

PREPARATORY EXAMINATION.

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF JOHANNESBURG
HELD IN JOHANNESBURG.

IN DIE MAGISTRAATSHOF VIR DIE AFDELING VAN JOHANNESBURG GE-
HOU TE JOHANNESBURG.

BEFORE MR.: F.C.A. WESSELS.
VOOR MNR.:

REGINA VERSUS: FARRID ADAMS AND OTHERS.
KONINGIN TEEN:

CHARGE: HIGH TREASON.
AANKLAG:

FOR THE CROWN: MR. J.C. VAN NIEKERK.
VIR DIE KROON: MR. LIEBENBERG.

FOR THE DEFENCE: MR. V.C. BERRANGE
VIR DIE VERDEDIGING: MR. COAKER.
MR. WEINBERG.
MR. ROSENBERG Q.Æ.
MR. MAISELS Q.C.
MR. ZWARENSTEIN.

INTERPRETER:

TOLK:

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going to Russia. R. Resha: We have not come here to fight the Africans, but Malan, and other Boers and the
(papegaaie.) Anyone who want me can get me. The Boers are arresting us for passes, and the Boers are raping our wives. Don't you think that only a person who has been bought by the police can fight his own people. Why should somebody fight for Congress, instead that he should fight the Boer. There is only one thing, Africa. That is a thing which is fighting against the Union. The Boers are controlled by one man. We should also be controlled by one man, Chief Luthuli. When we take the Government there will be no N.A.Department, and all the Europeans who will like to live here will live with no passes. I want the youth to come forward. You will see that the Boers who are driving the pick-ups are young Boers. This will only happen when we, the youth, come forward. Won't it be good, my mothers and fathers, when the blood of the youth of African people is spilling for a good cause. Next week the League will have a youth meeting, where we will tell you what to do. You should remember that the leaders of Congress, that even the Government is afraid of them. There is one thing which should be in our minds, it is that we do not move from the Western Areas. That is the end of the speech of this person, Resha. Now, the Chairman's comments. "At this stage we are going to introduce the leaders of Congress, from the platform. I am going to ask the President of the Transvaal to introduce them." Then E.P. Moretsele came forward to the platform. "I am glad to be able to introduce the leaders of Congress. It is also good to teach the children about Congress. We want to be as other nations. Let us always take a note of the presence of the police....." I am just trying to make out something I will jump over; I can't make out what I wrote there. "Resha has spoken a very important

words. It is clear that the Boer want to destroy this organisation, the A.N.C. You should be members of the A.N.C. Dr. Njongwe was introduced at this stage. Dr. Njongwe will be the first speaker. The leader in the Cape are going to give you meet second Sisulu. They are talking about him over the world. Malan and Verwoerd were surprised wanting to know how he left the country."-- This is Moretsele speaking. "The Secretary-General who.....

BY MR. BERRANGE: Could I ask the witness to repeat what he said about "leader in the Cape."

EXAMINATION BY P.P. CONTD.:

Just repeat that ?-- That is the introduction, that is Sisulu; he was the second person to be introduced. "Sisulu. They are talking about him over the world. Malan and Verwoerd were surprised wanting to know how he left the country. This is the Secretary-General who was imprisoned at Boksburg for defying the unjust laws, and the riots for freedom. He said today that the earning of the African people should be reduced. You should I come to the third speaker. The third introduction, this is Tambo.

BY MR. BERRANGE: Could I know what was the last thing said, before the witness said he came to the third speaker?

BY THE COURT: Yes, I think you broke off a sentence there; can you decipher what you wrote there. ?-- He said today the earning of the African people should be reduced.

BY MR. BERRANGE: I am afraid I am finding it completely impossible to understand the witness.

BY THE COURT: Well, I can hear the witness, I can hear no difficulty.

BY THE P.P.: May I interrupt. I would like the witness to read again from where he stopped. "This is the man that was imprisoned at Boskburg for defying the unjust laws"

EXAMINATION BY P.P. (MR. LIEBENBERG) CONTD.:

?--- There is a word I skipped; that is why the sentence is incomplete. I skipped "Schoeman."

Well, read over from there, please

BY MR. BERRANGE: Could I ask Your Worship to tell the witness it is not his duty to skip anything. It is his duty if he can't make it out to intimate to the Court that he can't make it out, instead of taking it upon himself to skip;

BY THE COURT: You understand, if you are skipping anything you should indicate that. Read as far as you can, and if a word is not clear, then tell the Court that you can't make out a word and go on from there. But don't leave out the whole sentence.

EXAMINATION BY P.P. (CONTD.):

?--- "This is the man who was imprisoned at Boksburg for defying the unjust laws and fighting for his freedom. Schoeman said today that the earning of the African people should be reduced. You should join Congress." Now the introduction of the third person, Tambo. This is a member of the national executive. The people who represent a million people of Africa. Malan was elected by a few, a minority only." The fourth person introduced is F. Morris. "This is the secretary of the Transvaal African National Congress. " That is the end of the introduction. Now, the Chairman. "Ladies and Gentlemen, you have heard who are these people. Newly joined Congress, I want to say listen to this, to the leaders, because, not to this because he has no stove and this one has a stove. There were people who were members of the Communist party. Today they are fighting the Communists and Congress. This is not fair." Now, we come to the fourth speaker, that is Sisulu. "Mr. Chairman, Dr. Njongwe and my lords. My last meeting here in Newclare was when I told the Boer that the red bull, Mr. Marx, was now breaking the law. The Boers were

thrown into confusion. The Prime Minister and the police should take lessons from us, the educated people. You see, my people, the white man wrote and said that the A.N.C. can teach the Nationalists and the United Party that the A.N.C. has a better understanding. In India things have been taken from the British. Nehru is now ruling and in China the Government is in the hands of the Chinese people. In Indo-China the people are being freed from the French. The British at Geneva admitted that China has a better man and that they are going to make friends with the Chinese Government. This was a set-back for the American policy. Overseas nations want all the people of the world to be free. You have a wonderful friend in the outside world. When we talk about freedom we know that we are going to get freedom. In Kenya, people are fighting for their freedom. They are being shot down. The Africans will get their freedom, even if the white man likes it or not, but we are going to get our freedom. We should guide the Boer in the farms. Even if they want it or not, but we should guide them. When we say that the Western Areas are not moving, we know what we are saying. You who have elected us you should listen to us. There is no order without leadership. Resha said he wants the youth to come forward. I was very glad about that, because I have seen the work of the youth overseas. You have the regional committee here which you are compelled to listen to its decisions. In this year 1954, there is a black cloud which we don't know where it is going to. The national executive made a decision about the removals of the Western Areas; it is against the removal. Yesterday, the national executive met. That is why Chief Luthuli is here. It is why Dr. Njongwe is here. There are laws which are confusing the African people, laws like the Education compelling Africans to take his child to the farm. They want to rob the Africans their money, saying that the

Africans should pay higher taxes for African Education. Who is paying for the white man's education. The Africans are paying. The time has arrived " ... There is another word I can't make out "The Africans are going to rule. Please help us with one thing. Give us your ears, help us by listening to your leaders. Help by having unity, unity which has never been seen before. We are busy day and night discussing as to how to carry out this policy. Churches should be closed. When this is discussed I know that at New Brighton no Mayor or policeman who can do anything without thinking first about Congress. I have seen wonders in the Cape. I was asked "What are you doing in the Transvaal?" Dr. Njongwe came to my help by saying we are busy here. Luthuli asked me to tell you that he is with you and he has appealed to all the Africans. Things are coming right. The Law Society tried to have Mr. Mandela struck off the rolls, but failed. The removal is very bad. You are not alone in your fight. The Executive is working with you. When you have decided to carry out this decision. Even the peoples in Natal are with you. This is not the time to play but to work hard. Verwoerd should be told that he is not going to treat us in the land of our birth. Tell also Swart that he must banish Verwoerd to Holland first. We are not going to Meadowlands." That is the end of this speaker. Now the Chairman: "Ladies and Gentlemen, we know that the trams should be here. Europeans said within three days the African people will be riding the trams. Again I am now going to give you Dr. Njongwe to address. "In the Cape it makes no difference how highly educated a man, he is compelled to go through the Xosa custom." That is the chairman speaking. " I want money from you to pay the lorry and the leaflets. The money which was left over can go to the Transvaal A.N.C. Its office has been broken open, a typewriter

stolen from the office. I am going to give you two speakers who are leaders in Congress." Now the sixth speaker is Dr. Njongwe. He said "Freedom in our time; we are not going. Chairman and my lords. I am glad to be hear. In the first place I want to tell you that the people of the Cape say wherever you go to, they are with you. They will also go and follow you. "

Will you omit the speech of Dr. Njongwe and proceed with the next one ?-- The sixth speaker is Tambo.

Was he introduced by the Chairman or not ?-- He has already been introduced. The chairman's comments, just before Tambo commences his speech Must I read that?

Yes, Tambo's speech ?-- "My people and the leadership: I did not hear when the leader was addressing you, saying, are we going or not. Are you going. Malan says you must go. Some others say with their mouths that they don't go, and yet they are prepared to go. Tell me this, when a dog is chased by another dog, as soon as it gets near its place, then it becomes a different dog. Even a youngster when he is chased by other youngsters he runs towards home; when he gets near home he fights. When we say we don't want the passes and other bad laws, what we mean . We told Schoeman that we don't want his Labour Law. We don't even earn what we should earn. I have already said that even a coward run towards home when he gets near home he fights. Now, these places are a home. Where must we run to. Must we run away from our homes. Sometimes happens when you are sitting in your home you hear a dog bark inside the house. You then chase the dog to bark outside. The (papegai?) must also be chased outside. The congress has made decisions. The time for Freedom has come. Those who are going to liberate Africa are not unborn children but the present leaders. No other organisation are going to free

Africans but this organisation. Before Congress there were meetings, made resolutions, then everything is ended, but today it is not so. Remember this when you say you don't move Verwoerd don't hear you. He is mad. I don't think that there is anything we can discuss with Verwoerd. When he came at Sophiatown it is going to be said, because in his mind the people in Sophiatown are rubbish. Africa is going to be free in our time. We don't say that someone must agree with us. When we say so, this is the open truth by so saying that we don't go. Perhaps we are just saying not meaning it. When we say what can the Government do with a united people. Beyond the very removal, what do we say about freedom. How are we going to get freedom. Verwoerd sees that he has been defeated. He thought that he is going to remove us at the end of this month. The reason that we have not freedom, it is because we have not seek after it. The day when we will stand and say "We want freedom" we will get it. Sisulu said that the national executive is very worried about the removal. It was discussed yesterday, this morning. It was discussed with Chief Luthuli. It is going to show where we are going to, to slavery or freedom, so the cowards the Meadowlands." This is the end of this speaker. Then there are further remarks by Njongwe. I will leave them out.

Will you continue ?--"You see, the people of Western Areas" this is Njongwe speaking "don't make the nation to mourn because of your cowardice. It is said when a soldier goes to war that you must not bring shame on us." The Chairman said "I am now going to give notice. I am sorry that the meeting was held in Newclare. I have placed the blame on the leaders of Newclare for having failed to organise the people the right way. Next Sunday, the meeting will be held at Sophiatown, and Wednesday the meeting will be held at Western Native

Township. You are invited. You the people don't read papers. In Indo-China where the French rule they have been defeated. We don't want that the non-Europeans must fight Europeans, but we are going to fight them because they oppress us. Some people say when we say that Africa must come back, what do we mean. Perhaps the very one who is saying is in gaol, or his son is in gaol. When we say Africa must come we mean this that we must get back our land, and that we should be the rulers. Resha told you that he did not sign any peace treaty as Napoleon or Germany." The meeting terminated 3.10 p.m.

At what time did the meeting start ?-- At 12 midday.

Can you identify these speakers, Resha, Moretsele, Sisulu ?-- I can.

Tambo ?-- I can.

Will you do so ?-- (Witness leaves box and identifies Robert Resha, Accused No. 63; E.P. Moretsele, Accused No. 46; O.R. Tambo, Accused No. 74, and Walter Sisulu, Accused No. 70.)

(No further questions.)

CROSS-EXAMINED BY MR. BERRANGE:

Where did you go to school ?-- I went to school in Natal.

Where ?-- Vryheid.

What standard of education did you receive ?-- Form 1.

Standard 6 ?-- Yes.

Did you have any other schooling ?-- Except private studies.

What sort of private studies ?-- Studying to improve yourself.

Well, tell me what studies you need to improve yourself; study to get into the police force ?-- No, not to get into the police force.

Well, what studies did you do to improve yourself ?-- To

improve yourself.

Who gave you these studies ?-- I read by myself.

What did you read ?-- A number of books.

Detective stories ?-- No.

Comics ?-- No.

Then do you mind telling me what these private studies are that you have been talking about ?-- It is to read books; what I mean by private studies, to read books, improve yourself.

Tell me, who is your favourite author ?-- I just read any book; Juta's university course.

One thing is clear, however, although you have endeavoured to improve yourself -- how long have you been in the police ?-- 28 years.

And when did you start endeavouring to improve yourself before or after you went into the police ?-- I've been trying to improve myself all these years.

Now, one thing is clear, however, that you haven't got a university education, have you ?-- No.

And you haven't got any university degrees, have you ?-- No.

And you haven't got any teaching degrees have you ?-- No.

And you know the Accused whom you have pointed out very well, don't you ?-- I do.

It is your job to know them ?-- That's correct.

It is your job to know all about them ?-- That's correct.

And you know for instance that Mr. Tambo has had a university education and has got a bachelor of science degree, is a qualified teacher and a qualified attorney ?-- I do.

And, of course, you know that Dr. Njongwe is a doctor of medicine ?-- That is correct.

Which is at least, at the very minimum, a six year's

university course ?-- That's correct.

Now, I would like you to take that speech, which my learned friend for the Crown asked you to omit, that is, Dr. Njongwe's speech, and just read it out to us ?-- I have it here.

Well, then, read it ?-- "Freedom in our time; we are not going. The Chairman and my lords, I am glad to be here. In the first place I want to tell you that the people of the Cape say wherever you are going, we are going.

Do you know what that means ?-- Yes, I do.

Tell me ?-- Dr. Njongwe meant this that the people of the Cape they say that when these people are going, they will go with them.

You mean the people of the Cape ?-- The people of the Cape will go with the people of Western areas.

They'll come up from Cape Town and they'll go to Meadowlands ?-- That I can't say.

Is that what you mean ?-- That's what he said.

That's what the qualified doctor said ?-- That is what the doctor said.

Of course, you couldn't be making a mistake, could you ?-- No, I wrote what he said.

I see. Go on ?-- "I am going to talk to you about many things. There is a danger when the people in trouble they " there is a word there I can't make out. "The people don't understand the organisation of which they belong to."

Repeat that whole sentence again ?-- "The people don't understand the organisation of which they belong to."

No, "There is a danger...." ?-- "There is a danger when the people in trouble " there's a word I can't make out, now. Then "They, the people, don't understand the organisation to which they belong."

What has the trouble got to do with the people not under-

standing the organisation ?--

BY THE COURT: I don't think Mr. Berrange he is asked to express his opinion about what was said.

BY MR. BERRANGE: I am asking him to explain.

BY THE COURT: He shouldn't be asked to explain anything. He should not be asked to explain what was said.

BY MR. BERRANGE: I am only asking him to try and tell us what he understood.

BY THE COURT: I'm not concerned with what the witness understood.....

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Well, I'll ask him a very simple question: Did you understand that ?-- I think it is outside my province to define assign a meaning or a motive for any word used.

That's a nice little speech. Now answer my question....

BY THE COURT: No, no, no; I'm not going to have this. I'm not concerned with what your expression of opinion is; it is not your function to give any expression of opinion as to what was said.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Did you understand what Dr. Njongwe was saying ?-- I did.

Did you understand what he was saying when he spoke about trouble ?-- I just wrote down what he said; I did not concern myself with what he actually meant.

Did you understand it is my question ?-- I did; that's why I wrote it down.

And that which you have written down you say you have understood ?-- I understood.

I see. And it is clear to you, is it ?-- I don't know in what sense you mean.

Is it clear to you what you've written down ?-- In what sense?

BY THE COURT: I think Mr. Berrange the witness has already explained that there is a word missing, so the sentence can't read any sense. Can't you accept that, please.

BY MR. BERRANGE: I didn't know that the witness said that it didn't make any sense.

BY THE COURT: After all, we can infer that this word is missing; the sentence then can't really make sense.

BY MR. BERRANGE: Sometimes there are a lot of words missing in this witness' notes, from which one can expect a certain amount of sense.

BY THE COURT: This sentence certainly can't read sense.

BY MR. BERRANGE: As long as Your Worship is satisfied about that.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.?--I think I can read the word now. It is 'because,' "the people don't understand....."

Read the whole sentence ?-- The whole sentence: "..to talk to you about many things. There is a danger when the people in trouble because they, the people, don't understand the organisation they belong to."

I see. So it now reads this way. "There is danger, the people in trouble because they don't understand the organisation to which they belong," is that it ?-- That is correct.

And those are the words used by our qualified doctor, according to you ?--

BY THE COURT: Did you get down every word that was said ?-- No. And to explain the whole position, in the notes, when I wrote down the notes, it is very impossible to write everything which the speakers say in longhand, and at the same time my hand is very bad.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Your what ?-- My handwriting is very bad. That's why

sometimes.....

BY THE COURT: You mean your handwriting is not clear?-- It is because I write quick. I got to write quick, but the next morning

Just one moment. Do you mean that your handwriting is not easy to decipher -- are you having on that account difficulty.....?-- To read my notes.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

The next morning, you were going to say?-- If I sit down I can read them all, what I couldn't read here; but if I sit down I'll be able to read everything. But the atmosphere here in Court is different to when you are sitting alone.

You feel a bit nervous in Court

BY THE COURT: What do you mean by that, the atmosphere in Court?-- The Court is a different place than a man when he is sitting alone; people are looking at you

You mean that the atmosphere is not so calm?-- Not so calm as when you are alone; that is my difficulty. Now, the next morning when I have to submit my report I write everything I have written here, and I still am fresh in my memory; even if a word I can't now decipher, but I still remember what was said, and I can still write it down. But it is two years ago when this thing happened.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

So you feel a little bit?-- And another thing I will explain is that its impossible -- some words, you only get a portion of the word. I put it down here, now it doesn't make a sense; it's only a portion of a word; I only wrote down what I heard.

Do I understand you to say that the atmosphere in Court is different from what it is in the calmness of your own home

is that what you're trying to say ?-- That's what I'm trying to say.

After 28 years in the Police you still feel a little nervous when you ?-- No, not actually nervous.

Anyway, what you have told His Worship is this, that you can't possibly get down everything that was said. ?-- That's correct.

And very often you don't hear what was said, you don't catch all the words ?-- What I don't hear, I don't put it down here.

I say, what you don't hear you don't put down ?-- Yes.

And very often words are said which you don't hear, you said that to His Worship a moment ago ?-- If I don't hear a word, I don't write it down.

And I say words are sometimes used which you don't hear and which you then do not write down ?-- That is correct.

And in fact, you will admit that in giving your evidence in chief you read your evidence very slowly and very haltingly with a great deal of difficulty ?-- That's correct.

I don't know whether His Worship has taken cognisance of the fact, but I timed you, and you took just under one hour to read out these speeches ?-- I didn't look at the time; it may be correct.

And in fact the meeting lasted 3 hours 10 minutes ?-- Correct.

When you make out your report, do you write in your report word for word what is contained in your notes, or do you embellish your report a little bit ?-- I will explain it this way; sometimes a meeting, there is what I call a cheap abuse.

BY THE COURT: No, you must answer the question.

BY MR. BERRANGE: You should be able to answer questions after 28 years in the Force.

BY THE COURT: Just one moment. I think the question is quite

simple. Do you when you write your reports copy word for word what you have in your notes, or do you add words ?-- I write what is in the report; I don't add anything.

Do you write it word for word like your notes ?-- Word for word, like my notes.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

You don't embellish or polish it at all ?-- No.

You have attended a great many meetings, have you not ?-- That is correct.

Would it run into three figures, hundreds ?-- I wouldn't be able to tell without consulting my notes or my pocket-book.

And this meeting took place 3 years ago ?-- About 2 years ago, 1954 -- two or three years ago.

Closer to three than two ?-- Yes.

And you had attended many meetings before that, and many meetings since then ?-- That's correct.

And the means that you utilised for the purpose of re-collecting the meeting, or every meeting, is by making your notes ?-- That is correct.

Without those notes, of course, you would find it impossible, having regard to the number of meetings that you have attended to be able to recall the meeting ?-- That is correct.

You would be unable to recall who the speakers were, except for one or two recent meetings, perhaps ?-- That's correct.

You would be unable to recall who the interpreters were and what was said without your notes ?-- That's correct.

Have you made any notes in regard to this meeting as to whether interpreters were used ?-- I didn't.

Have you made any notes in regard to this meeting as to what language was employed by the speakers ?-- I didn't.

Are you going to tell His Worship what you just said to

me a few moments ago that you will be able to tell His Worship what language was used by the speakers ?-- I think I will be able.

Despite the fact that you have told us that you've attended many meetings, and you could only remember these things if you have your notes ?-- That is correct.

And there is nothing in your notes ?-- There is nothing in my notes.

Well, did anybody speak English ?-- The native language was spoken, but it was also a few words in English here and there.

Did any speaker address the meeting in the English language -- you understand that question ?-- I do.

Right ?-- No.

What do you mean by "a few words in English here and there" -- give us an example ?-- A man addresses, maybe in Xosa, Sesuto and in the middle of his speech he speaks in English or he speaks in Afrikaans.

Well, give us an example of the sort of thing; would he use an English word or an English phrase ?-- He would use an English word; he may say that "we want our freedom," say it in the native language and say it in the English.

But otherwise the speeches themselves were delivered, you say -- no speeches were delivered in English ?-- That's correct

You're sure of that ?-- I'm sure of that.

Although you've got no note of it ?-- Yes, I do remember it.

Well, would you be surprised if I told you that Vundla in opening the meeting, spoke in English ?-- No, he spoke in Xosa.

Do you remember that they all spoke in Xosa ?-- Yes.

Not in any other language but Xosa ?-- Yes.

Not in Sesuto ?-- The interpreter used Sesuto.

Not Mpedi ?-- No. The people who were addressing these meetings were Xosas, speaking Xosa people;

Mr. Moretsele didn't speak Mpedi ?-- Mr. Moretsele spoke in his language.

And what was that ?-- That's Mpedi.

Why did you tell His Worship a moment ago that not a single speaker spoke in other but Xosa ?-- I said the majority of the speakers

You said nothing of the sort. You never used the word "majority." ?-- First of all, I said they spoke in native languages

I know perfectly well what you said; you said that every speaker spoke in Xosa -- do you deny having said that. If you do so, I'll drop the matter. ?-- I did not have Moretsele in my mind when I said that. I had in my mind Njongwe, Sisulu and Tambo.

I see, now do you mind answering my question.....

COURT ADJOURNS:

BY THE P.P. (MR. LIEBENBERG) : Your Worship, I was asked to give an explanation to the Court about an incident that happened the other day, when one of the Europeans took out his handkerchief -- Your Worship will remember the incident which I referred to, and I mentioned the name of Mr. Forman by mistake. I corrected it afterwards by saying that it was the gentleman, the European sitting next to Robert Resha. He was then identified as Dr. Press, and I would just like to correct that. I understand there is some uncertainty about it.

BY THE COURT: Well, apparently it was a genuine mistake made by the Prosecutor, and if there is likely to be any prejudice as far as Mr. Forman is concerned, I think the mistake ought to

explanation which he has given the Court, and I hope that his correction will receive as much publicity as the error did.

ISAAC SHARP. still under oath:

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

The question I was asking you just before we adjourned, a very simple question, do you deny that in evidence you said that all the witnesses spoke in Xosa ?-- I don't deny.

You don't ?-- But I say when I said this I did not have Mr. Moretsele in my mind. I had in mind Resha, Vundla, Sisulu and Tambo, and Dr. Njongwe. They spoke in Xosa.

Those weren't all the speakers, were they ?-- No.

Do you remember giving evidence the other day about another meeting ?-- I do.

What language did those speakers speak ?-- They spoke in English and Xosa.

All of them ?-- Some of them spoke in Sesuto, probably.

Do you know who spoke in which ?-- It would be difficult for me at this stage to tell.

Why ?-- I haven't made a note of it.

That is exactly my point. Coming back to the meeting to which you are presently testifying, were interpreters used for the witnesses who spoke in Xosa ?-- Yes, there was an interpreter used.

Is that in your notes ?-- No, I didn't put it in my notes.

But you can remember that ?-- I do.

You can't remember, of course, what the position was with regard to the meeting about this question, about which you gave evidence a few days ago; it wasn't in your notes ?-- I do; the interpreters were used there too.

And into what language were the Xosa speakers interpreted

at this particular meeting ?-- If a speaker is a Xosa they interpret into Sesuto.

Look, please don't answer my question with a generality. In this particular meeting, to what language was the Xosa interpreted, at this particular meeting ?-- Into Sesuto.

Have you got a note of that ?-- I didn't.

Any interpretation into English ?-- I don't remember.

Now, the notes that you made, were they made from the Xosa language, or from the interpretation into Sesuto ?-- The speakers speaking Xosa I made my notes from Xosa.

So in other words, the notes you've made, are the notes of the words actually used by the speakers ?-- That is correct.

Mr. Tambo, he is also an educated man, is he not ?-- That's correct.

That's the one I was dealing with; we have dealt with him already, with his qualifications. And you used his exact words because he was speaking Xosa, and you were not relying upon the interpreter but you took his exact words, you've told us ?-- That's the exact words, translated it into English.

So we have to rely upon your translation ?-- That is correct.

Do you speak Xosa ?-- I do.

And you write Xosa ?-- I do.

But you took it upon yourself to translate this ?-- Yes.

And, just to give you one little example, to give you some of the things that are in your notes, and which you read out: Tambo is alleged to have used these words: "The reason that we have not freedom is because we have not seek after it." Are you suggesting those were his exact words. ?-- These are his exact words.

Or is that your translation ?-- The exact words

Those are the exact words which this educated man used ?-- Yes.

"The reason we have not freedom is because we have not seek after it" ?-- Yes.

And Dr. Njongwe, according to you, used these words: "You see, you people of Western areas, don't make a nation to mourn because of your cowardice." Those are his exact words ?-- That is his exact words.

That's the doctor speaking now ?-- Yes.

BY THE COURT: In what language did Dr. Njongwe speak ?-- He spoke in Xosa.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

This, you will agree, is very ungrammatical ?-- I won't.

You think it is grammatical; both the sentences I read out to you -- you think are grammatical ?-- Yes.

Well, that, of course, accounts for your notes. And to say "The reason we have not freedom because we have not seek after it" you say is grammatical, to you ?-- Yes, that's the words used.

Its grammatical, is my question ?-- Yes.

To you ?-- Yes.

Those are the words that you would use in translating -- you wouldn't see anything wrong in that grammar ?-- No.

That's despite your years of improvement ?-- That's correct.

Were you the only detective present at this meeting ?-- No, there was another man with me.

Where were you in the crowd ?-- I was standing in the crowd.

In the middle of the crowd ?-- Not in the middle, the edge of the crowd.

On the outside perimeter of the crowd ?-- Yes.

And the other man with you, where was he ?-- I don't know.

Was he also sent along to report this meeting ?-- Not to report, but to stand there, to make a general observation.

General observation ?-- Yes.

To make notes ?-- If necessary.

Who was he ?-- Native detective Gladwell Xnai.

Did you see his notes at any time ?-- No.

Just two more things I want to refer to, about this grammarians. Resha spoke, and according to your notes he says "All the Europeans who like to leave here, will leave without passes." ?-- That is correct.

There's no mistake about that ?-- No mistake about it.

He didn't perhaps say "All the Europeans who like to live here will live without passes." ?-- I noted what he said. I wouldn't put something which he did not say.

Just answer my question: He didn't perhaps say that all the Europeans who like to live here will live without passes ?-- No.

They will "leave" without passes ?-- No.

Is that it -- they will "leave without passes" not "live without passes" ?--

BY THE COURT: What is the word that you used, is it "live" or "leave." ?-- Leaves ... l - i - v - e - s. (Witness spells)

That means to go away ?-- No, to live here; what he actually meant is that the white man will live in this land without passes.

You mean they'll live here ?-- Yes. Not leave, l-e-a-v-e-.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Now, may I see those notes of yours ?-- Yes. (Exh.G.14 handed to Mr. Berrange.)

This document that you have passed up, called page 41, with a list of names on it -- as far as I can see they are mainly accused -- and you have written on it: "The portion of these notes are with the notes of meeting of 16/5/54." What's

that about ?-- The other side of the page concerns other meetings. That's why I had to write these on this page in order to remain with the notes.

Just say that again very slowly for my edification, will you ?-- On the other side of the page

Which page ?-- The page where these names appear, I had written something which does not concern this meeting.

I don't see anything on this side of the page at all ?-- No, not this, this is another page. It doesn't belong to the notebook; it's another page which was attached after making copy of the other page with the other notes.

BY THE COURT: You mean you transcribed these names from another page to this one ?-- Yes.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

For what purpose ?--

BY THE COURT: He said they are notes which do not refer to this meeting ?-- It appears on the same page.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Is there anything on this which concerns this meeting ?-- The names concern this meeting. The names concern the people who attended this meeting.

What are the numbers ?-- What numbers?

In front of the names ?-- I don't know; I didn't look at the numbers.

What are they there fore; it is in your handwriting ?-- Unless you give it to me, I won't be able to tell what it is.

Don't you know what is written here ?-- I can't remember all those names there.

I'm not asking you to remember the names; I'm asking you to remember what are the numbers in front of the names for ?-- The numbers in front of the names is the number of people who attended. It is 1, 2, 3. If you look at that you will find that

it starts from 1, 2, 3.

It starts from 6, 7, 8 ?-- Well, if you give it to me I may be able to explain.

Don't you know what's written here ?-- It's impossible for me to know what is written on that paper.

You know that there are certain names and numbers in front of them ?-- No.

You have just mentioned that they have numbers 1, 2, 3 ?-- Now, you say that the numbers appeared in front of the name?

Yes ?-- I say the numbers I put there it is 1, 2, 3, which means the first person, the second and the third and the fourth person.

Now, after that long explanation, have a look at it ?-- These are the numbers of the people who attended that meeting.

BY THE COURT: What do you mean by the numbers ?-- I begin with the first one; I say No. 1, No. 2, No. 3, No. 4, No. 5.

The order in which the people spoke ?-- No. The people who attended that meeting that were known to me. Now, these are the numbers; you can see there Robert Tunsi is No. 6.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Why is he No. 6 ?-- Well, I say it is No. 6; he was No. 6 of the persons as I wrote them down.

As you wrote them down where

BY THE COURT: I don't think you appreciate; he says these are the names and the numbers he allotted to the person whom he knew that attended the meeting.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Which meeting ?-- The meeting concerned.

This meeting ?-- Well, I don't know where you take this page.

You handed it to me, that's where I took it from ?--

BY THE P.P. (MR. LIEBENBERG): I am sorry to interrupt; may the witness have all his notes relating to this meeting then he can explain this difficulty. (Notes handed to witness.)

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

?-- I can't seem to find page 41 here.

Well, I haven't got it anyway.

BY THE COURT: Is that your explanation then, that these are the names of persons that you knew, and who attended the meeting, and you gave each one a number ?-- Yes.

Attended this meeting ?-- Yes. (Notes handed back to Mr. Berrange.)

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

What was the date of this meeting ?-- The date of this meeting to the best of my memory is 9/5/54.

Now, I will read you what is on the notes that you say are the names of the persons who attended this meeting: This is what you have written here: "The portion of these notes are with the notes of meeting of 16/5/54." What's that got to do with it ?-- I have already explained the position, with the notebook, I write on this side of the paper, and when I go to the next meeting I continue on the other side of the page; that's why now one page concerns two meetings. The other page, the original page, dealt with the other notes, so in order to get the names which appear on the other side of the page, I've got to make that copy, so that these notes remain with these notes, with the names.

So that you say that all the people whose names appear here on this page 41 are people who attended this particular meeting on 9/5/54 ?-- I think so.

Well, have a look, don't say you think so; you made the note; I didn't make it; you explain it ?-- Page 41, where these notes were taken from, I don't find it among those.

I'm asking you a simple question; are you saying that the names that appear on that page 41 are the names of persons who attended this meeting on 9/5/54 -- are they or are they not?-- You see I can't find page 41; it is impossible for me to tell that. There may have been a mix of this with that notes, and these people did not attend that meeting.

Now, you say they did not attend that meeting?-- I don't say that. I say there may be a mix.

Well, I'm still asking you a very simple question. You have twice told His Worship that the names appearing on that document in your hand, page 41, are the names of the persons that attended this particular meeting on 9/5/54?-- Correct.

And you're now saying that you are not sure?-- I'm saying I'm not sure; page 41, where it continues; I don't see them on my notes. This is continued from page 41; it is only page 40; page 41 is not there.

You know, all you've got to say is you're sure or you're not sure; that is all I'm asking you?-- It's impossible.

You're not sure?-- It's impossible because these maybe concern other meetings; there may be a mix-up in the notes.

I see; why start with No. 6?-- That's why I say if I get page 41 I'll be able to tell. There may be No. 1, No. 2.

I just want to see how really sure you are until you are really questioned about the matter. Now, one of the things that Dr. Njongwe is alleged to have said, according to your notes, is that the leaders in the Cape are going to give you meat?-- No, that was the introduction. The person who introduced, that's Moretsele, he said the leaders of the Cape are going to give you meat.

Did you understand that?-- I don't. I just wrote it down as it came from the speaker.

With soup or without soup?-- I can't tell.

BY THE COURT: Mr. Berrange, I think that is really unnecessary. We all appreciate

BY MR. BERRANGE: It was meant to be for Your Worship's edification because I understand there was some fuss about it.

BY THE COURT: You must refrain from making unnecessary remarks. It can only evoke laughter, and it is unseemly. If it is intended to do that, then I must ask you to refrain. After all, we have to do with a witness here who doesn't profess to be an educated man; there is no need to make fun over what he is saying in a language that he is using.....

BY MR. BERRANGE: I wasn't endeavouring to make any sort of fun whatsoever.

BY THE COURT: The words couldn't be the very words that were used by the speakers who you say are educated people and whom the witness admits are educated people. That is obvious to me, and I think you should take it in that spirit.

BY MR. BERRANGE: May I address Your Worship.

BY THE COURT: Yes.

BY MR. BERRANGE: I wasn't in the slightest bit interested in making fun of the witness

BY THE COURT: It has that effect, you know.

BY MR. BERRANGE: I wasn't in the slightest bit interested in getting any of the public to laugh. Occasionally during the hearing of proceedings of this trial one does indulge in what might be a rather feeble bit of witticism. I understood that in my absence whilst I was engaged elsewhere, that some mirth was provoked by a poster that was presented to this Court -- I may be mistaken -- speaking with soup with meat or without meat. My only object in making that comment was not to make anybody laugh, other than my colleagues, and perhaps Your Worship. I thought it would be accepted in that way.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Now, may we have your report that you drew up from these notes -- who has possession of it?-- Counsel for the Defence. (Exh. G.15.) That is my report.

Do you want to read it?-- Yes.

Did you or did you not tell His Worship in answer to me before the tea break that your report follows word for word that which is contained in your notes -- did you say that or did you not?-- I did.

Was that true?-- It is correct.

That it follows word for word your notes?-- Correct.

You neither added to it, nor did you polish it, nor did you embellish it?-- No.

Well, I'm going to read the first opening sentence of your report -- I haven't got time to go right through it now, I shall do so in due course; and with Your Worship's permission I might ask the witness to stand down until I am given the opportunity. But just to start off with: The Chairman, Mr. Vundla said in his opening remarks: Ladies and Gentlemen: Our loudspeaker is not in order and this meeting has been called by the African National Congress under the auspices of the Newclare Branch." Now I'll read you your notes: "Ladies and Gentlemen: Our loudspeaker is not in order; this meeting has been called by the A.N.C. Newclare Branch." Did you add in the words "under the auspices of the Newclare Branch."?-- The word "auspices" in Xosa it fits in with the words "is called by the African National Congress.

I'm not interested.

BY THE COURT: It is quite obvious that you added in the word auspices?-- I did.

In your report?-- I did.

That was despite your denial that you added when you were?-- I wouldn't take "the auspices" as an addition.

It was just to elaborate

But that is the point that counsel made, that you elaborated on your notes, and you denied that ?-- Not on the auspices; I didn't mean the auspices. You see, one speaking Xosa, there is no word in Xosa to say auspices

You mean you didn't change the meaning of what was said ?-- I didn't change the meaning of what was said. There is no word in Xosa for "auspices."

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Then why did you put it in your report ?-- It is to make the report grammatical.

To polish it ?-- Not actually polish it.

To embellish it ?-- No, I wouldn't agree to that.

Why did you say to His Worship in answer to me that you have made out your report word for word with that which appears in your notes; that was not true, was it ?-- Your Worship.....

Was that true, is my question ?-- It was not true as far as the word "auspices"

No, and I'll show you a half-a-dozen other instances in which it is not true -- do you still say that your report is word for word with what is contained in your notes -- do you still say that or do you not ?-- I still say that.

Well, I'll take you through the next sentence. You haven't changed any words; used one word in the report and used another word having the same meaning in the notes -- you didn't do that at all ?-- No.

All right, I'll take your next sentence. This is your report: "I can assure you that this meeting will be one of important meetings..." I can't make out your note whether it is "assure" or "say." "Dr. Njongwe and Dr. Conco and the Secretary-General things which are going to be discussed." Did you leave any words out there ?-- I don't

I'll read it to you. You said you wanted to make this grammatical. Dr. Njongwe, Dr. Conco and the Secretary-General Transvaal things which are going to be discussed are matters affecting the non-Europeans." Is there any word left out there ?-- I think I've got the word in there.

You've got what ?-- I've written that into my report.

Very well, I shall ask Your Worship's permission to be given some opportunity of going through this report; I don't want to do it on my feet; I shall do it in due course if Your Worship will allow the witness to stand down.

P.P.: NO OBJECTION:

(Witness stands down.)

MOTSEKI MASELELE, duly sworn. (Interp. Ebenezer Mzwai)

EXAMINED BY P.P. (MR. LIEBENBERG)

Did you give evidence here previously ?-- I did.

On 9/5/54 did you attend a meeting at No. 2 Square, Alexandra Township, Johannesburg ?-- I did.

By what organisation was this meeting arranged ?-- African National Congress.

Did you make notes of the speeches delivered at this meeting at the time ?-- I did.

Did you make these notes in this notebook ?-- Yes.

Is this your notebook (Exh. G.16.) ?-- Yes.

Will you refresh your memory from those notes, and say at what time this meeting commenced, and what time it closed ?-- 11.30 a.m. to 2.15 p.m.

Who was the Chairman ?-- Mazunye.

Will you tell the Court what was said at this meeting by every speaker ?-- Mazunya said: "We meet here although we are so few; we have started late, but still, something must be done must be said. African National Congress stands for the freedom of the African people who have been thrown outside by the white

people after the Boer War. The Congress wishes to free the people from oppression. Just as the church preached to the people about the freedom of the Christians after death. The Church leaders tell our people that they will get freedom after death, in Heaven. They say this just to keep us in oppression. General Smuts said sometime ago to his people if you unite you will be able to rule this country for another 300 years. So the white people have brought the churches to come to deceive us. They did that in 1936, during the Abyssinian war. The Ethiopian ministers failed. So the Italian Government used gas, between their wars and the Abyssinians. The white church ministers came from Europe to come and deceive us in order that while we pray the white people must continue ruling. And remember that we will rule after death. The Congress policy says that we must all eat the wealth of this free country. The whites in South Africa forget all about us during peace, but as soon as there is war, they tell us to join and fight and defend our country. After our people have been fighting and they did win the war, the white people tell us that we have no say, ^{but} instead they arrest us every day. Wherever there is a European who wishes to sympathise with the Africans, they send him away. Today we have Dr. Verwoerd who pushes the Africans from there to there. in South Africa, the people are not allowed to build houses of their own choice. An African is denied every right. Our trade unions are refused entry into the European trade Unions. The Africans are told that they are children. Malan condemns the British Government for giving the Gold Coast self-government. Malan objected the giving of arms to Africans. The African police are armed with sticks, but the Europeans are given guns. This shows that the life of an African is cheap. When a European has killed an African he is fined £5 only. "The speech of the chairman

ends there. The next speaker is Michael Motsele. "The soldiers must always be ready for anything that may happen. The life of every African is in danger. You have heard of leaders of the trade unions who met at Cape Town. All leaders represented all sections of the people. They intended to meet Schoeman. Our African leaders were chased outside, and only Indians and coloured representatives, were allowed to enter. This shows that the white people wish to influence adversely between us and the Indians and coloureds. The apartheid policy is just to define the Africans, Indians and coloureds, but that policy will never break us. The coloureds and Indians will always tell us what has happened, what has been said, by Europeans. There are some other Africans who wish to back Europeans and who say "baas" wherever they are. The war in Indo-China will make the end of imperialist government. If they call us to and help we must tell our people to refuse to go and help the Americans. We must tell them that those people are our friends because they fight to achieve freedom, in their own lands. When Korean war was fighting the Congress did not support the attackers of Korea. In Kenya the English are killing our people and call them the Mau Mau. And the South African Government wanted to go and help the British. The Germans fought with the English, but today they eat together. One member told the parliament that one of the pangas of Kenya were found in one of the South African locations. They say this only to win the confidence of the Nationalists. We of the African National Congress are determined to fight for the truth. We call you to come and join the Congress and unite. The white carry Bible on one end, under the pulpit there is a gun. Jeremiah, Verse. 15, says "Our God, why have you forgotten us when our land is taken by foreigners, and water is bought with money." He was crying, by so saying.

Our girls are pregnant by foreigners. Our people here in South Africa have passes in their pockets forever. The foreigners who came here without anything have all riches of our land. Christians will tell the people that God hates oppression, but we of African National Congress say if he becomes a true Christian we will baptise him in the name of African National Congress. We will continue to preach the Gospel of Freedom as long as the Government is still doing this thing. Malan resigned to preach Christianity because he was not the true Christian. We will rule this country no matter whether the white likes or not. I call upon you to unite. Forget about saying Zulu, Xosa, Sesuto, I want to tell you the church ministers live by eating Africans money in the name of Christ. The Afrikaner made the Dutch Reformed after the Battle of the Blood River. All Africans who are members of the Dutch Reformed Church are killing their children. The time has come that the Africans must build their own churches and pray to Thaka, Moshesh and others. Why we are so oppressed it is because we are helping the whites to oppress us. The warriors must sacrifice just like Esther who freed a country. Be ready, because your blood and sweat will flow and the tree of freedom will grow and all those things will be the manure. The tree of freedom has been watered from 1950, May Day. The oppressors shot these people only to frighten you not to come to meetings like this one." The speech of Motsele ends there. Peter Selepe: "I will tell you of Afrika, since you know that Afrika is our country of birth. The police come here because they realise the dangers. The white people of South Africa are oppressed also because if you oppress someone you oppress yourself. Because they should not be here, they should be with their wives at this time. The people of Afrika have been oppressed

since 1652. That's really a long period to oppress someone. Today you can forget of western civilisation, because it is the western possessor. From today African children of 16 years must register their names for a reference book. We are nothing but in atomic age. Forget anything which is said by Europeans. That is why they call us "boys," and "girls". Nobody knows why Jan Van Riebeeck came and where he came from. The Government is determined to give our children Bantu Education. I visited the Pass Office, and I saw miserable things. People are moved to the farms working for farmers, for nothing. 2 million people rule 8 million people; so you can see how dangerous it is. We are forced to elect white men to represent us in the Parliament, who support Malan's policy. We have Why should we elect a woman, Mrs. Ballinger, if they did not co-operate with the Government they should have long been kicked out. Sam Kahn and Carneson were kicked because they represented us truly. Ray Alexander was kicked out. You are so cowards that you are deceived by the word of God. I say as the time goes on we will rule the whites. I do not say 300 years, or 500 years to come. They brought confusion among Africans, that is why we do not unite. The white man is not suitable for South Africa. Even the climate does not suit his **skin**. Are we to allow the white man to exploit us. Why should we particularly receive Bantu Education. A different education from other countries. There is no other home in Heaven. The Indians were oppressed but they struggled to free themselves. The Gold Coast got their freedom. Why should we allow the whites to exploit us. Moses refused the golds offered by Pharoah. We must form a united struggle to crush the white imperialists. We must unite and fight the enemy. During the war they came to you, they did not care about your standard of education. They knew that you were useful. You read of Korea.

Indo-China. They do not know what will happen tomorrow. The imperialist government must be driven out of Indo-China. We will do the same here. If we are united the enemy will not penetrate our ranks. The Africans murder each other because of the white man. In Alexandra our natives are not allowed to look for work in Johannesburg. So an African will try and rob you in order to get money for living. We live 100 in one room, through the white man. When we look for a place they say the place belongs to Mr. So-and-so. From whom did he buy that land. When he came here 300 years ago. I worked with the Afrikaners during the war. I know how coward they are. They are the people who deceive us. I know how they used to run away from the German soldiers. I will fight the Nationalist Government till the last day of my life. I wish to warn you not to listen to them, because I hear that there is war somewhere. If they come to me, to go and help I can rather go to gaol. We have no freedom of choice of work, of assembly. We will rule in this country during our lifetime, before Malan dies." That is the end of the speech of Selepe. I am going to proceed to read the speech of one Koalepe. "You have heard all what has been said by the last speaker. May people wish to understand what this freedom is, which the Congress speak about every day. When we want freedom we mean this. We have sons and daughters. If you come across two boys holding a girl you do nothing, because you are afraid, but if a European comes across the same Europeans will go and ask the boy, and ask them what they are doing. So today we must do the same. The Christians must report things like this. If they fail to do so, where is Christianity. The churches has manufactured oppression in South Africa. The Bible has two parts, the Old and the New Testament. God says if one kills another he must also be killed. There is no Christianity, but we are oppressed. Why can't the

Christians go to the Government and tell the Government and ask to kill anyone who kills. The Bible is good but the system of Christianity bad. Our children at school carry passes. When the children did not go to the pass office to stamp their passes they are arrested. The children^{of}/thirteen years are refused to go to school. Where is Christianity now. Our children in the secondary schools have been told that the parents can apply for bursaries, but money will be refunded. That is a threat, because if we come out they will have to teach the Bantu Education. The children who refuse the bursaries will not get employment. If God" I can't read this" "The white man does not trust the African." The speech ends there. Another speech will be one of Bernard Molewa. "We speak here about oppression. Whenever a human being is born there will be difficulties in front of him. Some of those difficulties are brought to this poor person by another person. Jealousy is blamed when nations fight nations. Everybody knows that our leaders come from other countries. That was through jealousy. When the white people came here our people had spears. They fought the white people but they were beaten because they had not enough weapons. We of today face dangerous weapons than our forefathers, such as machine-guns. The weapon that can shoot us all as we stand here at one time. But still we stand here and ask for freedom. There are more dangerous weapons invented by the Americans. Atomic bomb, H. bomb. I would like to know why the Europeans made such dangerous weapons which will kill all the people and also kill themselves. We were taught in school about Johannesburg before we saw it, but today that education is taken away from our children. Our children will be taught how to plough, be taught how to pray. The land all belongs to them. The Government have intended to abolish our trade union which was helping us.

Is that civilisation which denies us every right. If the Europeans wish to live with us they should have given us our rights. The oppressors will not go away from any country, they can rather die for that country. History tells us that. We look in Indonesia. The French will not leave but can rather die. Yesterday the Indonesians have taken one big valley which the French have been holding and many French people were killed. In Kenya the same thing happens, where the English are killing the Kenya people. Malan makes Seretse to be exiled, but after that he wants the Protectorates, the country of Seretse. Why does he want those countries. Verwoerd says after 40 years the Africans will be 19 million and the Europeans will be 6 million. He is afraid. He says land will be provided and the Africans will have their own teachers, doctors. Where will those come from? From Bantu Education? He wants the Protectorates so that they can extend their oppression. They object Gold Coast being given self-rule, so they do not like to see another Gold Coast. We must unite and fight for our freedom." His speech ends there. That is all.

Do you know this person Peter Selepe who addressed this meeting?-- I do.

Will you identify him?-- Yes. (Witness leaves box and identifies Accused No. 66, Peter Selepe.)

(No further questions)

CROSS-EXAMINED BY MR. BERRANGE:

May we have your notes please?-- Yes. (Handed to counsel)

I take it there is nothing in your notes to indicate whether any interpreters were used?-- There were interpreters used, but I did not have that written down.

And is there anything in your notes to indicate what language was spoken by the speakers?-- No.

Have you any idea how many meetings you are going to testify to during the course of these proceedings -- you have testified to several already ?-- Many.

Are you able without any notes to remember in regard to each particular meeting the language that was used by the different speakers ?-- No.

That being so you can't tell us in what language Motsele spoke. ?-- No.

Nor Selepe ?-- From looking at my notes in that pocket book I take it he was speaking English. Further, in most meetings he is a man that speaks English; never spoken Sesuto.

You say at most meetings he speaks English ?-- The meetings that I have attended.

Most meetings ?-- Yes.

Most does not mean all ?-- No, but many.

It does not mean all ?-- Yes.

Therefore there must have been some meetings at which he did not speak in English ?-- That can happen.

And did happen, according to what you say ?-- If I remember I do not remember any meeting which I attended where Selepe spoke in Sesuto.

Does he speak at all meetings that you attended in English, or at most meetings in English ?-- Most meetings where I have been present he has spoken in English, and I do not know whether there was any meeting which I attended when he may have spoken in Sesuto. That could happen.

Then why do you say most meetings he spoke in English; why most meetings -- why not all meetings. ?-- I would not deny that he has never addressed a meeting in Sesuto, but most meetings that I have attended he has spoken in English.

We are getting the same answer every time; you are not answering my question ?-- Then I do not know how to answer it.

I don't suppose you do.

BY THE COURT: I think your last question rather was ambiguous. The question was why at most meetings and not all the meetings.

BY MR. BERRANGE: No, why did he use the words "most meetings" instead of "all the meetings" that he attended.

BY THE COURT: He explained that he did speak English at some meetings; he wouldn't deny that he did speak English at some meetings at which he attended.

BY MR. BERRANGE: That is why I put the question to him, why did he not say at all meetings, as far as he can remember, English was spoken; a simple point.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Did you make a report ?-- I did.

When ?-- If a meeting is held on a Sunday we generally write out the report the following day, that is on Monday.

Can you remember when you made this report is my question ?-- I do not remember, but I must have made it the next day.

In compiling this report did you make an exact copy of your notes, or did you change or omit or add any words. ?-- It does happen on many occasions when you take notes, when you write out your report from you notes, you find out that there are mistakes and you rectify them.

In your report ?-- That is correct.

(Notes handed in Exh. G.17.)

(No further questions.)

MR. COAKER: NO QUESTIONS

MR. SLOVO: NO QUESTIONS

NO RE-EXAMINATION:

ISAAC SHARP, duly sworn. (On meeting 9/5/54.)

CROSS-EXAMINATION BY MR. BERRANGE:

May I say immediately that on a perusal and comparison

of notes kept by this witness and the report put in by him, so far as I can see there are no vital alterations or corrections as between the two, with the exception of the one that I drew attention to this morning.

You told us this morning that you are a Xosa linguist ?-- I didn't say I'm a Xosa linguist. I understand Xosa, and I can write it.

All right, I'll accept the correction. Do you understand it well ?-- I can help myself to the best of my ability.

Are there words in the language which you don't understand ?-- Words perhaps if you use in private when a man addresses a meeting he uses a common word so that everybody must hear.

Why don't you answer my question; I never asked you what a man said when he addressed a meeting; I never spoke about a meeting ?-- I'm explaining to the Court.

BY THE COURT: I think I understand his statement which is probably a good answer, that is that the words used at this meeting where the common people have to understand; he would understand too, but in private conversation he might not understand. ?-- The same as in English. A man may be well educated but there are words he may not understand in English.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

So at meetings only common words are used ?-- That's correct.

No-one ever uses more difficult words at meetings ?-- That's correct.

That's not done at meetings ?-- Yes.

Do you know what the word "mpenbelelo" means ?-- This is a word now which is just given to the counsel to catch me; it's not a word

No, I just want to see what your attitude is.

BY THE COURT: You must not argue; your suspicions are probably well founded, but you must not argue with Counsel ?-- I will say to the Court I don't know what is the meaning of that word.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Why do you say it has been given to me, just been given to me ?-- I have been asked outside do I understand Xosa. I say yes.

I see. You've been talking outside ?-- Well, somebody asked me if I understand Xosa.

And why did that make you say that I had just been given this word to catch you ?-- Because I know you don't know the meaning of that word yourself. Somebody has given that word to you.

I never professed to understand or speak Xosa; you did ?-- I said I understand Xosa, the common.....

BY THE COURT: Yes, you needn't repeat it.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

We heard you the first time. You see, what I find peculiar about it is this; you don't know what this word means; I'm told it means "auspices", and yet in furnishing your report you incorporate the word "auspices" in English -- is that what you did ?-- I have said to the Court this morning they have never used it, but in Xosa, I said the meeting is called by the African National Congress; that word is incorporated in that word "auspices." I can use that word it conveys the same meaning as the man who says

BY THE COURT: Yes, but what would the word be in Xosa that is used for auspices ?-- I don't know.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Then why use it ?-- I don't know.

BY THE COURT: Where did you get the word "auspices" from ?--

It is when a man says that this meeting is called by this organisation that word is included, as far as I'm concerned; I can put it in English, "the auspices of the African National Congress" or the auspices of this organisation.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

But why ?-- We don't use the words; you can ask anybody.

BY THE COURT: You say the word "mpenbelelo" is not used ?-- It is not used in any of these meetings.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Then why do you incorporate it -- you see, you can't have it both ways.

BY THE COURT: He has explained that, Mr. Berrange; he says that when it says that a meeting is called by such and such an organisation, he uses the word "auspices," instead of "being called by".

BY MR. BERRANGE: My question is why did he incorporate that in his report and not in his notes;

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

?-- When I draw a report, it is when I am putting a full report for the information of my superior officers. I add that word "auspices."

Why ?-- Not meaning anything.

Why ?-- Because the man who called the meeting he said that the meeting was called by the African National Congress; well, that word, I take it that it means the auspices of the African National Congress.

It is quite unnecessary, isn't it ?-- No, I don't think it is unnecessary.

Would it be correct to say that he used the word "auspices" ?-- No, I wouldn't say I'd not admit it. I haven't told the Court that the word "auspices" was used.

Oh, yes, you did; you say that in your report ?-- No, I said to the Court when you cross-examined me that the "auspices"

comes under the word "called by this organisation."

Why do you find it necessary to add this word when your report would have been quite sensible without it ?-- It doesn't make any difference.

I'm not asking you to tell me whether it makes any difference; I want to know why you find it necessary to add this word, when your report would make sense without it ?-- I think I have explained, to say the meeting is called by this organisation; it means the same as "auspices."

Would your report have made sense without using the word "auspices." ?-- It would.

Would it have been accurate without using that word ?-- It would be accurate.

Would it have been what the speaker said without using that word ?-- Well, it doesn't make no difference; even if I omit the word

Don't tell me whether it makes any difference; answer my question ?-- It doesn't.

Doesn't what ?-- Doesn't make any difference.

So you added this word, although you told us this morning that the word was never used, correct ?-- The word was never used as you put it to me now.

And you also said this morning that in fact there is no such word in Xosa ?-- I didn't say so.

Do you deny it ?-- I deny it.

You deny that you said this morning in your evidence that there is no such word in Xosa ?-- No. I said

That's all I want to know, whether you deny it ?-- I deny it.

The record will speak for itself.

(No further questions)

MR. COAKER: NO QUESTIONS:

MR. SLOVO: NO QUESTIONS:

RE-EXAMINATION BY P.P.: (MR. LIEBENBERG)

You were being cross-examined about certain names that appeared on the last page of your notes ?-- Yes.

And then there was some mention of page 41, that was absent ?-- That's correct.

If page 41, is shown to you now, do you think you'll be able to make out the order in which these names appear ?-- If 41 is given to me and the names which appear there are connected with page 41, I'll be able to

I want to give you the notes which relate to a meeting which was held on 16/5/54, with the first page marked: Page 41, and your notes of the meeting of 9/5/54. Is that the page 41 that you were referring to this morning ?-- This is the page 41 I was referring to.

That is from your notes of 16/5/54 ?-- Yes.

Did you find that after you had recorded speeches that were made on 9/5/54 and 16/5/54 that one page of your notes was referring to two meetings ?-- That's correct.

And what did you do ?-- I then made a copy.

Will you be more specific; what did you transcribe ?-- The names

The names appearing where ?-- What confuses me is this; I don't know the name which Mr. Berrange put to me, starting with No. 6. Do they refer to this meeting, or do they refer to another meeting. There may be a mix-up at the office with the notes.

You want to have a look at the other notes ?-- Yes, please.

Are you looking also at the notes relating to the meeting of 9th May -- will you give the Exhibit No., please ?-- They are mixed up here -- these are the 9th May.

Now compare those with the notes of the 16th May -- Exh. G.14 . ? -- I am not clear yet. There is page 40 and 41 here.

It may be that the other notes are also marked up to 40 or 41.

Which other notes ?-- The other notes, the portion of other notes I have made, referring to some other meetings.

Not these two meetings ?-- Yes. Here is it, I've got page 41, and they carry up to 6; 1, 2, 3, 4, 5, is not here. Now I don't know where it comes from.

I still don't follow you; were all those pages in one book from page 1 to 41, or further on ?-- They were in one book, one page.

Yes, now I want to find out from you up to what page did you write down the notes of the meeting of the 9th May -- what is the last page in your book referring to the 9th May ?-- The last page is 40.

Do your notes relating to the meeting of 16/5/54 start on page 41 ?-- They start from page 41 to page 68.

Do they start from the top of page 41, or in the middle, half-way down ?-- They are half-way on page 41.

And what else appears on page 41 ?-- At the bottom of page 41 is the

Yes, I know, part of page 41 refers to the meeting of the 16th May, the second half ?-- Yes.

What does the first half refer to ?-- It is a different meeting altogether. Also names appear there, that is 6, Robert Tunzi, up to No. 24.

Your attention was directed to some remark or note that you had made on your notes of 9/5/54 to the effect that certain information was contained in notes referring to the 16th May ?-- Yes.

What is that note about; will you read it please ?-- The portion of these notes are with the notes of meeting of 16/5/54.

Is that notes of yours now made on the notes of the 9th May ?-- It would appear so.

I want to know where are the names, the first five names referring to the meeting of 9th May ?-- I cannot tell.

Are they not in those notes ?-- I don't see it here. No, here are they -- I've got them here, on page 67.

Your attention was directed to certain names that you had written down in respect of persons who attended a meeting of 9th May ?-- Yes.

And as I understand you now you have indicated that portion of your notes relating to the 9th May appears on page 41 ?-- That is correct.

Which also contains notes of a meeting of 16th May ?-- That is correct.

I want to know where or is the portion which precedes the top of page 41 ?-- I don't know, I wouldn't be able to tell. What actually happened was this; I was asked when it was found that on one page two meetings appears, information or report which concerns two meetings. I was then asked

Yes, I understand that. What appears at the bottom of page 40 ?-- Page 40: People seen.

Will you read it please ?-- Gilbert Matsege (No. 1,) No. 2 J.R. Bathebe, 3 A. Moleti, 4 Joseph Molefe, 5 John Ngana.

And where is No. 6 ?-- No. 6 is Robert Tunzi.

And is that on page 41 ?-- That's on page 41.

Well, that is all I asked you ?-- I can now read the names appearing here are the names concerning this meeting of the 9th May 1954. (Notes of 16/5/54 handed in as G.18.)
(No further questions)

GERHARDUS ARNOLDUS HATTINGH, duly sworn. (Inter.Mr. P.J.Fourie)
(Relating to meeting of A.N.C. at Sophiatown on 2/5/54.)

CROSS-EXAMINED BY MR. BERRANGE:

You will, of course, I take it, readily acknowledge that in recording notes at meetings, or at any time for that matter, it is possible for you to mishear what was said and to make a mistake in words ?-- I don't think so.

You don't think it is possible ever to make a mistake in the use of a word, or what you understood the word to mean ?-- Except when the speakers pronounces it differently, or badly, and I write it down incorrectly. If the speaker doesn't pronounce the word properly then I would write it down wrongly.

Yes, because it is quite a big undertaking to try and record as much as is possible at meetings ?-- It depends on the circumstances.

Do you write in short- or longhand ?-- Longhand.

But there was a shorthand-writer there as well, was there not ?-- I don't know whether there was one.

You won't deny that a shorthand-writer came just before Kathrada spoke ?-- . I have no knowledge of a shorthand-writer.

But would you deny it, that a shorthand-writer arrived just before Kathrada spoke ?-- I've already told you that I do not know anything about a shorthand-writer.

I know you've said that; I heard you the first time, but does that mean that it is possible that one may have arrived without your knowledge, or does that answer mean that you deny that one arrived ?-- I have no knowledge of this

Please, Mr. Hattingh, answer my question .

BY THE COURT: I think it is obvious. The answer to that question is so obvious. If you have no knowledge of it -- unless you can say that it is not possible without your knowledge ?-- I don't know whether there was one or not.

But then do I understand it is possible that a shorthand-writer did arrive and that you had no knowledge of that ?--

I have got no knowledge of a shorthand-writer there.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

What is the difficulty; both His Worship and I are trying to get an answer to this question. We've heard you say at least four times that you have no knowledge; I only want to know whether when you say that you have no knowledge of that does that mean that you deny that one arrived or does that mean that it is possible that one arrived without your knowledge; that is all I want to find out; it is very simple?-- I won't deny that there was one.

We could have got that answer long ago. Do you know what the meaning of the word "satellites" is?-- It means the subordinate or dependant states.

It doesn't necessarily mean "states" does it?-- No, it means the subordinate states.

On page 6 of your report, in reporting Robert Resha, appear these words: "We have met many a time on this square and what we are doing actually, we are digging a grave for the Malan Government and the socialists." What I am instructed by Resha as having been said by him is "that we are digging a grave for the Malan Government and the satellites," -- his satellites. ?-- If I have written down socialists, it would be socialists.

And you seriously want to suggest to this Court that speakers at meetings such as this are attacking the socialists?-- I don't want the Court to believe anything. I am just writing down whatever is said by the speakers.

Mr. Hattingh you have attended hundreds of meetings of this and similar organisations?-- Many.

Have you at any meeting that you have ever attended of this nature held by these organisations ever made an attack made on socialists or on socialism?-- I wouldn't be able to

remember that out of memory. I had to check up on my notes.

You have no recollection of it ever having been done without checking up on your notes?-- Not by memory.

Does it make sense to you -- to you -- to say that we are digging a grave for the Malan Government and the socialists?-- That is what the speaker has said, and I wrote it down like that.

Please answer my question; does it make sense to you -- you are an expert on these political matters?-- (Reply not interpreted: Ek maak nie aanstaat daarop dat ek deskundige is nie.)

Let's say you've got a great deal of experience?--
BY THE COURT: I shouldn't -- Mr. Berrange, perhaps you are transgressing again -- like to have this witness's opinion. He doesn't profess to be an expert on political matters. And I don't think it really matters what he thinks about the sense of those words.

BY MR. BERRANGE: With submission -- and I think this is a matter that should be submitted to your Worship at this stage -- with this witness, and with other witnesses who have been for many years on the Special Branch engaged in the duties in which we know they are engaged, and those are primarily keeping observation on the organisations which have been mentioned in these proceedings. It is my intention -- of course, subject to Your Worship's ruling -- to question these witnesses in regard to the general theories and ideologies which are alleged to have been expressed by speakers or persons who are representing such organisations, or who are purporting to represent such organisations. In other words, may I put it shortly in this way: The question doesn't arise immediately; but it might well arise at some stage or another in which I will ask one or other of these witnesses: Have you any idea what ideology is

followed by this, that or the other organisation, and I don't think, Sir, with submission, that to ask such a question is asking a witness for his opinion. It would be asking him to testify to facts of which he has knowledge as a result of his having heard with his own ears over a period of time the expressions of ideology so uttered by various speakers of these organisations. And that is why, so far as this witness is concerned.....

BY THE COURT: I doubt it very much, Mr. Berrange, whether the expression of the witness's views as to any ideologies expressed by any of the speakers at any of these organisations would be admissable evidence. One would have an expert as to

BY MR. BERRANGE: Sir, that would really mean, if Your Worship

BY THE COURT: The person may take down a speech without understanding intelligently what is being said.

BY MR. BERRANGE: Oh yes. And that is why I would never address any such question to anybody other than a person who has been engaged in this sort of work for a long time, and therefore has a certain measure of experience in it.

BY THE COURT: Yes, I only want you to avoid getting the witnesses to express their views about these things said at a meeting.

BY MR. BERRANGE: May I just put it to Your Worship on this basis. If I was to ask this witness, having established the ground, first of all, that he has attended a number of meetings; he has had a great deal of experience; he has listened to speakers from these organisations; if I were to ask this witness: Would you agree, for instance, that the African National Congress, is very anti-Fascist, surely Your Worship wouldn't rule that that would be a question which is not admissable.

BY THE COURT: It wouldn't help the Court one whit to come to a conclusion. The Court would still have to examine the facts

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