

IN THE SUPREME COURT OF SOUTH AFRICA.  
(TRANSVAAL PROVINCIAL DIVISION)

BEFORE: The Honourable Mr. Justice BOSHOFF.

In the matter of:

THE STATE vs. ABRAM FISCHER.

For the State: Mr. LIEBENBERG and with him  
Mr. OOSTHUIZEN.

For Defence: Mr. KENTRIDGE and with him  
Mr. BIZOS and  
Mr. CHASKELSON.

23rd MARCH 1966.

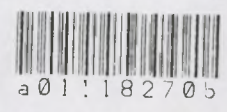
- RECORD OF PROCEEDINGS -

MR. LIEBENBERG HANDS IN THE ATTORNEY-GENERAL'S AUTHORITY  
IN TERMS OF SECTION 21(3) of Act 76 of 1962 which authorises  
a charge of SABOTAGE against the Accused.

THE CHARGE IS PUT TO THE ACCUSED. who PLEADS NOT GUILTY.

MR. LIEBENBERG SETS OUT THE EVIDENCE THAT THE STATE WILL  
ADDUCE.

MR. LIEBENBERG: I ought to mention that my learned friends  
are prepared to make certain admissions in the case, but I  
think for reasons of convenience I shall deal with those /10  
admissions at a later stage, so if I may proceed to call  
the first witness for the State who is Bartholomew Hlapane.  
My lord, I call him with knowledge, in terms of Section 254,  
that he has been an accomplice in the commission of several  
of these offences. Your lordship would be pleased to  
warn him..rather, your lordship would explain his rights to  
him, he has no option, really, but to give evidence.





BARTHOLOMEW MORU HLAPANE, s.s.

BY THE COURT:

The learned Prosecutor has indicated that he is of opinion that you are an accomplice in this case. Now in terms of the provisions of the law, you are compelled to answer any question, even if the reply would tend to incriminate you. If you fully answer to the satisfaction of the Court all such lawful questions put to you, you shall be discharged from all liability to prosecution, for such offence, and the Court shall cause such discharge to /10 be entered on the record of the proceedings. Do you follow that?---WITNESS: I do follow my lord.

I should also tell you that it is a further provision of the law that no such evidence given by you in this Court may be used by the prosecution against you in a prosecution on this charge. Do you follow that?---I do follow my lord.

MR. LIEBENBERG informs the Court that the witness is prepared to speak English, but that if he has any difficulty, an interpreter is available. The witness indicates that /20 that is so.

EXAMINATION BY MR. LIEBENBERG:

Now Hlapane you are at present detained in terms of Section 215(bis) as a material witness?--That is so my lord.

And were you a member of the South African Communist Party?--That is correct.

When did you become a member?---In 1955.

And at whose instigation? --Joe Slovo.

And where were you placed at first?---In a /30 cell in African areas.



In a cell?--Of the Communist Party.

And over what period did you remain a cell member?--I was in a cell from 1955 up to 1959.

And what happened after that?--I was then placed in an area committee in African areas.

And how long did you remain on the area committee?--From 1959 to 1961.

And where did you go after 1961?---I was then placed in a district committee.

Can you just explain briefly to his lordship /10 what is the position of the area committee in relation to the groups?---It is a committee that supervises over the work of the groups.

And the district committee,---It supervises over the work of the area committee.

And you say you were placed in the district committee?--That is correct.

And were you working for the Party on a part-time or a full-time basis?--I was on a full-time basis. /20

When did you become a full-time employee of the party?---That is the same time when I was placed on the district Committee.

In 1961?---1961.

And what were your functions as a full-time Party employee? --- I was an organiser of the district committee, taking charge of the area committees in African areas, also recruiting membership for the Party.

And were you paid a salary for this service? ---I was paid R70 a month.

And what about your transport?--Expenses were /30 paid for travelling. I was also provided with a car.



And who paid your salary?---Ben Turok.

And for how long were you a full-time Party employee?--I have been a full-time Party employee from 1961 up to 1963 when I was arrested.

You were arrested in what month?--In June 1963.

Now can you remember the members of the Party who sat with you on the District Committee?--Ben Turok, Esther Barsel, Bob Hepple, Andrew Kunene, Ahmed Kathrada, and Joe Slovo, myself.

And was there anybody higher than this District Committee in the Communist Party?---The Central Committee is higher than all. /10

Now what were the means of communication between the various committees of the Party?----The Central Committee had a representative in the District Committee, that is a full member of the Central Committee. The District Committee had a contact in the Area Committee, the Area Committee also had a contact amongst various cells.

Now do you know of a body called Umkonto We Sizwe?--I do my lord. /20

What was its function?--To commit acts of sabotage.

When did it come into existence?--In 1961.

And did you have anything to do with this body?--Not me in particular.

When did this body start to function? Commit its first acts?--The first acts of sabotage were committed on the 15th December 1961.

And was there any propaganda issued in connection with that event?--That is so my lord. /30



What was that?---The manifesto of the Umkonto We Sizwe.

Did you have anything to do with the distribution?--I had to pick it up from town and transport it to the townships.

At what place did you get the Manifesto, or the documents?--11 cooper Street, Cyrildene.

From which person? Who lived there?---Cyril Jones is the name.

And did you distribute these pamphlets?--I handed the pamphlets to another man who was responsible for distribution. /10

My lord I have had photostatic copies made of some of the exhibits for your lordship's use. I don't think it is possible to make possible..copies, of all the exhibits, but those that it was possible to make we have made.

(to the witness) I want you to look at A.F. 188 - I think you should look at the original - do you see that document?--Yes my lord. /20

Called the Manifesto of Umkonto We Sizwe, dated 6-12-1961?--That is right my lord.

Is that date correct?--The date is incorrect there my lord. The correct date is the 16th twelve, '61.

BY THE COURT: ( to Mr. Liebenberg)

You say 188?---188 my lord.

Well where is it described as a Manifesto?--- Perhaps the witness should explain to us.

EXAMINATION BY MR. LIEBENBERG (CONTINUED)

Why do you call this document the Manifesto? - /30



My lord, this was the first document announcing the birth of Umkonto We Sizwe, setting out its aims and objects. It was known in the circles of the Communist Party as the Manifesto of Umkonto We Sizwe.

And how did you learn of the first act that was committed?--I read in the papers.

Was it ever discussed at any meeting that you attended?---Not at the District, Area Committee.

Now did you ever rise to the highest body the Central Committee?--That is correct. /10

When?--In 1962, towards the end of 1962.

At whose instigation?---Either Joe Slovo, or Bob Heppel, I am not sure of the two, who told me.

at 2.

And where did you attend the first Central Committee meeting?---23 Empire Road, Parktown.

Can you remember on what date, or what month? ---I can't remember the exact date and the month, my lord, but it was about October, November.

196..?---1962.

And can you remember what was discussed at that meeting, or was it a conference?--It was a meeting. /20  
Some discussions took place about the setting up of a printing press, discussions on the reports from District Committees, and also propaganda, and other matters - I cannot remember clearly.

And what about the Umkonto We Sizwe and its activities?--It was not discussed at this particular meeting my lord.

And can you remember which persons were present at that Central Committee meeting?---Abram Fischer was /30 present.



Is that the accused?--That is the accused. Mike Harmel, Rusty Bernstein, Joe Slovo, Moses Kotane, Duma Nokwe, myself. I am not sure whether Walter Sisulu was present, my lord, but I think he was.

Now did you attend any central committee or any Party conference?---I attended after this meeting, the Party Conference.

In what month?--It could have been November or early December, I am not sure of the correct month.

And where was that conference held?--It was held in the Northern suburbs of Johannesburg. I do not know the place, my lord. /10

How did you travel there?--We travelled in a closed Kombi.

Who collected you, or took you there?----Kodesh.

And who acted as Chairman at that conference? ---J.B. Marks.

How long did the conference last?--Two days. Saturday and Sunday.

Can you give his lordship an idea of the persons who attended that conference?---Joe Slovo, Ruth Slovo, Mike Harmel, Rusty Bernstein, Hilda Bernstein, Bob Hepple, Fred Carneson, Moses Kotane, Dume Nokwe, Dan Glume, Walter Sisulu, Govan Mbeki, Ahmed Kathrada, Billy Nair, M.P. Naicker, Stephen Dhlamini, Joe Mathews, Mark Shope, two young men from P.E. and one young man from Cape Town, I did not know their names, and myself. /20

Where did Fred Carneson come from?--Cape Town.

And Billy Nair<sup>r</sup>, and M.P. Naicker and Stephen Dhlamini?---Durban. /13

And Govan Mbeki?--Port Elizabeth.



What was discussed at that conference?---The Party programme, and some other matters.

In what form was the Party programme at that stage?--It was in a printed form, roneod, a draft.

And what happened to the programme there?--It was adopted.

And was it then printed?--It was then printed.

Did you see the finished product, the printed programme?--I did my lord.

Will you look at A.F.196 - it is a draft /10 programme of the South African Communist Party?--That is right my lord.

Can you remember whether that was the one that you discussed at the conference?---This seems like the one we discussed at the Conference.

And then I want to show you EXHIBIT "M" In what form was the printed programme when you first saw it? --In a small booklet form.

Do you see this form? This is Exhibit "N" my lord. And was anything else discussed at that conference, 20 apart from the programme?---Joe Slovo suggested to the Conference that it is now time for Umkonto We Sizwe to step up activities, and therefore applied for permission that Umkonto We Sizwe should now get to the second phase of the campaign, which meant that it is now study on guerrilla warfare. The conference did not take a decision on the matter, but referred it to the Central Committee.

Why was that done?--It was felt that in order to embark on the second phase, a plan is needed and should be drawn up by the Central Committee.



Were any persons, members, given any specific task in regard to this preparation of this plan?--Joe Slovo was given the task of preparing a plan.

Now did you see any plan subsequently?--I did, my lord.

What was it called?---Operation Mayibuye.

Will you look at A.F. 187.---It is similar to the document we discussed in the Central Committee as Operation Mayebuye Plan.

Now where did you first see this plan, Operation Mayibuye?--In the Central Committee. /10

And who presented the plan?--Joe Slovo.

Was it then typed, in form, typed form?---In typed form my lord.

Was it discussed?--It was discussed and approved.

Can you remember which persons were present at that meeting where Operation Mayibuye was discussed?---Bram Fischer was present, Rusty Bernstein, Joe Slovo, Ruth Slovo, Walter Sisulu, Govan Mbeki, Bob Hepple, J.B. Marks, myself, and Raymond Mhlaba - I can't remember more. /20

And was any decision taken in regard to this plan called Operation Mayibuya?--It was adopted, my lord.

And was the machinery to put the plan into operation discussed?---The High Command was instructed through Joe Slovo to prepare for the operation.

Yes now will you give us some more details about the High Command?--The High Command was a body directing all the units of Umkonto We Sizwe, a higher body than all the groups of Umkonto We Sizwe, responsible to the Communist Party. /30

And who was the link between the High Command



and the Communist Party?---Joe Slovo.

Did you have any part, or occupy any position on the High Command? --- No my lord.

Do you know who the members of the High Command were?--I am not quite certain about them, I do know that Slovo was one, Walter Sisulu, Raymond Mhlaba, and Govan Mbeki.

So when roughly was this Operation Mayibuya first discussed?---It could have been end of April or early May, I am not quite sure of the month. /10

What year?---1963.

At that time the Umkonto We Sizwe body was already active?--That is correct my lord.

That is why it was decided to go on to the second phase?--The second phase.

Do you know whether anything was done to implement this plan?--In order to implement the Plan, it was felt that it is necessary to send representatives overseas to go and explain the plan fully, because people would not understand if letters were written there. It was then /20 decided that two members would be appointed to go and explain this plan, and also raise funds for the operation, and also appeal for arms and whatever assistance they could get abroad.

Which persons were assigned this task?---J.B. Marks and Joe Slovo.

And to which countries had they to go?--They were to go to African States, and to go to Russia and China. I don't know other countries, my lord.

Did they in fact leave?---They did go, my lord./30

Did they return?---To my knowledge they have



not returned until now.

Now did the accused have any specific task assigned to him by the Central Committee in regard to the work of Umkonto We Sizwe? having regard to this second plan, or second phase?--After the discussion on the Operation Mayibuya, the accused was instructed to make money available for the Operation.

Who was the Treasurer of the Party?--The accused is the Treasurer . He was also instructed to write to London to appeal for more funds. /10

Did the accused ever present reports about the finances of the Party?--Not at all.

Can you explain to the Court what procedure was followed in regard to the recruiting of personnel for the Umkonto activities?--I did not know how they went about it. Joe Slovo was responsible for the job, but insofar as the Communist Party members were concerned, whenever they joined Umkonto We Sizwe they were advised to stop attending meetings of the Communist Party, or to resign from the Communist Party. /20

Why was that?--It was felt that while members of the Communist Party were at the same time members of Umkonto We Sizwe, whenever they get into trouble, they would involve the Party.

For questions of security?--For security measures.

Now do you know whether any arrangements were made, either in South Africa, or outside the Republic, for the training of people?--Arrangements were made, my lord. China was prepared to accept a certain number of people to /30



be trained, the Soviet Union and other African States.

Do you know whether people left the Republic to undergo training?--I know that some people left for training to China and Moscow.

Did they come back?---Those who went to China came back, but I have not seen one of those who went to Moscow.

Now can you remember whether any acts of sabotage were ever mentioned, reported, at Central Committee meetings of the Party?--I do my lord. It was reported /10 by Joe Slovo, an attack on the offices of the Minister of Agriculture in Pretoria.

Of Agriculture?--That is right, my lord, also..

Can you remember when that attack took place, that act of sabotage was committed?--I think it could have been October/November, I am not sure of the date.

Of what year?--1962.

When did you attend your first Central Committee meeting?--It was in 1962, about October.

Now can you remember at which meeting Joe Slovo /20 made this report, at that same first meeting, or a subsequent meeting?---It was a meeting, I do not remember quite clearly whether it was the second, the first or the third meeting held at Rivonia.

And were there any other reports made to the Central Committee? --The Railway signal

At which place? --- Between Phomolong and Dube stations.

Any others?--I can't remember others my lord.

Is that on the South-~~eastern~~, the Soweto town- /30 ship?--Soweto Township, that is right.



Do you know anything about acts committed at Post Office..?--I do my lord.

Where?--Vrededorp Post Office, Pimville Post Office, Dube Post Office, Jabavu Post Office - there are many others, I can't remember.

Now were any of these reported, or discussed, at Central Committee meetings?---They were reported and discussed at the Central Committee meetings, but these acts I have just mentioned on the Post Offices were reported in 1964. /10

Now can you say at which places you attended Central Committee meetings?---At Lilliesleaf farm.

Is that at Rivonia?--Rivonia, and also at Twickenham Hall, Flat 82.

In Berea?--In Berea.

How many times did you attend meetings at Lilliesleaf Farm?--It could be five or six, I am not quite sure my lord.

And at 82 Twickenham?--It could be 4 or 5, I am not quite sure. /20

Now let us deal firstly with the Rivonia meetings. From when until when, over what period, did you attend meetings at Rivonia?---Shortly after the Conference, which was held in the Northern suburbs, I don't remember the exact date, up to 1963 in June when I was arrested.

Did you attend the meetings at Rivonia before Christmas 1962?--It is quite possible my lord.

Did the accused take any part, any prominent part, at those meetings?--He was the chairman of the meetings, whenever present. /30



And if he was not present?---J.B. Marks was the Chairman.

And when the accused presided at meetings, what part did he take in discussions?---He also made some contributions in the discussions.

And what was the general regard for him, by members of the Party?---Highly respected.

And did they listen to him?---Very well, sir.

Now during those meetings at Rivonia, were there ever discussions about the provision of finances, apart now from Operation Mayibuya?--There were such discussions my lord, on matters of finance. /10

Can you remember what the nature of the discussions was?---After the operation Mayibuya was adopted, it was felt that the High Command should have separate headquarters from the Headquarters of the Communist Party and the A.N.C. and a place was to be purchased, to be bought, for the purposes of this Headquarters. The accused was instructed by the Party to make funds available for the purpose. /20

Was such a place bought, as far as you know? ---As far as I know one place was bought.

By what name?--Trevallyn.

Did whom did Lilliesleaf Farm belong to?--- As far as I know it was the property of the Communist Party.

Do you know a person by the name of Arthur Goldreich?--I do.

Did he have anything to do with Rivonia, or shall I call it Lillieasleaf Farm rather?--As far as I am aware, he was looking after the property, he was staying there. /30



And was the land cultivated?--Yes it was.

For whose benefit?--So far as I am aware, for the benefit of the Party.

Did you ever visit this place called Trevallyn?

---No my lord.

Do you know a place called Mountain View?---I have been to the place one night. I am not sure where it is situated.

Yes but was that place ever discussed at Central Committee meetings?---Yes it was my lord. /10

In what connection?---As a more secret place, especially for people who come from other areas, who are visiting the Party here. and also to be used for members of the Party who went underground and decided to change their appearance, could be put there until they are ready to come out.

Do do you know a place called Riebeeck House?

--I do.

Where is that place?--It is in Bree Street, off Mooi Street. /20

Johannesburg?--- Johannesburg.

What was that place used for?-- It was the office of the secretary of the District Committee.

And were there persons at this office full-time or not?---Not to stay in the office to do the work there, but for the purposes of meeting.

Do you know a person by the name of Joe Matthews?

---I do.

What was his position in the Party? --I don't know what position he occupied. /30



1t 3. Was he a member of the Party?--He was a member of the Party and there used to be a mention about him in other matters.

Now did the accused ever make any report at the Central Committee meeting in regard to Joe Matthews?---He did my lord.

What was that?--That money was sent down to Basutoland to Joe Matthews.

From where?---From overseas, the sum of about R4 0,000, and that he has been struggling to get this money /10 from Joe Matthews, he had not succeeded until the day he reported.

Can you remember where the accused made that report, what place?---Twickenham Hall my lord.

So you say then in June 1963 you were arrested,? ---That is right.

And until when were you detained?--Up to December I think, 13th December 1963.

And the arrest of persons at Rivonia took place in July of 1963?--I was in then, I am not sure of /20 the exact date.

Anyhow you were released in December 1963?--- That is right.

Did you straight away resume your activities in the Party as Party organiser, or not?--No, I was then suspended for a period.

Until when?--Until April 1964.

Did you draw any salary during those months? --Not regularly, sometimes.

So you say in May 1964 you started again?--- /30 April 1964 I started.



How did that happen?--I was approached by a man called Mike Dinyaka who told me that I had been discussed by the District Committee to serve in the area committee of the African areas.

Did you accept?--I accepted and I did so.

When did you become elevated to the Central Committee again?--End of May 1964.

And did you then have any dealings with the accused?-- I did.

From when until when?--From..the first meeting/10 I attended end of May, up to the time I was arrested in September 1964.

When you were arrested in September 1964 were you detained again?--I was then detained under 90 days.

For how long?---For about 2 months.

So did you ever attend meetings with Mr. Byleveldt---I don't remember.

Where were you working at that time, were you in employment?--I was employed by Issie Heyman.

When did you start working for him?--I think /20 February 1964.

Oh after your first release?--That's right.

And until when did you work for him?---Until I was detained. And I think after my detention I worked for a month or so then I was dismissed from work.

Do you remember how it came about that you were employed by Issie Heyman?---It was through the arrangement by Esther Barsel to get me employed by Issie Heyman.

And did you have any direct dealings with /30 the accused?---When I was placed in the Central Committee



for the second time, I did have some direct dealings with the accused.

How did that take place?---Mac a certain Indian who used to convey other..either messages or whatever was needed from the African Arcas to me, particularly money from the accused, was then detained, and I had to deal with the accused direct.

So how did you do that? Did you go to the accused, or did you work through somebody else?--I used to go to him direct. We met as arranged at Twickenham Hall. /10

How were messages conveyed to you?--Issy Heyman would convey messages if the accused wanted to see me urgently.

Then you would go to 82 Twickenham?--Then I would go to 82.

Did you ever receive money from Issy Heyman?--I did receive some money from Issy Heyman.

When was that roughly?--I am not quite sure about what month, my lord, but it was after my second detention. /20

During May, September 1964?--That could be correct.

How much was it?--I think if I am not mistaken it was about £600.

Do you know where Issy Heyman got the money from?--He told me that he got the money from Piet Byleveldt, and that I should pass over this money to Mike Dinyaka.

Did he tell you that when he gave you the money, or afterwards?--When he gave me the money, he told me that it came from Piet Byleveldt, I must pass it over /30 to Mike Dinyaka.



What was the purpose of that money?---Mike Dinyaka was then in the District Committee in charge of the African Areas - I did not ask him for the purpose, I took it for granted that it is for the work of the organisation.

How much was it?--About R600.

And did you receive money from the accused?-- I did.

What was the first amount?---R4,900.

When did he give that to you?---It was after the arrest of Mac, I think at the end of July 1964. /10

And what was it to be used for?--It was to be used to pay people who were full-time functionaries, also for the work of Umkonto we Sizwe.

How did you distribute the amount?--I had to give to a man called Bri-Bri..

That is also Wilton Mkwayi?--Wilton Mkwayi, the amount of R1270 monthly.

What was his position then?--I knew that he was responsible for the work of the High Command. He was the man in charge. /20

You give him..?---R1270.

Pounds or Rand?--Rand.

I am speaking now out of the total amount of R4900?---It is out of that amount my lord, he was getting that monthly.

He was getting R1270 per month.--The R4900 was intended for two months.

And the balance?--R600 went to Tiny Nokwe. R400 to Mike Dinyaka. R1600 to myself.

Why? What did you have to use this R1600 for? /30  
-- Travelling expenses and emergency cases.



And did you have a car?--I had a car.

Bought by whom?---Bought by the Communist Party.

And how many times did you receive money from the accused?--I think that was the first and the last, because it was after Mac had been arrested. And that was intended for 2 months, and after that I was arrested also.

Did the accused say to you where he had got this money from?--He did not explain where he got the money /10 from my lord.

Do you know what happened to that farm, Lilliesleaf?--The accused told me at one stage that when they were in difficulties after Rivonia was raided, they did not have money, fortunately, he said, they were able to sell the farm and managed to get some little money to carry on while waiting for funds from London.

Did he say how much they had got out of the sale?--He did not say how much was the amount.

Did he get any money from Basutoland?---At one meeting he reported that he got about R8000 from Joe /20 Matthews.

Where was that meeting?---Twickenham Hall.

Now do you know whether the accused linked with Bri-Bri, Mkwayi?---I acted as a contact between Wilton Mkwayi and the accused. I did not know if the accused had a direct link with him.

During what months did you act as the contact? ---As from the end of May when I started working in the Central Committee.

1964?--1964.

/30

And did you ever convey messages to Mkwayi?



--I did my lord.

How many times?--I would say fortnightly, I don't know how many times.

What was the nature of the messages?---To get reports from him and find out what his difficulties are, and report back to the Central Committee.

Did Bri-Bri have any difficulties about explosives?--He had difficulties about the explosives, and I reported this to the Central Committee.

Yes?---And then the accused suggested that /10  
meanwhile Bri-Bri could carry on without explosives. He then made some suggestion that he could pull down the telephone wires by throwing a rope over them and then pull them down. He also tried to explain some other method he said he was not too sure, but he knows, somebody told him, that if he placed a wire across the railway line it could cause a short circuit, and the railway signals could not function, and then I reported this to Bri- Bri.

Do you know whether the accused ever saw Bri-Bri? ---He definitely saw him at Rivonia. /20

At Rivonia, but afterwards, when you were ...---That I am not sure of.

Yes but did you ever convey messages to Bri-Bri about a possible meeting?--I did my lord.

Yes?--At one time I was asked by the accused to arrange for the two of them to come together.

Was any meeting-place mentioned?--I went to arrange the place and time. I did arrange this with Bri-Bri to meet the accused at corner Jeppe and Rissik Street, but unfortunately I got arrested before I conveyed the /30  
message.



But had you informed the accused?---I informed the accused that I had made arrangements for that.

Why couldn't the accused communicate with Bri-Bri direct? Why had he to act through you?--- Bri-Bri was staying in the African areas, and the accused was staying in a suburb in town, and I think the difficulty was transport, because Bri-Bri was then underground, my lord.

You have already told us that some decision was taken by the Central Committee that a member of the Umkonto should not also be a member of the Central Committee?/10 ---Not particularly the Central Committee. That did not operate on the top level, it was merely for the lower organs, of the Communist Party.

- AT THIS STAGE THE COURT ADJOURNS FOR THE  
TEA INTERVAL -

ON RESUMING AT 11.30 a.m.

WITNESS still under oath:

EXAMINATION BY MR. LIEBENBERG (CONTINUED):

So can you explain to his lordship what the National Liberation Movement is?--The National Liberation /20 Movement is a body comprising of various organisations. The Communist Party is one, African National Congress, South African Indian Congress, Congress of Democrats, Coloured People's Organisation, and South African..S.A.C.T.U. trade Unions.

Congress of Trade Unions?--That is right.

Now was there any difference in the policy of the African National Congress and the Communist Party?

--I would say there was no difference my lord. It is a bit



difficult to explain this question. On high level members of the Communist Party, members of the African National Congress, met together, but as far as the rank and file is concerned, they knew that the A.N.C. was separate from the Communist Party.

Now did you know the members of the Executive Committee of the African National Congress?---Members of the African National Congress Executive were Moses Kotane, J.B. Marks, Dan Tloome, Walter Sisulu, Govan Mbeki, I don't know if I left one, I might have left one or two out. And /10 Duma Nokwe, of course.

And did they occupy any positions on the.. in the Communist Party?---Except Dan Tloome, all I have mentioned were also members of the Central Committee of the Communist Party.

Now sometimes documents were issued in the name of the Communist Party, sometimes in the name of the African National Congress. Now could you tell his lordship whether anything was done in regard to the police and the co-ordination of policy?---Matters of policy of A.N.C. were /20 first discussdd in a meeting of the Central Committee. If they were matters that were to be made known to the rank and file, that is matters of high importance, they first had to be discussed by the Communist Party, and then they could be sent down to the branches.

And could you say what part the Communist Party played in the whole Liberation Movement?---My lord I would say the Communist Party was the head of them all.

In what sense?---In that all matters of policy concerning other organisations had to be discussed by the /30 Communist Party . The Communist Party had representatives



in all other organisations.

Now what was the object of the Liberation Movement?--The object..

The broad object.--..was to achieve a democratic right for the African people, I think that was the main aim.

Based on what, on any document?---Well I do know that the Freedom Charter in fact is a document intended for the setting up of a democratic revolution, a national /10 democratic revolution which, when presented to the members of other organisations, gave an impression that people would be struggling for the setting up of a capitalist state, but I could go further and so insofar as the Communist Party was concerned, that was the beginning of the setting up of national Socialism. A/democratic revolution is a step towards Socialism.

Now can you say whether the National Liberation Movement also aimed at establishing Socialism, or was it content with the first stage, the National Democratisation Revolution?--All other organisations were content with the /20 setting up of the first stage of a National Democratic Revolution.

And the Communist Party?--The Communist Party was to go further.

And the A.N.C?--The A.N.C. rank and file did not know that. They only knew that it was the setting up of an organisation, a system, similar to the one they knew. But members of the A.N.C. in the Communist Party knew very well that this was a step towards Socialism.

Which members?---That is the Central Committee /30 and A.N.C. National.



Now did the Executive Committee of the AN.C. accept this policy of bringing about Socialism?--They did accept it my lord, so far as I am aware. They worked for it.

And was the Umkonto We Sizwe linked to any specific organisation?--It was linked to A.N.C., the Communist Party, but the Communist Party being the head of Umkonto we Sizwe.

Now who took over from Joe Slovo when he left the country, as the link between Umkonto and the Central Committee?---Raymond Mhlaba.

/10

And what happened to him?--He is in jail now.

Who took his place?---Well no-one in particular was appointed, but Bri-Bri continued.

Now you mentioned earlier that the accused made certain suggestions about methods to be used by Umkonto when explosives were not available.---That is correct.

Which methods did the accused mention?--He mentioned that the telephone wires could be pulled down, the railway signals could be put out of action. The accused also did mention, but this was in Rivonia, the Central committee meeting, that mealie fields were now dry. He was wondering why the Umkonto units can't set fire on them, also sugar cane fields.

/20

Was he serious about that?---Very serious.

Now you mentioned an act of Sabotage this morning, I think Phomolong..?---Phomolong and Dube.

What happened at Dube?---The railway signal box was interfered with there.

But was any person injured?---Not at that particular accident, but <sup>on</sup> the first act of sabotage, that is on the 16th December 1961 one man was killed, one injured.

/30



Who was the person who was killed?---Molcfe is the name.

Did you know him?---I know him personally, I knew him .

And the other man?---I also know him Ramuthi is the name, I don't know the first name.

Did any of them assist you in the distribution of these pamphlets?---Ramuthi assisted me, he in fact took charge after I brought the pamphlets to him, on distributing.

/10

Part 4.

How did it happen that he got injured? --- Well I don't know what actually happened, I understand they were carrying a bomb.

Now do you know the old Synagogue here in Pretoria?---Yes I do.

Where the treason trial took place?---That is right, I was in here for the Treason Trial.

And was anything done there, as far as you know?---An attempt was made there, I don't know if it was successful.

/20

Who reported that?---Joe Slovo.

Now did you have any task in regard to the distribution of documents in the bantu areas?---When I was employed as a full-time organiser of the District Committee, all documents going to the African areas had to be carried by me down there.

I see. Well now, just before I come to that I want to ask you what was your code name?--- Arthur.

And the accused's code name?--- Jan.

And Rusty Bernstein?---Eddie.

/30

And Joe Slovo?---Alec.



And Ruth?---Cynthia (?)

And Hilda Bernstein?---Tandi.

Bob Hepple?--Jim.

Esther Barsel?---Sandy.

Piet Byleveldt?--I don't know.

Have you never attended meetings with him?---

I don't think so.

And Mkwayi you have already mentioned?---

Bri-Bri.

Sisulu?-- Ratau .

/10

Mbeki?--I don't know Mbeki, I can't remember.

J.B.. Marks?---Jomo(?)

Could you look at this document, Operation Mayibuya, I think it is A.F. 187. I see at the back here on page 5 the names, the following appears "Organisation of areas, organisers and setting up of proper M.K. machinery, Ratau and James for this task. --Yes.

Do you know who these persons Ratau and James were?--I don't know who James was Ratau is Walter Sisulu.

Will you look at document Exhibit 1 called /20  
1950, the Communist Party. You see that document, Exhibit 1?---That is right.

Do you know it?---I have seen a document similar to this.

Who issued it?--The communist party of South Africa.

And while you are dealing with that volume will you look at Exhibit 2? --Yes my lord.

What is Exhibit 2 called?---"The Story of the Communist Party."

/30

Do you know that document?---I don't remember



seeing this document.

Exhibit 3, "A Call to the Youth."---That's right my lord.

Do you know that one?--I know this one.  
Issued by whom?---Issued by the District Committee.

Did you distribute it?--I did my lord.

Exhibit 6, "the/Revolutionary Way Out ."  
--Yes I know this one.

Did you distribute that document?--That is /10 correct.

Issued by whom?--The Communist Party.

Now you have already mentioned the Programme, this small booklet, Exhibit "N"--That is correct.

I want you to look at documents from A.F.188 up to 210. Now you have already dealt with 187, "Operation Mayebuya".---That is right.

And you have dealt with 188, the document you called "Manifesto of the Umkonto We Sizwe."---That is correct.

And 189, on our new draft Programme, you have / 20 dealt with that?--That is right.

Now look at 190, "The new year, some tasks and perspectives."--I remember this one.

By whom was it issued?--The Communist Party.

Did you distribute it?---I am not sure whether I did the distribution here my lord.

Then 191, it is called "Into 1963." Is that a typewritten document?---I remember this one.

Is it a typewritten document?--It is a typewritten document.

/30

Where did you see that document "Into 1963"---



I can't remember exactly where, but I think we discussed the document in the Central Committee.

The next one, 192 "The Crisis is Deepening".  
---I remember this one.

Where did you first see it?--I can't say exactly where I saw it my lord. But in the circles of the Communist Party.

Can you say whether 192, "The Crisis is Deepening" was a policy statement?---Well I have not had the opportunity of reading it now, my lord. I would not say /10 exactly what the contents are.

Then 193, the document called "New Problems of the Democratic Movement" - do you see that document?--- That is right my lord, I remember this one.

Was that discussed at the Central Committee Meetings?--That is right my lord.

Appropos of what was that document drawn up can you remember, if you don't remember, just say so.---As far as I can remember this document it was the beginning of the end of the Congress of Alliance, or what we call /20 the Liberation Movement.

Look at 194, "The African Communist" of April/May 1962 - have you..?--I remember this one, my lord.

Incidentally, which organisation issued the "African Communist"?--The Communist Party.

Where was it printed?---London.

You say you have seen that one, 194?--I remember this one.

I think that one has an article on the birth of the Umkonto We Sizwe movement, round about page 36, 38. /30 Page 48. Can you find it?---What is the question again?



Whether you see the article in that pamphlet called..something to do with the Umkonto, the birth of Umkonto We Sizwe ?--That is right.

Is that on page 48?--Page 48.

Then 195..no you won't know that.--I don't know this my lord.

196, the Draft Programme of the South African Communist Party.---That document is not here, but I have already dealt with it.

197, "The A.N.C. Spearheads Revolution!"/---I /10 remember this one.

Issued by which body?--The African National Congress.

Do you know whether the Communist Party had anything to do with that document, its formulation?--I can't say my lord, because at that stage I was not yet in the Central Committee.

198 "Some Thoughts on the Situation Confronting the National Liberation Movement."--I remember this document my lord.

/20

Where did you see it?---At Rivonia.

Was it discussed?--I don't think it was discussed, I am not quite sure, but I remember discussing a document like this with Ahmed Kathrada.

Do you know who prepared it?--I don't know who prepared it, but he said he was trying to work on something, I think he might have done so.

Then 199, "Umkonto Greets the People of South Africa." --I don't remember that I saw this one.

Then 201 "Outlines of a Syllabus for a Brief /30 Course on the Training of Organisers".---I have not seen



this one my lord.

202 "The Rivonia Trial."--I have seen this one.

And 203, "Stand by our Leaders, a Statement by the Editorial Board of 'The African Communist.'"--I don't remember whether I saw this one.

And do you know a document called "Time for Reassessment"?---I remember this document but I am not sure.

Now just a few more question, do you know Mr. Ivan Schermbrucker?--I do.

Did you have any dealings with him?--We were /10 together in the Central Committee in 1964.

At meetings held where?--Twickenham Hall.

And who else attended those Central Committee meetings?--Hilda Bernstein, Abram Fischer, an Indian man called Mac, myself.

Did you ever receive anything from Schermbrucker? ---I did receive some money from Schermbrucker.

How much?---R2000.

Where?---In the market at Johannesburg.

When?---I think it was a day or two before he /20 was arrested.

He was arrested about July 1964.--A day or two, within that week he was arrested.

And what was the purpose of that money?--I was to keep that money for emergency cases.

Did you ever give him any report?--I did give him reports of how the work was carrying on in the townships.

Is that now during this May/September 1964 period?--That is right.

What were things like at that time? Was there /30 a lot of activity still?---not a lot. I would call it a



HLAPANE.

period of lull.

And Issy Heyman, was he a member of the Party?

--I am not quite sure about Issy Heyman, my lord, but he acted as a contact between me and Bram Fischer.

Did you know anything about an overseas committee?

---I don't understand which committee you speak about now.

A London committee? --I don't know it.

Do you know whether the Central Committee had anybody that attended to its daily work, or to special problems that cropped up, or so?--Do you mean in the Republic? /10

Yes. The Central Committee, did it have any..?

---Mike Harmel..

What was it called?--The Central Committee.

No but within the Central Committee?--The Secretariat, Mike Harmel, Rusty Bernstein, Moses Kotane and Bob Hepple.

Now do you know which persons were in the Secretariat during this May/September 1964 period?--There was nobody in the Secretariat in particular.

MR. LIEBENBERG: No further questions.

/20

CROSS-EXAMINATION BY MR. KENTRIDGE:

You seem to have served many years in the Communist Party Mr. Hlapane?--That is correct my lord.

You gradually worked your way up from one Committee to another?--That is correct. I did not work my way, but I think I was promoted.

Yes, that is fair enough. And Mr. Hlapane, you first joined the Central Committee, if I understand you rightly, by someone's invitation?--That is correct.

And I gather you worked on there until your /30 arrest in June 1963?--That is correct.



Do you remember the date of your arrest?---I think it is 24th June.

And I understand you were held in detention under the 90 day clause for 172 days.--90 days not 190.

Were you not held for 172 days?--172 days that is correct.

That is the evidence you gave in the magistrate's Court in fact.--That is correct my lord.

Were you interrogated during that period?--  
That is so. /10

Did you make a statement about your activities?  
---Not actually.

And then you were released.--That is correct.

And you were only arrested again, according to your evidence at the preparatory examination, on the 2nd September 1964?---That is correct.

Were you arrested on a charge?---Under 90 days again.

Did you make a statement?--Not actually.

Did you make any statement?--Not a statement. /20  
I answered certain questions, like the previous detention.

Did you give information about the Communist Party? --I would not say I gave information my lord.

I understand that it has been said by my learned friend that you are a detainee?--That is correct.

Are you detained on a charge?---Not facing a charge.

You are what is called a 180 day detainee?---  
That is correct.

And how long have you been in that position /30  
Mr. Nhlapane?---I was arrested on the 20th January. I am



still in detention.

20th January?--This year.

Of this year?--Correct my lord.

And had you been in detention before that, during 1965?--Not in 1965.

And when you were arrested on the 20th January did you make a statement to the Police?---I made a full statement to the Police.

When? Immediately?---Immediately.

Was that the first statement you had made?---/10  
That is correct.

Did it take some time to give this statement?  
--It took some time.

How long?--It could be a day, or a day and a half.

Were you questioned very thoroughly about your activities?--Very thoroughly.

And did you tell everything you knew?--Everything I knew.

And on what basis are you detained, Mr. Hlapane/20 is the arrangement that after this case you will be released, do you know?--I think the police know better than I do my lord.

You don't know yourself?--I don't know my position up til now.

But you have been willing to give evidence and to make statements?---That is so.

Well you made your statement immediately on the 20th January, after your arrest then, and then you gave evidence in the Magistrate's Court?--That is so.

On what date was that?--I can't remember the exact date. 30



About?---

It must have been, I understand, about the 28th or 29th January, about a week later?---I would not dispute that.

But do you agree with that?--I agree.

And Mr. Hlapane, during that week, did you go over your statement, did you have a copy of it?---I think I had a copy, my lord.

And then you gave evidence in the magistrate's court, and in the magistrate's court, as in this court, you /10 were told that if you answered questions fully and satisfactorily you would have an indemnity from prosecution.---That is so.

And did you answer the questions fully?--To the best of my ability.

Now what has been happening to you since you gave evidence in the magistrate's court?--I don't understand my lord?

Well, what have you been doing? ---I am a detainee, I have been doing nothing, absolutely nothing, /20 except sleep the whole day.

But don't you speak to anybody?--I have nobody to speak to.

Do you mean that you are on your own entirely? ---There is absolutely no difference between this detention and other detentions I have been to.

Are you still being interrogated?---Not that I am interrogated, after my statement.

That is what I mean, since you gave evidence in the Court below, have you not been interrogated again?-- /30  
No.



Has no-one spoken to you from the Police?---  
The Police do speak to me.

About what?--What my needs are, and so on.

But I mean, about your experiences in the  
Communist Party?--I have not discussed that since I made  
my statement.

So from the time you gave your statement in  
the magistrate's court by way of evidence, and your  
evidence today, have you not had a discussion about these  
facts with anybody?--I have not, my lord.

Not even with my learned friend, the Prosecutor?  
---Well he did come and discuss some matters with me, about  
my statement.

And did he go through it? I don't want you  
to tell me what he said, or what you said, I just want to  
know, did you go through your statement?---Heread my state-  
ment back to me. And that is all he said. I will be giving  
evidence.

Did you read your evidence in the magistrates  
court.--That is the evidence I am speaking about. /20

The evidence you gave in the magistrates court  
you were given a copy of that to read?--Not given a  
copy my lord, it was read back to me, as I said, wit  
Mr. Liebenberg.

I see. When was that?--On Monday.

Of this week?--This week.

Do you find that being on your own affects  
you at all - do you feel alright?---So far as I am concerned,  
I am quite normal. I don't know, because I am in detention,  
and people have gone mad in detention, but I think I am 100% /30  
normal.



And Mr. Hlapane, how is your memory affected?

---As far as I am concerned, quite alright.

You don't find difficulty in remembering dates or anything like that?---Not at all.

I just want to ask you a word about the High Command, Mr. Hlapane - the High Command of Umkonto, the High Command was the body which gave instructions to Umkonto?

---That is correct.

You were never a member of that High Command?

---Never.

/10

Nor of Umkonto?--Never.

In the magistrates court you were asked about Umkonto activities. You were asked whether the district committee gave any instructions in connection with Umkonto, and you said you could not remember the District Committee ever giving such instructions - that is correct, I take it?

---Quite correct.

And then you were asked, this is at p. 213 "Did any committee issue instructions"? and you said "All I can remember is the High Command that could issue instructions in connection with Umkonto."--That is right.

/20

Now that brings me again to the question of why people werenot allowed to be members of Umkonto and the A.N.C. or the Communist Party at the same time. You say it was a security measure, that is what you told his lordship?---That is correct.

Now Mr. Hlapane, I don't quite follow what you mean when you say it was a security measure - what was the security involved? ---My lord, on the lower level, in the rank and file, members of A.N.C. or the Communist Party 30



who joined Umkonto we Sizwe were to commit certain acts of sabotage, were to be trained, were instructed not to discuss with members of A.N.C. or the Communist Party and it was feared that if you are caught during the activities on the acts of sabotage, and they are being tortured and so on, they would then mention..other members..

Belt 5.

If they should be what?--- Tortured or so, or fear being sent to jail, they would then mention the names of other people in other cells.

But I don't quite follow why that only applied/10 rank and to the/file - what if someone higher up in Umkonto who was caught say with explosives, and he was tortured, as you put it - isn't there an equal danger?--My lord, it was considered that those on the higher level, who would be mature and well-trained,would not easily disclose the activities of the organisation or members involved in this activity.

Yes but as far as I understand you, Mr. Hlapane, there was still a distinction, because whereas Umkonto, you say, was doing sabotage work, the Central /20 Committee of the Communist Party, as you say, was doing political work.---I think, my lord, you are getting it a bit mixed up. The Central Committee of the Communist Party was fully responsible for Umkonto we Sizwe, directly responsible, issuing instructions to the High Command, but not to the groups of Umkonto we Sizwe.

Were you ever on the Central Committee when it issued instructions to Umkonto?--Yes my lord.

Why didn't you tell the magistrate about that, why didn't you tell his lordship about that?--I don't/30 understand what you mean, because to the best of my ability



I have tried to show that Umkonto we Sizwe was directly under the control of..

Mr. Hlapane, I accept you..----..the Communist Party.

..have done it to the very best of your ability. The point I am putting to you is that throughout your evidenee you have not given an example of a single instruction given by the Central Committee to Umkonto. --Your lordship, I think I have done so. Exactly on the point of the adopting of the plan of the Operation Mayibuya/10

That is the only example you can point to?----  
My lord, I think it should be understood first of all that Umkonto we Sizwe was given full right to continue with the activity insofar as they did not affect the policy of the Communist Party, they were instructed that they could go on committing acts of sabotage and if there was anything new that they wanted to embark upon, they could then apply to the Central Committee.

Yes..---And the Operation Mayebuya.

Yes, you said a few minutes ago that the /20  
Communist Party Central Committee used to give instructions to Umkonto, and I put it to you that apart from this Operation Mayibuya, you have not given evidence of a single instruction which was given.--You will be right there. I can't remember other instructions. I happen to remember this particular one.

Mr. Hlapane, you have got a very good memory, this was an important matter. Can we take it then that you can't remember any other instruction given by the Communist Party's Central Committee to Umkonto?--My lord, I may not /0



remember even many other acts of sabotage that were reported. I could remember a few.

You just suggest that any particular acts of sabotage were instructed or ordered by the Central Committee?--I have explained already, my lord, that insofar as the acts of sabotage were concerned, a line was drawn up how far Umkonto we Sizwe could go.

Yes and what was that line?---And insofar as particular installations were to be attacked or so, they didnot have to report back to the Central Committee the High Command took charge of that. /10

Yes, very well Mr. Hlapane, we all understand that. I am asking you to tell us about instructions. You say instructions were given. If you can't remember a precise instruction, tell us what sort of instructions? ---My lord, the High Command was instructed first of all to attack Government installations, that is, destroy the Government buildings, destroy the Government property, and also other property, but they must take into account the lives of the people around there, they must not endanger them. /20

Well Mr. Hlapane, I am not quarrelling with you on that, all I am suggesting to you is that that was the policy of Umkonto. It was not a matter of the Central Committee having to send instructions every week as to what to do?--That is quite correct. They did not have precise instructions every week.

No. Now I understand that this Umkcn to organisation was formed in 1961,--that is so, my lord.

That is long before you were on the Central committee?---That is so. /30



So is the situation really this, Umkonto was formed to do these things, the Central Committee knew it, is that right? Did the Central Committee know it?--That is correct.

The Central Committee, according to you, was content to let Umkonto go on with sabotage?--That is correct, my lord.

But you say that if it wanted to change its policy, the Central Committee would not have approved of that unless it was referred to it?---That is correct, /10 referred to the Central Committee.

You have given a lot of evidence today about Operation Mayibuya - you say it was brought to the Central Committee?---That is correct.

Who brought it?--Joe Slovo brought it.

Was it brought to one meeting, or more than one meeting?--About two meetings.

About two?--Correct my lord.

Were you present at both of them?--Present at both meetings.

Was the accused present at both of them?---I /20 am not sure if the accused was present at the first meeting, but I am sure he was present at the second meeting.

You say that the Central Committee approved Operation Mayebuya?--That is so.

At which meeting?--The second meeting.

At the second meeting?--That is correct.

Wasn't that an extremely important step? a new policy?--Very important.

Yes. Because that deals with geurilla warfare, doesn't it?--That is the position my lord. /30



And I take it if you were on the central Committee, and the Central Committee took the step of approving this, that at least would be one instruction which you would keep clear in your memory?--That is correct.

Did you tell the police about it?--That is so.

Did you tell the magistrate about it?--That is so.

Did you tell the magistrate the Central Committee had approved of Operation Mayibuya?--I am not sure whether I used the word precisely 'approved'. /10

I am not asking for a precise word - did you convey to the magistrate that it had been approved?--I conveyed that it was approved.

You know, Mr. Hlapane, you did not do anything of the sort!--I am sorry my lord, at this stage, but I am correct that I did it.

You will see in a moment, Mr. Hlapane what you did and what you said. You say also that these two people, I think you said one was Slovo..---And J.B. Marks.

..was sent overseas to go ahead with this /20 plan, correct?--That is right.

And not only to go ahead with it, but collect arms and to enlist the support of foreign governments?--- That is so.

Was that not a most important decision?--- Very important.

Did you read through Operation Mayebuya?--- I did, my lord.

Didn't it seem to you a very impractical document?---We discussed it and we found it very practicable /30 my lord.



You did? You thought it could be carried out?  
---Definitely.

Who took part in that discussion?--Joe Slovo led the discussion on the matter, Raymond Mhalaba supported him, and other members took part in the discussion.

You see Mr. Hlapane, according to the accused, that document was brought before the Central Committee, but it was not approved at all, it was rejected.--That is not correct.

And furthermore no decision, he says, was /10  
ever made to put such a plan into operation.---My lord, a decision was made. I have already stated that after the decision the accused was instructed to make money available and also made money available to buy the property which would be used as the headquarters of Umkonto.

You see, according to the accused, no such decision as to making money available for that Operation Mayebuya was ever decided on. You deny that?--I deny that.

I am instructed by the accused that he personally, like many others there, thought it a most im- /20  
practical and ridiculous plan.---My lord it was after the accused himself had asked a number of questions about Operation Mayebuya - the accused himself wanted to know how the people could be dropped on the aeroplanes that were to drop the people, that is the geurillas -he wanted to know what the base will be in order to carry on the geurilla warfare. You must have a base where you can proceed to.

Yes.---And after he was convinced by other members who contributed in the discussion, the plan was /30  
fully approved.



You see Mr. Hlapane, you are getting on to the facts now - that was the accused's attitude. He said "How on earth could people be dropped, how could there be a base?" that it was ridiculous to talk in those terms. Well, you don't agree? --- I think the Plan itself to some extent does make a mention of how the Operation could be carried out, and where was the place where geurillas retreat to to receive medical attention and many other things. I think it is clearly stated on the Plan.

And what were the questions asked by the /10 accused?--I said the accused wanted to know how it is possible to drop people, that is the geurillas, from aeroplanes, where would the aeroplanes come from and where would they run to when they are in trouble.

Well what was the answer given to that?--The answer given to that was South Africa is a very large country. We don't have to have a base of a friendly country, they could hide about, they could have their base and be attended to there.

You mean these aeroplanes could land some- /20 where in South Africa?---To drop them, not to land.

Yes but where was the base that the aeroplanes were to come from?--My lord, I think according to the plan they were to be dropped in the Transkei some in Zululand, Northern Transvaal and so on.

Yes but where were the aeroplanes to come from?)--They would be coming from the friendly African States.

And just going back?---Going back, that's right. You see, the questions asked by the accused /30



were designed to show up that this was a ridiculous plan.  
---My lord, I don't agree with the word 'ridiculous'. He merely wanted to satisfy himself to find out whether the plan could be put into operation.

And you say the answer was that the aeroplanes would come from the friendly States on our borders?---That is so.

You see page 2 of the document starts off by saying "The absence of friendly borders, and long-scale impregnable natural bases from which to operate are both /10 disadvantages"---That is correct.

What were the..---Then it was stated that South Africa itself is too big, when we get into the geurilla warfare we must spread as much as we can within the enemy forces, by way of dividing them, and the people in the rural areas would definitely support the geurillas and look after them until we have a stronghold somewhere to be used as base.

You see, it is one of the other things which was pointed out that in terms of this plan it provides /20 for landings of four groups of thirty. By ship or air, four groups of thirty. Doesn't that seem rather ridiculous to you, Mr. Hlapane?--I don't see anything really ridiculous at the moment.

Well the accused did. You see, Mr. Hlapane, let us get away from the details of the plan, let us get back to your evidence, and your memory. You were asked at the preparatory examination about this document, Operation Mayibuya, and can you remember in what year this document, you were asked, was discussed at Lilliesleaf Farm?--1963 /30 my lord.



Yes that is right, that is just what you said at the top of p. 220. "What month?" you were asked?--- About April or May, my lord.

Yes. Then you were asked whether you remembered the purpose for which it was discussed, and your reply was: do you remember?--The purpose was to prepare for the second phase.

For gcurilla warfare?---That is correct.

Then you were asked "Was the question mentioned of people having to go abroad to propagate the policies of the movement?" and then this is what you said: /10 "We agreed that two people, they had to go to other countries, and mention about this document."---That is so.

That is all you said. You see, you did not say they had to go and plan it, that they had to go and collect arms, that they had to go and enlist the support of other countries. They had to go to other countries, and 'mention about this document'.---My lord, at the time I spoke through the interpreter, and I don't know if he conveyed the meaning correctly.. /20

And I am told.---..I think I may go further and say, insofar as I was concerned, it is quite clear that the intention of sending the two people abroad was not merely just to go and mention that, it serves no purpose in mentioning that, and keeping quiet.

Doesn't it mean to discuss it with people who were abroad?--For what purpose would be the question?

The same purpose that they discussed it with you? To see if it was feasible or not?---There was not even such a mention. /30

You see I am told that the magistrate thought



Mr. Hlapane, that if over the interpreters did anything wrong, you corrected him yourself? Is that not true?--That is so my lord.

I go on reading here, on this page, and the subsequent pages: there is no word here that the plan was ever approved. --My lord, I don't know if there is no such a word.

Well take it from me there is no such word.-- But from the first it was agreed that two people must be sent abroad, that was after the Plan was approved. /10

On the contrary, Mr. Hlapane, the point was that the people, including Mr. Fisher, did not approve it, they did not think it was a proper feasible plan, and the object was that these people, when they went abroad, would investigate it to see if anything on those lines was possible.--I don't agree with that.

Well how did you know then whether you could get aeroplanes to bring 120 people?--My lord, it was quite clear that arrangements had been made previously, people were prepared to train geurillas for the Republic, and to go and appeal for these aeroplanes, I don't think it was something wrong. /20

Well Mr. Hlapane, we come back to the point: this was the most important thing the Central Committee ever did while you were on it, it seems - is that right?--I quite agree with you there.

Why didn't you tell the Magistrate, why didn't you say to the Magistrate: the central committee and the accused approved of it?--My lord, I was led by the prosecutor in the magistfate's Court, and that question did not arise. I think that is the reason why I did not state it. /30



But Mr. Hlapane, it must have been an important question for the prosecutor also - he would not have left it at that. Look, the Prosecutor asks you whether the accused, Mr. Fischer, was there at the first meeting when this document was mentioned, you say "No, but he was there on the second occasion." Then you are asked what you can remember about the discussion, the context of it, the purpose. You see, this is what is said:

"Now can you remember the context in which this document was discussed, the purpose for which it was /10 discussed?" and your answer was: "Umkonto we Sizwe, it must take a step forward to start geurilla warfare.

The next queseion: "The question mentioned of people having to go abroad to propagate the policies of tee movement?" and this is your reply: "We agreed that two people, they had to go to other countries and mention about this document, but they were not chosen at that meeting." You say nothing about the approval, you say nothing about the accused's approval, you say nothing about these people /20 having to collect arms, and you say nothing about the accused having arranged to give money for Operation Mayebuya.---I think it is quite clear, my lord, that the question did not arise.

But the question arose throughout, Mr. Hlapane. You were constantly asked "What money was used for" What was the relationship, What about Operation Mayibuya. Surely it arose in your mind? What did you think you were giving evidence about?---My lord, whether the document was approved or not, I don't think it was a paramount question in my mind at any time. I was led, and I can't explain /30 further.



The question put to you was "Can you remember the context in which this document was discussed?" Do you know what that means?--I do follow.

Well why did you not say in the magistrate's court what you have said here this morning.

BY THE COURT (to Mr. Kentridge)

That is not the complete question that you put to him, Mr. Kentridge - the question seems to qualify the former part of it "the purpose for which it was discussed".

CROSS-EXAMINATION BY MR. KENTRIDGE (CONTINUED) /10

Well you are asked the purpose for which it was discussed. Now according to you here, the purpose of it was to have it approved and then to have money furnished to it, put it into practice - you say that is the purpose of it, of the discussion.

BY THE COURT:

No, his reply was "Unkonto we Sizwe, it must take a step forward to start guerilla warfare".

CROSS-EXAMINATION BY MR. KENTRIDGE (CONTINUED):

But now I am asking here in this Court you said /20 the purpose for which Operation Mayobuya was discussed at the Central Committee was to have it approved.--That is so my lord.

Not just discussion, that it had to be approved by the Central Committee, and it was approved.----That is correct.

And you can't give any other reason why you did not say it to the magistrate?--I can't explain why.

Were you perhaps told that your evidence in the Magistrate's Court was not quite satisfactory?--Not at 30 all my lord.



That you had not perhaps come up to expectations?--Not at all my lord.

Not at all?---No.

In your original statement was there mention that it had been approved?--I don't remember if I did mention the word "approve".

That it had been accepted and adopted by the Central Committee, or don't you remember that either?--I do remember it was accepted and approved, and two people..

Do you remember whether you said that in your statement to the police?--I can't remember exactly how I put it in my statement. /10

Well it is clear that you could not have put it at all, Hlapane. You remember, you were asked a great deal in the magistrate's court about what money was used for?--That is right.

You did not say that the accused was instructed or decided to collect money for Operation Mayebuya, did you? ---I think I said so my lord.

No you did not, you know.--After this plan was approved, I think I said, the accused was instructed to make money available. /20

That is what you said today. Was the money specifically wanted for Operation Mayebuya?--Not specifically, for many other works.

Yes but you say a decision was made that money would be provided for Operation Mayebuya?--That is correct. But that was not the only purpose the money was used for. There had been before other activities. The organisation had to finance it, but now getting into Operation Mayebuya, more money was wanted. /30



You see Mr. Hlapane, at the bottom of page 220 of your evidence in the Magistrate's Court you are asked "Can you say whether the accused was familiar with the contents of Operation Mayebuya" and you said "Yes, very much so."---That is correct.

And then you are asked "Can you remember whether he took part in the discussions on this document?" )---"Yes Your Worship." You did not take that opportunity to say "Yes, your Worship, he approved of it," did you?--- That was not in my mind even. /10

And then you are asked "Was he given any instructions in regard to finance"? and what you said was: "He had to find money so as to keep this organisation to continue." That means Umkonto?--That is right.

According to the accused, the Communist Party Funds were Communist Party Funds, and not Umkonto funds. Umkonto collected its own money.---Umkonto we Sizwe, my lord, was not an independent body. It was an auxiliary body of the communist Party, and the Communist Party was directly responsible for its activities. /20

You don't suggest that Umkonto did not collect its own money?--So far as I am aware, not at all.

You don't know - you were not on the High Command.--In my statement at the magistrate's Court I have already stated that the accused was asked to give Joe Slovo money whenever he can get it.

You said that where?--Look for it in my statement, I don't know where, not having my statement now.

Yes, he was told..when was he told that?--- That was in the first meeting of the Central Committee after /30 the Conference.



And who made that decision, the Conference, or the Central Committee?--The Central Committee my lord.

Now then, Mr. Hlapane I put it to you, according to the accused these finances were kept separate - do you know what money was given to Umkonto by the Central Committee? ---I don't know how much money was given.

You did not handle it---I did not handle it.

No. You did not see it?---Not at all.

Right. Now when were these two gentlemen picked to go abroad to mention, or discuss, or do anything /10 you like about Operation Mayebuya?--They were picked towards the end of May.

At the meeting..---At a meeting held on a Saturday and they left on a Sunday.

Was that at a meeting where you say the Operation Mayebuya was approved?---A meeting after the approval.

Were you there when they were chosen,?--I was not at the meeting myself, but I came to pick up J.B. Marks, I was late for the meeting. The meeting had already  
Belt 6. broken up and J.B. Marks and Joe Slovo came to me and /20 told me that a decision had been taken that they must go abroad. I must take J.B. and first of all convey him to his house, and pack his luggage, and take it to Joe Slovo's house, Joe Slovo will pick him up on a Sunday morning before sunrise.

Was the accused at that meeting?---I am not sure whether he was there, I came there late.

So you don't know if he was there or not?---  
No I don't know my lord.

I rather gather from you, Mr. Hlapane, that /30



what took place at a later stage was that you claim that you were the contact between the Central Committee and Umkonto, is that what you are suggesting?--I have not said something of the sort my lord.

Not? You don't suggest that it was you that had to convey instructions?---Not to Umkonto we Sizwe my lord.

That is what I mean. Not. I see. So we can sum up the situation, Mr. Hlapane - you have said here that the Central Committee gave instructions to Umkonto /10 but you know of no instruction other than as you say the approval of Operation Mayebuya. That is right, isn't it?---  
...

Well look, let me make it quite clear to you, Mr.Hlapane, this bringing up of Operation Mayebuya was in you say April or May of 1963?--That is so.

Now when was it, you said that there was a time when Joe Slovo suggested that the time had come for Umkonto to go over to the second phase.---I have already stated that my lord. /20

When was it?--It was in a Conference held at the Northern suburbs of Johannesburg.

Yes but you say here that by the second phase he meant starting on geurilla warfare?--That is correct.

And was it following that that Operation Mayebuya was brought to the Central Committee?---It was following that decision of getting into operation, guerilla warfare.

You see, I suggest that the second phase did not mean starting on geurilla warfare at all. It just /30 meant more sabotage.---My lord, isolated acts of sabotage



had been committed and it was at that stage when it was felt that there must be a step further now. A number of people have been trained, we can now embark on geurilla warfare.

I am suggesting that what was meant by the second phase was that acts of sabotage must continue and increase. Is that not true?--That is not correct.

Alright. You know, Mr. Hlapane, one must be grateful for these machines, at page 216 of the record in the Court below, you were asked about the conference - "Can you remember any other items?" and you said "Yes, Joe Slovo stood up and called on us at this conference and said that the organisation, the Umkonto, will now be in the second stage. He asked that the Umkonto we Sizwe could now go into the second phase." And then Mr. Liebenberg asked you the next question:

"What did he mean by the second phase?". I am going to read you your answer, and your answer was "That things that had to be done should now be spread out, that is the acts of sabotage that they must continue and become more." Now Mr. Hlapane, I want to ask you why, between the 29th January and today, the meaning of "second phase" has changed - it was more acts of sabotage on the 29th of January, and now it is geurilla warfare?--My lord, I think if you pick up isolated points on my record, you will come to the conclusion that it is not mentioned. I do say that in my record it will be found that I specifically stated that the second phase was to be geurilla warfare.

You said it, Mr. Hlapane, you said it when you were dealing with Operation Mayebuya. I am now dealing with this talk of the second phase at the Conference. You



see, what I can't understand, Mr. Hlapane, is why it is that you then thought that second phase meant acts of sabotage, and today you have said to me that that is quite untrue, it meant guerrilla warfare - what has changed your mind? That is what I am interested in?---I maintain that my mind is not changed up to now, my lord.

Look let me read it again: "What did he" that is Joe Slovo "mean by the second phase?" Answer: "The things which had to be done should now be spread out, that is the acts of sabotage, that they must continue and /10 become more."

Now two minutes ago, when I said 'Isn't that what it meant?' you said it was untrue.---Very untrue.

Yes, well now what I want to know is why you thought it was true on the 29th January, and you think it is untrue today - what happened in between?---Not that something has happened, and I do say, my lord, if you continue reading from there onwards you will find that I do mention guerrilla warfare.

Of course you did, when you came to deal with /20 Operation Mayebuya, I know you did. And it is in the document itself. And I know that your evidence was that Operation Mayebuya, at a later stage, you looked on as a new phase, but what I am asking you is why you have changed what was decided at the conference between the two occasions on which you have given evidence? Is it your memory, or is it something else?---So far as I am concerned, my lord, I don't think I have changed anything, and I don't think I can explain further than I have tried to up til now.

Well look, Mr. Hlapane, it is quite clear from /30



the record that you have changed - I am not arguing with you about that, I am simply giving you an opportunity to give an honest explanation. Do you want any further opportunity?--I don't agree that I have changed in the record.

Do you want me to read it a third time? Do you want the record played back of what you said to me when I put it to you.---I don't deny my lord, that it has been read now, that is correct, but I do say if you continue reading from there onwards I mentioned the second phase as guerrilla warfare.

/10

BY THE COURT:

If you continue reading: "Why was it referred to the central committee?"---"For another plan to be made, to see if it would function. If it didn't function then they would have to fix up on it."

MR. KENTRIDGE:

"If it didn't function..?---"If it didn't function they would have to alter, fix up. Umkonto we Sizwe had to make a plan and send it to the central committee, and if the central committee was satisfied, with it, it would then be fixed up."

(to the witness) Is that the second phase plan?--That is correct my lord.

I am back to the question why you said that second phase simply meant more acts of sabotage? I am not going to ask you again, Mr. Hlapane, I know that you say that the actual plan eventually put to the Central Committee was Operation Mayobuya.--My lord, I think I have tried my best and I can't help on that question. I have tried to explain, I can't explain further.

/30



BY THE COURT:

But the question is now, judging from the record you are not clear what the second phase was. Now the question is, why are you now clear that it related to geurilla warfare?--That is not so, my lord. I was quite clear from the beginning, and as I have stated already, that I spoke through an interpreter. I had some difficulties with him, with the interpreter, and I did mention that word, even if it did not come that time on the record, but later on it came on the record. /10

But you heard what he said in the English language didn't you?--That is correct.

Now were you not aware of the fact that he was not conveying exactly what you ...--I was not at all aware that he was not conveying exactly what I meant.

CROSS-EXAMINATION BY MR. KENTRIDGE (CONTINUED):

Look Mr. Hlapane, I think I had better make it clear to you at this stage, and perhaps also to his lordship, that the accused is not denying things which took place. You have noticed I have not challenged you on /20 your statement that the accused was a member of the central committee, that they know about Umkonto, and that they knew it was committing sabotage, and the accused does not give me any instructions to deny that he disapproved of it. On the contrary he had reasons for approving of it. But the accused instructs me quite clearly that what you say about Operation Mayibuya is quite wrong. And I will put something else to you, Mr. Hlapane, this whole question was gone into at what was called the Rivonia Trial, of leaders of Umkonto.--That is so. /30



Now there was a lot of argument there, and a lot evidence about at what stage Operation Mayibuye had got to, and it was accepted that Umkonto was discussing this possibility of geurilla warfare, but they never agreed on operation Mayibuye, and in fact when the defonce was arguing this, the judge stopped them, it was accepted. It was put forward, it was discussed, but it was not accepted, that is the difference.--If I understand correctly, my lord, there, that it was a finding of the learned judge, and that argument was stopped on it, I /10 would say that the learned judge was not fully informed.

Yes of course you would say that now, but you know there was a great deal of evidence there, but it was about Umkonto - not about the Central Committee, but about Umkonto itself, and the conclusion that was accepted was that this plan was discussed, and considered, but never actually agreed upon - so you are the one who is right, and the other witnesses are wrong?-I am perfectly correct on this, my lord.

How long did this meeting last at which you /20 it was approved, Hlapane?--I can't say exactly how long it lasted. We started off in the morning, and I think broke up in the afternoon, after lunch.

Was the whole meeting taken up with this plan, Operation Mayibuya?--The whole meeting was taken up with this plan and there were a few other administrative matters to be discussed.

Were there a lot of different views put forward about the plan, or did everyone agree?--Everyone did not agree from the beginning. It was after Joe Slovo had spent more time in explaining what the intention is and /30 how it is going to function.



How long did that take?--I can't say exactly how long it took.

Mr. Hlapane, I am interested to know about the money - you have told us that you did not know yourself about money going to Umkonto at that stage?--That is so.

At a later stage you say you were given R4900 by the accused?--That is correct.

In what form?--They were monies to be paid first of all to Bri-Bri..

no, in what form?--In what form? /10

In notes, or a cheque?--In notes my lord.

Notes?--That is right.

What sort of notes?---Fivers. Five Pound notes.

In what sort of container?---Not in a container. They were just loose, and handed over to me, and I stuck them on my body.

Just handed over?--That is so.

Do you know what R4900 in notes looks like?--- I think I have an idea my lord.

You see, the accused denies that he ever gave you any such sum. Mr. Hlapane, of course you got sum of this money for your own purposes?--I beg your pardon? /20

You got some money for your own purposes?--- That is correct.

That is to carry on your Communist Party organising work?--That is so.

What do you suggest you gave to Mkwai?--- R1270.

Rands?--Rands. /30

In one go?--In one go.



Was he not at that time also an A.N.C. man?---  
He was.

Yes. Do you know what he did with the money?  
---The money was specifically for Umkonto we Sizwe units

Do you know what he did with the money?--I don't  
know how he spent it.

You don't know that he did not spend it on  
.A.N.C. matters?--He might just as well have spent it on  
drink, I don't know.

You don't know at all?--No my lord.

/10

What do you mean when you say it was specifically  
for Umkonto?--That was the instruction from the Central  
Committee.

That it had to be given to him for that purpose?  
--For all his work in Unkomto We Sizwe.

Who gave that instruction?--The Central  
Committee.

Were you on it at the time?--I was on the Com-  
mittee at the time.

Well you see that is in dispute, Mr. Hlapane. /20  
I am instructed that in fact money for Umkonto and Commu-  
nist Party money were kept separately, for the sort of  
reason you have explained, that they must be kept separate,  
the organisations must be separated. Look, let me make it  
quite clear, Mr. Fischer is not going to say that he did not  
know about Umkonto, or that he disapproved of it, but he  
says that this money was kept separate. Perhaps it is  
not worth having a big debate with you about that, Mr.  
Hlapane?--I don't know how the money was kept, I can't  
explain that. I did not see the money.

/30



ON RESUMING AT 2.15 p.m.

WITNESS BARTHOLOMEW HLAPANE, still under oath:

CROSS-EXAMINATION BY MR. KENTRIDGE (CONTINUED)

Mr. Hlapane, these reports of sabotage which you say were made to the Central Committee you say were made by Slovo in the first period?--That is so.

Is it not the case that what would happen is that before or after a meeting he would just talk about it? ---Not after a meeting my lord. He reported to the Committee. /10

But what sort of report did he make? Just that it had happened?--That is so.

You see, I am told by the accused that there were no reports to the Central Committee, but a man like Slovo, who knew about it, would mention that this or that act of sabotage had taken place.---I got them from the meeting my lord.

But what could the meeting do about it?---Not that something in particular was to be done.

You see, take these reports which you got /20 from Kkwayi - when did he start making those reports to you?---When I got into contact with him.

Which was?---After I started working in the Central Committee.

Which was about May was it?--Yes.

In other words you are talking now of the period between May and your arrest on the 2nd September? ---That is so.

And were you supposed to report it to the Central Committee?---That is so. /30



You see, there again my instructions are that these things might be mentioned by you, but it was not a report to the Central Committee, which could do nothing about it. But you say it was a report?---I think my lord, when Wilton Mkwayi was short of explosives, the Central Committee had to discuss it and see the ways and means of how to carry on.

But I thought he reported actual explosions to you?--That is what Wilton Mkwayi did. /10

Yes.---And when he was short he also reported to me.

You see, he reported to you the blowing up of the Vrededorp Post Office you said and the Pimville Post Office.---That is so.

And you also remember the blowing up of the Dube Post Office and the Jabavu Post Office, which he reported to you?---That is so.

But did you report it to the Central Committee?  
---I did.

To the accused?--The accused was present. /20

Was it each one on a different occasion.---  
In a meeting.

But each on four different meetings, or would it be all at the same meeting?--My lord, I reported them as I got them.

Well I am trying to find out when that was? Will it all be at the same meeting, or from time to time?  
---My lord, that is from time to time, I can't remember exactly how many were reported to me at once.

You know Mr. Hlapane, I am afraid I have to /30  
put it to you again that that is just not true. You see,



Mr. Hlapane, we have been furnished by my learned friend for the State with statements about when these incidents took place. Do you know when the Dube Post Office was blown up?--I can't remember the exact date.

19th September 1964, according to the statement we have got from Lieut. Furstenburg of the South African Police. Do you remember when the Jabavu Post Office was blown up?--I can't remember the date.

19th September 1964, according to the statement we have got from Lieut. Victor of the South African Police. /10  
Mr. Hlapane, by that time you had been in custody for over two weeks.---That is correct.

So your statement here that you had made those reports is false.---I don't think so, my lord.

Look, Mr. Hlapane, don't you understand me. Would you prefer the interpreter?---I do follow. It is quite possible that I might make a report about when were they reported, or I reported them through Issy Heyman.

Look Mr. Hlapane, you have been telling his lordship that what you reported was that these explosions /20 had taken place.---That is correct.

They took place when you were in custody.---

Now Mr. Hlapane, it is quite clear that what you have said is false - you could not have reported these, but again, what I am interested in is why you gave this false evidence here and in the magistrate's court,?--My lord, insofar as I am concerned, that is the truth and nothing else but the truth. I did report this.

You reported the Jabavu explosion? to the Central Committee?--<sup>1</sup>/<sub>3</sub>But I will admit that it is quite /30 possible that I might have given the reports to Issy Heyman



to convey after my release.

Look, you see Mr. Hlapane, you have said that you got this report from Mkwayi, and you conveyed it to the central committee including the accused. It is quite clear that these things took place after you had been arrested. Now I want to know, where did you get this idea from, who put into your mind the idea about the Jabavu Post Office, and the Dube Post Office?---My lord, I do know that this happened. Nobody put the idea into me.

But you could not have been told about that by /10 Mkwayi, could you?--I quite agree that if it was within that period, he could not have told me.

Of course not. Right, so that evidence of yours we can take it was quite wrong. Now I want to know, who put the idea of these Post Office explosions into your mind? Who told you about them?---Insofar as I am aware, my lord, I must have got them from Wilton Mkwayi.

Yes but at that stage you were in jail. You see Mr. Hlapane, you have made it quite clear that your work on the Central Committee ended on the date of your arrest, /20 on the 2nd September.--That is so.

By that time those two explosions had not taken place. I want to get to the bottom of why you have been telling his lordship and the magistrate that you Belt 7. heard about this from Mkwayi?--It is quite possible that I might have mixed up the explosions.

It is not a case of mixing it up, that evidence is wrong.---There are many others that happened.

Well I want to know why you have given this evidence about these two - someone must have told you about /30 them.--It is not that someone must have told me, but trying



to remember what happened, I might have mixed up the incidents.

Look, when you were under arrest, from the 2nd September, weren't you under 90 day arrest?--That is so my lord.

In solitary confinement?--That is so.

Did you get newspapers?---I did not.

No. Well isn't it obvious, Mr. Hlapane, that at some stage someone must have made the suggestion to you /10 that you carried this report about these two explosions to the Central Committee, and you were prepared to agree with any thing put to you?---Not that a suggestion was made. After my release, my lord, I mixed up with people, and I discussed a number of things.

But you could not have reported it to the Central Committee.--That I quite admit, my lord.

What were you doing after your release?---My second release, my lord?

Yes.---Except for a month I did absolutely /20 nothing. I was instructed to lie low.

By whom?---Issy Heyman.

Oh - not by the police?---Not for the purposes of the police.

Did you work for the police at all?---I don't understand what you mean, my lord.

Did you work for the police before your third arrest?--At no stage did I work for the police.

How did they know when they arrested you on the 20th January of this year that you would make a statement?--I don't know if they knew that I would: make a /30 statement.



You had had two long periods, you had made no statement, and suddenly you were taken in, and you made a statement right away.--That is a fact.

Right.---The situation changes from time to time, and the moment I was arrested I made up my mind to make a full statement. There are many factors leading to that. I could explain it if the Court would like to know.

Well perhaps my learned friend would like to know. At any rate, Mr. Hlapane, you see, you give evidence in a very funny way. You remember dates, very well, it is clear - isn't that right?--I don't know if I remember the exact date. /10

You remember for example that it was in October/November that Slovo made the report about the Synagogue.--That is about then my lord.

You remember when the report was made about bombing the Ministry of Agriculture.--That is so.

You remember the dates of your arrest.--I do.

Well, I am going to suggest to his lordship, and I better tell you Mr. Hlapane, that I am going to suggest to his lordship that your false evidence about the Dube and Jabavu Post Offices shows that this is not your real recollection that you have, do you follow me, not a genuine recollection.--I do follow you. /20

Yes.--I deny that.

Well I am not going to give you any further opportunity to explain this. It is quite clear what the facts are. Mr. Hlapane, when was it, according to you, that the accused made his suggestion about mealie fields and sugar cane?---At one of the meetings at Rivonia. /30



At Rivonia?--That is correct.

Well, when would that have been? -You first met at Rivonia, when would that have been?--It could have been May.

Could it have been earlier?--Not earlier than that, the mealies were dry then.

You see the accused denies outright that he ever made any such suggestion, that he ever asked any such a question as you suggest.--I say he did my lord.

At this stage it is easy for you to say things./10  
Mr. Hlapane. You say the accused said "Why don't they burn the mealiefields?"--That is correct.

What was the answer?--It was that Umkonto units would try to go into it.

Who gave that answer?---Joe Slovo.

Well what was the difficulty of going into it? You see, if it was the policy to do that, why couldn't it be done?--I would not explain that.

No, of course not! you say accused was held in high respect?--That is so. /20

That he took the chair at central committee meetings?---That is so.

You see it is very difficult to understand Mr. Hlapane - you have explained the policy of Umkonto yourself - it was to do sabotage to Government installations without loss of life. Correct?--That is so.

And you suggest the accused did not know that policy?--He did.

Accused also denies the story of yours about putting..his suggesting putting wires across a railway line./30  
---He did my lord.



You see Mr. Hlapane, as I have told you, the accused does not deny he was on the Central Committee, he knew about Umkonto, and you were on the Central Committee I am not disputing that for a moment - do you follow me?--- I do.

You see, it makes it very easy for you first to say what happened, and then just add a little bit against the accused - it is very easy for you, isn't it?---I don't think I am trying to add anything against the accused.

Nr. Hlapane, I would like to take you back to /10 Operation Mayibuya, and I think you had better have the document in front of you - I don't think you were following what I was saying. --- (document handed to the witness).

Now look at part 2 of Operation Mayebuya, which is Exhibit 187. Have you got it there? Have you got Part 2 which says "Operation Mayebuya areas." It is headed Part 2. I don't think you have Operatinn Mayebuya have you?--No, this is the Manifesto.

Exhibit 187 I would like you to have in front /20 of you.--187 right.

Now look at Part 2. You see now look at this, it says "areas: 1. Port Elizabeth, Umzinkulu, 2. Port Shepstone, Swaziland, 3. North-Western Transvaal bordering respectively Bechuanaland and the Limpopo." Do you remember that?--I do.

Do you remember that being discussed?--That is right.

You see, these were the places where they would, as you see from paragraph 4, they would have to come in on pre-selected targets. Do you remember a discussion/30



about pre-selected targets?---I do my lord.

Creating the maximum impact on the populus?---  
I do my lord.

Do you remember the accused pointing out that in the North-West Cape and South-West there are no targets, that there is no populus to make an impact on?--I don't.

You don't remember him saying there probably was not a single A.N.C. man in that area, the North-Western Cape?--I don't remember that, my lord. /10

Do you remember him telling you about the North-Western Transvaal, and what the country was like, and how ridiculous it was to land 30 men from an aeroplane in the North-Western Transvaal? --I remember him mentioning something like that.

Yes, you see these are unanswerable points, aren't they?---But after Joe Slovo answered the questions, it was agreed..

I am going to ask you in a minute what answer he gave. I will ask you now - what answer did he give /20 about the North-West Cape, about landing a group of 30 men to attack a pre-selected target in the North-West Cape. What was the answer?---My lord, Joe Slovo explained that once our forces learnt in the Republic they would definitely have support from the masses, even if and where members of the A.N.C. were not present.

Look Mr. Hlapane, the point is, where does an aeroplane come from to drop people in the North-West Cape - that was the sort of question that was asked. How was that replied to? I want to know what the reply was? ---In his explanation, my lord, Joe Slovo said it was not /30 difficult for aeroplanes to fly across Bechuanaland and



drop people and fly back. And also..

To the North-Western Cape?--And also the sea could be used. They were sure they could drop people there and sail back.

And that explanation, Mr. Hlapane, would not satisfy a child, let alone Mr. Fischer, don't you agree with me? Does that really satisfy you? You seem pretty intelligent?---As far as I was concerned, I was quite satisfied.

You were satisfied?---That is right my lord. /10

Didn't you think that those 30 men would die of thirst?--I don't think so.

Look at this, look at this, Part 3, paragraph 1 "Simultaneous landing of all groups of 30 based on our present resources either by ship or air". How are they going to land at Port Elizabeth Umzinkulu? Did you think where the ship or the aeroplane would come from? You see, Mr. Fischer thought about it.--I don't know the area quite well my lord, but that was the decisions of the Committee.

Well what about the question..have you got /20 that in front of you? Look at paragraph 5 "Before these operations take place, political authority will have been set up in secrecy in a friendly territory." What friendly territory was there near the border of South Africa? --- Bechuanaland has been a friendly territory.

In 1963? a political authority?--The authorities are nothostile to us in Bechuanaland. I could go further and explain, my lord.

"Political authority would have been set up in secrecy in a friendly territory." So the friendly territory then was Bechuanaland.---That is so. /30



But why doesn't it say "Bechuanaland?"---That was not decided at the time, where the headquarters will be.

And it says "It is visualised that this authority will in due course of time develop into a provisional revolutionary government" - in Bechuanaland? You know you can't move a thing in Bechuanaland without everyone knowing. Did that satisfy you? Was that the explanation given?--I could go further and say..

Look..---that has been happening before.

Mr. Hlapane, is that Slovo's explanation, that /10 he meant Bechuanaland?---He did not specifically mention Bechuanaland, but Bechuanaland has been friendly to us.

Yes but he did not give that explanation, that is the explanation you are giving in the witnessbox? ---You wanted to know which friendly territory, and I said Bechuanaland.

I meant what friendly territory was mentioned at the time, and you said Bechuanaland was not. Can I take it no territory..---If I gave you that answer my lord I was wrong... /20

BY THE COURT (to Mr. Kentridge)

Your question was "Which friendly territories did exist at that time?"

MR. KENTRIDGE: (to the witness)

I am sorry then, perhaps you must have misunderstood me. You say Slovo mentioned no friendly territory.---Not at all my lord.

So he gave no explanation at the time?--That is so.

But didn't someone ask "Well what territory /30 could you do this in?--I think it was taken for granted by



everybody that Bechuanaland would be available.

Really? And you think that would have satisfied a man like the accused? Do you think so, really?--Not only himself, my lord.

He did not raise the question of the attitude of the United Kingdom Government?--I don't remember that.

Look..carry on with Part 3. Do you see paragraph 4 "On landing a detailed plan of attack on pre-selected targets" don't you remember the accused raising the question what pre-select~~ed~~ target could you have in the North-Western /10 Transvaal?---That is correct my lord, he did.

What was the answer?---That a special committee is going to be set up..

What to search the North-Western Transvaal?--- To survey all the areas, called the legislative (?) committee.

In other words, there was no answer given, they still had to investigate?---No direct answer given my lord.

That satisfied you?---Quite well.

What was the special target in the North-Western Cape?---I can't remember if anyone in particular was men- /20 tioned.

Alright, go on in Part 3 towards the end, paragraph 7 where you have (a), (b), (c), (d), (e) and so on. Look at (a) one of the things that you had to have as a pre-requisite for this was a complete enforcement of boycotts. Now wasn't that obviously impractical? A complete enforcement of boycott. Didn't that mean boycott of this country?---That is so.

Well could anyone really have believed that was feasible except the man who wrote this document?---Everybody /30 believed it.



Look at the next (d) "Raising of large-scale credit for the prosecution of the struggle." Raising of large-scale credit - that is rather easier said than done, isn't it? Didn't anyone raise the question how large the scale would have to be? I can see you find this quite amusing yourself, Mr. Hlapane when you think about it.--- My lord, in the discussion, when the setting up of a government of exile or so, it was also mentioned that once such a government or a provincial government is established, it will be easy to obtain credit from other countries, by /10 telling other countries how much gold we have in South Africa, how many diamonds we can produce and so on, and along those lines "When we get our freedom we will be glad to pay you back."

And that satisfied Mr. Abram Fischer?--That did, very well.

You see, paragraph 7 says that all this is supposed to take place simultaneously with the commencement of operations, in order to do these things, get these things done. Then "Arranging for radio facilities for daily trans- /20 mission to the world and to the people of South Africa." Could you really do that?

BY THE COURT (to Mr. Kentridge)

Mr. Kentridge are you really being fair at the moment? If you read paragraph 7 you will see "This political authority should trimits machinery so that simultaneously with the commencement of operations it will throw out massiave propaganda to win: support for our struggle by.."---And then it is the forms of support they are going to try and get my lord.



Yes well massive propaganda for this type of support. ---Yes my lord.

CROSS-EXAMINATION BY MR. KENTRIDGE C(TD):

Now did you think there was any chance through propaganda that you could get radio facilities?---As far as I am aware I think we had one already. We tried to put one in operation.

Yes, you tried to put one! That was a little local transmitter?--That is so.

Then look at this (f) "If possible the political authority should arrange for the initial onslaught to bombard the country or certain areas with a flood of leaflets by 'plane, announcing the commencement of our armed struggle." Now isn't this puerile, Mr. Hlapane? Where are these planes going to come from?--- There is nothing wrong with that, my lord.

Let me be fair to you, did Mr. Slovo tell you where the 'planes were going to come from? What sort of 'planes they would be, how far they could fly, where they would refuel?---My lord, they would be based in Tanganyika, /20 and it was in sight that sooner or later Zambia would be free.

And is this what Mr. Slovo said?--Those are the things, sort of things, that were mentioned.

And who could that satisfy, because when could it happen, Mr. Hlapane? How many years ahead? --No time limit was set.

No.--But everybody thought that within 3 or 4 years this could be achieved.

You see, according to Mr. Fischer, one just had /30 to read this through, and ask these questions, and if no



reply is forthcoming, it is clear it is quite impractical. Look, stepping up transport plans, either a weekly or bi-weekly airlift for trainees outside the country - weekly or bi-weekly airlift. You see, Mr. Hlapane, someone must have drawn this up - the person who drew this up may have thought this was a good idea, but you agree, do you not, that the accused did ask the sort of questions I am putting to you now?--I quite agree with you.

Only you say he was satisfied with the sort of answers you have given us now?---After full answers were /10 given he in turn was quite satisfied.

But you have given the outline of the type of answers that were given?--To the best of my ability I have tried.

You see I am going to suggest to you that this would not satisfy anyone of any intelligence or knowledge, and certainly not Mr. Fischer. Do you disagree?--- I disagree my lord.

Look at Part 4 "Internal Organisation" the fourth paragraph: "Our target is that on arrival the external force should find at least 7000 men in the four main areas'. Do you think you could have found 5 men in the North-Western Cape?--That was to be done. /20

They asked here, you see, for 1000. Look, one does not..you see, you go to Part 5 "Detailed plans of implementation. The committee is supposed to go and study things like points along the coast which would be suitable for landing of men and supplies, and how these are going to be transferred from the point of landing to the area of operations." They have not even worked that out /30 yet?--That was not worked out.



Well what sort of plan is it?--It is merely just presented my lord, and it was to be carried out.

"To start a study of climatic conditions in relation to seasons as well as diseases common to the area." That still had to be done?---Everything still had to be done.

And if they could not find proper places for landing?---I don't know what would have happened.

Well isn't it absolutely clear, perhaps we are just quibbling with words, isn't it absolutely clear that /10 until you find out those things, you can call it a plan, but it is not a real plan, is it?--It is an approved plan; it may stay in operation.

No, not in operation - until they can find places suitable for landings they don't even know if they can start, let alone succeed, isn't that so?--That is quite correct.

You thought that this could happen in three or four years?---That is what I think.

Did you think a lot of things were going to /20 happen in 1963?--Not in particular.

Was that not regarded as an important year politically?--It was my lord, but the Plan was not based on the particular year.

Look, there had to be an external planning committee which was charged, among other things, with obtaining transport by land, sea and air, and supposing you could not get the transport, then you could not even start, could you?---That is correct, my lord.

It was not really the whole thing when you said /30



It was not really the whole thing when you said originally that Mr. Slovo went over to mention this document, it was not the whole point..wasn't the whole point that the people there doubted that such a thing could possibly be feasible and what Mr.Slovo wanted to do was to try and get information to find out if it could be feasible?---Insofar as I am aware, that was not the instruction.

You see, in the preparatory examination when you said he had to go abroad and mention this document, /10  
isn't that what you thought by the word "mention" .---I did not think this way.

What did you think the word 'mention' meant? Mention this document?---I thought..my lord, but all what I said in my own language was to convey - the word "mention" was not used by me, and I did not intend to do so. I tried to explain to the interpreter that the intention of the two men going abroad was to go and campaign and raise funds and get support.

But that is not hard to put, is it, and why /20  
can't an interpreter understand that? Who was the interpreter?--I don't know his name, my lord.

I am told he was a rather good one.---I don't think so, insofar as I am concerned. He spoke Tswana and I Southern Sotho.

Did you hear that his translation was wrong when he said mention?--I was not aware that it was wrong.

And if it had been wrong you would have been aware of it?---I don't know my lord, because you convey the matter, and he is giving it to the next man to convey it. /30

You have admitted yourself that you used to



correct him if he went wrong. Did you choose to give evidence through an interpreter?--I did my lord.

Why?---Because I understand my language better.

But you say this interpreter did not speak your language.--He spoke in Tswana.

And your language is?--Southern Sotho.

Well that was not very satisfactory, according to you?--He apparently was the only man available at the time.

Your English seems to be perfect.--I do not know, I don't trust myself in English. /10

You see, there was my learned friend examining you, if you did not say what he had in your statement, he could have asked you another question.

BY THE COURT:

Mr. Kentridge I have not had the opportunity to make a full study of this plan, but just glancing at it, I get the impression.. look at Part 5, it suggests a detailed plan of implementation which in turn suggests study and detailed reports in order to consider the feasibility of the whole plan. Doesn't that tend to support your /20 questions put to him?

(Discussion between Court and Mr. Kentridge on this point.)

MR. KENTRIDGE: My lord I have tried to make it quite clear and I should make it even clearer that my client is not disposed to deny important matters, such as that he was on the Central Committee, that this came up and that the feasibility was discussed. The only question is whether there was actual approval. I suppose, my lord, your lordship with respect may be right - if the plan itself is /30 simply the subject matter for investigation.



It is a plan of a plan how the matter should be investigated.---Well my lord, I don't think I shall take it any further.

MR. KENTRIDGE: No further questions.

RE-EXAMINATION BY MR. LIEBENBERG:

Belt 8

How many acts of sabotage were committed over the period 1962 to 1964? Did you keep a count? ---I can't say how many my lord.

And do you know how many acts of sabotage were committed in the Soweto Townships?--I can't remember /10 them all, my lord, quite a number of them.

Can you remember whether more than one act, for instance, was committed at Zabavu, Jabavu, or Pimville, and those places, Dube? --I can remember, my lord, I think in Dube there were about two acts of sabotage. I don't know other places.

And do you know when these acts at Dube were committed?--I know the first one was committed on the 16th of December 1961.

You have already conceded that you might have /20 made a mistake about the date of these acts?--That might beso my lord.

Now you mentioned to my learned friend that when the operation Mayebuya was discussed, that it was the intention to go on to the second phase, because of the existence of trained personnel, geurilla fighters, and so on?--That is correct.

Now did you in fact know of such people having been trained?---I know some that have been trained abroad.

Did you personally have anything to do with /30 such persons?--I knew them, some of them, for instance



Raymond Mhalaba was with me in the Central Committee; Abol Mthembu who was in charge of some work of transporting the recruits, I did some work with him. I can't remember others.

Yes but were you ever informed, was the Central Committee ever informed about the type of training that the people had received overseas? ---The Central Committee was informed, and in fact it was instructions of the Central Committee that amongst those who were sent abroad for training, some must do political training together with military training. /10

Yes, but I am speaking of the people that came back - did they report on the type of training that they had received?---That was reported my lord.

Can you tell us what was the sort of training that people had received?--I do know that Andrew Mlangeni was trained on radio, together with another Indian. Abel Mthembu trained purely on military basis. I can't remember exactly what training Raymond Mhalaba received.

Yes but now when you came to discuss the feasibility of this plan, operation mayibeya, how many trained guerilla fighters did you have?--The figure was not edactly mentioned. Most of the gurillas trained were still in Tanganyika. They were to be brought in when the operation started. The few that were here were people that it was said were highly trained, and capable of leading. /20

Were they dozens or hundreds?--My lord, I think if I am not wrong, the number at that time was more than 300.

All told? --I can't say whether those who were in the Republic already were included. /30



You mentioned a person Abe, Mthembu?--Yes.

Was he also one who received training?--He received training in China.

And Mhalaba? Raymong Mhalaba?--He was together with him.

Now you say this plan of Operation Mayebuya was approved?--It was approved my lord.

Approved in what sense? To go ahead to devise ways and means?--That is correct my lord.

To put it into practice?---That is right. /10

But had you actually received..reached a stage where you proceeded to go over to guerilla warfare? --- It was felt that we had reached that stage by now.

Yes but were any acts committed, anything to indicate that guerilla warfare had actually started?--No.

I want you to look at the document A.F.198 THE ONE you identified this morning, "Some Thoughts on the Situation Confronting the Liberation Movement." A.F.198. I just want to read a few passages to you, and hear what you can say about them - anyhow you say you saw this document at Rivonia?--That is right. /20

Now on page, I think it is the last page, page 5, perhaps I should read the last few paragraphs with you - I will start at the top:

"Preparations which take so long that the intention and the approximate date becomes apparent can in their very thoroughness be the downfall of the projected operation; for the same reason" I am afraid my copy is very indistinct "For the same reason it is suggested that the operation should be commenced by numerous small forces /30



of 10 to 30 men, depending on conditions, political and terrain, and concentration of Government forces, in many areas simultaneously. These men to be in their zones incognito before the action is first joined."

Then the fourth paragraph: "The conclusion that must be drawn is that both overland supply and air-drops will have to be resorted to, but this can only be in addition to original stocks of material before action is commenced, and the capture of supplies after. The obtaining of supplies from beyond the borders is usually dependant on having a common border with a country/<sup>friendly</sup> to the people's forces. This does not apply at present in our case. The use of the coast to land supplies by sea also presents tremendous problems, having regard to the stationing of C.F. units on the usable coast, and the degree of long-range naval patrols carried out by the Air Force. Suggest then that the establishment to be investigated of a troop base area at the commencement of the action in the most North-West point of the Transvaal, adjacent to the Bechuana-land border, and within flying distance of Northern Rhodesia and the East African States. This establishment is to take place simultaneously with the commencement of operations in other areas, zones, so as to ensure the maximum diverse employment of the Government forces from the outset. Simultaneously there should be a maximum effort extended in and between the main industrial centres to sabotage communications, and major industries which serve the military organisation of the Government. The advantage of a base area is the simplification of diplomatic problems in the supply of materials from abroad, assuming that the provisional government is declared."



Now was this question ever discussed at Central Committee meetings, of establishing a base in the North-Western point of the Transvaal?--That is so.

Was it discussed?--It was discussed.

In relation to what plan was this question discussed?--- In relation to Umkonto we Sizwe , the Operation Mayebuya.

And what conclusion did you come to? Did you come to any conclusion?--My lord, this was to be investigated, as I said from the beginning, as to whether it is /10 possible.

Now certain other passages I want to put to you: to hear how they fitted in with the policy of the Party at that time. On page 1, sorry it is page 2, paragraph 5:

"Having arrived very briefly at the conclusion that only armed conflict will resolve the present political deadlock we must ask ourselves what the objectives of the struggle will be. It is necessary to establish our objectives in more than superficial terms." /20

Now here the author says that a conclusion has been reached that only armed conflict will resolve the present deadlock,---That is so.

Did you in fact reach such a conclusion?--- Not actually that conclusion my lord. It was contended that there appeared to be no other alternative but to get to armed struggle, but relying mainly on the action of the masses. The action of masses was never dismissed, and whatever armed action we got into, it would be backing the mass action. /30

Now on page 4 there is a passage in paragraph



4: "It would be very shortsighted of us, however, if we were to depend on economic stagnation along to bring about the downfall of the regime. We must plan and prepared for a long drawnout struggle which the present ruling groups will continue until their forces are routed in the field of battle."

Now here the author speaks of planning, and preparing for such a long drawn-out struggle.---That is correct my lord.

Yes but now what I want to know from you is whether anything had been achieved, apart from sending people out and training them in the acts, in the use of sabotage methods and guerilla methods---Nothing had been achieved my lord. I would say we have been defeated.

/10

BY THE COURT: (to Mr. Liebenberg)

Is your question whether anything had been achieved, or whether anything had been done?

MR. LIEBENBERG: Yes, perhaps I should say whether anything was done to implement this second phase? This second phase of the plan?--Not practically my lord. People were to go into plan investigation of certain things.

/20

Incidentally, my learned friend tried to suggest to you this morning that you didnot refer tothe guerilla warfare as the second phase of the struggle.---Yes.

My learned friend referred you to the passage in your evidence at the preparatory examination where you said that the method of sabotage would be intensified.---That is right.

But now on p. 220, at the top of the page, I asked you whether.."Can you remember the oontext in which this document was discussed, the purpose for which it was

/30



discussed and you said "Umkonto we Sizwe, it must take a step forward to start guerilla warfare."

(My learned friend referred to a passage on p. 216) Then when you spoke of the step forward that had to be taken, I questioned you further about whether the accused was familiar with the contents of the documents, and what part he played, or what part he was required to play in the carrying out of that plan?--I mentioned what part he was required to play.

You said then he had to make funds available. /10  
---That is so my lord.

So you say that this plan in principle was approved?---Yes.

And it just had to be seen how it could be implemented?--That is so.

I don't know if I ever put to you a document called "Speaker's Notes" (actually my lord, this does not arise from cross-examination - if I may be permitted to put just one document to the witness) (Permission granted, Mr. Kentridge being allowed to cross-examine thereon). /20

"Speakers' Notes, a Brief Course on the Training of Organisers" - do you recognise this document?  
--I don't my lord.

MR. LIEBENBERG: No further questions.

NO FURTHER QUESTIONS BY MR. KENTRIDGE.

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