

IN THE SUPREME COURT OF SOUTH AFRICA.

(WITWATERSRAND LOCAL DIVISION). 18th November, 1964.

BEFORE:

The Honourable Mr. Justice BOSHOFF.

In the matter of:

THE STATE versus WILTON MKWAYI & OTHERS.

CHARGE: Sabotage.

PLEA: Accused Nos. 1 to 5 - Not guilty.

APPEARANCES:

For the State: Mr. Masters and with him
Mr. Tucker.

For the Defence:

- Accused No. 1 - Mr. Bizos
- Accused No. 2 - Mr. Zwarenstein, Mr. Bizos.
- Accused No. 3 - Mr. Hare.
- Accused No. 4 - Mr. Bizos.
- Accused No. 5 - Mr. Bizos.

- RECORD OF PROCEEDINGS -

MR. MASTERS: My lord, before the charge is put, I also apply for certain amendments to the indictment which I have mentioned to my learned friend, and I hand in a copy of the amendments which are applied for.

X MR. BIZOS apologises for the absence of Mr. Zwarenstein, and also informs the Court that there is no objection to the application for the amendment to the indictment.

MR. HARE: No objection.

BY THE COURT: The amendment is granted.

ACCUSED NO. 5: My lord, when I first appeared in this Court, I tried to tell the Judge about what had happened to me. I was told that I should tell it to you. I, therefore, would like to tell you about the numerous occasions when I was beaten and tortured while I was interrogated by the Security Branch during my 90 day detention.

The first occasion I was beaten, was on the 8th of July. On this occasion my beatings commenced at about 10 o'clock in the morning and continued intermittently throughout the day, until about 6 o'clock in the evening. Included in the beatings, were times when my hair was pulled, occasions when I was beaten on the head with a baton for approximately about 45 minutes without stop. I was also kicked on my testicles, punched in my solar plexes and kicked. My penis was placed on a table, and hit with a baton, including an occasion when my penis was put on a table, and a 10 plank with a nail protruding was placed across my penis, and pressed upon my penis. Several occasions thereafter, the variations this treatment was continued, until a second later session of beating took place on the 24th of August, I think. On that occasion again, a similar sort of treatment, but this time including an occasion when a sword was placed across my throat. It was also held across my only good eye. It was held against my throat and I was lifted slightly with it. I was hit with a sword in the side of my neck, plus one of the captains in 20 the security force, used a pistol on my head. This sort of treatment had taken place on several occasions, I cannot remember the precise dates off-hand. I will have to consult notes for the precise occasions when this took place.

BY THE COURT: Well, a record of these complaints will be forwarded to the Attorney-General with instructions to investigate these complaints.

MR. MASTERS applies for the further particulars to be part of the record.

MR. MASTERS Outlines case.

MR. MASTERS informs the Court that the State will be calling accomplices as witnesses in this case, and applies that each of these witness' evidence be heard in camera, that no member of the public be present while the evidence is given, and that the identity of the witnesses be not revealed, that is that his name not be published and any evidence which might disclose his identity, the reason for this being that there is a very real danger of reprisal.

X
MR. BIZOS: No objection.

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MR. HARE: No objection.

BY THE COURT: Well, application has been made by Mr. Masters to lead the evidence of certain accomplices in camera, because according to him it is in the interest of the administration of justice that the names of those accomplices should not be disclosed. There is no objection to this application on behalf of the defence. It seems a reasonable one, and the application will be granted. In the circumstances, the Court will have to be cleared so that these witnesses can be called.

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THE COURT IS CLEARED.

MR. MASTERS: My lord, just before the witness testifies, the State has a list of exhibits, which Miss Oosthuizen intends handing. There are still negotiations with the defence, and it may be possible that a number of these exhibits will not be handed in, but so that your lordship may be able to follow the position as the exhibits are handed in, I have prepared these lists. (Mr. Masters explains the lists to Court).

THE STATE CALLS:

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BRUNO MTOLO, declares under oath

COURT warns witness in terms of Section 254. Now, I want you to understand that if you give your evidence in a satisfactory manner, / ^{which} means in a truthful and not necessarily favourable to the State.....

MR. MASTERS: My lord, this witness was referred to as X in the other trial. My lord, your lordship will give a judgment in public eventually, and it might be desirable that instead of using the name, your lordship used the X or whatever it might be. Could we agree to call this witness X now my lord?

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BY THE COURT: Yes.

EXAMINATION BY MR. MASTERS:

Now Bruno, you have given evidence on two previous occasions?---That is so.

Once in Pretoria and once in Pietermaritzburg?---Correct.

And your evidence there, in those two cases, was also in regard to acts of sabotage?---That is so.

Now, do you know any of the accused before Court?---I know one of them.

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Which one is that?---Accused No. 1.

(Accused No. 1 is requested to stand up).

---Accused No. 1.

What name do you know him by?---I did not know him by any name, I knew him as the man from Port Elizabeth.

Now Bruno, you joined the African National Congress in Durban in 1957, did you?---That is so.

My lord, I will be leading the witness until my learned friend objects. And did you attend meetings of this Congress regularly?---Yes, I went. I

attended them.

In 1960 the A.N.C. was banned?---That is so.

And it then went underground, did it?---

Correct, my lord.

And did you continue as a member?---Although I did not have the required tickets, but I continued with all its work.

Now, there is a person referred to as Steven Dhlamini - do you know him?---Yes, I do.

You had known him in connection with the 10 banned A.N.C.?---That is correct.

Now, through him, did you first become of the South African Congress of Trade Unions?---That is so.

And then, later did you become a member of the Communist Party?---That is so.

And were you made a member of a cell, and were you trained in Communism?---I first became a member of the study group, and thereafter I became a member of a cell group.

Now, to get back to the A.N.C. in 1961 - 20
Now did you know a man Curnick Ndhlovu?---Yes, I knew him Curnick Ndhlovu.

Now, in 1961 what position did he hold in the A.N.C.?---He was the secretary of the Resident's Association of Marshall.

What did that have to do with the A.N.C.? ---My lord, the A.N.C. had gone underground, and in the locations the A.N.C. was using that name to do their work.

Now, did this Curnick Ndhlovu make a trip 20 to the Rand, Johannesburg?---There was a time that he came

to the ^{Reef} Reef, yes.

And do you know why he came to the Reef?---
I know of an occasion when he came to the Rand, and he came
and where he came for this reason - to connect the A.N.C.
and the sabotage group.

Was there a conflict between the, what is
referred to as the military wing and the political wing,
of the A.N.C.?--Yes, there was a disagreement between
those two sections.

And what was Curnick to do in Johannesburg? 10
Why did he come to the Reef?---He came to see the National
Executive committee of the Reef of the A.N.C.

That is for the whole Union?---That is correct.
Curnick came up for this reason - to find out, he wanted
to know whether the region from Durban could interfere
in this of the military section, that is the sabotage
section.

What did Curnick report back to the A.N.C.? 20
---He came back and reported that he had seen one Walter
Sisulu, and he had told him that we had no right to take
instructions from the A.N.C. region in Durban, and he
said that all our instructions had to come from the
Regional Command, that is the Regional Command for the
sabotage, and he said that he, Curnick would become the
liaison officer between the two sections.

Now, you know a man Billy Nair?---I know
him, my lord.

Now, is he also a member of the A.N.C. in
1961?---He was not a member, although he assisted in the
work of the A.N.C. 30

Well, did he make a report to you in regard

to a visit by a European to Durban?---Yes, he did.

And what did Billy Nair tell you?---He told me that a European from the Reef, from Johannesburg had come there.

Yes?---So that this European had come and told him that the A.N.C. had now gone off the first decision, that was the one of non-violence and shedding of blood, that we were now going over to the violent section and shedding of blood, that they would now cause violence, and shed blood. 10

And was there to be a re-organisation of the A.N.C.?---Well, it had changed then from the non-violence and the blood shed, and to violence and to shed blood.

Now, was there a Regional Command formed then, in 1961, to do the acts of sabotage?---That is correct, that was done.

Now, were you a member of that Regional Command or not?---I was a member.

Now, who were the other members of the Regional Command?---It was myself, Curnick Ndhlovu, Billy Nair, Eric Mtshali, Ronnie Kasrils. 20

Yes?---That was five of us, and next to that, on the same platform, was the technical committee.

And who was on the technical committee?
---The man in charge of that committee was one Brian Chaitow. I was his assistant.

And this Brian Chaitow was he a chemist?
---That is correct.

And what training had you to be put on the technical committee? Did you have any special training? 30

---My lord, I had a background, I had some knowledge of

electricity.

I do not know if your lordship wants to keep up with the different numbers as they are mentioned.

BY THE COURT: Please if you would, because it is difficult to make out the names.

MR. MASTERS: My lord, Kasrils is No. N. 7, Chaitow is N. 2, Mtshali is M. 17, Nair is N. 22, Curnick Ndhlovu is N.24.

EXAMINATION BY MR. MASTERS (CONTINUED):

Now, during December, 1961, did a European 10
Strachan come to Durban?---Yes.

t 3 My lord, Strachan's name appears in the body of the charge as an accomplice. And was a meeting held in the flat of Ronnie Kasrils?---That is so.

When the members of the Regional Committee, including yourself, were present?---That is correct.

Now, what did Strachan tell you?---Strachan told us that seeing that the first European had come there, and who had told us that the A.N.C. had now been altered, that he, Strachan, was then the person who came to teach 20 us to make our arms. Then he told us that we were now on the military wing. He told us all the rules and the regulations of this military wing.

What were they? Briefly?---I remember some of them.

Well, just tell them?---He told us that this section of the A.N.C. would start off with sabotage.

Yes?---If the Government would not give a hearing to this sabotage, then we would go over to guerilla warfare, and if there...if the Government did 30 not take any notice of this guerilla warfare, we would go

over where everybody would be attacked, and it would be our section against the Government supporters.

Now, in regard to sabotage, did he mention what places were to be sabotaged?---He said the sabotage places were to take place in Government buildings, everything belonging to the Government, and also to those sections where the people supports the Government.

And was any mention made of the day on which this was to start?---He said that that would start right through the country, and that the day of the strike would be the 16th of December, 1961.

Now, did he say on whose behalf he was speaking? What authority did he have?---He told us that he was sent there by the National High Command, whose office was in Johannesburg.

Did he say where he came from himself?---He said that he was actually from Johannesburg, but he was going right through the country training people. From Durban he would have gone again to Port Elizabeth where he would have trained.

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He was going to Port Elizabeth from Durban? ---From Durban to Port Elizabeth, yes.

Now, was any mention made of dynamite?---Yes.

What did he say?---He said wherever we could get hold of dynamite we had to steal it, and all chemicals which we could make bombs out of, wherever we saw that, we had to steal it.

Now, he knew that you were on the technical committee, did he?---Yes, he had been told so.

Did he want to test you out on your knowledge?---He wanted to know why the two of us were on this

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technical committee, my lord.

And then did he give you the task of making a time device to test you?---He said to me seeing that I had knowledge of electricity, I had to make something which you could carry about, and that it should have a safety screw or whatever it is my lord, by which you could put it on safety and when you require it, to turn that safety screw and it would set fire, that I should make it this way that I could set it for a certain time. If I wanted that time to be at a certain time, I should 10 set it for that time, and at that time, it would give off the fire.

Well, did you make one with a clock?---Yes, I did.

Did you show it to Strachan?---I did.

Was he impressed?---No, he said it was too expensive. He was not impressed about it.

Now, after the meeting, within the next few days, did Strachan instruct you in the use of explosives and the making of bombs?---Well, he learnt us how to 20 make them.

Now, just look at Exhibit 1. Did you, before the previous trial, construct that?---Yes.

Just explain very briefly to the Court what that is, and who taught you to make that?---This is what Strachan taught me to make.

What is it described as?---This is a dry charge.

Very briefly, how does it work?---Inside here, you put in one part of aluminium powder, to that you add 30 give parts of Ionoxide. You have got to mix them and then

put them inside this tin. This here is the detonator that sets the contents inside alight.

How does the detonator work?---The length of this container, this piece of piping, must be 2". The diameter of it 1", and then you fill it up from the bottom. Half an inch of Permanganate of Potash, and aluminium powder in equal parts, and that to make up half an inch in this container, and after that(I am sorry my lord I am wrong)...above that mixture, you put a fine layer of Permanganate of Potash powder, on top of that 10 Permanganate of Potash powder, you put this layer of fine tissue paper, above that then, you put in half an inch of sea sand, and he said that the sea sand was the timing device. Then you put in glycerine on the portion that is left, you add the glycerine when you get to the target where you want to make use of it, and he said that the glycerine would take approximately 12 to 13 minutes to work through the sand and to get to the chemicals underneath the sand.

And does it work?---It was tested and it worked. 20

Just briefly, this R.N.2 now, was it also constructed by you? And follows the instruction given to you by Strachan?---This is Jack Hodgson, on whose instructions this was made.

I am sorry, we will leave that then. Did he also teach you how to make other types of bombs?--- Yes, we were learnt to make the petrol bombs, Molotov Cocktails.

That is Strachan taught the regional committee? 30
---That was Strachan.

And then Molotov Cocktails?---He did.

Now, before Strachan left Durban, did you decide to commit acts of sabotage?---Yes, it was agreed.

And did Strachan help you to prepare the bombs that were required?---He did.

You committed certain acts of sabotage?---
We did.

My lord, they fall outside the period of the indictment. And then Strachan left Durban?---He did.

Now, after he had left and after you had com- 10
mitted the acts of sabotage, did you steal dynamite?---
Correct, we did.

Do you remember when?---It was either
March or April of 1962.

And did you, in fact, steal a large quantity of what you thought was dynamite?---That is so.

You actually needed a motorcar to remove all of it?---That is so.

Has he got any idea how many boxes there were?---Many, I am not clear anymore on that point, how 20
many there were.

Now, were some of them marked with a name other than dynamite? Did they have some other name on?
---Yes, there were boxes marked Cortex.

Alright, and the others were dynamite?---
Correct.

Now, did this dynamite present a problem to the Regional committee?---That was so.

Were you worried about how it should be stored?
---Correct. 30

And did you write to somebody about this?---

A letter was written in connection with that, yes.

To whom was the letter written?---Billy Nair wrote the letter to the National High Command at Johannesburg.

Now, did you at this stage, know whether letters to the National High Command were written in code, or how were they written?---Kindly repeat?

You say a letter was written to that National High Command? Do you know how the letter was written, in English, Afrikaans or code?---All our correspondence, 10 all our letters were written by code.

Now, how does the code work? Can you tell the Court?---It went by numbers, commas, full-stops.

And where did the numbers come from?---They would take it out, whether it is out of a novel or out of a book.

So your letter, when it is finished, it really consists of numbers?---It is all practically numbers, inside.

Now, and do you know whether these letters 20 were sent to any particular address?---Only during 1963, I was aware where these letters were being sent.

Perhaps you can finish that off, where, during 1963 were letters sent?---S.K. Building, D.O. Box something, Orlando West, Johannesburg.

And was all the correspondence from the National High Command...?---And it is addressed to the Herbalist. Before you put the address to where the letter goes to, the words "The Herbalist" were written down.

And were all the letters received from the 20 National High Command also in the same type of code?e--

That is correct.

Now, you were telling us that your committee wrote to the National High Command to enquire how to store this dynamite?---That is so, yes.

And did you get a reply from the National High Command?---Yes, we got a reply.

What reply?---It said that we had to send ... one of our technical committee had to be sent to Johannesburg where he could undergo a training.

And were you sent to Johannesburg?---I was sent, my lord. 10

Now, through some misunderstanding, nobody met you in Johannesburg, did they?---Well, on the first occasion there was a bit of difficulty, I met nobody, and I went back.

And when you returned to Durban, were you advised that somebody had been sent down from the National High Command to Durban?---That is so.

And were you then instructed that he, this person, had returned to Johannesburg?---That is so. 20

And you were instructed to return yourself to Johannesburg and meet this person?---Correct.

So, did you return to Johannesburg?---I returned to Johannesburg, yes.

And did you meet a European in Johannesburg?---I did.

What was his name?---Jack Hodgson.

And where did you meet him?---I first met him in the office of the New Age in President Street.

My lord, Jack Hodgson's name appears in the body of the charge, as an accomplice. Yes, and did you go 30

to his house, or where did you go to?---Yes, he took me by car to his house.

Whereabout is his house, do you know?---
His home is in Hillbrow.

Now, how did Jack Hodgson introduce himself to you?---He asked me what my name was and I told him. He then in turn told me what his name was.

Yes, did he ask you why were there, or did you tell him?---He asked me whether it was me, the man who had come up for the training, and I said yes, it is me. 10

What training was that?---To use and store dynamite, to handle it.

Now, in regard to the dynamite, did he tell you how it should be stored?---Yes, he told me.

What did he tell you?---He told me that they had to be stored in Paraffin tins, in four gallon paraffin tins.

Yes?---And round the lid you had to use elastoplast before the lid is put up, so as to prevent moisture, water to get inside. Then you had to put it 20 in the ground with 6 inches protruding from this hole - it had to stick out. I am sorry my lord, I misunderstood the witness. A hole had to be dug and this tin had to be put in there with 6 inches of soil on top of it.

Now, did you also discuss this cordex?---
Yes, it was discussed.

Why was that discussed?---I asked him what the difference was between centi-fuse and cordex.

Yes, and?---He said cordex was used when there were many charges, when many blasts had to take place. 30

Now, did he instruct you in making certain

bombs then?---Yes, he taught me to make pipe bombs.

Will you look at Exhibit 3. Was that constructed by you prior to the previous trial, to illustrate the pipe bomb which Hodgson had instructed you how to make?---In this you had to put in Potash of Chloride. There goes three different chemicals, then you add Permanganate of Potash and Powder of sulphur, in equal parts. Both chemicals are put in the inside of the pipe, then you use sulphuric acid, and you put that into a bottle with a dropper, similar to an eye dropper, then there is a capsule you use. After you have added your powders inside, and you get to the place where you want to make use the bomb, then you take your sulphuric acid, and put some of the sulphuric acid into the capsule. You close up the capsule, you put it in the inside of the pipe, and then you screw the top on again. Then you put it down at the spot where you want it to go off. He said that it would take approximately 20 minutes for the sulphuric to go through the capsule and that it would get to the powders inside, and immediately it gets through the powder, it will explode.

AT THIS STAGE THE COURT ADJOURNS FOR TEA.

ON RESUMING:

BRUNO MTOLO, still under oath, (Interpreted)

EXAMINATION BY MR. MASTERS (CONTINUED):

My lord, we have heard a lot about pipe bombs, it might be as well to identify them. There is a pipe, its diameter about an inch and a half - about an inch in diameter, about 6 inches in length my lord, and then there is a ... the pipe is threaded at both ends? ---That is correct.

And then there is a socket which grooves onto the pipe at both ends?---That is so.

And then onto the socket is, and then onto the socket is screwed at both ends?---That is so.

Now, did Hodgson also teach you to make Exhibit R.M. 4? Which you constructed?---That is correct.

Now, what is R.M.4?---This is a hand grenade.

How does it work?---In the inside the contents, you put in Permanganate of Potash and aluminium powder, and on the top of that is put a layer of Permanganate of Potash, and then it has a syringe. When you use it, then in the syringe you put some glycerine, then you fill up this syringe pipe, but this one is not what it should be because it should be water tight in the inside at the head of the syringe, on the inside of this piping. The piping of the syringe, to

To prevent the glycerine going through?--- That is correct.

Yes, and then?---There is a hole in here, after you had added your glycerine and that is in the syringe, there is a hole through here where you put through your safety pin, and you get this pin protruding from the barrel of the syringe as it is now. When you are going to use it, you pull out the safety pin, and you strike. This pin of the syringe with your hand, you hit that down, then the glycerine goes into the chemicals into the body of the pipe, and he said that that would take three or four seconds, that it would take for the glycerine to get into contact with the chemicals inside the main body, and within those seconds that is the chance you have to throw this where you want it to be.

WITNESS: And by throwing it you use as handle the body of the syringe.

Now, did you discuss fuses and time devices with Hodgson?---He told me that the safety fuse was the timing device if you want to explode sticks of dynamite. He said that seeing that the safety fuse is obtained with great difficulty, that the safety fuse which had to be used, had to be a short piece, just an ordinary short piece of safety fuse, and you also had to make use of the same chemicals which is used in the pipe bomb. You had 10 to go through the same routine as you do with the time bomb, the capsules and everything, you use the same chemicals. The difference is that tin there, in which you had to put your chemicals.

Is that Exhibit R.N. 5?---R.N. 5, my lord.

What is that?---Then the safety fuse is connected with your dynamite charge.

Yes?---And you tie the portion of your safety fuse, onto this wire, and then you bend it over to be in the position that it is now. That is, the tin has an 20 opening, with the wire bending down into the opening of the tin.

Yes?---As I have already explained the chemicals, that is your powders, is now already in this container. Then you also put in your sulphuric acid capsule into this container, the tin. That would give you t 5 time of about 20 minutes. That it would take about 20 minutes for the contents of the tin to take fire. That is after the capsule had set the fire, then that fire would set alight your safety fuse, and that is how you will get 30 your fire to your dynamite charge.

Did you discuss any other time devices as well?

---Yes, he also mentioned those which are similar to parking meters, similar to a watch.

What did he tell you about that?---That is made that it runs on batteries. If you want to use there an electric detonator which is used by electricity.

Yes?---Even if you had no electricity detonator, you could also use the ordinary with the safety fuse. It could change the ordinary which is .. with which you use a safety fuse, you could use that to use the 10 electricity.

What I want to know is how is this time device constructed? You told us there is a parking meter or clock. You use that, you take torch batteries.

Yes?---Two torch batteries, you can also use three, you connect your batteries and from there you have a connection, you connect that onto bale wire.

Yes?---And from there you have your connections in the parking meter, this watch. You will set your watch, you could set it to whatever time you require. 20 30 Minutes.

Yes?---And that if your charge is that of dynamite, then your wires that run from your gas the electric detonator, will join those that comes from the battery, and if this watch, if you had set it, you required 30 minutes, your watch had gone 30 minutes, it would turn back, and when it turns back, it makes the required contact. The electricity then coming from the batteries would work through into your detonator, and that would set the fire. 30

And if you were using chemicals?---You could

also use that with chemicals.

Yes?---Well, with chemicals you do not use the electricity detonator.

Yes?---And where you used the string from the electricity detonator, now you use a torch globe, and you connect your wires onto this torch globe. The one wire you would connect, and the thread portion of the globe, and at the end of the torch globe, that is at the back, there is a point there. If you look^{at}/it you can see that it looks like lead, and your second wire you connect 10 with that lead portion.

Yes?---Then you bring them again to your parking meter watch and connect them there. Again you set your clock to the time you require, the bulb itself, that is the torch bulb, you break that but you had to be very careful to break that glass not to injure the element in the inside. There you can cut the heads off of matches, which is called match powder, and you had to...in taking them off the matches you had to even use a file to have it fine in a powder form, that you strew 20 inside. Then you take tissue paper and you cover it up. Then you tie it up with whatever you have, to keep the powder inside so that it would not come out, and when your watch comes back, it makes the contact. Then that would set fire to the element in the globe. That fire, in turn, would set fire to the match powder.

Now, did Strachan also teach you how to blow up pylons?---Jack Hodgson taught that, my lord,

Yes, Jack Hodgson. Now, when you got back to Durban, did you go any further with this time device 30 that you had been describing to us?---I went and I bought

this required watch in Durban.

Yes?---I then tried it to see whether it would work back again, and there were occasions when I saw that if you had set it, it comes back on its own. I saw that that was very dangerous.

You mean it slips back again?---Correct.

Now, did you not go any further with it? Did you not try any further experiments then with it?---No, I did not try a further experiment with the watch.

Will you have a look at this Exhibit before Court - 130. Is that similar to the time device you had been describing?---Yes, it is. 10

It has the parking clock, or meter that you have referred to?---Yes, it has.

And the batteries?---The batteries are here.

Now Bruno, you did not mention this in giving your evidence in the previous trial in Pretoria, did you?---I have it that I did mention it, but I cannot say with certainty. I do not remember any more.

Well, I think we are finished with Hodgson. He instructed you on these things that you have described to the Court, and did you then return to Durban? ---I did. 20

And did you then teach other people what you had learnt?---I did.

And did you store the dynamite according to the instructions given to you?---Yes.

And did you carry out tests in regard to what you had been taught - bombs and so on?---I did.

I made bombs and tested them. 30

And did you have some difficulties or trouble

with something?---When I got back to Durban, the first tests I made was with the dynamite as I was told by Jack Hodgson.

Yes?---And I found that it did not work.

Was a letter written to the National High Command by the Region?---They were informed.

And then this man Joe Modiso, do you know him?---I know him.

My lord, he is mentioned in the body of the charge. Did he come down to Durban?---Yes, he did come down, 10

Did he say he had come in reply to the letter that you had sent to the National High Command?---That is correct.

And what did he tell you about this trouble you were having?---He told us firstly, that what we thought were detonators, were not detonators.

What was it?---Relays. He said those were relays.

Is that the cordex?---No, it is something similar to a detonator, but it is open both ends. 20

Yes?---He also told us that the High Command said that they would give us 20 detonators, and we in turn, had to return to them sticks of dynamite.

Did they say where the detonators were coming from?---We were told that he had them on him. He had brought them with.

Did you make the exchange then?---That is correct.

Now, did he also come to receive complaints which you might have, Joe Modiso? Did Joe Modiso, when 30

in Durban, invite any complaints that the Regional Command might want to send to the National High Command?---He did.

Did you have complaints?---Oh yes, we had complaints, yes.

What were your complaints?---I know we complained about money.

Alright, it does not matter. I do not want the details. And did he say something about monthly reports?---Yes, he said whatever we did, we had to report on each detail what we did, to the High Command. 10

That ins in Johannesburg?---That is correct.

And did he say anything about sabotage work? ---Yes, he made enquiries about sabotage. He wanted to know what we had already done.

Yes, what did you tell him?---I am not too certain at that time. It was the difficulty we had of the dynamite and the detonators, and I think it was our difficulty with these detonators, that had stopped us from any acts of sabotage at that time.

What did he say anyhow, about the sabotage? 20
---He told us that we had to go forward.

And recruits - anything said about recruits?
---Yes, he mentioned recruits who had to be sent outside this country, where they had to be trained.

And did you have to recruit them in Natal, in Durban?---That is correct.

And when they had been trained?---That was not the first time that we had been told about these recruits. We had been told about the recruiting on a previous occasion. 30

Yes?---That these people who had to be sent out

for training outside this country, that when they came back, they would be able to train us in the country, who had remained here.

Train you to do what here?---They would teach us the guerilla warfare and the acts of sabotage.

Now, we^{are}/still dealing with Modiso's visit - he mentioned recruits. Did he say he wanted specific numbers of recruits at that time?---He mentioned eight.

That the Durban Regional Command had to recruit to send up to Johannesburg, to be sent out the country?---That is so. 10

Do you know whether, in fact, eight recruits were sent away later?---I know the first group left in 1962. We did not have the full figure 8, but we had 6.

Do you remember the name of any of the recruits?---There was one Eric Mtshali, another who we nicknamed Panga man, and one Bemgo, John Magagene(?), Cyril Dhlamini and Matthews Mnongo(?).

6 Alright, now, do you know when Mandela was arrested on about the 5th of August, 1962?---I do. 20

Now, shortly before his arrest, did he visit Natal?---Yes, he was there.

And were you present when he addressed a group of people?---I was present.

Now, what people were these that he addressed? ---They were the members of the Regional Command of Natal.

Now, very briefly, can you tell me what Mandela said at the meeting?---He reported to us how he went about in the African States. 30

MR. BIZOS: If your lordship will bear with me - we do not

want by agreement, to open disputes which were debated in Mandela's trial. Perhaps a short adjournment might enable us to cut down the length of this trial, because if the witness is allowed to depose a number of things that he deposed of before which we challenged in respect of which certain evidence was led and quite a lot cross-examination was directed, the trial is going to be unduly lengthened. My learned friend might decide that he requires it for the purposes of this case, I do not know, but if, on the other hand, this witness is to say that Mr. Man- 10
dela came there and said he was the head of the High Command and he gave instructions to the meeting, as the Regional Command, that they should carry on with acts of sabotage, that there would be no objection to. That was common cause in Mandela's trial. I do not know if my learned friend requires anything more.

MR. MASTERS informs the Court that he will come back to this later and have a discussion with Mr. Bizos.

EXAMINATION BY MR. MASTERS (CONTINUED):

Now, you remember Mandela was arrested as I 20
said?---Yes, I heard that he was arrested.

And shortly after his arrest, did you get
another request for recruits?---Yes, another calling came.

And do you remember how many recruits were
sent off this time?---I do not remember them all, but
I remember those that were recruited by me personally.

Now, mention the names slowly and we can
check them on the list.---I recruited James Mvemve,
Gerard Mtololo. I recruited two....I am sorry, the third
Sepo. 30

Is that all?---Amongst that group, I recruited

only three.

Now, still dealing with Mandela's arrest, after he was arrested, he was brought to trial. Do you know that?---Yes, I know he was charged.

Now, in connection with Mandela's trial, was it decided to commit a number of acts of sabotage?---Yes.

My lord, the defence are prepared to admit certain acts of sabotage which I will just put to the witness.

MR. BIZOS: My lord, your lordship will have seen that 10
there is a schedule of Acts of Sabotage, Annexure 'B'
to his lordship's indictment. My lord, we are prepared
to admit that the following acts, were the acts committed
by Umkonto We Ziswe, an organisation of sabotage.
No. 8, 9, 11, 14, 15, 16, 18, 20, 22, 27, 30 and 37.

EXAMINATION BY MR. MASTERS (CONTINUED):

My lord, I will lead the evidence in regard
to those acts very briefly. Bruno, on the 14th of October,
1962, the railway signal cables were cut in three pla-
ces near Georgedale, Durban?---I remember that. 20

Now, who committed that act?---That was
people who belonged to Solomon Mbanjwa's group.

My lord, he appears as Natal 10 on the sche-
dule. Now, on the 14th of October, 1962, and incendiary
bomb was placed at the Security Police offices, the
detonator did explode but the tin with inflammable substance
did not; Do you know about that?---Yes, I know that.

Who was responsible for that?---Ronnie Kasrils.

On the 14th of October, 1962, an incendiary
bomb was placed against the door of the Bantu Adminis- 30
tration offices, 'F' section, Kwa Mashu Township, Durban,

which exploded?---Yes, Justice Mpanza placed that bomb.
His group.

Now, on the 3rd of November, 1962, a pylon was damaged by an explosion of dynamite near Sarina Railway Station, Pinetown, Durban?---Yes, I do remember that.

Who committed that act?---That was again Ronnie Kasril's group.

On the 1st of November, 1962, a pylon damaged by an explosion of dynamite near Clearemont Location, New Germany, Durban.---I know about that. 10

Who committed that?---There I was responsible and my group.

Now, on the 1st of November, 1962, a pylon damaged and overturned by an explosion of dynamite near Montclair Quarry, Durban?---I know about that.

Who did that?---Billy Nair and his group were responsible for that.

Dynamite explosion destroyed one leg of a mast, a railway mast, near Cliffdale, Durban?---I know about that. 20

Who did that?---That was me and Solomon Mbanjwa, who were responsible for that.

Now, on the 5th of December, 1962, an electric transmission pole was damaged by a dynamite explosion at Umlass Bridge, Durban?---Yes, I know about that.

Who did that?---Kisten Moonsammy and his group, were responsible for that.

Now, on the 9th of December, 1962, a railway bridge mast near Hammersdale Station, was damaged by a dynamite explosion?---I know about that. 30

Who was responsible for that?---Solomon

Mbanjwa and his group.

On the 23rd of December, 1962, railways cable on the Esplanade, Durban, next to the bay on the main line from docks to Weats Station, there was found a home-made time-bomb made with a water pipe fixed to the cable - do you know about that?---Yes, I know about it.

Who did that?---Ebrahim Ismael.

On the 15th of January, 1963, a telephone inspection pit, Mobeni, Durban, dynamite blew off one cable and broke the lid - do you know about that?---Is 10
that the one that was in the hole.

Telephone inspection pit at Mobeni?---Yes, Kisten Moon Sammy and his group were responsible for that.

31st of January, 1963, telephone poles at Avoca, Durban, North of Durban, three telephone poles sawed off - do you know about that?---Yes, I know that.

Who did that?---Justice Mpanza and his group were responsible.

Now Bruno, to turn now to recruits - do you know some recruits sent from Durban, who were arrested 20
at Beit Bridge by the police? In about March, 1963?---
Yes, I remember that.

So, prior to that then, the Durban Regional Command received a request for further recruits?---That is correct.

And do you know the names of any of these recruits that were sent off?---Again I have got to say that I only remember those who were recruited by me personally.

Yes?---One was Samuel Ndlangiso, Moses 30
Masuku, he also has a nickname Badman.

Is there anybody else you remember, or is that the lot?---I cannot remember any other now.

And you say these recruits you remember were arrested at Beit Bridge during March, 1963?---Those were the recruits that were arrested by the police.

Now, during April, 1963, did you pay a visit to Johannesburg?---That is correct, towards the end of the month. I cannot say whether it was the end, but it was during April.

Was this as a result of an instruction re- 10
from the National High Command?---That is so.

Now, after arriving in Johannesburg, I do not want the details, did you meet a man by the name of Mlangeni?---That is so.

And then did you later meet a man by the name of Abel Mtembu?---That is so.

Now later, did you go to a building that you mentioned already - S.K. Building?---That is so.

And did you there meet a herbalist Elias Matsoaledi? I am sorry, he is not the Herbalist?---He is 20
not the herbalist.

I am sorry, Elias Matsoaledi?---That is so.

Now, did Matsoaledi teach you how to make black powder?---Yes.

How do you make it? What did he tell you?---
You take $7\frac{1}{2}$ tablespoonsful of salpetre.

Yes?---Then you take $4\frac{1}{2}$ tablespoonsful of charcoal, then you take $1\frac{1}{2}$ tablespoonsful of flour of sulphur. The $7\frac{1}{2}$ tablespoons of salpetre you take and you put that into a pot with water. You put that on the 30
stove, and you keep on stirring it so that the salpetre would

melt, and after the salpetre had melted, you add the charcoal and the flour of spulphur. You keep on stirring it, and you have to stir with a wooden thing, not anything metal.

7 Yes?---And you have got to stir it until it getstightened. (He uses the word putu which is the ordinary putu porridge we know).

Yes?---And you have got to sitr it until it gets intow powder. After it has been cooked, you put it down in a spot it where will cool down. After it has 10 dried out, you take the contents then, and put it into a bottle. There you have your black powder.

Andi did you ever use this black powder?--- I tried it out, although we never used it.

Well, was your test successful?---Yes, it was tested.

Did he also instruct you how to make Ther- mide(?)?---Yes, you take ionoxide and aluminium powder. You mix that, it is only those two, but I do not know, I 20 have forgotten the measurements of each of those ingredients.

Did he calls this Thermide?---That is correct.

What is it supposed to do? What is its action?---That would be used as you use these torches to cut metal. They use the torch to cut railway track bars, and that would do the same work as those torches, and that would cut every metal, whether pining. railway tracks.

Did you try it out?---I tried it out in Natal, but it was not successful.

Now, did you see any time device at Matsoa- 20 ledi's?---He showed me something which was, he said, a timing

device, which was made out of matches.

What was used for the timing?---Again, you use a watch like a parking meter, similar to the watch in Court now.

Is it similar to what you have already described?---Similar to what I have already explained.

And after this meeting there with Matsoaledi, you returned to Durban?---I went back to Durban.

And did you pay a further/^{visit}to Johannesburg, in about May of the same year?---Yes, I did. 10

Why did you pay this visit?---Again a request came from our High Command that a person was required by the High Command. I did not know the reason why the High Command had required this person.

Yes, and did you get any instructions from your Regional Command in connection with the visit?---Yes, I was instructed by the Regional Command to come, to Johannesburg.

Billy Nair, you mentioned his name, did he write a letter to the National High Command in connection 20 with this visit?---That is correct.

And were you present when he wrote the letter?---I was present.

And was it written in code, as you previously described to the Court?---That is correct.

This is not the letter R.7, but would the letter have looked similar to that?---Yes, it is similar to this. It is similar to the portion of this exhibit where you see the figures.

Now, before you left for ... let me put this 30 way first - do you know that Mlangeni paid a visit to Durban,

at about this time?---That is correct.

Was this before you left yourself for Johannesburg, or not?---He got to Durban before I left for Johannesburg.

Who had sent him?---He was sent by the High Command.

Yes, to do what?---He came and informed us that Chief Sibata had come to Durban to see the Regional Command.

Yes, carry on?---And that we, the Regional Command, should prepare ourselves to send him to Johannesburg. And we received also another instruction, that eight recruits were required. 10

This is what Mlangeni told you?---That is correct.

And we may as well finish it, were those recruits sent off eventually?---Those recruits were sent.

Do you know the number and the names of any of them?---Eight were required, but I can only think of 6 that were obtained. 20

Can you give the names?---One of those recruits was Joseph Nduli, Justice Mpanza, Victor Mkize, Clatus Mzimela, Bennet Nkosi's son, I do not know his name. I am not, at the moment, clear of the name of the sixth person.

Now, we are still dealing with Mlangeni's visit with the Regional Command. Is there anything else you remember in connection with this?---At that time we were short of detonators.

Yes?---We had told him that we were short of 30 detonators, and he told us that there were detonators in

Port Elizabeth. There was 1,000 detonators in Port Elizabeth. He said that if we could make some arrangement to change them, we giving them sticks of dynamite for them to give us then in turn, for the dynamite detonators.

I think that is enough there. Now, you told us that you were about to depart for Johannesburg when Mlangeni came. Did you now leave for Johannesburg?--- That is correct, I came to Johannesburg.

Did you have the names of any person who was to meet you?---Billy Nair told me that I would be met 10 by somebody at the station. I objected, I said "Look, this is an old story. I am always being told that somebody will meet me at the station, and you never find anybody there to meet you".

Yes?---He said and if I do find it that way again, that I have to go to one Joe Slovo.

Yes?---And when I get to Joe Slovo I had to tell him who I was and not to be afraid of him.

When you arrived in Johannesburg, nobody met you?---Nobody met me at the station. 20

Did you then go and meet Joe Slovo?---I then met Joe Slovo, yes.

I do not want all the details. Did you later meet Abel Mtembu, you have already mention?---That is so.

Did he ask you about somebody?---Abel asked me where Solomon Mbanjwa was.

Yes?---I told him I know nothing about Solomon Mbanjwa, nor was I told anything about Solomon Mbanjwa.

Now, you remember the date...well, let me put it this way - did you then go out to Rivonia?--- Yes, 30 I went to Rivonia.

Were you taken out by Abel Mtembu and Robert Somana?---I was taken by Bian Somana, not Abel.

Do you remember the date?---I think it was at the beginning of June of 1963.

You say you went to Rivonia. Now, did you go into a room there or what?---I went into a thatched building.

And who was with you?---Abel Mtembu went with me.

And when you went into the room, who was there?---Inside I found Walter Sisulu, Govan Mbeki, Kath- 20 rada and this Port Elizabeth man.

Who was this Port Elizabeth man?---That is Accused No. 1.

Were you introduced to Accused No. 1 at the time?---I have it that I was introduced, but I do not remember the name any more.

Now, I think at the last trial in Pretoria, you were actually shown a photograph and asked if you could identify it?---That is correct.

And I do not think you could say for certain 20 that it was Accused No. 1 on the photograph?---On this photograph he showed to be a thin slender man, and at Rivonia he had a beard which he did not have in Pretoria.

In the photograph in Pretoria?---He had no long beard on the photograph, but I did say (the witness is indicating round-about the eyes down the cheeks) that those portions of the face was similar.

Well, have you any doubt today?---I have no doubt whatsoever. He is the man.

You went into the room, and then what hap- 30 pened?---Inside the room Abel Mtembu said "Here is Bruno,

who has come from Natal.

My lord, I understand from the defence that there may be the same difficulty in regard to this conversation as there had been in regard to the other one. So might we adjourn and have my learned friend and I sort it out?

AT THIS STAGE THE COURT ADJOURNS UNTIL 2 PM.

8 ON RESUMING:

BRUNO MTOLO, still under oath

EXAMINATION BY MR. MASTERS (CONTINUED):

10

Bruno, we were dealing with the occasion when you went to Rivonia, and you said Sisulu spoke to you?---That is so.

Now, did he tell you that the A.N.C. in Natal was to be organised into four groups or zones?--- He said Natal had to be divided into 7 sections.

And each section was to have a full-time organiser appointed by the National High Command?---That is so.

Was it the National High Command who was to 30 appoint them or the Executive committee?---The Regional Command of Natal had to find the seven organisers.

Who would appoint them then?---Well, we would find the people, inform the National High Command that we had found such people, and they were lecturers... would have been sent to them, but we, the Regional Command, would have found lecturers by book form, so that we could lecture them.

Where were you going to get these lectures?
---They would have come from the High Command. 30

And was there anything said about the recruits

which the A.N.C. were to get?---I was told that there was another group which was to go out for training, and the recruits that we had had to be here by the 13th of June.

Yes, but were there recruits to be got in connection with the zoning of Natal?---No, it was recruits found to go out of the country, outside the borders. They had to go out and to be taught just as the other recruits had to be taught outside the Republic.

But what about the A.N.C. membership? Did 10 they have to get A.N.C. members?---Sisulu said that the A.N.C. had to find 200 recruits within Durban. And those recruits that we had found, and we had to have that full number by the end of July, 1963, and we had to recruit another 2,000, that is in places where the Bantus are living.

What were they for then?---Sisulu said that when those people were found, the A.N.C. had to hand them over to us, the Umkonto We Ziswe.

What for?---We would then divide them up into sections, and we would teach them all these spheres of 20 sabotage.

Now, Sisulu left then, did he?---Yes, he did.

And then did you have a conversation with Mbeki?---I did.

This question of the arrest of the recruits, was that raised?---Yes, that was discussed.

With whom was this discussed?---That was discussed with Govan Mbeki.

Did you complain that these recruits had been arrested?---I did.

30

What did he say?---He said that we had to

expect in war, that we would also find on our side difficulties which we would have to face.

Yes, and what arrangements were made for the future?---He then told me that they had already discussed this matter with a company, people who had aeroplanes.

Yes?---And that these recruits would be taken by plane from Francistown to Dar-es-Salaam.

And did he also tell you that they wanted further recruits sent up from Durban?---Yes, he did.

How many did he say?---The full number was 10 thirty. He said that on the 13th of June, fifteen had to arrive.

Yes?---I wrote this down in my diary, and I think the second batch had to come on the 20th of June.

Do you want to look at your diary - Exhibit R?---I would be pleased to. (Handed to witness). I am correct, my lord, it is so.

Yes, what is it?---Fifteen was required on the 13th of June, and the other 15 was required on the 20th of June. 20

Did you make that note at the time at Rivonia? ---At the time when he told me this, yes.

Now, were you given any money to pay for these recruits?---I was given £55, which to pay for their expenses to get them to Johannesburg.

Who paid you money?---Govan Mbeki, gave me the money.

Where was Accused No. 1 when this conversation with Mbeki and Sisulu took place?---He was present, and he was listening. 30

Does that refer also to when Sisulu spoke?---

He was present when Sisulu spoke to me also.

You went to bed that night, and did you sleep in the same room with Accused No. 1 that night?---Yes, we shared the same room.

And the next morning, did you have a discussion with Accused No. 1?---Yes, we had a discussion the next morning.

What did you discuss with him?---He asked me whether we had made any black powder, and what quantity we had on hand. 10

Yes?--- I told him that we had not made any black powder yet, because we did not have the funds. Financially, we were not able to make it.

Yes?---I also told him that I had just very recently been taught how to do it. He told me that it was a great necessity for us to make the black powder, because that is what we would use if we had no more dynamite to use.

Yes?---Whilst we were having this discussion, a European entered. 20

Alright, I do not think we need this. You said the European arrived and he asked him what the name of salp~~et~~re was, is that it?---No, he says it was still a discussion between me and Accused No. 1 about the salpetre.

Well, anyway you need not mention that. After this European...you had had the discussion with the European, did No. 1 Accused take you somewhere to show you something?---Yes, he took me to a next door room.

Yes?---There he showed me a small box. 30
Similar to the box now before Court, R.N.(6)?

--- Yes, a similar box.

Is that the box, or is it similar?---Well, I say this is the box, even if the globes and the powder inside is missing.

Alright, now what did he tell you about the box?---He told me that this was a mine. He said that if we were in action in fighting and there were cars approaching or saracens, you had to dig into the soil and place that inside that hollow that you have dug, and he said that there were certain springs. As soon as a vehicle's 10 wheels got onto that or any weight got onto it, that would press the springs down.

Yes?---And that would cause the contacts to meet which had to meet, and it would go off. This Exhibit R.N.7, you constructed it before the last trial. That show the springs you are referring to? I do not want to go into details, are those things on top the springs?---Here are the springs.

They make the contact, and what do they explode? What is inside?---A black powder inside will 20 explode.

That is what No. 1 Accused told you?---Yes.

Alright, now did you discuss with No. 1 why he was at Rivonia, or how long he had been there, or anything else?---In our discussion we were also re-discussing what Mbeki had said. Then Accused No. 1 said to me that they in Port Elizabeth, had recruited 6,000 recruits. I am sorry, that they still had a 6,000, those were old volunteers who had volunteered for the A.N.C., that they were still 6,000 strong. 40

Yes?---I then said to him that I was up here

now for quite a long time, and I would like to get back home to Natal. Then he laughed at me and told me that he had been living in this way here for six months.

Right, while you were there, did you see that they had typewriters and roeno machines?---Yes, I saw typewriting machines. That was when I was going about with Kathrada.

And did you see Mbeki typing?---I did.

And did Kathrada roneo something on a roneo machine there?---Correct. 10

And did you see a document shown to you by Mbeki in regard to the celebrations on the 26th of June? ---Correct.

R.10 - is this the document?---Yes, this is it.

Alright, and did Mbeki also read out a letter to you addressed to Kenneth Kaunda and Harry Kombulu(?) in regard to recruits that had been arrested in Northern Rhodesia?---Yes.

Alright, then that completed your trip in Johannesburg?---That is so. 20

There is one point then, you mentioned that you were going to have lectures sent to you in regard to the training of organisers?---That is so.

Were you told something about what the contents of the lectures would be?---Yes, Mbeki had told us that we had to bring home to the people that this what we are fighting for is not anything new.

Yes?---It is a struggle that had been on since the Europeans had come to this country.

Yes, so the lectures would contain a history 30 of what had happened in this country?---Yes, and how people

had to organise, in areas outside townships, because people away from these townships you could not tell them what a worker ... their difficulties are separate. That is a man away in the reserves, away from these townships, and the worker in the towns.

And then you returned to Durban and you reported to your Regional Committee, did you?---I did.

And you conveyed the requests for the recruits?---Correct, I did.

And were those recruits sent out?--- Those 10 recruits were sent off.

Are those the recruits that you accompanied to Johannesburg?---That is correct.

Do you know the names of any of the recruits? ---Not even one. I could not name one of them.

Where did you leave these recruits, before you returned to Durban?---At Germiston I was met by a person who had come from Morafe(?) Village. He was a rather black man with scars in the face.

Then you went to a location in Johannesburg, 20 is that so?---To this man's home, yes, together with my recruits.

Did you later meet Abel Mtembu?---No, I saw Abel Mtembu the next day, yes.

And did you ask him why you had not been met? ---He told me that he was not aware that he had to meet me on the 13th. The date he had was round-about the 25th.

And did you tell Abel you wanted to see the National High Command again?---I did.

And did you, or did you not? What did he say? 30 ---He told me that I will have to wait. I could not see

the National High Command immediately, because they were very busy.

Yes, and what did you do?---I said, well then I am going back to Durban, and he then gave me the money that had to pay for my fare back to Durban.

How much was it?---It was £5.

Now, after your arrest - were you arrested on the 3rd of August, 1963?---Correct.

And after your arrest, did you point out to the police this place Rivonia, where you had this meeting with Sisulu?---Correct. 10

Did you point out the residence of Abel Mtembu?---I did.

And also the S.K. Buildings that you referred to?---I did.

Now, do you know a man Oliver Tambu?---Well, I know him, although to see him with my own eyes, I have not seen him yet.

Well, is he a member of the A.N.C.?e---Yes, he is, 20

How is he referred to, do you know?---We, of the Regional Command, talking about him, we used to call him the O.R. I do not know whether it is Oliver, but the 'R' could not have been his surname, because his surname is Tambu.

Now, just to get back to this Mandela meeting, I just want to put to you briefly certain things that I believe Mandela said to you. Just listen carefully, and if you agree with me, then you can say yes. Did he say that he had been for a trip to the African States?---Yes, 30 he did.

And that these states were sympathetic towards the natives in South Africa?---That is correct.

And that in some of these states he had collected contributions for the African struggle in South Africa?---That is so.

And did he say that Mandela, that he was a representative of the National High Command?---My lord, I may not remember everything that he told me, but he definitely said that he was sent by the National High Command.

10

And did he refer to Umkonto We Ziswe?---Yes, he came with that new name. He told us that. At first we had no name, and he came and gave us that name. He named us Umkonto We Ziswe.

Alright, did he tell you to recruit people for committing acts of sabotage?---That is so.

And recruits later for guerilla warfare if this was necessary?---That is so.

And did he ask for a report on the work that the Regional Command in Durban had done in regard to sabotage?---That is so.

And did you give him a report?---Yes.

And this report he was to take back to the National High Command?---That is correct.

There is just one point, my lord, I do not know if it is very important. You told^{us}/that on one occasion you had been to Johannesburg and when you returned to Durban, did you have meetings for the Regional Command in a van that had been provided?---Yes, that was an occasion when I left Johannesburg, and when I got to Durban, the van was there.

30

You, I think, did identify that van at the last trial did you?---I did. MR. MASTER: No further questions. BY THE COURT TO MR. HARE: Mr. Hare, Mr. Bizoes on behalf of his clients admitted certain acts of sabotage, what is the attitude of your client?---That I make the same admissions.

CROSS-EXAMINATION BY MR. BIZOS:

You gave evidence in the Mandela trial?---
I did.

And you were there when I asked you ques- 10
tions, and you told the presiding judge what had happened,
and on page 14 of the record of your evidence, you are
reported as having said this - you had been asked be-
fore whether any message had come to Durban, and you
said yes. You told me that a European had arrived there
who had come from the Rand. You said that that European
had come there to establish a branch of saboteurs, and
that that branch would assist the A.N.C. to carry out
its aims. You understand sufficient English not to worry
the interpreter with this where it is recorded?---I am 20
quite satisfied that the learned counsel could read out
in English, but in me answering, I would like to answer
in Zulu.

"Now, aims of?---Anything, campaigns, anything
that the A.N.C. decides to carry out....(quotes)....I
never saw him personally". Now, was that evidence correct?
---That is correct.

And is that all that you ever heard from any-
body as to how this branch that was to assist the A.N.C.
was for?---Kindly repeat that question please? 30

Was that the only thing you ever heard as to

how this branch came to be formed in Durban?---This was the first that I had heard about this. I never saw this European, but Billy Nair told me about him.

Was that some time later?---That was after this European, the one whom you have named had come to Natal.

Now. look, did you receive one report or two reports about it? About a European coming to Natal? ---I got the report about the European, but this was a European I had never seen, and the second report I received was in connection with Harold Strachan. Him I saw. 10

But about the European that had come from Johannesburg to establish a branch of the saboteurs, you only had one report?---I never saw him.

Did you only get one report from a person other than this European? I accept that you did not see him. Did you only get one report about his visit?---My lord, I did hear more. When the second European came he said to us "You have received my report that I would come. 20 I am the man to come and teach you about the arms".

Now, I just want, before proceeding with this, to read you another passage of your evidence, and tell me whether that is correct. Page 93 of your evidence "We were told, for instance, with the committing of sabotage, we must be careful that the people do not get injured, or do not get killed. We must be careful."---That is so.

And then again on pages 259 to 260, is this evidence of yours correctly recorded? Dealing with Strachan's arrival, did you say "He said that this 30 sabotage organisation was something that was going to be

part of the A.N.C. work, and if there is anything that is causing the A.N.C. any difficulty, that these sabotage groups would deal with that particular subject or object. The main object of the sabotage groups will be to injure the property of the Government, damage or injure the property of the Government. Whatever it is, if it is connected with Government, and take for instance, Municipal places or Municipalities who are in agreement with the Government, or anything else that supports the Government?---Yes. What would be the work of the sabotage groups... (quotes)... that people should not get injured". ---That is so. 10

Now, you are completely satisfied that this is a correct record of your evidence?---That was true.

And you gave evidence in the Mandela trial towards the end of 1963?---Correct.

And can we accept that your memory was fresher about what had happened earlier in 1963, than it is today?---That is so, it is correct.

And insofar as there may be any conflict with 20 your evidence that you gave towards the end of last year, now which is almost a year later, are we to take the earlier evidence as being correct?---Everything is similar.

Now, my lord, there is one or two other aspects of this witness' evidence that may require to be t 10 tried before your lordship or not. Depending on whether my learned friend and I can agree, as we have to a very large extent agreed upon certain findings by his lordship the Judge President, and if we do agree it would be an absolute waste of time in entering upon a lengthy 30 cross-examination on those issues, and possible leading

evidence in rebuttal. That concludes my cross-examination of this witness, subject to an application being addressed to your lordship later, that the witness would be recalled and cross-examined on those issues. They relate mainly my lord, as to whether or not there was a conspiracy embarked upon or not. (Mr. Bizos continues addressing the Court on this matter).

MR. MASTERS: My lord, I would not want to overrule the findings of the Judge President based really, on the same evidence as the State will submit in this case. My lord, 10 there were certain admissions made by the State and the Defence which we have drafted but have not quite finalised. I gave my learned friend the assurance then, that it would not be the State case that contrary to the finding in the Rivonia case that there was, in fact, conspiracy. The State accepts that the Rivonia finding is correct, with respect, and therefore, accept that there was no complete conspiracy to commit guerilla warfare.

I think it was found in the Rivonia case, and it will be the State's submission in this case too, that there were 20 active preparation, that everything had been put in order, depending on circumstances, but as found Rivonia my lord, there was never a completed agreement for any active preparations, and on that basis, this case will be conducted, and in conformity with his lordship's findings in the Rivonia case.

BY THE COURT: So then Mr. Bizos will be allowed to apply to cross-examine this witness on points of which the parties come to an agreement.

MR. MASTERS: Yes, I think we will reach agreement.

MR. HARE: No questions.

MR. MASTERS: No re-examination.

KOLISILE MDWAYI (Duly sworn, states):

EXAMINATION BY MR. MASTERS:

You have given evidence previously, in the Eastern Districts, at Port Alfred?---Yes, my lord.

In connection with acts of sabotage?---Yes.

Do you know any of the accused before Court?---
No, I only know of accused number (1).

What name do you know him by?---I know him by the name of Wilton Zimasile Mkwai.

You are from Port Elizabeth, and did you know number one accused in Port Elizabeth?---Very well. 11

Have you known him for many years?---Yes.

Did you grow up together - were you children together?---Not as children.

When did you meet him for the first time?---I met him first in 1954, but we became friends in 1956.

In 1956 did you join the A.N.C.?---Yes.

Was he the person who approached you to join the A.N.C.?---He actually did not approach me. I in myself went to his place. 20

During the 1960 Emergency were you arrested?---
Yes, my lord.

You were released again in July?---Yes.

After the A.N.C. was banned in 1960 do you know what - did it continue its work underground?---Yes, my lord.

Did you continue to be a member of the A.N.C.?---
Yes, my lord.

Was there some dissatisfaction among the members of the A.N.C. about 1960?---Yes.

What was the trouble?---The trouble was that the 30

change that was taken by the National Executive of going with the organisation underground was not discussed in a conference, so the general membership was dissatisfied.

During this time was Govan Mbeki in Port Elizabeth?

---Yes.

Living there. And in connection with this dissatisfaction did you speak to Mandela in Pietermaritzburg in 1961?---Yes.

And as a result of what you said to Mandela did he come to Port Elizabeth a short while afterwards - a few weeks afterwards?---Yes, my lord. 10

And did he address the A.N.C. in Port Elizabeth?

---He addressed the Leadership of the Eastern Cape, of the African National Congress.

What did he say - just tell me please?---He asked the meeting what the dissatisfaction was about, and members told him that it was the manner that all the branches were being dissolved and the decision that was taken by the National Executive to dissolve the branches was not a conference decision. 20

What did he say?---The after that he persuaded the members to comply by the decision because it would not serve a good purpose, because at that time the African National Congress was faced with a general strike which was to be carried out on the 31st of May, the same year.

Just before we leave this - did number (1) accused leave port Elizabeth about this time?---As far as I know accused number (1) on the declaration of the State of Emergency he was in Pretoria, and after that, when we were detained, he came to Port Elizabeth, whilst we were in gaol, to give 30

instructions to the people what to do from the National Executive.

Then, from that time on, he was not living in Port Elizabeth?---Could your lordship?

He was not living in Port Elizabeth after that time?---No, my lord.

Alright, now about the end of 1961, did a European Strachan, come to Port Elizabeth?---He was there.

And what was he doing there, or what did he do?---I was made to know that he was a lecturer. 10

Were you present at any lectures that he gave?---The only lectures that I was present in, were not school lectures but lectures on bombs and these explosives.

And who was he talking to? Who was ^{he}lecturing?
---He was talking to a man by the name of Wilson Khayingo, Robert Mbanjwa, Joseph Jack.

Yes, but who were these people? Were they members of the A.N.C. or what were they?---Benson Fihla was not a known member of the A.N.C. He was a member who 20 was kept underground, so that whenever the leadership was arrested, he should carry on the organisation.

Yes, but who were the other people?---....

Who was he talking to? The A.N.C.?---Yes.

Now, in March, 1962, did you join Umkonto We Ziswe?---Yes.

What was that?---It was an organisation.

To do what?---That was to carry on the sabotage.

Now, who approached you to join?---It was Wilson Khayingo. 30

At that time, you were staying at Kwazekele,

were you?---Yes.

My lord, I am hoping to come to an agreement in regard to acts of sabotage, wo I will not deal with them at the moment - But after you joine the M.K., did you commit acts of sabotage yourself?---Yes.

And who were you working under at that stage?
---At that time I was working under Robert Mbanjwa.

Now, you were appointed I think, to the Regional Committee in about October, 1962, were you?---1963.

1963?---Yes.

10

When was that? When Robert Mbanjwa left the...?---He had left the country.

Now, when you were appointed to the Regional committee, was there some dispute between Mini and Govan Mbeki in regard to your appointment?---The dispute was between the committee members of the region of the M.K. and Govan Mbeki.

What was the dispute about?---It was about my appointment into the committee.

And as the result of the dispute, did Govan 20 Mbeki and somebody else go up to Johannesburg?---Yes.

Who was the other person?---It was Wilson Khayingo.

And why did they go to Johannesburg?---My lord, I do not know the reason of Govan Mbeki coming up to Johannesburg, but we suspected that he was coming in order to put his own case. So the committee decided that Wilson Khayingo should also come to put the opposite side.

Yes, but who was he going to see in Johan- 30 nesburg?---The High Command.

And I think, at this time there had been acts of sabotage where houses were burnt, is it?---Yes.

Did Govan Mbeki agree with the burning of houses?---He agreed with certain burning of houses, but not all.

What do you mean certain?---He was in favour of the burning of houses of anybody who was working for the Government against the African National Congress, but he was not in favour of the burning of houses of ordinary constables.

10

What constables?---The police.

Were they not working for the Government?
---They were working for the Government, but they could always be used where the African National Congress could not go in. For instance, in this Court if we were to plant any bomb, we can ordinarily induce a policeman in the location in Durban to come here, because he will not be suspected, but that we cannot do with the Special Branch men, because it is his duty to arrest you there and then.

Anyhow, did Govan....Govan Mbeki went up to 20 Johannesburg, and he came back and what did he report to the committee?---He reported that myself and Mini were to be members of the committee, as per the decision of the High Command.

Yes, and what about the burnings?---And about the burnings he said that the National Executive has instructed the organisation not to stop the burnings and try and get more arms and more explosives for a bigger organisation, that we were to take place in the same year.

30

You said a bigger organisation?---Yes, we

were to step up activities last year.

Yes?---In order that we should make big explosives in the Eastern Cape and in all our region, and they told us that there was enough money to be sent down, so that we should try and buy as many ammunition as we could get through the black market, because they have everything of the explosions in the Transvaal, but there was difficulty in transporting these things to the Eastern Cape, so we should try and steal them in any way we can in the Eastern Cape.

10

What were you going to do when you had all these things?---With?

What were you to do, or what was the National High Command going to do when you had all these things?

BY THE COURT: Well, if I understand him correctly, he said there had to be a big demonstration, do you mean?
---Yes, my lord.

EXAMINATION BY MR. MASTERS (CONTINUED):

Well, what was the demonstration?---The aim of that was to bring to ... to try and bring the Government to its knees. 20

BY COURT: What form did the demonstration have to take?---This demonstration was going to take this form - the instruction that came from Johannesburg, was that we were going to have a big general strike in the Western Cape in about August or July last year, and when that strike took place, a chaos would then take place, and so all the Government forces would be sent to quell that uprising in the Western Cape. At that time Natal would then follow suit, then even the police that are watching the borders of the country now would have to do something 30.

and come into the land so that our soldiers that are outside the border, will have now the chance of coming in, including now friends from the African States and the Communist countries that were friendly to the country.

EXAMINATION BY MR. MASTERS (CONTINUED):

What were they going to do?---To fight the forces of the authority of South Africa.

Now, when you were appointed to the Regional Command, did Wilson Khayingo tell you how you communicated with the National High Command?---Yes.

How was that done?---We communicated in writing. 10

What kind of writing did you use - English, Afrikaans, code or what?---We used English but in code.

And how did the code work?---The code worked in figures instead of words.

Where did you get the figures from?---They were from a book that was supplied by the National High Command to us.

Did you write letters yourself in code?---I did on a few occasions. 20

What sort of book is it that you used? Was it any book?---It was just a common book, but they had the same book here.

And letters you got from the National High Command, were they also in code?---Yes.

And where did you address your letters to when you wrote to the National High Command?---We addressed all letters to the S.K. Buildings, in Orlando.

Was there any number or anything, or not?--- There was a number 9422. 30

What was that? Do you know what the number

meant?---I do not know.

Now, how did the acts of sabotage take place when you were on the Regional Committee? Did the Regional Committee instruct somebody to do it, or what was the procedure?---The Regional Committee would decide on a target to be attacked, and then the corporal in charge of the second corporal, who were to do that task, would take now the instruction to his juniors.

Yes, and would there be a report back to the Regional Committee, by whoever had done the sabotage?--- 10
yes, my lord.

Now, you have told us already that you took Robert Mbanjwa's place on the Regional Committee?---Yes.

Now, when you took his place, do you remember some recruits were being sent away?---Yes.

Do you know why they were being sent away, what the object was?---As per the information I had at the time, they were sent to places like Algeria, Egypt, Ethiopia, Tanganyika and others.

What for?---For training in guerilla warfare and military training. 20

Now, do you remember how many left on this occasion, that is when you took Robert Mbanjwa's place? ---When I took Robert Mbanjwa's place in the committee, I recruited about fifteen, if I am not mistaken.

No, I am talking about these that left on the day, I think, that Robert Mbanjwa...?---That Robert left?

Yes, do you remember how many there were? Were there 5, 10, 15, 20 or what?---They were a group of ten.

Do you remember the names of any of them, 30
or not?---I do not remember the names of all of them.

Alright, do you remember any names?...

Of this group?---Of that group I can only remember a man by the pseudonym of Peter, who was working with me at the time.

BY THE COURT TO WITNESS: Do you know what his other name is?....

EXAMINATION BY MR. MASTERS (CONTINUED):

Alright, it does not matter, leave it. Now, do you remember when Sepo was killed?---Yes.

Do you remember what date that was or what 10 year?---It was in February, early.

February last year?---1963.

Now, these events that you have been talking about, did they take place before Sepo was killed?--- Which events?

Well, these thing when you were appointed to the Regional Committee, was that before?---I was in the Committee at the time.

Well, then you must have been appointed to the Regional committee before Sepo's death?---Yes. 20

Well, it would be in 1962 then, was it, that you were appointed to the Regional Committee. You said 1963 earlier?---It was not 1963, it was 1962, when I was appointed,

Alright, well you remember Sepo you said early in 1963, I think you said?---Yes.

Now, do you remember a visit being to the Regional Command in Durban by some members of the High Command about this time? Port Elizabeth?---Yes, I remember.

Who came down for this meeting?---It was 30 Accused No. 1 and Raymond Mhlaba.

Well, you got a message did you, that they were in Port Elizabeth and they wanted to see the Regional Command?---Yes.

And was a meeting arranged?---Yes.

Was this the first time you had seen No. 1 **Accused** since 1960 when he left?---Yes.

Did he tell you where he had been?---Yes.

What did he say to you?---He said that he had been in Russia and in Peking and almost all the African states. 10

What had he been doing? Touring or what?--- He said that he was receiving training.

Did he say what kind of training?---He said that it was guerilla warfare and training one how to defend yourselves against a powerful authority.

And did he say whether he was on the National High Command, or whether he was coming down to speak for the National High Command or what?---He said that they were instructed by the National High Command to come and get reports from the Eastern Cape of what is going on, 20 in connection with the M.K.

And it was Raymond Mhlaba you mentioned - did he say where he had been?---....

Or do you not know about him?---From the conversation we had with them they were almost together.

You mean in the trips overseas?---Yes.

Now, what instructions did he give the Regional Command in Port Elizabeth from the National High Command then?---The instructions were that the numbers of 30 our branches were too small to liberate the African people

in South Africa. More especially, with the Eastern Cape. So, they instructed us to increase our numbers, and we should concentrate on recruiting more members, because there was not much time left before a revolution would take place, and as such, we had to study all the police stations in the Eastern Cape under our area. We should know how many police stations there are in the area we are in command of, and they should be able at a later stage, to submit a report on how many there are, and how many people are manning each station.

10

And was any mention made of dynamite?---Dynamites were mentioned in the form that we reported to them first that we had detonators that were stolen from a quarry, and we had no other dynamite in our possession, and as such, we were not in a position to attack any Government building as per the instructions of the National.

Now, you say you had stolen detonators?---Yes.

Did you have a few, or a lot, or what?---

I think there were a few, because the work that was to be done by them, they could not complete it, because they were 1,102.

20

1,102 Detonators?---Yes.

That is a lot! You could not use the detonators unless you had the dynamite?---Because we had no dynamite and no fuse.

Well, what was suggested? What happened?

---Then they told us that the National told them that we had the detonators, and they should tell us that we should wait until the time comes, because they were going to supply us with the material that we are short of, in exchange of the detonators, we are having.

30

Would you get the dynamite in exchange for detonators, is that right?---Yes.

Some detonators?---And they told us that they would sent down through a European woman, who we had only to supply them with the address where she should go, so that we can meet her there and get the parcel.

Well, was this exchange ever made?---It was never made.

Now, did you use to receive instructions from the National High Command to send recruits up to Johan- 10 nesburg to be sent out of the country?---Yes.

Now, you remember in about March, 1963, some recruits were arrested in Rhodesia?---Yes.

And do you remember that you had sent off recruits from Port Elizabeth a short while before?---Yes.

Had you had a request from the National High Command for recruits?---Yes.

Do you remember how many recruits were sent from Port Elizabeth?---In all they were in that group, they were about twenty, but we had to send them in fives 20 up to Johannesburg so as not to cause suspicion.

And do you remember the names of any of these recruits Mdwai?---Sir, I cannot remember all the names of these recruits, because some were coming from outside Port Elizabeth.

No, but do you remember the names of any from Port Elizabeth? Any of these people?---Makungu(?).

Yes, anybody else then, Mdwai?---Mavuso, he was not from Port Elizabeth but from Alice.

Alright, another one?---Mpongoshe from Port 30 Elizabeth.

Yes, anybody else?---Gladstone Guxamba.

Yes, another one?---Hubert Jakabula.

Anybody else?---Titus Jobo.

Is that the last one?---Mobbs Qgnaa.

Yes?---And there was also one from East London by the surname of Mbatyoti.

Now, about March/April of 1963, was a code message received from the National High Command - do you remember? In regard to somebody reporting to Johannesburg - Vuyisile Mini, was he to report to Johannesburg? 10
---Yes.

And was he in Port Elizabeth at the time?

---He was in the Western Cape.

So, what did the committee decide?---The committee decided that I should come to Johannesburg instead.

So, did you come up to Johannesburg?---I did come.

Do you know the S.K. Buildings in Johannesburg?

---Yes.

Did you go there?---Yes.

20

Who did you meet there?---I was taken by a male who was residing there, to Eliast Matsoaledi's house.

Yes, alright carry on?---Then Elias arranged for me a place where I could sleep that evening.

Yes, whose place was that?---.....

The name of the person, do you know?---I do not know the people whom he took me to, because they were old people.

Alright?---Then the following morning Andrew Mlangeni came up by car, and they took me into town.

30

Yes?---And in town I met Jack Hodgson,

Accused No. 1, sitting round a table.

Was this in a private house, or where was it?

---Yes,

Do you know whose house was it?---I took it to be Jack Hodgson's house.

Where is the house? Do you know Johannesburg?

---It is here in Johannesburg.

Alright, it does not matter. Is ...Yes, so what happened then? It was Hodgson, you, No. 1 Accused and Andrew Mlangeni?---And Elias Matsoaledi.

10

What happened when you were all together?

---They wanted to know from me where Vuyisile Mini was.

Yes?---I told them that he was in Cape Town.

Yes?---They wanted to know why Wilson Khayingo wanted to resign in the leadership of the M.K. in Port Elizabeth, because previously they received a letter from Wilson Khayingo that he was resigning from leading the organisation there.

Yes?---So, I told them the reason why.

Yes?---After that I ... we all received another training in these explosives.

20

I am just dealing with this discussion with Hodgson and No. 1 Accused - is that all that was discussed there?---Yes, they wanted a full report, and I made the report. After that, Jack Hodgson wanted to know from me my expenses for the trip, and I told him.

Yes?---So he refunded me the expenses, and they gave me pocket money. All in all it amounted to £30.

Yes?---And then he lectured us on this making of gun powder.

30

Now, who is us? Is that the people you men-

tioned before - No, 1 Accused...?---Yes.

Were they all present when he lectured you?

---Yes.

He told you how to make gun powder?---Yes.

Is that this black powder?---Yes, it turns black when it is finished.

Anything else apart from making gun powder?

---(No reply).

Alright, is that all you remember - the gun powder?---Yes, it is all I remember now.

10

Now, after you had had this meeting with Jack Hodgson, where did you go to?---I went back to the location where Elias Matsoaledi lives.

Yes, and did you meet him there or what?--- We went together there.

Pardon?---We went together there.

Did you stay there?---I stayed there until the evening.

Now, while you were with Elias what happened?---In the evening Elias called at the place, and he told me to accompany him to the store. Now, he called it the Bank.

20

Yes?---So, I accompanied him into the outskirts of the location, in the darkest place opposite the single mens hostile there. There he showed me dynamites that were dug out in the veld there, and he took some with him back to the location.

Did he pick something out of the earth, or were these things on top or what?---They were dug out of the earth.

30

Did he dig them out?---Yes.

What did he dig out? What was the actual thing he dug out?---It was dynamite sticks.

But what were they in? Were they in something?---They were in tins.

What kind of tins?---Tins like these four gallon tins, dug into the hole there.

And were they sealed in any way?---They were not sealed, they were only covered.

So, what did he take out of the tins, did you say?---He took some dynamite with him. Some he said 10 that they were damaged by, I do not know, through the dampness of the place. So he had to take them and dry them in the stove in the house where I was living.

Yes, carry on?---During the same evening, he prepared some, because he took some fuse and some ignitors and he fitted all those things together, and said that there was work to be done.

What did that mean? What work?---Well, there was a place to be attacked the following day.

Yes, alright, carry on?---Then the following 20 day in the morning, he again called at this place, and tagged some dynamites into a bag, a leather bag, and he instructed the old woman of the house where I was living, to carry the bag - she would meet him at the station in front of the house, at the station the old woman met a young lady there who was waiting for the bag, who took the bag and got into the train with the bag.

Well, did you see Elias again later?---Yes.

When did you see him?---I saw him every evening.

30

Yes, but after you had seen him go off with

the bag with the dynamite, when did you see him again?---
I saw him again in the afternoon.

Did he make any report to you?---He did not
yet make any report only said that his boys were going on
duty tonight. That is all he said.

Alright, did you see him the next day then?
After that night?---After that night, I saw him in the
morning.

Yes?---He had a newspaper in his hand.

Yes?---And in the newspaper was news that 10
a sort of a pass office or administration office has been
bombed in the evening, at night,

Is that where? Do you know where?---It was
somewhere in town. I do not know where these places were.

In Johannesburg?---Yes, in Johannesburg.

Yes?---And he said that his boys have worked
well.

This is now 1963, is it? Do you remember
what month it was? This visit to Johannesburg?---I think
it was March. 20

My lord, the State will submit that the wit-
ness is referring to the incident No. 42. Now, just a
few more points Mdwai - do you know a man by the name
of Fihla and Mati?---Yes.

Were these people on the technical committee
of the Regional Command in Port Elizabeth?---Yes.

Now, in about May, 1963, did you get an
instruction from the National High Command that you must
send some members of the technical committee for training?
---Yes. 30

And who were sent up then?---We sent Benson

Fihla, and Jospheh Mati.

Did the High Command say what training they were to be given in Johannesburg?---Yes.

What?---It was going to be the training on how to make the explosives, and it was going to be their duty to see to it that arms were always ready for use whenever required.

And when they came back from Johannesburg, what did they report to you - Mati and Fihla. That is the Regional Committee, what did they report?---They reported that they had received training in Johannesburg. 10

Yes?---And that they also brought the money for sending the recruits up.

How much money did they bring?---They brought £150.

And did they get instructions that they must make bombs then in Port Elizabeth?---Yes.

And did the Regional Committee follow up the instructions?---Yes.

What did you make?---They made bombs through 20 bottles.

That is petrol bombs. Any other kinds of bombs or explosives? Did you make anything else?---The bombs they made were made of icing sugar, potash and chloride, sulphuric acid, rubber and petrol.

Did they start making these and storing them, or what happened?---They started making them.

Did they use them or did they store them? ---They were stored, because the intention was to have a lot of them, so that they should be used in one day. 30

Alright. Now, I think you have mentioned

Wilson Khayingo?.....

AT THIS STAGE THE COURT ADJOURNS UNTIL
10 A.M. ON THE 19TH NOVEMBER, 1964.

ON RESUMING ON THE 19TH NOVEMBER, 1964:

KOLISILE MDWAYI, still under oath

EXAMINATION BY MR. MASTERS (CONTINUED):

belt 13.

Mdwayi, I think we have dealt with the visit of Fihla and Mati to Johannesburg, and you told us they came back to Port Elizabeth and make a report to the committee?---It is correct.

Now, do you remember Wilson Khayingo going to Johannesburg too?---Yes.

Was it about the same time or when?---It was 10 just after they had left Port Elizabeth that Wilson Khayingo also came to Johannesburg.

And do you know why he came to Johannesburg? ---Yes.

Why?---We heard a man from East London who was arrested by the police of East London in Port Elizabeth - they arrested a man and took him to East London. After two days that man was sent back to Port Elizabeth, and he came to us. He made a report to the committee that the East London brought him back to Port Elizabeth. We 20 asked him why. He said they wanted to know of his brother and the other two that were with him Port Elizabeth, and where they are. He told us that he reported to the police that the other group had left the country, and they came to Port Elizabeth. They were on their way, so the police had nothing to do with him. So they brought him back to Port Elizabeth. The committee now suspected this man that he was now becoming a traitor or trying to sell the organization, hence he was arrested and again brought back to us. So we suspected him. So the com- 30 mittee was faced with this problem of this man. We had

two things with him....

Well, I do not want all the details, but did Wilson go up then in connection with this?---Yes, it was in connection with that man.

To do what? Who was he going to see?---He was coming to see the National High Command here in Johannesburg.

To find out whether this man could be trusted or what?---Whether we should kill this man or let him go. We had two things to do with him - to kill him or to send him to Johannesburg, so that the High Command should see what to do with him. 10

So, Fihla went up to Johannesburg about this time, you say - the same time as Mati and Fihla?---Yes.

Yes, and when he came back, what did he report to the committee?---He reported that they refused....

I am talking about Wilson now?---Wilson?

Yes?---Wilson reported that that man has been ...has got the arrangements for him to cross the border, and that in about three weeks time, the organisation was going to step up its activities, by causing a chaos within the Republic, and that had to be done in three weeks' time, and that we had to send more people, because when he came back, already a letter was already in Port Elizabeth saying that we should prepare 20 men to come up to Johannesburg. 20

That is 20 recruits?---Yes.

For the same purpose you told us the other recruits went?---Yes.

Now, what about the money for these recruits?---The money was to follow with Benson Fihla. 30

You were arrested, were you, on the 6th of June, 1963, at Sand Flats?---That is so.

And did you have with you then a number of these recruits that were to be sent to Johannesburg?--- I had 10 with me.

My lord, the Defence are prepared the following were the recruits arrested with this witness at Sand Flats - No. 30, 32, 33, 54, 102, 127, 130, 131, 132, and 135. My lord, the defence are also prepared to admit the following acts of sabotage -

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MR. BIZOS: The organisation known as the Umkonto We Ziswe my lord, admitted the following acts of sabotage - 1, 3, 4, 12, 13, 17, 19, 31, and 32.

BY THE COURT: Is that also an admission on behalf of Mr. Hare.

MR. HARE: Yes, my lord.

EXAMINATION BY MR. MASTERS (CONTINUED):

My lord, I will just lead the witness then, very briefly on these - Mdwai, during August, 1962, telephone wires were cut between S_artkop and Reshouse, Port Elizabeth. Do you know about that?---Yes.

20

Who did that?---It was myself, Robert Mbanjwa, Jakob Sikundla and Freddy.

Now, on the 24th of September, 1962, the Cerebos Factory in Port Elizabeth, was set on fire with a petrol bomb. Do you know about that?---Yes.

Who was responsible for that?---It was Titus Jobo and one man by the name of Mongameli, but he has crossed the border, he is outside the country.

Now, on the 24th of September, 1962, the Factory of Dunell Ebdon & Co., Port Elizabeth, was set

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on fire with a petrol bomb. Do you know about that?---
Yes, my lord.

Who was responsible for that?---It was Jakob Sikundla, Kolisile Makitiwana.

Alright, who else?---Albert Kula, and Susu Bangani(?).

Now, the next one is 12 my lord. On the 21st of October, 1962, four telephone wires were cut at Kwazekela, Port Elizabeth. Do you know about that?---
It was Jakob Sikundla, Kolisile Makitiwana, and Albert 10
Kula and Susu Bangani.

On the 29th of October, 1962, twelve telephone wires were cut at New Brighton, Port Elizabeth. Do you know about that?---It was William Twalo(?), James Ngcondela, I could remember also.

On the 7th of November, 1962, twenty telephone wires were cut at Kwazekela, Port Elizabeth?---
Twenty were at Matemele Street, I think. That was Xasimba, that is the surname.

Now, all these names you mentioned, were 20
members of Umkonto?---Yes.

Alright, now, on the 20th of November, 1962, two telephone wires cut at New Brighton, Port Elizabeth?---Two at New Brighton were cut by William Twalo and Sesane(?) and Charlie Januarie.

Now, in January 1963, on the 16th of January, a telephone pole was cut down at New Brighton, Port Elizabeth?---Whereabout in New Brighton?

This is a telephone pole - do you know?
Do you know about a telephone pole being cut?---I know 30
of telephone poles, not one, so I may....If you can help

me with the street where it was?

BY THE COURT: Well, I see 31 and 32 both relate to telephone poles at New Brighton, the same night.

EXAMINATION BY MR. MASTERS (CONTINUED):

Well, on the same day Mdwaiyi, telephone pole was cut down and 24 wires cut also at New Brighton, Port Elizabeth? Do you remember that two telephone poles were cut down on one night? Near New Brighton?---One was cut in the right location by a man Mkalana, and the other was cut at Tubula Street, by Mobbs Gqnaa, and Twalo. 10

MR. MASTERS: No further questions.

CROSS-EXAMINATION BY MR. BIZOS:

Mdwaiyi, I just want to know whether I understood your evidence correctly, your evidence in chief - on this point - you told us that Govan Mbeki was in favour of the burning of houses of anyone who had dealing with or was in favour of the Government, but he was against the burning of houses belonging to ordinary policemen, because they could be used for the purposes of the organisation. 20 Is that a correct statement of your evidence?---Very correct.

Now, this was at a meeting, was it, where Govan Mbeki expressed this view?---It was at a meeting.

And also, was it at the same meeting, or a different meeting that Govan Mbeki had told you about the chaos that was to be brought about a result of taking advantage of the general strike that would be started in the Western Cape?---It was in a meeting that Govan Mbeki and Wilson Khayingo had come from Johannesburg, together giving us the report. 30

Were these two things said at different meetings or the same meeting?---Which two things?

Try and listen to the questions - when he expressed the attitude to the destruction of houses, and where he told you what was going to happen, that there would be general chaos - were those things said at the same meeting, or different meetings?---They were said in the same meeting.

At the same meeting?---Yes.

Now, we know from records, and your own 10
evidence elsewhere that the burning of houses ceased in October, 1962. Is that in accordance with your recollection?---On the question of the date, you may puzzle me, so I am not in a very clear position to clear that.

Now, you see, it is rather important, because the police have kept records of when houses were burnt, and you can take this from me Mdwayi, that burnings in the Eastern Cape of houses ceased at the end of September beginning of October, 1962 - will you accept that?

---That depends on the police who keep the records. I 20
do not keep any record.

Very well. Now, were you a member of the Regional Command of M.K. at the stage, (My learned friend, my lord, after consultation with the senior officer from the Eastern Cape, has informed me that he is prepared to admit that that is so).

BY THE COURT TO MR. BIZOS: About the date?---About the date, that houses ceased to be burnt at the end of September, beginning of October, 1962.

CROSS-EXAMINATION BY MR. BIZOS (CONTINUED): 30

Right, you know Mr. du Preez? Sitting behind

me?---I know him.

Have you high regard for his ability to keep record?---Well, I am not concerned with that.

Well, on information given by him to my learned friend for the State, that has been admitted. So that this meeting with Govan Mbeki, must have been I am putting to you, some time at the end of September beginning of October, 1962? Are you prepared to accept that?---Yes.

And it was at that same meeting that Govan Mbeki told you that the intention was that chaos should result, starting with a strike in the Western Cape, spreading throughout the country, coming ... the coming in of troops from other African States and other Communist States - at this same meeting?---Yes. 10

Now, I am going to put to you Mdwaiyi, that you tailor your evidence in accordance with what is expected from you from trial to trial, and I am going to show that to his lordship. You remember giving evidence against Nakile Mkaba and two others, before his lordship Mr. Justice (?) - do you remember that?---Very well. 20

Now, nothing has happened since then, has there, to change your view about Govan Mbeki?---(No reply).

What is the reason for the delay?---If you could please repeat your question?

Has anything happened since you gave evidence before his lordship Mr. Justice (?) to change your view about Govan Mbeki?---Nothing has happened.

And whatever you told his lordship Mr. Justice (?) in that trial, about Govan Mbeki, was the truth?--- 30
It was.

Now, the impression you have tried to give his lordship here of Govan Mbeki, has been one of a man who did not have very much respect for the property or the lives of people that stood in his way or in the way of the organisation, because he was prepared to burn individuals' houses, and his only objection was a very minor one, namely, that policemen that can be used for other purposes, must not be attacked. Is that correct?---It is correct.

I am going to read you a passage of your own evidence appearing on page 642, line 8, to page 643, line 30 - this was your evidence in chief, and you were being questioned by Mr. Heller, the prosecutor. Now, listen carefully, and tell me whether this evidence is in accordance with what you have told his lordship in this trial. Now, you had given evidence in the evidence at the beginning of page 642, that there was a meeting. "Who was present there?---Accused Nos. 1, 2 and 3 were present and myself and Govan Mbeki later arrived. Now what was the course of the discussion and who spoke? ---Accused No. 3 gave the report from Johannesburg. A report about what?---Of the actions^{we}/were to take. In regard to the constitution of the committee?---Yes. And what actions were to be taken?....(continues quoting)... It was about September, 1962." Now, I want to read you another passage that makes this even clearer, on page 730, line 2 to page 731, line 11. This was under cross-examination - "You also said there was...(continues quoting)...Since that meeting no houses were burnt", was your answer. Did you understand that?---I do .

Do you agree that it is in complete conflict

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with the picture that you attempted to paint of Govan Mbeki to his lordship in this trial?---I did not try to paint him. I know him very personally, more than you know him.

Will you please try and answer my question! Do you agree that what you said in the Eastern Districts, is contrary to what you have told his lordship here - yes or no?---It might be contrary, but I am telling the truth.

Are you telling the truth now?---Even then I was telling the truth. 10

But do you agree that the two statements are in conflict with each other - yes or no?---I do not agree on that.

You do not agree?---No.

But you have just told us when I started my cross-examination that Govan Mbeki was in favour of the burning of houses, save and except the houses of ordinary policemen who might be useful to the organisation in the future, or have you forgotten that?---I have not forgotten a single thing of that. 20

Which of the statements is true?---The two of them are true.

Do you not accept that they are in conflict? ---I am now concluding they may be in contrary, but as far as I am concerned, I am telling what I know. That is all.

You are telling what?---What I know.

Would you mind as a favour to me, putting that microphone just a little bit further down, so that I can see what...Now, do you agree that there is a difference 30 between these two statements - Govan Mbeki was in favour of

the burning of houses of individuals, provided they were not private policemen?---I do not agree on your conclusion.

It is not a conclusion - they are two statements which are completely contradictory with each other! Have you any explanation for them?---The explanation is that I am telling the truth. That is all.

Do you think you can get out of it so easily? By just standing there and saying I am telling the truth? Were you lying in the Eastern Cape for some reason or other?---No. 10

Now, let us take it another way - houses that had been burnt prior to this discussion with Govan Mbeki were not only policemen's houses, but houses of individuals other than policemen, were they not?---Exactly, Government supporters.

Just listen to my questions, and answer them as briefly as you can! And after this meeting, no houses at all were burnt? There is already an admission to that effect. Do you agree with that?---Yes. 20

So that it would appear that it was a result of what was decided at this meeting that the burning of houses ceased! Do you agree with that?---I will not agree with that.

Very well, the admission is good enough for me, thank you! Now, I am going to put to you that at this stage, in September/October, you told us Govan Mbeki came to you and he told you about this chaos and revolution, that was to take place starting in the Western Cape - right?---Yes. 30

Now, I am putting to you that at that stage,

Govan Mbeki, on your own evidence, on your own evidence, was not a member of Umkonto We Ziswe! Do you want me to refer you to the passage? Or do you admit it?---

Govan Mbeki was not a member of the committee of Umkonto We Ziswe, but a liasion member between the political wing and this organisation. He was the link between.

He was not a member of Umkonto We Ziswe?---
Why should we take advice from him then.

I see! Well, it looks as if you at any rate, and a gentleman that left the country who threatened Govan Mbeki, to put him six feet under the ground, thought in a substantially similar way, by the answer you have just given us - why should you have listened to him! If he was not M.K.?---If you want to allow me to just explain what a man Govan Mbeki is, you would believe what I am telling you. 10

Now, you must please confine yourself to answering my questions!

BY THE COURT: Let him explain there, because you say that in his evidence he said that Govan Mbeki was not a member of the M.K. Now he wants to explain that. 20

BY THE COURT TO WITNESS: Yes?---Govan Mbeki was not a member of the M.K. but a liasion member between the organisation, and as such, he wanted to dictate to the region what to do and what not to do. As the action of burning the houses was taken, he was in agreement with it, but when it went to the extent of ordinary policemen, he disagreed on that. For an instance, in 1959, before the M.K., a policeman was shot through his instructions. He gave us money with Raymond Mhlaba, to go and burn and burn an administration office, and we should try and get a 30

revolver. We had that revolver, and we shot the policeman that was chasing us, through his instructions. I know him very well.

CROSS-EXAMINATION BY MR. BIZOS (CONTINUED):

Look, you say this happened in 1959?---Before the M.K. I just want you to know his mind, besides this organisation.

Look, if you would try and confine yourself answering my questions, I know that you might have a certain interest at the moment, to make Govan Mbeki a much worse man, as you have indicated?---He is very worse, as far as I am concerned. 10

Right - why did you not say that to his lordship Mr. Justice (?) In the Eastern Districts?---It was not asked from me at the time.

But you went further - you told him something exactly contrary. You told him that he was concerned that people's houses should not be bombed with petrol bombs?---If he did not like it, he would not have lectured us on Molotov Cocktails and all those things. 20

Who lectured you on Molotov Cocktails?---Govan Mbeki, in the same house and bombs and all these small things.

When did he do that?---When we were to use these things, when we were not to kill these people!

When did he do that?---(No reply).

When did he do that?---In the same year, last year when he was from Johannesburg, with this M.K. I want to explain this again - the M.K. does not keep any records. We were never allowed to have the least document of anything, because it was suspected that that would 30

be handed to the police. So we had to keep everything in mind. I cannot remember everything, just in every detail as a machine. I am a human being.

A human being, who said of Govan Mbeki, that he was against the burning of houses, generally, and a human being who has

BY THE COURT: He said private houses Mr. Bizos. He is talking now of Government houses, he was in favour of the burning of Government houses. (Discussion continues between Court and Mr. Bizos). 10

Let me make it clear, are you disputing that he was in favour of the burning of Government houses?--- Government property, my lord.

Or Government property?---No, that is not disputed, my lord.

BY THE COURT TO WITNESS: Do you follow the distinction? ---Yes, my lord.

CROSS-EXAMINATION BY MR. BIXOS (CONTINUED):

Nobody asked you whether Umkonto kept minutes or not! But on a fundamental thing like this, I am putting to you that you have deliberately fabricated your evidence, insofar as Govan Mbeki's role at that particular meeting was concerned! What do you say to that?--- I do not comment on that, because I cannot follow you very well. 20

Well.....

BY THE COURT TO MR. BIZOS: Well, the only difference is, I can make at that you have read out is everything what he said here, the only difference being that in the Eastern Local Division, he evidently said that Govan was 30 against the burning of private houses.---Well, it went

further my lord - houses generally. (Evidence handed to Court by Mr. Beyers). (Mr. Bizos reads it out to Court).

CROSS-EXAMINATION BY MR. BIZOS (CONTINUED):

I am putting to you that the two sets of evidence are completely contradictory! Do you agree with it?
---I do not.

Very well! And do you say that the fact that the houses of whatever nature were not burnt after that, was just by accident?---I say it is.

It had nothing to do with a decision?---Yes. 10

Is that your present view? You told us at this same meeting, certain other matters were discussed. Now, incidentally, was Mini present at this meeting? At this one meeting that Govan Mbeki spoke to you?---Yes.

And you added this morning, that he had come together with Wilson Khayingo when he made this report?
---Yes.

And you had a very clear recollection of this meeting - Govan Mbeki, Wilson Khayingo, Mini, yourself, present and there was a full discussion about houses, 20 and a report by Mbeki about the plan of the revolution that was going to bring chaos. Correct?---Yes.

And that too, must have happened towards the end of 1962, September/October, 1962, because it was the same meeting of the houses?---1963.

1963 - Was it more or less the time that you were appointed to the committee? At the time that you were appointed? It was one of your first meetings?---
Yes, it was one of my first meetings.

Yes, well round-about 1963, it must have 30
been 1962, I can assure/^{you}that Govan Mbeki was in the Pretoria

prison, in October, 1963?---No, I am referring to the revolution that was to take place.. That was in 1963.

No, no, the revolution was to take place in 1963, may be so, but this meeting that you were told about this plan of revolution, other countries coming in and Communist countries coming in, that was at the same meeting towards the end of 1962, one of the first meetings that you attended as a member of the committee?---Yes, but even on the meetings that followed, it was always, whenever we sent a man up to Johannesburg, he would always go with that report with him, that we must always be ready. 10

You must always be ready?---Yes.

Now, I am going to put to you again, that you falsely are ascribing to Govan Mbeki, this whole statement about the strike to be followed by a revolution, to be followed by a foreing invasion. Do you agree with that?---I do not.

I beg your pardon?---I do not agree with that,

You gave evidence in this other trial, a great number of pages, and like before his lordship, you poured your heart out, correct? You said everything that you wanted to say?---Yes, that I can recall, yes. 20

Now, do you remember whether you told his lordship about Govan Mbeki telling you about this revolution that was going to take place, and exactly how it was to take place?---I do remember.

Did you tell him?---I did.

I am going to put to you that the first time in the Eastern Districts, you mentioned anything about this plan?---I might have left it out if it is not there. 30

On being asked if they had anything to say in mitigation, the accused elected to make statements from the dock:

WILTON MKWAYI: "I am the first accused. I am 41 years old. On the day I was asked if I am guilty or not guilty I said that some things said about me were true. I was going to deny that I took part in the activities of the Umkonto we Sizwe, because I always have been willing to accept full responsibility for what I have done.

I want to tell the Court why it was I turned to sabotage, what I did, and what I did not do even
10 though the witness "D" said that I did it.

My father made me a member of the ANC in 1940 when I was 17 years old. He sent the card to me whilst I was at school. My father himself was a member of the ANC and he thought it only right that his son should also become a member of it. I know the reason why he became a member. The land on which we were living was taken away by the Government and we had to go and make a new home somewhere else.

I did not go very far at school because my
20 father did not have the money. I worked as a labourer for low wages - and I became interested in trade union activities. Whenever I could, I have always worked to earn my living. At the end of 1943 I went to Cape Town to look for work. I was employed in a Dynamite factory where I worked in an office until 1945. I left work to go home because of my mother's death in 1945. I was getting £6 a month. Then I worked in Port Elizabeth - Railways and Harbours, from 1947 to January 1950 as a sorter. Then on the 9th January,
30 1950 I started work at Metal Box Company, Port Elizabeth branch. I worked for this company until

/1952 when ...

there was a strike and I lost my job. I then worked at Tin Plate Stores.

However, because of my trade union activities and my interest in the ANC I became what Whites like to call an agitator. It has been said that we Africans are wrong to turn to violence, that we should adopt non-violent methods in order to remedy our grievances. I would like to tell the Court how for years I tried to achieve our aims by non-violent methods, and what I
10 did before being forced to turn to violence.

I became active in Port Elizabeth in 1947 during the rent campaign and bus boycotts. I campaigned in the 1950 June strike called as a day of protest and mourning for the death of our people in the May day strike in the Transvaal. I took part in organising the Defiance Campaign in 1952 when more than 8,500 volunteers were jailed for breaking some selected unjust laws. It was also in 1952 when I was fined £10 for taking part in a strike at Metal Box Company, Port
20 Elizabeth Branch against low wages. I was a member of the Tin Workers Union, Port Elizabeth Branch then.

It was in 1953, when I became the organising secretary of the Tin Workers Union, Port Elizabeth Branch. The same year I became the organising secretary of the African Textile Workers Industrial Union (South Africa), Port Elizabeth, and Uitenhage Branches. I held this post until 1960.

In 1954 I campaigned against Bantu education which meant a step backwards for African education.
30 Also, I campaigned against Bantu Authority - which divides people according to their tribe - which means

/Africans are ...

Africans are forced to accept apartheid system. We Africans will never rest until the apartheid system is defeated.

It was in 1955, when a Congress of the People was called at Kliptown in Johannesburg - even Government officials were invited, but did not come. Instead they sent more than 1000 police. A Freedom Charter was adopted by the people who attended the Conference, black and white. The Freedom Charter is
10 what I believe in - I am fighting for the principles contained in it. It is clear that as soon as the Government belongs to the people, there will be no pass laws, all people will be equal before the law, there will be no Permit systems, no pass laws, no job reservations and equal opportunity for all.

I also became Volunteer-in-Chief of the ANC for the Eastern Cape in 1953. The Volunteer-in-Chief for the whole country of the ANC was Nelson Mandela. I was not then on a policy-making body of the ANC.
20 I followed its policy. Up to December 1961, it was a policy of non-violence. By this I mean that it was expected of me and others to preach to people to do things in a non-violent way. I preached this until 1961, when it was decided that the ANC would not stand in the way of those who wanted to take part in sabotage.

The preaching of non-violence and the patience which my leaders had, did not help us very much. In 1956, I was arrested, together with my leaders and
30 charged with treason. The treason in the eyes of the Government was that we wanted a say in our own country.

/We had not ...

We had not declared that the White man should be thrown into the sea, which would have been an easy but irresponsible slogan. We had declared that South Africa belongs to all those who lived in it, White, Black, Coloureds and Indians.

We felt that pass laws, Bantu education, influx control and low wages could not be abolished if we did not do away with White supremacy. We believed that we could put an end to White supremacy by peaceful means, but by 1961, it was clear that non-violent ways were closed to my people. Trade unions could no longer function, leaders of the people were banished and restricted and, finally, in April, 1960 our organisation was banned. What would the people have thought of me if I no longer took part in the activities of the ANC. I could not fold my arms and say that there is nothing that I can do about it. I could not abandon the organisation for which I had worked for so long. For the same reasons, I joined Umkonto we Sizwe, soon after it was formed.

Our organisations had not even considered sabotage and violence before they were banned. It is this Government of South Africa which banned the ANC and the PAC in 1960. They also banned the Congress of Democrats and they have continued for years to ban, arrest, and harrass the leading members of our Trade Union Movement and the Indian Congress.

Supporters of the Government never fail to remind us that we should struggle for our aims by non-violent methods, but they close their eyes to the fact that our organisations have been banned. It is

/easy for ...

easy for people sitting in the comfort of their homes to condemn sabotage. It is easy for people to lecture to us that sabotage is senseless and useless, but such people ignore the long history of our non-violent and constitutional struggle.

For example - in 1946, we acted constitutionally and non-violently when the miners on the Rand came out on strike for better wages. It was the Government that acted violently. On that occasion workers were shot
10 by the Government forces and 8 were killed and our leaders arrested.

In 1950 we had a strike on the 1st of May against the rule of the Nationalist Government and against the restrictions placed on our leaders. The strike was peaceful and non-violent. The Government again used its armed strength and 18 were killed.

This was on the Rand. In 1955 over 3,000 delegates from all over South Africa came to the Congress of the People in Kliptown, Johannesburg, where
20 the Freedom Charter was adopted. We even invited the Nationalist Party to listen to grievances and our demands. Instead the Government sent more than 1000 fully armed police to smash this Congress. We adopted the Freedom Charter which set out our demands for a free South Africa for all its people, black and white. The Government's answer was to arrest over 150 of our leaders from all over South Africa and charge them for High Treason. I was one of the persons charged.

During that time also, our people were removed
30 at the point of sten guns and bayonets from Sophiatown to Meadowlands. Over 2000 armed police were used

/in this ...

in this forced removal. In March 1960 a peaceful gathering of our people at Sharpville was attacked. They even used Saracens. Over 65 men, women and children were killed by the Government forces. In protest against these killings at Sharpeville, we called a day of mourning strike for March the 28th, 1960. The Government's reply to this was to proclaim a state of emergency and to ban the ANC and PAC.

10 In May, 1961, even though our organisations were banned, we called a strike against the proclaiming of South Africa as a Republic, without the consent of our people. The Government's reply to this was once more to display its armed strength and intimidate our people. The Government closed the doors to peaceful change and forced my people and those who were prepared to help us to go in for sabotage in a controlled manner.

20 The reason why we went in for sabotage is a simply one. We did it in order to highlight our grievances and to persuade the Government and the White minority of this country to come together with us to a National Convention which can work out a constitution for a free South Africa where Black and White can live in peace, harmony and equality. Sabotage is not the beginning of a war, but a letter of invitation to the Government and the White minority of South Africa to come to this Convention. So far we have been met with what some Whites with pride, call "a granite wall".

30 There is one matter which I want to deal with here. To me this matter is not of any great importance, /but since ...

but since it might appear to be of some importance for this Court, I will deal with it. Witness "D" gave the Court his view that I was a Communist, though he did not give any evidence for this. I am not a Communist, but I want to say here, that I have always been prepared to work with anybody, Communists or non-Communists, as long as they are prepared to work for a free South Africa. When I was detained, the Security Police also suggested that I had been used
10 by the Communists against the interest of the African people. I have met Communists both Black and White. We are oppressed not by Communists, but by a white minority Government. As a man from the rural areas, I cannot buy cattle without a permit. These permits were not introduced by the Communists, neither are such oppressive laws as the Group Areas Act, job reservation and the Pass Laws. All these have been the work of the White minority of this country. As for the Communists, in my experience they have worked
20 and fought side by side with the oppressed people of South Africa for a free South Africa.

We, the African people, are prepared to work with any person provided he is prepared to say with us that South Africa belongs to all those who live in it.

When the State of Emergency was declared at the end of March 1960, I went underground. I then left the country and went overseas on Trade Union missions. I visited many European countries and a few African States, explaining the difficulties of
30 African workers and laws against their Trade Unions. I also asked for financial assistance for our Trade

/Unions ...

Unions. But I saw that all these things and explaining about our situation in South Africa did not help us much. The best was to come back to my beloved country to fight side by side with my people and my leaders.

Before coming back to my country, I felt that I should have military training. I had it in China in small arms. I felt that I must have this military training so that I too, could fight for my country, if
10 necessary. After all, in South Africa, White women and boys and girls of 16 are taught to handle small arms.

It was in 1961, when my leader Nelson Mandela, called a strike against the declaration of South Africa as a Republic, without discussions with the majority of the people of South Africa. He called for a National Convention for all the people of South Africa to draft a suitable Constitution for South Africa. The Government's reply to this challenge
20 was to jail him for three years with no fine.

I felt it my duty to come back to South Africa and to actively participate in the work that my leaders had started. I came back, convinced that the aims and objects expressed by our leader, Nelson Mandela, were the only just basis for a solution to the problems of our country.

On my return, I went to live with my leaders at Rivonia. I was at Rivonia on the day the Rivonia arrests took place, but I managed to evade arrest.
30 I escaped but I did not leave the country of my birth. I had returned to do what I could and I was

/not prepared ...

not prepared to leave, even though I knew that I was a wanted man. I also felt that, if I did not carry on the work started by my leaders, I would be betraying my comrades who had been arrested at Rivonia and who had taken the great risks in the cause of my people. Since my escape from Rivonia, I continued to work in the shadow of my leader, Nelson Mandela. I was a fugitive in the land of my birth. I knew I was a wanted man since 1960. This was not my choosing. I had to
10 lead the life of an outlaw because the Government refused to recognise that my people have a right to be treated as equals and human beings.

It is true that I was one of the men who helped to set up the Committee of Umkonto we Sizwe, whose purpose was to gather together and reorganise the work of M.K. I do not want to quarrel with words. It was the highest committee of Umkonto We Sizwe and I do not want to quarrel with witness "D", when he calls it the High Command. When witness "D" says that
20 at the first meeting, the principle of eliminating State witnesses was discussed and accepted, he is not telling the truth. No such decision was arrived at. The position of witnesses was discussed sometime this year, for instance, in regard to Hepple. I personally raised this question on the committee. I raised the question because the Freedom Fighter had called Hepple a traitor. I objected to this because I said that, even though Hepple agreed to be a State witness, in the Rivonia trial, he escaped from South Africa and
30 he did not give evidence against his comrades. The police had said that he had given them certain infor-
/mation, but ...

mation, but I said on the committee, we must not be too ready to believe this. I told them that to call such a person a traitor was too harsh at that stage. This discussion took place after Hepple had left the country. The question of State witnesses was discussed on one or two occasions this year, but they were discussed when witness "D" raised the question and he wanted us to eliminate them. I did not agree to this nor did others on the committee. We agreed
10 that the elimination of State witnesses would be contrary to the policy of M.K. M.K. had placed itself under the political guidance of the National Liberation Movement. It could not make decisions of this nature without referring the matter to the political organisations.

I, for instance, have always regarded myself first and foremost an ANC man. I would not be party to a decision like this without the consent of the ANC. I was very sorry to see witness "D" in the witness-box.
20 He was the militant man. He was the one who told us that we were not militant enough, that we were soft-hearted and that revolutionaries cannot have regard for loss of life. I thought he was wrong then, but not only was he wrong then, but he is now prepared to sell his comrades.

In regard to the question of the arming of M.K.'s units, this was again raised by the witness "D". This again would have involved a change in policy and M.K. could not embark upon it without
30 reference to the organisations that formed the National Liberation Movement. It is true that he

/brought a pistol ...

brought a pistol to the committee. I gave it to Andrew Mashaba for his self-protection.

I carried a pistol myself. The police found me with one in my possession when they arrested me, but I carried it for my personal protection. I have already said that I was leading the life of an outlaw and went about my work at night. This pistol was for my protection against criminals in the township where I lived and worked. At the time of my arrest, 10 I had a fresh bullet wound in my thigh. I had been shot by Tsotsis. If I had had my pistol with me, this might not have happened to me.

The charges that I have been brought against me and my fellow accused, arise from our desire to fight for the liberation of the people of South Africa from the tyranny of racial discrimination. My leaders have time and again explained and exposed the injustice done to my people. I am a Mandela man. I share his hatred of the laws which are destroying the life and 20 soul of my people. I share his hatred for the system of racial discrimination. Our goal is, and has always been, that all people in South Africa should live in harmony and equality and this can only be achieved by the extension of the vote to all the people of South Africa, regardless of their colour or sex. To promise us poverty in Bantustans will not help anybody. As individuals, and as a people, we want a just share in the whole of South Africa.

This is what my people and my own family are 30 fighting for. The police tell me that two of my brothers are already serving long sentences at

/Robben Island ...

Robben Island. I myself, am standing here before Your Lordship, but I could not have done otherwise. I cannot do better than repeat what my leader Nelson Mandela said at his trial.

10

"During my lifetime, I have dedicated my life to this struggle of the African people. I have fought against White domination and I have fought against Black domination. I have cherished the ideal of a democratic and Free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to see realised. But My Lord, if needs be, it is an ideal for which I am prepared to die."

That is all I want to say."

20

I.D. KITSON (Accused No. 2):

"I have been a Communist for many years. In 1962 I was invited to join M.K. and did so.

I became a member of the Technical Committee. My job was to give technical advice on the matters before the local organisation of M.K. I also used to act as a go-between and received messages from
30 Mtembu, which I passed on. I later attended some meetings of the Logistics Committee.

/After the Rivonia ...

After the Rivonia arrests, but before the Rivonia Trial started, I was instructed to approach witness "D" and ask him if he would serve on an ad hoc committee to keep M.K. going. I made it clear that this committee was to continue some of the activities of M.K. but only in a day to day manner until the Liberation Movement could decide a new policy concerning M.K., in view of the Rivonia arrests. I pointed out that I expected to be detained at any time but that I thought he was unsuspected. In the precarious situation caused by the Rivonia raids, nobody would think badly of him if he wished to withdraw. He had no hesitation in accepting. There was no question of telling him he had been "appointed", he had a free choice.

The first meeting took place in the house of witness "D". He, accused No. 1 and I were present. I explained that in view of the disruption caused by arrests, detention and departures, the representative of the politicians had told me that in view of the shortage of personnel we couldn't go running to them every five minutes, but had to act as independently as possible, within the framework of existing M.K. policy. It was desired that sabotage should be committed to give the impression that M.K. was still alive. At this meeting we discussed the state of M.K. organisation and the possibility of the commission of some act of sabotage.

We did not discuss the elimination of informers at this meeting. We never discussed informers as distinct from State witnesses at any time for the

/policy of the ...

the project. If surprised, they had to make every attempt to get away. They were to take every precaution. Witness "D" has interpreted this to mean that they had to arm themselves. This is not so.

After the Rivonia trial had got under way, we became concerned about the number of people who we had heard were going to turn State evidence. A discussion took place. Witness "D" was in favour of killing one or more as an example. My attitude was
10 that there should be no change in the policy laid down. "D's" attitude to the killing of informers reflected the militant attitude he demonstrated throughout, which arose from his advocacy of the Peking line. Insofar as the Sin-Soviet controversy was concerned, I refrained from being drawn into any partisan camp for fear of upsetting the unity of purpose which existed on the committee. I, for my part, was against personal violence against informers.

Accused No. 1 adopted a similar view to me and
20 wanted to consult the ANC leadership. No decision was taken other than to refer the matter to the political organisations and Accused No. 1 at a later meeting, came back with the ANC opinion that their policy on loss of life had not changed.

My contact with the politicians also conveyed to me that there was to be no change in policy.

There was no mention of an Indian informer or report made concerning the fate of one. While I was in detention, however, the police interrogated me
30 concerning the death of an Indian called Gangat. I suppose we were all questioned on this matter - I

/know the other ...

know the other accused were. I think I recall that Chiba one day mentioned in passing, that a person called Gangat, whose name figured in the newspapers was killed in gang warfare. During interrogation the police seemed to accept that we had nothing to do with his death.

After Hepple had left the country an issue of Freedom Fighter appeared in which he was branded as a traitor. I have never read a copy of Freedom Fighter and nor was M.K. involved in any way in determining its editorial policy or participating in its distribution. Some of the other members of our committee, however, apparently had seen copies and Accused No. 1 came to one meeting rather upset because he was of the opinion that the Freedom Fighter was wrong in its attitude to Hepple. He did not regard Hepple as a traitor and said that he was reflecting the general African opinion on this. It was thought that Hepple's name had been put in only to give a multi-racial flavour to a list which otherwise would have been all black. We discussed this. To say that we discussed the elimination of Hepple is incorrect.

It is true that I took part in providing parts for the second radio transmitter. This however, was not really a M.K. function. The fact was that witness "D" was the only person available who was capable of designing and building this kind of equipment. He would have done it no matter which particular organisation of Liberation Movement he may have been a member of, for use by various of the organisations comprising the Movement. It just so happened that he

/was a member of ...

was a member of M.K., so we assisted him.

When Accused No. 1 made the broadcast it was in his capacity as a leading member of the ANC and not in his capacity as a member of M.K.

I do not know Mr. Bizzell and had never heard of him until witness "D" told us that a friend of his had a pistol which had belonged to a person who had left the country and he wanted to get rid of it. We regarded this pistol as a hot potato as nobody
 10 wanted it. After witness "D" said he would obliterate the number, Accused No. 1 agreed to take it. I took no part in this transaction other than being aware of it.

I do not know who the members of the C.C. of the C.P. were, or who constituted the political entity that I made contact with for MK. I never met any committee but only ^{an} individual who was also acting as a go-between. When I joined M.K. I severed all organisational contact with the C.P. It had been tenuous at
 20 the best of times. I did not ask questions as to their political affiliation of the people I met in the course of performing my duties for M.K. I assume that they were all in the Movement and suspected that some might be Communists. I cannot say who were, because I do not know. I certainly did not tell - indeed could not tell - witness "D" who were the members of any illegal political authority. I suppose names were put to him to see his reaction when he was being
 30 interrogated, because this was my experience.

I am a white South African who was born in this country. I went to school with South Africans,

/to University ...

to University with South Africans and fought in the war with South Africans. I feel an affinity with white South Africans.

As I grew up, however, and came to think for myself, it became difficult for me to reconcile the oppression of the non Europeans here with the philosophical outlook of the Western civilisation we whites purport to defend. Clearly the situation was contrary to the Christian tradition in which I had been reared. The only organisation I could find which stood for equality of opportunity regardless of race, was the C.P. Later I came to accept the Marxist standpoint that mankind can only achieve its complete liberation with the achievement of communism. Today communism is a swearword which is directed against a multitude of sins. Different people understand different things by communism. For my part I see communism as a movement against discrimination and oppression.

I found that when I got married, domesticity made bigger demands than devotions to ideals. I also found that I was still a South African at heart and wanted my children to be South Africans when I came back to the land of my birth. I came back with the clear intention of not taking part in any kind of political activity at all, but of devoting myself to my family. This attitude was buttressed by the fact that the Authorities knew about my past for my passport was confiscated on my return. I lived this way for about a year.

Then Sharpeville took place. The Active

/Citizen Force ...

Citizen Force was mobilised. In the Emergency hundreds of innocuous people were arbitrarily detained. In view of my past I could have easily been one of the many. The Government, supported by the majority of the whites had turned a granite face to the Africans and their fellow sufferers and had flouted the mainstream of development along which the world is going. This still is the case.

10 I could run or stand. So I stood. It was natural, in view of my past, to find a home in the S.A.C.P. At least my participation would show that I stood alongside the Africans and their fellows. It showed the world that another white had chosen the side of humanity. In view of the Nationalist opposition to Communism nothing could underline my detestation of apartheid more than being a Communist.

20 With the passage of time the inevitable reaction to the Government's stand took place. Poqo arose. There were spontaneous acts of appalling hate, such as the Paarl Riots. I and my family could just as easily have been the victims of such violence as any other family. I felt that I should join at least in the attempt to direct opposition in a constructive and disciplined manner, so as to try to avert danger to life or outbursts of raciolistic terrorism. I joined M.K. for the same reasons that have been set forth at length by Nelson Mandela in another Court, namely that there was no lawful method of effective opposition which remained open.

30 This is not the first time that political frustration has driven South Africans to break the

/law in order ...

law, in order to achieve the ideals in which they believed.

I would remind the Court that a few weeks ago the State President of the Republic of South Africa unveiled a plaque in a prison cell where he had been kept for participating in armed rebellion in time of war. Even more recently the Minister of Justice has been digging up petrol tins at Kiffiefontein where he was once confined. I do not suppose he was
10 personally involved, but at the time, many acts of sabotage were committed by opponents of the Government. In one night alone 22 pylons from the Vereeniging Power Station were blown up. M.K. has never committed acts of sabotage on that scale.

These men, and many like them, were prepared to take the course they did, regardless of personal consequences, and at times when the country was at war, for the sake of their ideals.

Although their actions were against the law,
20 their ideals were and are still rejected.

After all, our ideal of equal rights for everybody is equally noble - so far, however, the only response has been increased repression. This does not mean that the grievances of the overwhelming masses of South African's, black and White alike, have been met. It only means that my participating in voicing them has ended. I do not see how I could have done otherwise.

STATEMENT by : L. CHIBA. (Acc. 3.)

My Lord, I admit that I was a member of the highest committee of Umkonto We Sizwe since December, 1963. I do not now seek to avoid responsibility for my actions.

10 The witness "D" has however given incorrect evidence on certain matters, more particularly in regard to the alleged decision to liquidate State witnesses and informers and the arming of our units. I have heard what accused No. 1 and No. 2 have said about these matters and I confirm that their statements set out what actually happened.

I deny completely that I ever suggested that an Indian informer should be killed. I also deny that in fact a certain Indian had been killed and made to appear that it was a gang-war. I have carefully thought about why witness "D" gave this evidence and all I can think of is that at the time of the killing, the Gangat killing, which was extensively talked about, I mentioned it in general conversation. It is possible that as a
20 result of his five months detention witness "D" has become confused and places a different interpretation on this casual remark.

It states in the charge sheet, My Lord, that I had gone to Russia to train as a communist, this is not true. I do not deny that I had gone to Russia but I do deny that I went there to train as a communist. I went to Russia for a holiday and was there only a month.

I am 34 years of age and have only little education. I am a married man and have three children whom I dearly
30 love.

Although aware of the injustices that the non-white people are subjected to I never really took an active interest/...

interest in their political and social affairs; however a turning point came in my life with Sharpville. The grim photographs of death and agony set me thinking of the plight of the non-white people in the land of their birth. It was then that I joined the Congress Movement. I joined in the campaign calling for a National Convention. I joined the protests which called for the release of our leaders. Every attempt to negotiate with the Government for a peaceful solution to the problems facing the country was frustrated. Instead all legal channels of protest were shut. The major political organisations were outlawed. Our leaders were banned, restricted or imprisoned. Violence is not of our choosing but the natural consequence of our being denied lawful means of protest. I therefore gave my wholehearted support to the policy of controlled sabotage. We hoped that it would induce the Government to hold consultations with the non-white people as regards their grievances. We hope too that the Government will realise that as human beings we are entitled to have an equal say in the government of our country.

My Lord, if it is wrong to fight for freedom and a stake in society then I have done wrong, but I cannot see it.

I am an Indian but above all I am a South African. I could not and still do not see any alternative action that I could have taken to achieve the freedom of my people.

STATEMENT by : JOHN MATTHEWS. (ACC.4).

MY Lord throughout this trial I never denied that I served on the technical committee of Umkonto We Sizwe from early in 1962 until March or April, 1963. It is also true that from time to time I helped members of various organisations in the Congress Alliance by doing certain work, not related to sabotage, by storing various articles and keeping money in my employers safe. I also assisted in the construction and testing of radio apparatus. My Lord one can say that I was
10 a handyman who was willing to do work for this cause. I certainly did not have anything to do with the policy of any of the organisations that I worked for nor did I hold a senior position.

I would like to explain my possession of the .303 cartridges. A long time ago, about 1936 I purchased a .303 rifle and 28 cartridges, rounds of ammunition, from a cousin of mine who was hard-up. I did not need it and I did not fire a shot from it. Subsequently I handed this rifle in when required to do
20 so by the Government but I forgot to include the cartridges. When I subsequently came across the cartridges I decided that I might as well keep them and I sealed them in a tin which I intended to bury. The Court has seen from the newspaper wrapping that this happened as long ago as 1940. I had in fact thought that I had buried this tin and was most surprised when the police showed it to me at the Grays shortly after my arrest.

I would also like to point out that although
30 I did type Exhibit "K" I certainly did not draft it, it is beyond my capacity. I was given a draft letter

to/...

to copy from.

I am 51 years of age. I was born and bred in Johannesburg the eldest of five children. I left school for bread and butter reasons, shortly after I turned 15. My father died a year later and I had to help my mother for many years in the struggle to bring up the family. As a result I did not marry until I was 28 years of age. I have seven children aged from 11 to 22.

My being in Court can be attributed to my devotion to my large and lovely family and my concern for their future. I believe that their fate is tied up with that of the white population of South Africa and that the economic stability of the whites will be guaranteed and even improved if a substantial improvement in the earning capacity of the non-whites were brought about. But people can only improve their lot if they can have a direct say in the selection of their Government - and this I believe is the crux of the problem in South Africa. I believe that withholding democratic rights from the masses is equivalent to withholding food and I would say that the vote is the staff of life. I believe that the achievement of universal suffrage will not only result in economic progress and racial harmony in this country but it is the only way in which the survival of the whites may be ensured. I have tried to play my part in the struggle for racial harmony in this country.

Shortly after my arrest and detention the police tried to persuade me to become a State witness, they said I was but a small cog in the whole machine. Although the temptation to be free once more with my devoted family was great I decided that I could not betray my friends nor the principles which I believe in.

STATEMENT by : S.R. MAHARAJ (Acc. No. 5).

My Lord although I have been found guilty I actually had very little to do with sabotage. I acted as a messenger, made my house available for the activities of the members of the Umkonto and bought various items at the behest of other persons. It is true that I did other political work in opposition to the Government but this had nothing to do with sabotage.

When I was arrested a pistol was found in my home. This pistol had nothing to do with Umkonto
10 activities. I live in a rough area, Doornfontein, and I have a pistol for personal protection. Many other people, black and white in Doornfontein also have pistols.

I am 30 years of age and studied at the University of Natal and the London School of Economics. I grew up in a little town in northern Natal where I matriculated at the age of 17. My father is a cripple and even while at school I had to work in a quarry in order to earn money for school fees and books. I entered the University in order to study law. In order to do this I worked
20 during the day earning £10 per month and had to live and study on this minute amount. I first obtained a B.A. degree at the University of Natal and thereafter I began my LL.B degree but after I had completed the first year LL.B the law faculty was closed to non-whites and I was refused a permit to study either at the University of Cape Town or Witwatersrand I therefore was compelled to go to Britain in 1957 to continue my studies and subsequently I read for an LL.B degree at the London School of Economics as a part time student.

30 After Sharpville I felt that I had to return ultimately to South Africa to play my role in the liberation of my people. Even while I contemplated my return

to/...

to South Africa, I witnessed from afar the banning of the organisations of the non-white people. I watched the Government steadily and ceaselessly close the doors to a peaceful transition in my country. I was dismayed by the unyielding attitude of the Government, I was angered by injustice, by the banning of the organisations, the arrests, the banishment of our leaders and the granite wall attitude of the Government.

10 Eventually I returned to South Africa dedicated and determined to assist in the struggle for the liberation of my people. I returned to South Africa where the struggle for our liberation had to be conducted illegally because there were no lawful avenues open in the struggle for our liberation, in this struggle I felt that at last I was doing something.

We in South Africa are fighting for an end to apartheid, for the liberation of the non-white people, and we seek a South Africa where black and white can live in freedom and equality.

20 I, My Lord, am a reasonably well educated person, I am eager to work to earn a living to study in my spare time and be a law abiding citizen, yet in the country of my birth the universities are closed to me, I have no vote, I cannot go where I like or buy property where I like. There is no way of protest open to me other than sabotage. Whatever punishment your Lordship metes out to me cannot convince me that I have acted wrongly. I cannot see how morally it can be wrong to fight for ones freedom and the freedom of ones people.

30 Mr. Kentridge : M'Lord I have no evidence to lead, and, unless my learned friend wishes to say something first, I would like to address your Lord hip on the question of sentence.

Mr. Masters : I have nothing to say.

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