't tell you, I'll check on the period, but anyway he introduced you? --- I couldn't remember the occasion.

But could it have happened? --- You see, I'm worried about the period...

Yes well, forget the period? --- It is very important.

Well, I'll tell you it is between 1961 and 1963? --- No, I don't think so.

Well, let me go further. This is what Bennet says. He says: "I knew Mhlaba as a member of the African National Congress" Is that correct? You were a member of the African National Congress? --- Yes, he is correct in saying I was a member of the African National Congress.

"And I was introduced to him, among others, by Magabela and introduced to Mhlaba as a member of the National High Command."? --- No, I think he is making a mistake.

He is also making a mistake. Can you advance any reason why now Bennet should say that you were introduced to him as a member of the National High Command?

BY THE COURT: Well, I think he meant the Port Elizabeth High Command. The witnesses all talk about the Eastern Province National High Command.

MR. BERRANGE: My Lord, may I say that was the National High Command of the A.N.C. if I remember rightly, that the witness had spoken about. They used the phrase and an explanation was

given to your Lordship about the way in which the A.N.C. command obtained that name.

BY THE COURT: Well, I don't know if the other witnesses knew the difference between the ^{High Command} Umkonto and the A.N.C. as I understood that evidence. Well, that's a matter to be checked up.

ACCUSED NO. 7: No, the confusion here, my Lord, if I may help, is that - I think it was Accused No. 1 - that there was a confusion in using the term 'High Command'. It originates from our discussions in jail during the detention in 1960. And then from there it was used in introducing the new structure of the A.N.C. operating underground. And then we use the word High Command referring to the branch activity.

BY THE COURT: Yes, but my impressions may be wrong there, but a number of the witnesses regarded the National High Command at Port Elizabeth as being the organising head of the Umkonto, as well as possibly of the A.N.C. That is my impression. It can be checked.

-COURT ADJOURNS-

ON RESUMPTION OF COURT: 1st May, 1964.

MR. BERRANGE: Could I mention a matter, my Lord. Yesterday in cross-examination ~~by~~ ~~of~~ of the witness it was suggested to him by my learned friend that Mr. Jordan had seen him in Port Elizabeth during 1962. Your Lordship will recollect that the witness said that he didn't remember that or he didn't think...

BY THE COURT: I have checked my notes, I have no note of him having said that.

MR. BERRANGE: As a matter of fact, my Lord, I think my learned friend is mistaken. I see from the evidence that the person whom he saw during 1962 was No. 4 accused.

BY THE COURT: He mentioned No. 7, but he didn't mention according to my note what time he saw him.

MR. BERRANGE: He did mention it particularly in regard to No. 4.

RAYMOND MHLABA. (s.u.o.)

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) Mhlaba, I do want to say, with deep respect to his Lordship, that his Lordship was perfectly correct yesterday when he suggested to you that the Ad hoc committee was an Ad Hoc committee in Port Elizabeth just as in Natal, and which acted as a liaison between the A.N.C. on the one hand and Umkonto on the other? --- I'm afraid, my Lord, that is not the correct position.

That is not the correct position? --- The Ad Hoc committee came into being since the A.N.C. operated underground and it replaced the position of the provincial executives throughout the country. And in fact it has nothing to do with the Umkonto.

Then who was the contact between the A.N.C. on the one hand and Umkonto on the other? --- There is no contact between the MK and the A.N.C.

None at all? --- None at all,

Who regularised or harmonized the activities of the A.N.C. on the one hand and the MK on the other? --- The ~~MK~~ A.N.C. have got their own organ operating on their own, and on the other hand the MK have got its own organ operating on their own.

Was the ad Hoc committee not something new, and following the new M plan the members to the ad hoc committee were now appointed and not elected as previously? --- That is correct, my Lord.

Why was that done? --- Because the operation was an illegal operation underground and then the democratic principles could not get so far.

So you still refuse to accept the position the ad hoc committee was in effect the overall committee? --- What do you mean by overall?

Guiding the destinies both of the A.N.C. and the MK? ---
- Oh no.

You deny it. By the way, Mhlaba, did No. 2 accused

ever undertake any special missions on behalf of any of the organisations? --- No. 2?

Yes? --- Not that I know of.

Did No. 3 undertake any special missions, secret or otherwise? --- I have no idea.

Did No. 4 undertake any missions or assignments, secret or otherwise? --- I don't know.

No. 5? --- I don't know.

If they did you would have known? --- Yes, I would have known with the exception of No. 3 and No. 5.

Nevertheless, you were assigned two secret commissions or assignments on two different occasions? --- That is correct.

You must have been a very important person to be singled out for such secret assignments? --- Well, I wouldn't say that I was important, but according to the event I was picked for such assignments. I can't say that I am such an important man.

Now, let's get down to brass tacks. This organisation, the National Liberation Freedom Movement, would not assign secret tasks to anybody in whom they did not have confidence? --- Well, I think that is obvious.

It would not assign such secret assignments to people who have a good knowledge of what was required? --- I think that is also obvious.

And you were selected for two very important assignments? --- That is correct, sir.

So important and so secret that when your learned Counsel led you on those assignments, you didn't give his Lordship the slightest hint as to where those assignments took you or why? --- I would not have divulged.

Well, I want to put it to you that in December, 1961 you were either in Port Elizabeth or in Leipzig.

MR. BERRANGE: My Lord, I don't want to interject unnecessarily, but I do suggest, my Lord, that the witness should be warned by your Lordship in regard to the latter portion of the

as to whether he was in Leipzig, that it is a question which might tend to incriminate him and that under those circumstances he need not answer it.

BY THE COURT: Incriminate him to what extent? In what respect?

MR. BERRANGE: Incriminating, my Lord, in respect of leaving the country. In respect of an offence which is not charged in this particular case

BY THE COURT TO MR. YUTAR: Well, that may be correct. Mr. Yutar, is it not? He can afford to refuse to answer if he wants to on that ground? --- On that ground.

BY THE COURT TO ACCUSED: I think your Counsel is correct, Mhlaba, you need not necessarily answer the question, which may be an admission that you left the country without getting the necessary permits. It doesn't follow that if you left from Leipzig that you didn't have a permit. But if you feel that the question incriminates you, you can refuse to answer it on that ground or you can refuse to answer it on any other ground.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) You understood that very clear? --- I'm clear, I'm very clear.

Well, I want to tell you Mhlaba, on behalf of the Attorney-General I here and now in the presence of his Lordship grant you full indemnity from any prosecution for having left the country at any stage without a permit. So you need not worry about incriminating yourself.

MR. BERRANGE: There are a number offences, my Lord, other than leaving the country without a permit, and my learned friend knows it perfectly well.

DR. YUTAR: Well, I'll extend that immunity. I'm prepared to grant you a full indemnity arising out of your leaving the country whatever the reason was? ACCUSED. No, my Lord, I'm not taking your assurance.

MR. YUTAR TO ACCUSED: Even though I stated in open court in the presence of his Lordship, the presiding judge? --- No, I

am not taking it

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) Now, are you going to refuse to answer, because you might incriminate yourself? --- Yes.

That is what your Counsel says. And you will refuse to answer on those grounds? --- Yes....

BY THE COURT TO ACCUSED: You wanted to say something? --- I was just going to say that I fear I may be charged, my Lord, and I don't want to incriminate myself.

CROSS-EXAMINATION BY MR. YUTAR (CONTD.) Well, I give you the solemn assurance in open court, and every word I'm speaking now is being taken down, that I grant you here and now a full indemnity and that no prosecution will be instituted against you, no matter what offence you might have committed as a result of your leaving the country without a permit. So you need not worry about it? --- Yes. I'm afraid that assurance I'm not taking.

You're not taking. So you are not prepared to answer even though you may incriminate yourself, and even though as the Deputy Attorney-General grant you a full indemnity, so that you can not be prosecuted as a result hereof? --- I'm not clear about this assurance, and as a result I'm not accepting it.

You are not accepting it? So you are refusing to answer the question that I put to you that you were in Leipzig? --- On the grounds I've stated here.

Yes. You are refusing on the same grounds, despite my assurance, that you were also in Russia? --- I'm not prepared to comment,

You are not prepared to comment. Well, let us stop short of the Border, I won't take you across the Border. What were the terms of your assignment? --- I'm not prepared to answer that question.

You haven't got to worry, I'm not asking you to leave the country, you are still in South Africa, in Johannesburg

and you've got an assignment. What were the terms of your assignment?--- I'm not prepared to answer that question.

And why not?---- The terms of the assignment may divulge the whole set up which I'm not prepared to....

BY THE COURT TO THE ACCUSED: But the position, Mhlaba, that you say you were not in Port Elizabeth on the 16th December, but you refuse to tell the court where you were on that date, is that the position? --- Yes, my Lord.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) Now, we understand. Now, was this assignment on behalf of the A.N.C.? --- Yes, my Lord.

Well, we know what the policy of the A.N.C. was up to 1960, the policy of non violence, and we are told the African National Congress is a National institution of South Africa, why should you have to go across the Border on behalf of the A.N.C.? --- I refuse to answer that.

Is it not possible that you went on behalf of the MK? --- It is not possible.

It is not possible? --- No.

Why not? --- Because I was doing the work on behalf of the A.N.C.

And the A.N.C. had under its political wing the MK? --- That I do not know.

You don't know? --- I don't know.

And yet you are an important figure in the African National Congress? --- I refuse to answer.

You know of course - or do you know Goldreich? --- I do.

Where did you meet him for the first time? --- Lilliesleaf Farm in Rivonia.

When? --- In February, 1963.

Was that the first time you met him? --- Yes, my Lord.

In February? --- Yes, my Lord.

What about January? 1963? --- He wasn't there, I was

told he was on holiday.

So you met him in February, 1963. Where? ---
Lilliesleaf Farm in Rivonia.

Yes, I know, but where about? Inside the house or
inside the thatch roof? --- Inside the thatch roof.

Who all were there? --- Another gentleman whom I'm
not prepared to name at all.

Just the three of you? --- Just the three of us.

And what were you discussing? --- There was no
discussion. He came in to find out whether we need anything,
and we said no only news papers, we've got money, and then he
left.

Whether you need anything? Was he waiting on you? ---
He was not waiting on us. He came in to find out whether...

You need anything? --- Yes.

Need anything in what direction? --- Food...

That's why I say he was waiting on you. Who is
this other person? --- I'm afraid, my Lord, I'm not prepared to
give his name.

A person from Port Elizabeth? --- I'm not prepared to
say.

You of course know somebody from Port Elizabeth, don't
you? --- I'm not prepared to comment on that.

Well, you are going to now, I'm telling you. Do you
know a man called Wilton McLeod? --- I do, my Lord.

Where does he come from? --- I know him in Port
Elizabeth.

And what is his nick name? --- That I don't know.

Have you ever known the name Brie-Brie? --- No, my
Lord.

Never. Never heard of such a person? --- No.

Tell me, I must really get this straight. How and
when did you join the A.N.C.? --- 1944.

In 1944 you were a member until it was banned in 1960?

--- That 's correct.

What was your position when it was banned in 1960?

--- I was a branch chairman and also a provincial executive.

That is the highest body of the A.N.C. in Port Elizabeth? --- In the Province.

And then the organisation was banned in 1960? --- That's correct.

It went underground? --- That's correct.

So did you? --- That's correct.

But you didn't wear overalls when you went underground? --- No, not then.

Not then. You only put it on when you come to Rivonia.

However, and did you still remain on the Provincial executive of the A.N.C.? --- That is correct.

After banning? --- Yes.

And ~~why~~ then you were, because of your position and knowledge, you were specially brought up to Johannesburg. Not so? --- Well, I take it - yes.

And you were given this assignment, and you gave us the details of it, you were assigned the task of going back to Port Elizabeth in order to see that the M Plan was implemented in Port Elizabeth? --- That was not the terms of the assignment.

What was the terms of the assignment? --- They didn't direct that I should go back to Port Elizabeth.

Well, what did they direct? What was their direction? --- I had to come up to Johannesburg..

Yes. What were you brought up to Johannesburg for? --- I was given an assignment and instructions to carry out.

What was that? --- That is the very thing, my Lord, which I'm not prepared to divulge.

BY THE COURT: According to his evidence-in-chief it was only in January, 1963, that he was sent back to Port Elizabeth.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) Oh yes, that's right, Yes. "In January, 1963 I was sent to the Eastern Province on behalf of the A.N.C. and my work was to consist of organising and checking the organisation work in that area, and to check on the implementation of the M plan." That's right? --- Yes.

So you were certainly a most important official to the A.N.C. if you were entrusted with this assignment? --- I wouldn't say most important, but I was given this assignment.

Chose you amongst all the others? --- Yes.

And you know Milton McQuire? --- At what stage?

When did you first meet Milton Mc Quire? --- I came to know him during the final campaign in Port Elizabeth.

What year was that? --- It was 1962.

And he rose up in the race, didn't he? --- Oh yes.

What position did he hold? --- He came up to the position of Provincial executive member.

With you? --- Yes.

A very important figure? --- To me he is.

He also came to Rivonia? --- That I don't know.

Well, that's what Mr. X told us. A man from Port Elizabeth? --- Well, I wasn't there, I don't know.

Well, he wasn't referring to you, Mhlaba, can you think of any other man from Port Elizabeth who was at Rivonia at any time? --- He was referring to me, I was sitting there in the dock...

No, he wasn't referring to you. And do you know when this was in June, 1963, when you were at Rivonia? --- No, my Lord, in June I was not at Rivonia, I came to Rivonia at the end of June.

At the end of June, 1963, that is what you said. All right, then he is not referring to you. Who was the man from Port Elizabeth? --- I'm not prepared to divulge his name.

Do you know of any other person, apart from Milton

McQuire who came up to Rivonia? --- I'm not prepared to answer that question.

And although he worked with you on the Provincial Executive of the A.N.C. you don't know that he was known as Brice Brice? --- That I don't know.

And my information is too that he was also in Leipzig? --- I don't know.

Now, you've met Goldreich. You referred now to the meeting in February, 1963. You met him in the thatched roof and just the three of you were there? --- That's correct.

Do you know Goldreich had an assignment? --- Of what nature.

Don't you know? --- I don't know whether you are referring to the assignment which I was told about in court here.

Yes. What other assignment do you know about? --- I know of no other assignment.

Well, then why ask me which one. Well, you know what his assignment was? --- I know about it now.

What was his assignment? --- According to the evidence here from the State witnesses and according to the document here, he went out to Checke Slovakia on behalf of the MK.

On behalf of the MK. To get what? --- To negotiate for explosives.

Only for explosives? --- According to the evidence, yes.

And the document? --- It said other thing - arms - as well.

Yes. It is remarkable how all of you want to confine yourselves to explosives. You won't talk about arms.

Did you not go overseas on behalf of the MK with a similar mission? --- No, my Lord.

Then what did you go overseas for? --- I'm not

prepared to answer that question.

You are not prepared to? So as you told his Lordship, you deny that you were in Port Elizabeth during December, 1961, but you are not prepared to tell us where you were then? --- That's correct, my Lord.

I put to you that you went overseas in order to negotiate and obtain assistance on behalf of the MK. You deny it? You are not prepared to say yes or no? --- I'm not prepared to comment on that.

You are not prepared to comment, and you are not prepared to tell us what the assignment was so that we can test your story? --- No, I'm not prepared to comment.

That is a very easy way of getting out of it. Just keep on saying no, no, no, then I'll finish you very soon. That assignment took you 14 months? --- That is correct, my Lord.

Is it not a fact that when you left on that assignment, you did have this cyst on your head? --- When I left Port Elizabeth, yes.

Yes. And is it not a fact that when you returned from that assignment you were minus that cyst? --- I was minus it by the end of December, 1962.

And you are not prepared to tell us even where that cyst was removed? --- No, my Lord.

No, because it might incriminate you? --- That's correct.

I want to tell you, it is not an offence in this country, I don't know about Ghana or India, to remove a cyst by surgical operation. But you are not prepared to tell us where it was removed? --- I understand that very well.

All right. Now, you came and reported on your assignment in December, 1962? --- That is correct, my Lord.

To Sisulu? --- That is correct.

At his house? --- That is correct.

Where was that? --- At Orlando West.

When about in December? --- Just about a day or two before the end of December.

How did you travel to Orlando West? --- By car.

By car. Who drove the car? --- I'm not prepared to divulge his name.

What car? Well, what kind of car was it? --- I can't recollect now.

But you know who drove the car? --- I do.

And you don't want to tell us? --- No, my Lord.

And what time did you get to his house? --- It was in the evening.

What time? --- I think about 7 o'clock in the evening.

Did you stay there the whole night? --- No, I was there for about just over an hour, and then I went off.

And you reported the result of your assignment to Sisulu? --- That's correct.

Was he satisfied with your report? --- Oh yes, he was.

And you said it was on behalf of the A.N.C.? --- That is correct.

Belt 76E. And you still say that the A.N.C.'s policy was of non violence? --- That is correct, my Lord.

Yes. Won't you even tell us how your assignment outside the country could help this policy of non violence? --- I'm not prepared to comment on that, my Lord.

And then after having reported to Sisulu, you went to Rivonia where you stayed about eight days? --- That is correct.

Where did you stay in Rivonia? In the thatched roof? --- That is correct.

Who stayed there with you? Don't look at me as if I don't know what I'm talking about Mhlaba, I want to know who stayed there with you during the eight days that you were there? --- The Port Elizabeth man.

And you still don't want to admit who he is? ---

No, my Lord.

Who else stayed in the thatched roof? --- The two of us.

Just the two of you? --- Yes.

Because you know there were three beds there? --- There was reason for it.

I know. What was the reason for it? --- Well, there were three people using the beds.

Three people. It was yourself, the man from Port Elizabeth and who was the third one? --- What period are you referring to when you say there were three beds there.

I'm talking about January, 1963. I'm dealing with your stay of eight days there. Who was the third person? --- There were two beds at the time.

Only two beds at the time? When was the third bed moved in? --- I found it there at the end of June, when I came there.

Was that for the first time? --- Yes.

There were four mattresses? --- Yes, yes.

What was the reason for the fourth mattress? --- I don't know. Because on one bed they were using two mattresses, accused No. 5.

He was using two mattresses? --- Yes.

Accused No. 5. When did you meet him there for the first time? --- End of June, 1963.

Exactly when in June? --- The date?

Yes? --- I think it was on the night of the 30th.

The night of the 30th June that you met him there? --- Yes.

And he stayed on there all the time until he was arrested? --- No, he only stayed there about two days then he left.

He left? --- Yes.

Why? --- He told us that he was going to where he is staying.

Why? --- He went there specially for a disguise and then he completed that and he was leaving.

I'll come back to that just now. Let's stick to your first visit to Rivonia in January for eight days. You say you were there with this man from Port Elizabeth. What was this man from Port Elizabeth doing there? --- He was hiding.

From whom? --- From the police.

What was he doing in Port Elizabeth? --- He was working in a factory.

Where? --- Port Elizabeth.

Yes, but what was he doing at Rivonia? --- I say he was hiding, my Lord.

Yes, I know. But now what work was he doing at Rivonia when he was there? Just hiding? --- Well, most of the time he was reading textbooks and news papers.

On behalf of? --- He didn't tell us what he was doing, he didn't tell anybody.

So you don't know what work he was doing there? --- I say the work he was doing there - he was there for hiding purposes. Within the time I was there he was mostly occupying himself with reading, the news paper.

Writing? --- Well, at times, yes.

What? --- Letters.

To whom? --- I don't know.

About what? --- I don't know.

What books was he reading? --- Textbooks. Some of them in connection with guerrilla warfare.

Yes? --- Politics.

Reading books on guerrilla warfare for amusement, for relaxation, I suppose? --- For knowledge.

For knowledge, for what purpose? --- Knowledge to know

To know and to apply what you learn? --- Not

necessarily.

You know he was on the Provincial executive with you in Port Elizabeth for a long time. And you mean to tell his Lordship that you don't know what work he was doing there and why he was doing what he was? --- Even if I know, my Lord, I wouldn't tell.

Accidentally was he a Communist too? --- I don't know.

You don't know. But he read political books? --- That's correct.

But he still remained a member of the A.N.C.? --- I'm not prepared to comment on that.

And during the eight days that you were there, what were you doing? --- Mostly reading.

And what were you reading now? --- News papers.

Yes? --- Textbooks on history and so on and politics.

Politics Yes. The history of your people? --- The history of this country.

Yes, what other books? --- That was all.

Did you read the history of the Cuban revolution? --- No, not while I was there.

The history of the Chinese revolution? --- Not when I was there.

The history of the Algerian revolution? --- Not when I was there.

Where did you read those books if you didn't read them then? --- I have read them.

When? --- Before.

Where? --- In this country.

Where? --- Port Elizabeth, Johannesburg.

Whereabout in Johannesburg? --- In the townships.

In the townships. Where did you stay in the townships? --- I'm not prepared to divulge it.

For what purpose were you reading books about the Cuban, Algerian and Chinese revolution? --- It is history.

Of course it is history, but for what purpose were you reading it? --- Enlighten myself.

For what ultimate purpose? --- Ultimate purpose?

Yes? --- I don't know when you are reading a book that you have a certain purpose in view.

Why did you pick up this book? Why didn't you read some other books? Why did you particularly read those books? ---
- I'm a politician.

I know you are a politician in the A.N.C. And the A.N.C. we are told - at least you want us to believe - was a non violent organisation in 1961/62 and '63. Why concern yourself about books dealing with revolutions and guerrilla warfare? --- Well, there is a very good reason for that.

Let's hear it? --- The reason is that the internal political situation compelled me to do it.

Compelled you to do it. And the internal political situation ^{which} ~~was~~ compelled you to read those books was the suppression of the masses in this country? --- That is correct.

That is correct. Against which you and your colleagues were fighting? --- Fighting against the forces that are suppressing the people here.

And you found yourself up against a stone wall? --- Well it is a correct appraisal.

Yes, it is a correct appraisal, and you were preparing to storm that stone wall? --- That is correct.

By revolutionary methods? --- You mean by non revolutionary methods.

---And including revolutionary methods? --- If the situation was to force us to do it.

Yes, and that is why you were reading those books in preparation? --- That is correct.

It took me a long time to get it out of you. Now, when you were in the thatched roof those eight days, did you remain indoors all the time? --- Well, in the evenings I used to

go down to the river.

And during the day? --- Mostly I was indoors.

Indoors. Did you not move around? --- No, my Lord.

So these people who testified, Edith Kopane, Joseph Mshane, Makola, Makoela, Makenna and Molane, all these six witnesses who say that you lived in the thatched roof are telling his Lordship the truth? --- Oh yes.

It was never suggested to anyone of those single witnesses that you were dressed in an overall. Not to one of them was it suggested? --- My Lord, I must make this clear, that the question of the overall, I was given that right of putting it on when I came at the end of June, 1963. In January when I was there and in February when I was there I did not use an overall.

Why not? --- Well, to me I was indoors and I didn't think it was necessary for me to use an overall.

Now, wait a minute. What did you say, it was suggested to you, you should wear the overall when? --- In June.

End of June, 1963? --- Yes.

Who suggested it to you? --- It was No. 2 and 4.

No. 2 and No. 4 in June, 1963, and why did they suggest you should wear the overall? --- For a disguise.

And disguise yourself from whose eyes? --- From the people who may possibly come into the farm.

Including the police? --- Of course, yes.

Now, let me read to you your evidence-in-chief. "In December, 1962, I went to No. 2 house, to whom I reported on the fulfilment of my mission. He then suggested that possibly the police would be looking for me, and that therefore I should go to Rivonia where I was taken and where I stayed for about eight days in January, 1963." You were warned by Sisulu in December, 1962, that the police would be looking for you possibly. Why did you wait until your visit to Rivonia in June

and for the first time put on the overall? --- The reason is because I was indoors all the time while I was on the farm there.

I'm talking about the overall now? --- The idea of the overall didn't come to me until then.

By the way, do you remember that oath that was found in the pocket of the overall you were wearing? --- I've read it here.

Yes. You read it here for the first time? --- No, in February during the case.

Yes, you were shown those two documents? --- When?

By your Counsel in preparation for your evidence? --- Yes.

And I'm not certain what you told my learned friend in reply. You say no oath was required by any organisation? --- I didn't put it that way.

How did you put it? --- By the A.N.C.

That no oath was required by the A.N.C.? --- Yes.

Was an oath required by the MK? --- I don't know, but I'm told that there was an oath for the MK.

Oh, who told you that there was an oath for the MK? ---
- Accused No. 4.

Accused No. 4 When did he tell you that? --- When we were discussing this very oath.

That's what he told you? --- Yes.

When was this? --- During this case, my Lord.

When? --- Well, I can't say. We've been consulting throughout this case.

And he told you about the oath of the MK? --- Yes, that is not the same oath.

But you of course say that the A.N.C. had no oath? --- Yes, they had no oath, my Lord.

Let's just branch off for a minute. Do you know Bennet Mash'iyana? --- I've come to know him.

Yes, he has been quoted very often by your learned Counsel as one of the men who said that Bennet never said that any question of violence or sabotage was spoken or referred to at the meetings of the A.N.C.? That is correct, isn't it? --- Just put the question again, please.

I said, Bennet Mashiyana was very often quoted by Counsel for the Defence in support of a suggestion made that sabotage was never discussed at the meetings of the A.N.C.? --- That's correct.

To that extent Bennet Mashiyana told the court the truth? --- Oh yes.

Well, let me read to you what Bennet Mashiyana says. You know of course that Bennet Mashiyana was a member of the A.N.C. since 1951? --- I can't account, but I take his word for it.

You'll take his word. Good, I'm very pleased. He told his Lordship that he was the secretary of the Westbank Location Branch. You don't dispute that? --- I don't.

Didn't you know it? --- I didn't.

And he says that he was the contact between his branch and the Regional Committee of East London which was known as the Regional High Command. Did you know that? --- I have no idea about that, but he is confusing the question of the High Command.

Well, his Lordship put it clearly that there was a confusion. When they are referring to the National High Command or the High Command, they are not referring to Rivonia? --- Oh yes.

Of course you of course know that the National High Command was at Rivonia? --- That I don't know.

You don't know that. You've never known that? --- I've never known.

Where did No. 4 operate from? --- No. 4?

Yes? --- He was in Rivonia,

Let me tell you something else that Bennet says, before I come to this other portion. He says that George Komane, do you know him, chairman of the A.N.C. at East London?

--- Yes, I know Komane.

And then he says Johnson Makabela? --- I know him.

A Also known as Kontoti? --- That I don't know.

You didn't know that? That he was the chief of the Regional High Command of East London which fell under Port Elizabeth. Did you know that? --- I know that he was a prominent member of the A.N.C. at East London and that East London in fact fell under the jurisdiction of Port Elizabeth.

This is what he told his Lordship. "We had to take an oath to carry out the directors^{IVES} from seniors, especially The Volunteer-in-Chief." Was there not an oath required to be taken by the members of the A.N.C. Was Bennet telling a lie? --- He was telling the truth insofar as the Volunteers in the Volunteer Group.

The Volunteer Group? --- Yes.

And what was the Volunteer Group? --- In the A.N.C. there was the Volunteer Board which was in charge - in each branch there was a Volunteer Board in charge of the volunteers.

What was a volunteer required to do? --- To do A.N.C. work.

What particular kind of work? --- Propaganda work organising meetings and so on and so on.

But that was what the A.N.C. was doing all along? --- Yes.

That's what the A.N.C. was doing all along. Isn't that so, weren't they doing that all along - the A.N.C.? --- Since 1962 the volunteers came into being.

For what purpose? --- To volunteer to do extra work for the organisation.

That's what I want. What was the extra work? --- Organisational work, my Lord. Distribution of leaflets....

BY THE COURT: Was that not done by all the members of the A.N.C.? --- (ACCUSED) It was the volunteers that they took to do extra work, my Lord.

BY THE COURT TO THE ACCUSED: Yes, but wasn't that done by all the members? The distribution of pamphlets and propaganda and that sort of thing, wasn't that done by all the members of the A.N.C.? --- Yes, but when you say you are a volunteer it means that you are prepared to do more work for the organisation.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) As his Lordship put to you now, every member of the A.N.C. was bound to do what he was required to do? --- Correct.

Distribute pamphlets, paint slogans on the walls? --- Then you will say that I volunteered, that at all times you want me to do any work...

Extra work. --- Extra work I am ready for it.

Right. What was that extra work? Yes, go on. What was that extra work that they were required to do. That's what I want from you. What was that extra work? --- For instance, my Lord, if in a branch ^{I want some workers} ~~to do some~~ work, I'll go to the secretary and say 'I want volunteers to do this work' and he will call them and they will do that particular work. You don't go to each and every member of the organisation.

Were the volunteers also known as the Amadela-Kufa? --- That is correct, my Lord.

Yes, here it is, yes. Now, I'm going to read to you from the same Bennet. This is what he says: "The volunteers under us were soldiers called Amadela-Kufa. Kufa (he told us) they were the Despisers of Death." --- This originated during the defiance campaign, you had to defy the unjust laws.

In
Yes? --- ~~Not~~ going to jail, serving the sentence, not pay the fine.

Yes? --- And the words of "Amadla nga wethu" (?) was used too sometimes up to now.

But where did death come in. You go to jail, you pay your fine, you defy the laws. "Despiser of Death" What death? --- It was just a mere pamphlet to show that even if you were to meet death.

I'm going to show you just now correspondence. Weren't those the soldiers that were sent overseas for training, and known as the Amadela-Kufa Despisers of Death. Isn't that so, Mhlaba?? --- Well, you speak of soldiers, you see, there were no soldiers, and what I understand by soldier there must be a rifle. And we were not using rifles.

Yes, but you use black powder? --- 1952?

No, I'm not talking about 1952, I'm talking now about 1961, 1962, 1963. Now let me read on what he says: 'The volunteers under us were called soldiers Amadela-Kufa. They had to distribute leaflets re June 26th 'Freedom Day'? --- What year was it?

This is now in 1962. Is that right? --- Yes.

'They also had to kill a person if required to do so' That's what he told his Lordship the Amadela-Kufa...? --- That's not true.

That's not true? Right. Then he says: "They were sent by Mark Mazisa. Do you know who Mazisa is? --- I don't know him.

Never heard of him Mark Mazisa? --- I heard about his name during the prosecuting of

For the first time? "For military training in Ethiopia, Algeria and Tanganyika, to come back and to fight the Government for freedom. Also had to train others to come back and commit sabotage to cripple the Government. And among the targets were power stations, police stations, Bantu Administration offices and police stations." Now, what do you say to that, Mhlaba? What have you to say to that evidence of Bennet

Mashiyana? All lies? --- That is not true.

And as I am reminded now by my learned colleague, did not these Amadela-Kufa, did they not wear special uniforms? --- Yes.

Yes. To single them out as the 'Despisers of Death'? --- As volunteers.

Who by the way was the chief volunteer? Who was the chief volunteer? --- Where?

The National Chief Volunteer? --- At what stage, my Lord.

At any stage you like, we'll go through all the stages. Name them as we go along, if there were changes? --- Accused No. 1 was at one time.

Yes, what time was that? --- During the Defiance Campaign, 1952.

Yes, and who else was chief volunteer? --- National? National, yes? --- He was the only one.

Who was the chief volunteer in the Port Elizabeth area? --- Wilton McQuire.

Wilton McQuire, we meet his name again. Who else? --- That is the New Brighton Branch.

New Brighton Branch. Who else were chief volunteers? Go on, each branch had a chief volunteer? --- Well, I'm not going to tell the branches, but in the Province - for the Cape Province Dr. Unjonkwa was.

And East London? --- I don't know.

Is it not a fact that each branch had a chief volunteer? --- That's correct.

That is correct. And who are these chief volunteers of each of the branches that were in Port Elizabeth. You've mentioned Wilton McQuire...? --- For New Brighton.

For New Brighton. And there were other branches? --- I don't know about other branches.

You don't know who they were? By the way, the

National Volunteer was, as you say, Accused No. 1? --- That's correct.

And did he go over to Algeria to receive military training there in order to come back and distribute pamphlets? Is that what you are suggesting? --- No, he made the admission clear in this court what he went there for.

Yes, but he was the national volunteer for the whole country? --- As a matter of fact he was not going in his capacity as a national volunteer in the first place.

In what capacity did he go? --- He was sent there by the A.N.C.

Let me read to you from EXHIBIT T.20 (page 35) You keep this letter in front of you. By the way, who is the chief volunteer in the Transvaal? --- I don't know.

And Natal? --- I don't know.

And yet you were the great organiser, appointed by the A.N.C. to go and organise things firstly in the Eastern Province and then you were going to organise things on the Reef? --- That's correct.

And you can't tell his Lordship who was the chief volunteer? --- My Lord, I have given evidence here which shows that from October, 1951 to December 1952 I was fulfilling this particular mission and I was not actually dealing with the M plan at the time. I started to be given instructions with regards to the M plan from January, 1963.

So you were fulfilling a mission...? --- And I said at that date I had to go to the Eastern Province.

So you were fulfilling a mission, for those 14 months, you are unable to tell us about the organisation in this country? --- I'm not suggesting that, but I'm suggesting that I was not doing M plan work within that period.

But you told his Lordship you were doing A.N.C. work? --- Exactly.

And you can't tell us who the chief volunteer was? ---

No.

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Yes, and when you came back and you were asked to organise the Reef in 1963, who was the chief volunteer then? --- I hadn't started, my Lord.

You hadn't started, and you don't know, not even to this day. Let's read about the chief volunteers in this document. You know who Mbozi is? --- I don't know, my Lord.

You know who MFB is? Look at the letter, you can read, you were a lawyers clerk. You don't know? --- No, my Lord,

Let's read that letter and I'll read it with you.

'There seems to be a misunderstanding about "students" Dar(i) was referring to the Amadela-Kufa and this has now been straightened out. The position as we understand from Dar is that they have arranged an airlift plane for the 30th May. This is to Christiaan Madela Kusa from BP on that day, and they request that you arrange for them to be in BP on that date without fail. This machine will carry 28 of them. Furthermore, Dar suggest that as many Amadela-Kufa's as possible should be sent to BP before the 1st July to beat the date line on freedom of movement. They will be in a position to negotiate airlifts and also devise other methods of transporting them without much delay. It appears, therefore, that numbers should not concern you very much in regard to clearance from BP. These arrangements have been made by Dar in pursuance of a letter of April 3rd, in which you stressed urgency in this regard." Amadela-Kufa, were they going to be sent to Bechuanaland Protectorate to be flown to Dar-es-Salaam in order to be trained how to distribute pamphlets? --- I have no idea about this letter. I'm not in a position to comment.

Does this letter that I read out, does it not refer to the sending of these trainees. Outside the country for military training and guerrilla warfare training? --- I don't

know.

You don't know, and I'm not going to argue with you.
How long were you an articled clerk? --- Eight years.

And you understand English...? --- I was not an
articled clerk.

You were a clerk for eight years and a messenger.

You understand English? --- I do.

You speak it well. And you are not prepared to
say that this Amadela refers to the trainees who were sent
out of the country for military training? --- I say, my Lord,
I have no knowledge about the letter....

I know you've got no knowledge, but I'm asking you
what the letter reads. Isn't it clear? --- I can't comment on
that.

Now, let's go back to the oath. You say that
Robert and Bennet Mashiyana - is he right when he says that
we had to take an oath to carry out directives from seniors,
especially the volunteer-in-chief? --- If he was a volunteer.

He must have taken an oath? --- If he was a volunteer.

If he is a volunteer. We are talking about volunteers
now in the A.N.C. according to your evidence, and you said no
oath was required in the A.N.C. That's what you said just
now? --- I corrected myself by saying that if you are
dealing with volunteers, there is an oath in the volunteer
group.

Why an oath for volunteers if they are only to
distribute pamphlets and paint slogans? --- The fact that
you undertake to do extra work and to do more work, you have
to take an oath, only for that.

It's a word like killing of people that were in
the way? --- No question of murdering people.

That's what Bennet Mashiyana says. Now, let's
turn to another one who has also been quoted by my learned
friend as an example of one who has never said that sabotage

was discussed at the meetings of the A.N.C. IN East London. Reginald Mkgoebe. Do you know him? --- I do.

He joined the A.N.C. in 1952, and he rejoined it in 1961 after it had been banned when the A.N.C. was not^{to} be run on the Mandela plan. Is that right? Right? Can't comment.

Do you know Bongco? --- No, your Lordship.

Never heard of him? --- I've heard of him since this case.

Where have you heard of him. In this court? -- That's correct.

He is the chief volunteer for East London. You didn't know that? -- No.

Members were appointed by Magabele. Did you know that members were appointed to that Regional Command of East London by Magabela, the one I've referred to already. The contact man between East London and Port Elizabeth? --- No.

Now, this is what he says about volunteers: "Each cell had a volunteer who had to organise other volunteers. They had to obey orders from superiors. They were punished if refused. Volunteers had to sign a form and take an oath to carry out their duties (this was 1963 he is referring to) Magabela and Bongco were my superiors and I had to obey their orders without question. About November, 1962, Bongco taught us to make petrol bombs to be used against persons by the volunteers who were against the A.N.C.....? --- Who were against the A.N.C.?"

Yes. That is what Reginald Mkgoebe told his Lordship under oath. And then he goes on. And he says the first time he made six bombs, the volunteers took them, they divided them up into two batches, the first batch went to Djanes(?) house, he became a member of an Advisory Board, and the A.N.C. was against it and we made an attempt to blow up his

place, that is Item 102, and as far as Item 101 the house of Tongeli, you know him, the second batch went to Tongeli's place, he was a State witness against T. Tumi, a member of the A.N.C., and there the attempt to bomb his place was successful. Item 101. Then he goes on to say what else the volunteers did. Item 122. December, 1962 Bongo and I made four bombs. We sent the volunteers to Hoje's(?) place, who was the chief ambassador for chief Sandela, who had said we would not get freedom even in 20 years as we were too uncivilised. We also had a revolver to shoot him, bombs were used, two girls were injured. All of them died. That was the work of the volunteers? --- That is not correct, my Lord.

Are those all lies? --- It is a tissue of lies insofar to suggest the volunteers were set up for the purpose of killing people, and that volunteers were automatically members of MK. That is not correct.

That's not correct, but is it correct then that the work of volunteers was to blow up symbols of apartheid? --- Not the volunteers.

No, who would have blown them up? --- The MK units.

So all this evidence of Masfana and Mkgobe is false from beginning to end? --- Distortion of true facts.

I haven't completed reading this. He goes on to say: "The A.N.C. had volunteers for many years. The Regional Command drew its volunteers from those on the branch committee, organised under the cell system, and the chief volunteer of the Regional Command got his instructions from a contact of a higher committee. Magabele was our Regional Committee contact and he would bring instructions." And even - now let's leave aside the extra work that the volunteers had to do. You admit that these volunteers were volunteers in the A.N.C.? --- That I admit.

And you now admit that they were required to take an

oath and sign a form? --- That I admit, my Lord.

What was your position? Were you ever a volunteer?

--- Yes.

What branch? --- New Brighton Branch.

As a volunteer, what were your duties? What did you in fact do? --- Extra work.

Extra work. What was that extra work? --- Distributing leaflets...

But you've been doing it ever since you joined the A.N.C.? --- Yes, but I meant extra work, as I say.

What extra work? --- For instance at one stage we were called upon to do door to door work.

Yes. Such as? --- Door to door work is to go from house to house presenting the policy of the A.N.C.

But you've been doing that ever since the A.N.C. was founded? --- And the ordinary member was not expected to do this type of work, but if you volunteered that you were going to do it you fall under the volunteers.

Yes. What extra work? --- I'll say it was mainly propaganda work.

Mainly Propaganda work, and propagandawork was the whole mark of the A.N.C. from its very existence until 1961, not so? --- Oh yes, oh yes. Very important.

That is what his Lordship has been suggesting to you that every member of the A.N.C. has been doing that all along.

-COURT ADJOURNS FOR TEA-

ON RESUMPTION OF COURT:

RAYMOND MHLABA. (s.u.o.)

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) When you left Port Elizabeth to come to Johannesburg you were still the chief volunteer for the Eastern Province? --- No, my Lord.

When did you give it up? --- (Answer inaudible)

At least you were a volunteer? --- That is correct.

And when you arrived in Johannesburg you were still a volunteer? --- That is correct, my Lord.

Are you prepared to concede that when you went on your secret mission you went as a volunteer? --- I'm not prepared to answer that question.

By the way were the National secretaries of the A.N.C. required to take an oath? --- No, my Lord.

Only the volunteers? --- Only the volunteers.

Only those who did the work of the volunteers were required to take an oath? --- That is correct, my Lord.

By the way, you told his Lordship, and I want to make quite certain that I heard correctly, you don't know who Mark Mazisa? --- No. I don't know.

You don't know? --- No, my Lord.

Never heard of him? --- As I say I've heard of him in this case.

For the first time? --- That's correct.

Because Bennet Masiyana says this: "Mark Mazisa was the Chief secretary of the Regional High Command at East London." And you never knew of him? --- I don't know when he was appointed, but I don't know him.

You don't know him? --- No.

He was chief secretary of the Regional High Command at East London - when? I haven't got the date. You never knew him as such? Before you left Port Elizabeth or after you came back? --- No, I don't know him.

Now, you stayed at Rivonia for the first time - oh yes - when you came back from this secret mission 14 months, did you report to No. 2 immediately? --- That is correct, my Lord.

The end of December, 1962? --- That is correct, my Lord.

On the assumption that you went out of the country, when you returned did you go to him in Johannesburg direct?

Before calling anywhere else? --- As I say, my Lord, when I completed the mission I went direct to him.

Without going to any other place in the country, without seeing anybody else in the country? --- I'm not clear about this question.

You didn't report to anybody else beyond No. 2? --- I reported first to No. 2.

Was he the first person you spoke to ^{on} your return from your mission? --- He was the first official of the A.N.C. that I spoke to.

Right. And was Johannesburg or Orlando West where he stayed the first place that you went to on your return from your mission? --- Yes, my Lord.

Right. And that was a day or two before the end of December, 1962? --- That is correct, my Lord.

Explain to his Lordship why you said in evidence-in-chief that in December, 1962 you were in Port Elizabeth? --- I never said that.

"Hepple burnt the papers in the stove before the police came. After the 26th October, 1961 I did not go back to the Eastern Province until December, 1962."? --- You mention burning of papers there and that was on the day of the arrest.

I'm just reading from your evidence-in-chief. You spoke about the burning of the papers, and then this was put to you and this is the answer you gave. "After 26th October, 1961 I did not go to Eastern Province until December, 1962"? --- That is correct, my Lord.

You were not in the Eastern Province then in December, 1962? --- No, my Lord.

That's a mistake in your evidence-in-chief? --- There is no mistake about it....

Well, you could not have been in the Eastern Province in December, 1962, if you reported to No. 2 accused on the

return of your mission at Orlando West, the first place you went to, a day or two before the end of December, 1962? --- My evidence-in-chief, my Lord, was that as from October, 1961 to the end of December, 1962, I was not in Port Elizabeth.

That is what you meant to say. Now, you remained at Rivonia for eight days, you were then given this mission to go to the Eastern Province on behalf of the A.N.C.? --- That's correct, my Lord.

And then you said you came back to Rivonia at the end of February and you remained there for about 12 days, which took you into March? --- That's correct.

Where did you stay on that second occasion? --- In Rivonia.

Room No. 1? --- That's correct.

Why did you go back to Rivonia? --- For hiding purposes.

You were still not wearing your overalls? --- Correct my Lord.

Very, very negligent on your part. And who else stayed with you in No. 1? --- With another man whom I don't care to mention.

Just one other man? --- Yes.

And you are not prepared to tell us who he is? --- That's correct, my Lord.

And what were you doing there during those 12 days? --- Reading. Mostly reading.

And what else? --- Sitting down.

What else? --- That's all, my Lord.

And writing? --- Yes a few letters.

To whom? --- My friends.

About what? --- Non political matters.

You did no work for the A.N.C.? --- Not within that 12 days.

Not at all? You were on holiday? --- Yes.

And your friend, whose name you are not prepared to tell, he did not do any work there/for the A.N.C./either during those 12 days? --- I'm not prepared to answer that.

Is that the same man who was there in January, 1963? --- It's the same man.

All right. And although you were now in the full time employment of the A.N.C., this is January/February of 1963. And in January and February, 1963, the State has listed 54 acts of sabotage, did you not hear about a single one of those acts of sabotage that were committed during those two months? --- With exception of what I might have read or seen in the news paper.

Only in the news paper? --- Only in the news paper.
BY THE COURT TO ACCUSED: Only in the news papers? --- Only in the news papers.

They were the only source of information? --- They were the only source of my information.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) And then, just the last visit, you returned to Rivonia at the end of June, 1963, for the third time? --- That is correct, my Lord.

But in between that you had another mission? --- That is correct, my Lord.

How long did that mission last? --- Three months and a half.

Three and a half months. On whose request did you undertake that mission? --- On behalf of the A.N.C.

Who had asked you to? --- The National secretaries.

Comprising? --- I'm not prepared to divulge that.

Come, come even

/Sisulu told us, he was on the Secretariat and

Nokoy(?) was until he left, but you don't want to tell us?---

No, my Lord.

And you were asked to go on another mission? --- That's correct, my Lord.

Prepared to tell us where this mission took you? ---

No, my Lord.

Prepared to tell us the purpose of it? --- It was in connection with A.N.C. affairs.

And then can we take it, assuming that we can persuade his Lordship that in 1963 the policy of the A.N.C. was one of violence, could we assume that you went over - wherever you went on a mission connected with a violent policy of the A.N.C.? --- Your assumption in the first place is wrong, my Lord.

My assumption is wrong? --- Correct.

Therefore, the second part falls away? --- Quite.

But if I am correct in my assumptions the second half stands? --- Of course it stands, yes.

Now, you returned to Rivonia at the end of June, 1963, for the third and last time, and there you found Numbers 2, 4 and 5? --- 2, 4, and 5. That is correct.

Where were they staying? --- In the ^{thatched} ~~///~~ room.

And you were too? --- That's correct.

That's why you had four mattresses there? --- Well, when I came in.....

That's why you had four mattresses there? --- Please, my Lord, let me say this. When I came in that night there were four mattresses, and it would appear that two were being used by accused No. 5.

Accused No. 5 forewent the one mattress? --- That's correct, my Lord.

Incidentally you could see from the exhibit put in the two mattresses very clearly on the one bed? --- Oh well, you agree with me then.

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Now, this was at the end of June, 1963? --- That is correct.

What was No. 2 doing? --- No. 2, what I saw, almost every day after breakfast, he would take some papers

and a file and to go out.

During the day time? --- During the day time. And go to the van which was behind the building.

Behind the building. And did he leave with the van? --- The van was stationary.

He used the van as an office? --- So it would appear.

And No. 4? By the way, did No. 2 wear overalls? --- No.

No. 4, what was he doing? --- He used to go out with a file and some papers.

Where did he go to? --- I'm not sure whether to the main room or the adjoining room.

When you speak of the main room, what do you mean by the main room? --- The main room which was being occupied by Mr. Arthur Goldreich.

In the main house? ---- It was in the main house.

And you don't know what work he was doing? --- He was doing A.N.C. work.

A.N.C. Work? --- Yes.

Only A.N.C. work? --- Well, I understand now he was also doing MK work.

You understand now. When did you first hear that No. 4 was doing MK work? --- Well, I was told during our discussion in the case here.

For the first time? --- For the first time.

Although Duma Nokwe told you about the MK in October, 1961? --- That is correct.

And you did not know then that No. 4 was one of the leaders of the MK? --- No, I did not know it.

Not until June, 1963? --- No, I didn't say that.

What did you say? --- I said I came to know of it during the case. That is after the arrest, in other words.

In other words, even in June, 1963, you did not know

that No. 4 was doing MK work? --- No, all I knew that he was doing A.N.C. work.

Perhaps you are right, you were all doing A.N.C. work, because our submission to his Lordship will be on the document that MK and A.N.C. were one and the same organisation. You may be right. You know Sisulu, No. 2, was one of your confidants? --- That is correct.

He was the genuine secretary of the African National Congress? --- What period are you referring to?

I'm referring now to 1963? --- All I know about him was that he was attached to the National Secretariat.

You knew that. Just now you said you weren't going to tell us about the National Secretariat. However, and he was the man to whom you reported back on your result of your assignment? ---- That is correct, yes.

And he never took you more into his confidence and tell you about the MK? --- He did.

What did he tell you? --- He told me that he had been consulted from time to time by the MK.

By the MK. Who consulted him? --- The National High Commander.

And what did they consult him about? --- Political matters.

Well, what political matters did MK concern itself with apart from blowing up court rooms and bridges and railway lines, signal boxes, what other political work did the MK do? --- Well, personally I take it that even sabotage activities are the continuation of politics.

And then No. 2 was therefore consulted by the National High Command in connection with the sabotage activities of the MK? --- I don't know actually in detail, but he told me about it.

And No. 4 was also a close confidant of yours? --- That is correct, my Lord.

You both hail from the same province where you worked together in the interest of A.N.C.? --- That is correct, my Lord.

You both attended meetings at Port Elizabeth? --- That's correct, my Lord.

You both addressed political meetings? --- That's correct.

And you come together, I'm not suggesting for the first time, in June, 1963 in Rivonia and you want his Lordship to believe you did not know even then that he was one of the leaders of the MK? What work was No. 4 doing? --- As I say...

You said A.N.C. work? --- That is correct.

Did you or did you not know in June, 1963 that he was doing MK work? --- I did not know.

You did not know in June, 1963 that your confederate and confidant from Port Elizabeth was doing MK work? --- No, I did not know.

And you did not know that he was one of the leaders? --- Of what?

Of the MK? --- No, I did not know that.

What did Duma Nokwe tell you then in October, 1961? --- He told me that there are members of the A.N.C. who are forming MK.

Yes? Go on. You first said you heard of the MK for the first time from Duma Nokwe in October, 1961? --- That is correct.

What did he tell you? --- He told me that there are certain members of the A.N.C. who are busy forming MK AND that the National executive had taken a decision that not all members from the leadership should be involved in MK work, because we will be killing the A.N.C., and he mentioned that amongst those who are busy forming the MK is accused No. 1.

But he told you that that was the decision of the National Executive of the A.N.C.? --- Yes.

And he mentioned No. 1? --- Yes.

And Duma Nokwe at that stage was what? What was his position? --- Secretary General.

Of the A.N.C.? --- That's correct.

And you were certainly an important figure in the A.N.C.? --- Well, to a certain extent I was, yes.

Did you ask him what was KM going to do? --- He told me that it was going to embark on sabotage activities.

Sabotage activities? In what way? --- By attacking the symbols of apartheid.

In what way? --- In a planned manner.

In a planned manner. Yes? --- Such as Labour Bureaus.

Yes? --- And post offices and such Government installations.

And what else? --- As I say, all the Government installations which are turning out apartheid with effect.

Power pylons? --- He didn't mention that.

Signal Boxes? --- He didn't mention that.

Railway lines? --- He didn't mention that.

And how were these acts of sabotage to be committed? -- In the same fashion, I mean, that they were going to be selected.

Selected. By whom? --- By the Regional High Command, who are in charge of that particular Region, making use of MK units in that particular Region.

Yes. Regional Commands in Natal, Eastern Province and the Cape and Transvaal? --- They will fall under the province of course.

And all four Regional Commands will in turn fall under the National High Command? --- That's correct, my Lord.

At Rivonia? --- Not at Rivonia.

Where then? Where was the head quarters of the National High Command? --- The MK was being formed at the time he was talking to me, my Lord.

But where eventually was the head quarters of the MK? -

-- I was told that the head quarters of the MK were in the townships.

Never at Rivonia? --- Never at Rivonia.

But did MK not do any work at all at Rivonia? --- Not that I know of.

And yet Kathrada, who wasn't there as often on his evidence as you, says it was easy to see that work was being done at Rivonia on behalf of the Communist Party, on behalf of the A.M.C. and on behalf of the MK. And you who spent three visits, 12 days, 8 days, in June, end of June to 11th July at Rivonia, you never saw any work being done on behalf of the MK? Although during those times, as I pointed out to you, in January and February alone 54 acts of sabotage had been committed at least we allege had been committed. Right. And now who in particular were to comprise the MK units? --- In particular?

Yes? In plain language who was to do the dirty work of blowing up all these symbols of apartheid? --- The units of the MK.

Who were the members of the Units? --- Do you want the names, my Lord?

Well, if you would give me the names I would be very happy? --- No, I'm not prepared to give you the names. As a matter of fact I don't know.....

What were their political affiliations? Members of what organisation? --- According to the manifesto they were prepared to take guidance from the National Liberation movement, in other words it would be within the same work of the Congress.

That's right. But now who were the individual members of MK, to what organisations did they belong? The Communist Party? --- From what I understand now, my Lord, they were ^{drawn} from the National Liberation Movement.

Yes, but the National Liberation Movement we know

consisted of the Communist party - or you tell us who the National Liberation Movement consisted of - come on, you tell us? --- The African National Congress, the Indian Congress, the coloured people's Congress, the Congress of Trade Unions, the Communist Party. Those are the main....

Well, mention more? --- Well, these are the main as I say.

Well you know it is a remarkable thing, Mhlaba, my learned friend, Mr. Berrange, has already criticised the fact that two witnesses Behesi and Dendasi, both tell his Lordship the identical thing that they overheard at the Lobatsi Conference, and I hope you make a similar comment that I'm going to make now, that you, Kathrada and Sisulu when giving us the components, the members of the National Liberation Movement, all three of you without exception did not mention the most important independent body, namely the MK.

BY THE COURT TO DR. YUTAR: Well, I don't think that is correct, Mr. Yutar. He said the MK was drawn from the people from those parties, he has already said the MK was drawn from those people? --- But I asked him now, my Lord, who comprised the National Liberation Movement...

No, but he said the MK was drawn from...? --- Quite that is what he said before, my Lord.

That is what he said? --- As your Lordship pleases.

C According to his evidence the Members of the MK were recruited from these various....? (ACCUSED) That is correct.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) That means that the men who did the acts of sabotage belonged to these organisations, the Communist Party, The Indian Congress, the African National Congress, coloured people's Congress? --- I'm not in a position now to give the details. The MK was supposed to draw members from those organisations.

Now tell me, when Duma Nokwe told you about it that

certain members of the A.N.C. were forming the MK, did he tell you who those members were? --- He told me a few and he mentioned amongst others Accused No. 1.

And who were the others? --- I'm not prepared to mention it.

Was No. 4 one of the others? --- He didn't mention No. 4.

He did not mention No. 4? --- No.

And strangely it has now been conceded that No. 4 was a member of the National High Command of the MK? --- Well, the position is, I understand now he was drawn into the National High Command around about that time, and I wasn't there at Rivonia at the time.

Well, who were the others that Mokwe mentioned to you, apart from No. 1? --- As I say, my Lord, I'm not prepared to divulge their names.

Not prepared to, but you know who they are? --- I do.

Right. Now, you said that this was a decision of the National executive of the A.N.C.? --- Insofar as to allow this part of the leadership.

BY THE COURT TO THE ACCUSED: Is allow the correct word or is sponsor the correct word? --- Allow, my Lord, not sponsor.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) Well, I need not say anymore, but I just feel I should round it off by quoting to you the evidence of Mr. Z. Mr. Z says that Slovo confirmed at Rivonia to him what Modisi had told him before, that the A.N.C. had now gone over to a policy of violence. Slovo said that Umkonto was formed to commit sabotage. There was to be no killing or injury. Is that correct? --- Yes.

And that the decision was taken by the executive of the A.N.C. Is that correct? --- When I say correct, I hope you are not going to have the impression that I'm accepting

what is being said with regard to the first portion of it. I'm only saying yes insofar as no killing.

But can you deny that the Umkonto was formed - well, you don't deny it that the Umkonto was formed to commit sabotage? --- I agree with that.

Do you deny what Mtemba told his Lordship that Slovo says it was a decision taken by the executive of the A.N.C.? --- To do what.

To commit sabotage. That is to form the MK to commit sabotage? --- I don't accept that statement.

BY THE COURT: To allow them?

ACCUSED: To allow some of the members.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) And he says it was also a decision taken by the Congress Alliance. Was that decision taken by the Congress Alliance? --- I'm not sure about the Congress Alliance.

And a person Luthuli had also agreed? --- That I'm not sure of, I don't know about that.

Because the struggle had gone through the first stage and had now reached the second stage of sabotage. Is that not so? --- Insofar as reaching the stage of sabotage, the stage was reached.

The stage was reached. So you do admit then..? --- But insofar as what was said by Mr. Slovo, I wasn't there, and the statement alleged to have been made by Mr. Slovo, certainly I regard it as an incorrect statement.

Well, put it this way. Sisulu was a more senior official than you? --- That's correct.

Kathrada, how did he stand in relation to political importance in the National Liberation Movement? --- Well, I think that he was junior.

Junior to you. Do you know what Sisulu told his Lordship, that he first heard about the formation of the MK from No. 1 in December, 1961? --- Who is that?

Yes, Sisulu said he ^{first} ~~just~~ heard about the formation of the MK from Mandela - I've got the evidence over here, in 1961? --- Aren't you making a mistake there, my Lord. I suppose you are referring to Accused No. 5.

Kathrada, I beg your pardon. Kathrada said that he first heard of the formation of the MK from Mandela in December, 1961? --- Well, I accept what he said, accused No. 5.

Any reason why he should only have been advised of it, seeing that he was one of the representatives of the Indians, much later than you? --- Well, even if consultations were made before December, 1961, it is quite possible that he was not at that consultation.

Finally Sisulu says that this idea of committing sabotage by MK was discussed in June, 1961. You know nothing about that? --- No, I wasn't there. I don't know.

And this is what he says: 'When the Government ignored their demand for a National convention and after the stay at home strike at the end of May, 1961, in June, 1961 we joined discussions of going over of committing acts of sabotage. You never knew of that? --- I never knew of it, but I accept his statement.

Now, we've dealt with your third stay at Rivonia. The second time of course when you stayed at Rivonia, you were there for four days only? --- The second time?

That was the third time? --- That's correct, my Lord.

You remained for four days? --- That's correct.

Why did you leave Rivonia? --- I was told that I should go and stay for the time being at Travallyn.

Why? --- I was told that a new farm had been bought. Who told you that? --- Accused No. 2.

What did he tell you? --- He told me that a new farm had been bought by MK and it is going to be used for

hiding and for trainees that were in transit.

Yes, go on? --- And that I should go and stay there for the time being.

So Now Travallyn is bought by the MK to be used for hiding and for the use of the training of trainees? --- For the training of trainees?

For trainees in transit? --- That is correct.

Now, you've been to both places. Travallyn and Rivonia? --- That is correct, my Lord.

So have I. Isn't Travallyn a very exposed place by comparison with Rivonia? --- That is correct, my Lord.

Isn't there less chance of being found at Rivonia than at Travallyn? --- Comparatively, yes.

Travallyn is a small place on a hill. There is a lot of ground behind the house, but there aren't those big trees that you've got at Rivonia. Not so? --- Yes, I agree with you.

There is no secret road at Travallyn such as you had at Rivonia from which you could escape, in case somebody came along the main recognised road onto the premises? --- I don't know of any secret road at all.

You don't know? --- No.

You've been three times to Rivonia and you don't know that secret road at the back of the thatched roof?

BY THE COURT: I don't think that was the answer. I think, wasn't the answer that there was no exit road at Travallyn?

ACCUSED: There is a road leading to the farm, my Lord, from the main road.

BY THE COURT: No, but I'm referring to Travallyn. Travallyn there is only one exit? --- (WITNESS) Oh yes.

BY THE COURT: You know that there is more than one exit at Rivonia, don't you? --- (ACCUSED) Yes, I think there is a gate further down.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) And that gate is

connected with the out buildings at Rivonia by a sand road newly made?? --- I'm not in a position to account for the road there what it was intended for.

In fact you mentioned 10/15 minutes ago that No. 2 went to work in the van which was standing at the back? --- Yes, my Lord.

Where did that van come in? The main road or that other road? --- I don't know.

But it stood at the back? --- Oh yes.

So there was a road at the back. How can you get to the back then if there is no road? --- I wonder if you have to go behind the building there must be a road in their own place.

That's what I'm saying. And one other thing. If MK decided to buy Travallyn, why was Goldberg used? --- Well, the reason that has been advanced here is because he was on his way out.

On his way out? --- Yes.

And perhaps he is also connected with the MK? --- That I don't know,

Now, you were again going in hiding to Travallyn? --- That's correct, my Lord.

Who took you to Travallyn? --- Accused No. 3.

No. 3. He drove the combie? --- That's correct, my Lord.

Who went with you? --- Accused No. 4.

Why did he go with? --- He also had to go and stay at Travallyn for some time.

Why? --- As far as he is concerned he had a hiding place somewhere, but I haven't got the details. I was told there was something wrong there for the time being, it is going to be regularised.

Who did you leave behind at Rivonia when the three of you left? --- Accused No. 2.

Only accused No. 2? --- Yes.

He had not yet gone over to Mountain View? --- What
for?

Accused No. 2, you left him behind? --- That's
correct.

No. 5, was he there? --- He had left.

Do you know where he had gone to? --- He didn't tell
us.

Did you take any clothes with you to Travallyn? ---
I had no clothes with me, I had only the clothes I had on.

What about the overall? --- I left it behind.

Why? --- Well, because I was told that I will be
going away very soon.

Where? --- Going to do MK work..... N. Plan.

Right. We'll keep that answer.

Belt 79E.

Now, let us come now to Rivonia to your return in
1963. On the 11th July, 1963. Right? --- That is correct.

By the way, you said that there were discussions
at Rivonia in connection with guerrilla warfare? Pardon me,
I should have made it perfectly clear. There were discussions
about guerrilla warfare at Rivonia? --- Yes.

Between whom? --- Between Accused No. 2, 4 and
myself.

What were those discussions? --- Well, we were
discussing whether it is possible or not to embark on
guerrilla warfare.

Who suggested that? --- We were discussing it, the
three-of us.

Yes. Now, who posed the question is it not
possible to embark on guerrilla warfare? --- I'm not quite
sure who started it.

Well, it could only be one of the three of you? ---
Of course, yes.

And for what purpose was that question posed? ---

It was a burning issue.

Yes, yes? A burning issue. Why was it burning? --- I suppose there was a demand from the rank and file.

A demand from the rank and file, for what? --- For the purpose of adjusting the activities of MK which was sabotage activities.

Demand from the rank and file of the MK to adjust the activity of the MK? --- That's correct.

To go over from sabotage to guerrilla warfare? --- That's correct.

Who told you that? --- As I say I'm not sure between the two accused.

And what was the decision come to? --- Well, the opinion was that it is not suitable.

Why? --- They advanced reasons for it.

Why? --- They mentioned one of the reasons that there was no friendly border.

Yes? --- The question of procurement of arms.

Yes? --- Within and outside the country.

Yes, what other reasons? --- And that the Protectorates will take some time to get their independence. And also the terrain features which are not suitable in the country.

The terrain features in this country which are not suitable. Yes? --- I think, my Lord, those are all the reasons advanced at the time. The main factors advanced at the time.

The terrain features, for example, are not so suitable as they are in Cuba? --- Well, from what I've read about Cuba there are good terrain features in Cuba for guerrilla warfare.

In Cuba, yes. They are not so good in South Africa, because there are not so many mountains and bushes? --- That's right. That is what one of the documents says.

And those were the only reasons why it was considered guerrilla warfare was not suitable? --- Not the only. I said main.

Any other reasons? --- I think that is all.

Did you know Goldreich had been overseas already to discuss the question of arms and explosives? --- I knew that he had been overseas to discuss the question of explosives

Not about arms? --- Well, from the document also he discussed the question of arms.

Yes, how did you know about the explosives? That he had gone overseas to discuss the question of explosives? --- Before the case I was told by accused No. 2.

Told by accused No. 2 before this case? --- Yes.

How did he know? --- He was told from the National High Command.

He was told. That Goldreich had gone overseas. By the way, you said it was a burning issue, in evidence-in-chief you said it was a current issue. I'm not making any play. It was current? --- Well, burning and current...

Yes, I agree. The topic of the day? --- That's correct.

A certain measure of urgency about it? --- Correct, my Lord.

Did you know that a code was drawn up, a code of conduct and discipline for the MK? --- I know nothing about a code.

You know nothing about it? --- No, my Lord.

EXHIBIT 1, my Lord. Just look at this. And if you tell his Lordship that it was considered not to be a feasible proposition, can you tell his Lordship why Wolpe - by the way you know Wolpe, don't you? --- I don't know him, my Lord.

Never met him? --- No, I never met him.

Well, here he draws up a code setting out orders.

'Every member shall obey any order given by any member of higher rank. It is the duty of every member to know and carry out any section platoon or company standing order.' Why was this code drawn up? --- I have no idea, my Lord.

No idea. Look at the next part. Officers and non-commissioned officers. 'It is the duty of every officer to set an example, devotion to duty, courage, loyalty and (coughing inaudible) .. to members. An officer in charge of any operation of any members engaged in the operation shall carry out the operation in the best possible manner, and shall on no account withdraw from the action or forsake his post or endanger the safety of the members under his command.' Why should Wolpe go to the extent of drawing up a code if guerrilla warfare had not already been decided upon. Why? --- As I say, I know nothing about this document. It is impossible for me to comment on it.

Yes. And look what it says there....

BY THE COURT TO DR. YUTAR: There is no point in asking the witness to comment on this if he knows nothing about it? --- As your Lordship pleases.

He says he knows nothing about it.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) And finally you told his Lordship that on the afternoon of 11th July, 1963, you were in the room, the thatched room? --- That's correct, my Lord.

And No. 4 was there? --- That's correct, my Lord.

And he went to take a document out of the stove? --- That's correct, my Lord.

Supposed to have been left there by Goldreich? --- That's correct, my Lord.

What was that document? --- Later on I came to understand that it was a copy of 'Operation Mbuya'.

When you say later on you came to know, what do you mean by later on? --- When I was reading the document.

And you read the document? --- I read a portion of

the document.

What did you read? --- I read the first two or three pages.

But you told his Lordship the two of you spent about 10 to 15 minutes, the two of you were together reading? --- That's correct, my Lord.

Did that document come as a surprise? --- It didn't come as a surprise. I don't know in what sense you mean.

Were you taken by surprise when you read these first two or three pages of this document? --- I think if I'm not mistaken, the pages that I'm referring to are dealing with political matters, and to a certain degree I accept that analysis.

Were you not taken by surprise when you read this document, in any way? Not taken by surprise at all? --- I wasn't so surprised.

Now I want to show you the original document, and I want you to tell his Lordship what pages you read and how far you read. Did you commence reading from the beginning of the middle or where? --- From the first page.

Here is the document. Tell his Lordship how far you read. --- Up to page two.

Up to page 2. Good. This is what page 2 says ... --- From page 1 up to page 2.

I think you read - when you say up to page 2, you mean both pages? --- Yes, from page 1.

And this is how the document ends on page 2. 'The following plan envisages a process which will place in the field at a date fixed now, simultaneously, in preselected areas, armed and trained guerrilla bands who will find ready to join them local guerrilla bands with arms and equipment at their disposal.' Did that come to you as a surprise? --- Yes.

It did. Did you ask Mbekwe, No. 4, what all this was about? --- We were still reading - I intended

commenting when the police entered the building.

And the document goes on: "It will further coincide with a massive propaganda campaign both inside and outside South Africa, and a general call for unprecedented mass struggle throughout the land, both violent and non-violent." Did that come to you as a surprise? --- Yes, my Lord.

That did. "In the initial period, when for a short while the military struggle will be hours of planning, envisages a massive onslaught on preselected targets which will create the maximum havoc and confusion in the enemy camp, and which will inject into the masses of the people and undefending forces a feeling of confidence that here at last is an army of liberation equipped and capable of leading them to victory." --- That too came as a surprise.

"In this period the corner-stone of guerrilla operations is shamelessly attack the weak and shamelessly flee ~~thinks~~ from the strong." And now one final short paragraph: "We are convinced that this plan is capable of fulfillment." Did that come as a surprise to you? --- Yes, my Lord.

Because only a little while before, from discussions at Rivonia, you said that you, 4 and 5 thought that this plan of guerrilla warfare was unfeasible. --- 2 and 4.

Yes. You, 2 and 4 thought it was not feasible. --- That is true, my Lord.

And the document ends with the words that "The time for small thinking is over, because history leaves us no choice." And isn't that the stage that you feel you have reached, that the actions of the Government left you with no choice? --- Well, that is not the feeling of the A.N.C., that the Government can not be changed now to accept the national convention.

By the way, you told his Lordship that all you did at Rivonia was to read and write? --- That is correct.

Nothing else? --- Nothing else.

You know what Solomon Sipeng told his Lordship? That you also operated the roneo machine. You and No. 4. No truth in that? --- I'm afraid I don't remember him saying so.

Solomon Sipeng said that you operated the roneo machine. --- No, my Lord.

Well, we'll check. He is the second witness we called.

BY THE COURT: No, I have no note of that. My note is that 'accused No. 7 visited and also stayed there, but I did not see what he did.'

CROSS-EXAMINATION BY DR. YUTAR: (Contd.) As your Lordship pleases. And if the transcript of the evidence therefore says that you operated a roneo machine, that would be untrue? --- It would be untrue.

-: NO FURTHER QUESTIONS :-

RE-EXAMINATION BY MR. BERRANGE:

Mhlaba, you say that you left Port Elizabeth in October, 1961, and that you went on a mission, and that you then did not return to the Eastern Province until some time early in 1963? --- That is correct, my Lord.

You have been asked a lot of questions dealing with acts of sabotage and the organisations allegedly set up to do so. --- That is correct, my Lord.

During the period from October '61 until the beginning of 1963, do you know what organisational developments were taking place in the A.N.C. and the Umkhonto, during that period? --- No, my Lord.

--Were you in a position to know? --- I was not in a position within that period.

I see. Now I want to deal with what you do know about whilst you were in the Eastern Cape. You have told us that volunteers came into existence during 1952? --- That is correct, my Lord.

That is during the passive resistance movement? ---
That is correct, my Lord.

And was it then that this oath was prepared? --- It was then that it was prepared. And it was then that the word 'volunteers' was used. To volunteer to go and to fight unjust laws.

That's right. And was it then that the expression 'Amadela-Kufa' came into being? --- That is correct, my Lord.

And this oath that was taken by the volunteers, was it anything like the wording on the document which is alleged to be an oath, which was found in your possession? --- No, my Lord, although I can't recollect the oath of volunteers word by word. But not as framed.

Was it anything like this document? --- No, my Lord.
Completely different? --- Different, yes.

I see. Now these volunteers, after the defiance campaign, continued to act as volunteers, and new people came in and they also got the title of 'volunteers'? --- That is correct, my Lord.

And they were volunteers in the African National Congress? --- That is correct, my Lord.

Was their existence at any time ever kept secret? --- No, it was public knowledge.

All through? --- Right through, my Lord. Well, of course up to the time they went underground.

They had uniforms? --- Uniforms, yes.

They paraded in the streets? --- That's correct, my Lord.

Now you draw a distinction between volunteers and ordinary members of the A.N.C.? --- Yes, my Lord.

Now what do ordinary members of the A.N.C. do? --- Well, a member of the A.N.C. really, he joins, he pays a subscription, attends a general meeting, attends branch

executive meetings.

Has he got to do so, or is it if he wants to do so?
 --- Well, I mean as a member ~~of~~ interested in the affairs of the organisation, he has to attend meetings to find out what is going on.

Yes. Is he an activist? --- No my Lord, I wouldn't use that word activist.

I am talking about the ordinary member. --- An ordinary member? A volunteer, I would call him an activist.

I want to distinguish between volunteers and ordinary members, because that's the distinction that was being made whilst you were being cross-examined. --- An ordinary member, I wouldn't call him an activist, my Lord.

I see. Well, what about the volunteers? --- They are activists.

Their job is to distribute leaflets, and paint slogans? --- That is correct, my Lord.

And when there are big meetings, who makes the arrangements for those big meetings? --- They make the arrangements, they bring the platforms to where the meeting is going to be held.

Who attends to the loud-speakers? --- They are responsible for that. And if a member of the A.N.C. has a funeral, they are responsible to organise everything.

They organise the funerals. --- From the beginning to the end.

And if anybody has got to go to jail, who goes to jail? --- The volunteer is the first person to go to jail.

And are their duties confined to certain hours, or are they required to be ready to do this at any time of the day and night? --- According to the rules, at all times.

So in that sense they are completely different from the members. Do you remember the Congress of the People? ---

I remember the Congress of the People, my Lord.

Who collected all the monies that enabled something like 1900 people, delegates, to attend the Congress of the People? --- The volunteers, my Lord.

And who attended to all the arrangements? --- The volunteers.

This is at Kliptown? --- That is correct, my Lord.

It was a huge gathering and a huge undertaking? --- That is correct, my Lord.

Who went amongst the people for the purpose of getting their demands? --- The volunteers, my Lord.

And these were demands that were sent in and were collected from all parts of what then was the Union of South Africa? --- That is correct, my Lord.

They ran into thousands? --- That is correct, my Lord.

Who did that work? --- The volunteers did it.

I see. Who attends to membership drives? --- The volunteers.

And so we can go on. Now I am not quite sure whether you and Dr. Yutar were ad idem or understanding one another when he used the words 'did it come as a surprise.' You have told his Lordship that you were reading this document which has been referred to as Operation Mahiboya over the shoulder of No. 4 accused after you had got into the cottage? --- That is correct, my Lord.

And I think you said you had read the first two pages before the others came in and the document was put down? --- That is correct, my Lord.

You were asked whether what you read there came to you as a surprise. You remember being asked that? --- If I took that to mean the suggestions embodied in the document?

Yes, but you have also told his Lordship, both in examination-in-chief and in cross-examination, that the question

of guerrilla warfare was discussed by you and Mr. Mbeki and Mr. Sisulu whilst you were both at Rivonia and at Travallyn? --- That is correct, my Lord.

So the fact that this document existed, did that come to you as a surprise? --- Not the existence of the document.

I see. As you have already told his Lordship, Mr. Mbeki told you that a document had been drawn up, when you were discussing this at Rivonia and at Travallyn? --- Perhaps I didn't make that clear that the fact that I was interested to read the document, was the fact that I was referred that that was the original certain document. I don't think I made that clear.

Yes. Right. And you told his Lordship that when you asked to see this document, he told you that he didn't have it, but that Arthur Goldreich had it? --- That is correct.

I don't quite know what the object of the question was, but in case there might be some object, I want to ask you this question. You said that No. 1 at one time was a National Chief volunteer. It was during the 1952 defiance campaign. --- That is correct, my Lord.

And then you were asked about Wilson Nkwai and Dr. Njongwe, and you said they were also volunteers? --- Well, I was actually dealing with the position of the volunteers, that Nkwai was a volunteer-in-chief of the branch, and that Dr. Njongwe was the volunteer-in-chief of the province.

I see. What period are you referring to? --- 1952. I am interested too, the branch - the volunteer-in-chief in the branch was the late Mr. Ntumba. Nkwai came later, after him.

When you left for Port Elizabeth, as you say you did, on the 26th October, 1961, how did you leave, by motor-car or by train? --- Well, I was taken to the station by the State witness...

That's right, and he actually said so in one of his unguarded moments, in giving evidence. That was John Chingana? --- That's correct, my Lord.

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He actually took you to the station? — He took me to the station.

And that was in October '61? — That is correct, my Lord. And I might say the statement is correct by saying that since then he has never seen me, up to the time he was in this Court.

I know, he said that at one time. — Yes, he said it.

Now you mentioned a man who you found at Rivonia when you went there at the end of December. You told his Lordship that you don't want to say who he is or what his name is. — Yes, my Lord.

And then you saw him again when you went to Rivonia thereafter? — In February, yes, my Lord.

And when you left in February, was he still there? — Yes, my Lord.

And when you came back at the 30th June? — He was not there.

He was not there. But of course you don't know how long he had remained there, or until when he had remained there? Of your own knowledge? — Not of my own knowledge. It is hearsay.

And you were then told that it would be advisable to put on a pair of overalls in order to make yourselves look like labourers/about the place, when you went outside? — That is correct, my Lord.

I see. You said there were three pairs of overalls? — That is correct, my Lord.

Were they all the same size? — Two were of a small size, and one was of a bigger size.

And which one did you choose? — I chose the bigger one.

I should imagine so, from your size. And would you tell his Lordship, this man who you had seen on two earlier

occasions at Rivonia, was he a big man or was he a small man?

--- He was a big man, my Lord.

As big as you? --- Yes, for my height, yes.

Now in regard to the documents that were found on you by the police, after you had been arrested. I think you have already told his Lordship that these documents were taken away from you? --- Taken from the pocket of the overalls.

Yes, from the pocket of your overalls. Were they shown to you at the time? --- They were not shown to me.

Were you ever asked for an explanation? --- I was never asked, my Lord.

Did it occur to you that the documents were of any importance at that time? --- No my Lord, I did not know the contents.

And lastly, Mr. Mhlaba, you were questioned at some length by my learned friend about what you regard as being the sanctity of the oath that you took, and you were asked the question whether, in taking this oath, you would be prepared not to give evidence that would disclose the identity of other people, and to that extent you said you were not prepared to tell the whole truth. You remember that? --- I don't remember saying 'the whole truth,' that I am not prepared to tell the whole truth.

And now you are under oath to tell the truth, the whole truth, and nothing but the truth, and when you are answering questions about certain individuals, you are obviously not telling everything you know. Isn't that the position? --- Well, it is true.

Yes. If you were to give these names away, how would you regard yourself? What would you call yourself, and what would everybody else call you? --- Well, my fear is the consequences which will result to those individuals I may mention here. They will immediately be arrested, taken into

detention, perhaps after some time they may be charged.

Or at the least kept for 90 days? --- Yes, my Lord.

And what would you be? If you told people who they were, what would you be? --- Then I will be regarded by the public that I am an informer.

Yes. Are you prepared to be an informer? --- No, my Lord.

Under any circumstances? --- Not under any circumstances.

I am directed to ask one more question, Mr. Mhlaba. You were asked about M.K. units, you remember? --- That is correct.

Was the composition or the personnel of M.K. units known to all and sundry, or was it the sort of thing that was kept secret? What would you expect? --- It is secret, my Lord. As a matter of fact, even the A.N.C., if you belonged to a cell, you only know the members of that particular cell, not the next one.

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-: COURT ADJOURNS : -