

THE STATE v. MOSIMA SEXWALE & 11 OTHERS

INDEX TO THE RECORD OF THE SECOND TRIAL

Judgment re Old or New Indictment	pg.	9(1)	-	16(1)
Prosecutor's opening address		17(1)	-	23(1)
1. CHARLES BUTHLEZI (accused Nos. 1, 2, 3 and 5)		23(1)	-	101(1)
2. THOMPSON MBUTU (accused Nos. 3 and 5)		101(2)	-	150(1)
3. MARTHA TSETO (accused Nos. 1, 2, 3, 4, 6 and 11)		150(3)	-	185(1)
ORDER RE DELETION OF RECORD		170(3)		
4. ALPHEUS RAMOGHADI (accused Nos. 2, 4, 6, 7 and 11)		183(3)	-	210(1)
5. FREDDIE MOTAUNG (accused Nos. 3, 6, and 11)		210(4)	-	262(1)
4. ALPHEUS RAMOGHADI (accused Nos. 2, 4, 6, 7 and 11)		263(6)	-	303(1)
6. ABEL TSOMOKAE (accused No. 10)		304(7)	-	322(1)
7. JOHANNES MUALEFI (accused No. 10)		322(7)	-	337(1)
8. BUTI ZIMBA (accused No. 10)		338(8)	-	361(1)
9. EBENIZER GOIBA (accused No. 10)		361(8)	-	372(1)
10. STONE MOKALANE (accused No. 10)		372(8)	-	378(1)

11.	ALFRED MOHLAKA (accused Nos. 2 and 4)	379(8) - 389(8)
12.	SOLOMON BALOYI (accused No. 4)	389(8) - 432(9)
13.	JOHANNES BALOYI (accused No. 4)	432(9) - 480(10)
14.	CALVIN MOSIME (accused No. 10)	481(10) - 502(11)
15.	RAPHAEL MOHAYE (accused No. 4)	502(11) - 533(12)
16.	PATRICK KHOZA (accused No. 4)	533(12) - 543(12)
17.	SAMSON NDABA (accused No. 2, 3, and 4)	543(12) - 565(13)
18.	JOHN MATSIMELA (accused No. 9)	566(14) - 571(14)
19.	VICTOR SITHOLE (accused Nos. 6 and 7)	571(14) - 696(16)
20.	TIMOTHY BHAGO MAHLANGU (accused No. 7)	696(16) - 703(16)
21.	ELLIOT MATSIMELA (accused No. 9)	703(16) - 711(16)
22.	ANDOS DIALE (accused No. 9)	711(16) - 714(16)
23.	MOSHUMANE JAN MALEKA (accused Nos. 8 and 9)	714(16) - 739(17)
24.	MAKGERETSANE SEPHEU (accused No. 9)	739(17) - 741(17)
	COURT REQUEST TO COUNSEL	742(18) - 745(18)
24.	MAKGERETSANE SEPHEU (accused No. 9)	745(18) - 718(18)
25.	MAMAGASE JACK SIBEYI (accused No. 8)	780(18) - 796(19)

26.	STEPHEN MOREPI LEKGORO (accused Nos. 1 and 8)	796(19) - 842(19)
27.	MOTALE FRANS MANTATI (accused Nos. 1 and 8)	842(19) - 871(20)
28.	AARON DEBEILA (accused Nos. 1 and 8)	871(20) - 899(20)
29.	ABINAR MATHABE (accused Nos. 1, 2 and 8)	900(21) - 904(21)
30.	PETRUS DHLAMINI (accused Nos. 1, 2, 3, 4 and 11)	904(21) - 909(21)
31.	THEOPHILUS THANGALANE (accused Nos. 1, 2, 4, 6 and 8)	909(21) - 923(21)
32.	THEMBA NORMAN MASUKU (accused No. 5)	924(22) - 939(22)
33.	CARL RABOTHO (accused Nos. 1, 3 and 4)	940(22) - 948(22)
34.	EDNA LENA ZIMBA (accused No. 10)	948(22) - 953(22)
35.	ABEL MTHEMBU (accused No. 7)	953(22) - 994(22)
34.	EDNA LENA ZIMBA (accused No. 10)	994(22) - 1003(22)
36.	ALFRED MATHIBE (accused Nos. 6 and 11; and 3, 5 and 7)	1003(22) - 1038(23)
37.	TITI MTHENSANE (accused No. 2)	1038(23)
38.	TRYPHINE MOHALE (accused No. 10)	1038(23) - 1042(23)
39.	DOMENIKAH NGUBENI (accused No. 10)	1042(23) - 1049(23)
	<u>ADMISSIONS (INCLUDING THE EVIDENCE OF :</u>	1051(23) - 1107(24)
40.	LT COL CLOETE	1051(23) - 1057(23)
41.	MR MUNRO	1057(23) - 1058(23)
42.	BRIG NEETHLING	1058(23) - 1059(23)

43.	COL S.J. STRYDOM	1059(23) - 1063(23)
44.	W/O VAN ANTWERPEN	1088(24) - 1105(24)
45.	SERG C.A. ZEELIE (accused Nos. 1, 3, 4, 9 and 11)	1107(24) - 1122(24)
46.	TYRONE KHUMALO (accused No. 3)	1122(24) - 1126(24)
47.	TITI MTHENJANE (accused No. 2)	1126(24) - 1132(24)
46.	TYRONE KHUMALO (accused No. 3)	1133(25)
48.	LT DE WAAL (accused Nos. 1, 2, 3, 4, 8, 9 and 11)	1133(25) - 1162(25)
49.	IAN DEWAY RWAXA (accused Nos. 1, 2, 3, 4, 5, 6 and 12)	1162(25) - 1373(30)
50.	SAMUEL MANKGE (accused No. 12)	1373(30) - 1380(30)
51.	VICTOR MAJAFE (accused No. 12)	1381(30) - 1396(30)
52.	CONST BRITZ (accused No. 1)	1383(30) - 1396(30)
53.	SERG KHOZA (accused No. 1)	1397(30) - 1451(31)
44.	W/O VAN ANTWERPEN	1451(31) - 1458(31)
54.	ONICA MASHIGO (accused Nos. 5 and 6)	1459(32) - 1463(32)
<u>ADMISSIONS, BEING THE EVIDENCE OF :</u>		
55.	MAJOR VAN EEDEN	1463(32) - 1483(32)
54.	ONICA MASHIGO (accused Nos. 5 and 6)	1483(32) - 1488(32)
56.	JAPIE NONYANE (re: accused No. 11)	1488(32) - 1492(32)
	INSPECTION OF LAND ROVER	1492(32) - 1495(32)
57.	SERG COX (accused Nos. 3, 6 and 11)	1496(32) - 1507(32)

45.	SERG C.A. ZEELIE (accused Nos. 3 and 11)	1507(32) - 1520(32)
48.	LT DE WAAL (accused Nos. 3 and 11)	1520(32) - 1548(33)
52.	CONST BRITZ (re-called) (accused No. 1)	1548(33) - 1559(33)
53.	SERG KHOZA (re-called) (accused No. 1)	1559(33) - 1561(33)
58.	BILLY MASETHLA	1561(33) - 1563(33)
59.	ANDREW VUSI MBELE (accused No. 12)	1564(33) - 1575(33)
	<u>ADMISSIONS, BEING THE EVIDENCE OF:</u>	
60.	LT GREYLING	1576(34) - 1588(34)
59.	ANDREW VUSI MBELE (accused No. 12)	1588(34) - 1590(34)
	<u>ADMISSIONS, BEING THE EVIDENCE OF:</u>	
61.	BYRON EDWARD BUSBY	1591(34) - 1605(34)
62.	CAPT THOMAS	1605(34) - 1616(34)
63.	MAJOR BAKER (accused No. 10)	1616(34) - 1622(34)
55.	MAJOR VAN EEDEN	1623(35) - 1632(35)
	<u>ADMISSIONS, BEING THE EVIDENCE OF:</u>	
64.	DR MARAIS	1632(35) - 1651(35)
65.	MAJOR BURGER (accused Nos. 1 and 3)	1651(35) - 1658(35)
66.	CAPT LOOTS (accused No. 10)	1658(35) - 1665(35)
	<u>ADMISSIONS, BEING THE EVIDENCE OF:</u>	
67.	CAPT KINGHORN	1666(35) - 1673(35)
68.	LT DU PREEZ (accused No. 7)	1674(36) - 1713(36)
59.	ANDREW VUSI MBELE (accused No. 12)	1713(36) - 1729(36)

Collection Number: AD1901

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court  
Records 1958-1978**

**PUBLISHER:**

*Publisher:- Historical Papers, University of the Witwatersrand*

*Location:- Johannesburg*

©2012

**LEGAL NOTICES:**

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of the collection records and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a private collection deposited with Historical Papers at The University of the Witwatersrand.

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

In the matter between:

THE STATE

versus

MOSIMA GABRIEL SEXWALE AND ELEVEN OTHERS

---

APPLICATION FOR AMENDMENT OF THE INDICTMENT

---

Be pleased to take notice that application will be made to the above Honourable Court on the day of the trial for the following:

An amendment of Annexure "B", paragraph 10 of the indictment by the substitution of the following therefor:

...

/2

"(10) During the period October 1976 to January 1977 and at or near Alexandra in the district of Randburg, the accused either alone or jointly with Lele Jacob Motaung and/or Jacob Gaonakala Seatlholo possessed fire-arms, ammunition and explosives to wit: Five (5) Scorpion sub-machine guns; one (1) Tokarev pistol with magazine containing seven rounds; nine (9) handgrenades; three (3) loose detonators (primers) for handgrenades; two (2) detonators (primers) for handgrenades, each one attached to a vinyl cloth; 9 x 200 gram bars of T.N.T.; 2345 grams of plastic explosives; ten (10) detonating caps and three (3) pieces of safety fuse."

An amendment of Annexure "C", paragraph 2 of the indictment by the substitution of the following therefor:

"(2) During the period October 1976 to January 1977 and at or near Alexandra in the district of Randburg, the accused either alone or jointly with Naledi Tsiki and/or Jacob Gaonakala Seatlholo possessed fire-arms, ammunition and explosives to wit: Five (5) Scorpion sub-machine guns; one (1) Tokarev pistol with magazine containing seven rounds; nine (9) handgrenades; three (3) loose detonators (primers) for handgrenades; two (2) detonators (primers) for handgrenades, each one attached to a vinyl cloth; 9 x 200 gram bars of T.N.T.; 2345 grams of plastic explosives; ten (10) detonating caps and three (3) pieces of safety fuse."



An amendment of Annexure "K", paragraph 3 of the indictment by the substitution of the following therefor:

"(3) During or about the period October 1976 to January 1977 and at or near Alexandra in the district of Randburg, the accused either alone or jointly with Lele Jacob Motaung and/or Naledi Tsiki possessed fire-arms, ammunition and explosives to wit: Five (5) Scorpion sub-machine guns; one(1) Tokarev pistol with magazine containing seven rounds; nine (9) handgrenades; three (3) loose detonators (primers) for handgrenades; two (2) detonators (primers) for handgrenades, each one attached to a vinyl cloth; 9 x 200 gram bars of T.N.T.; 2345 grams of plastic explosives; ten (10) detonating caps and three (3) pieces of safety fuse."

The address for further correspondence is:  
Room 62 Palace of Justice  
Church Square  
PRETORIA.

DATED AT PRETORIA THIS 26TH DAY OF MAY 1977.

J.E. NÜTHLING  
ATTORNEY-GENERAL

TO: MR RAYMOND TUCKER  
10th FLOOR, SOUTH WING  
NATIONAL BOARD HOUSE  
94 PRITCHARD STREET  
JOHANNESBURG

AND TO: THE REGISTRAR OF THE SUPREME COURT  
PRIVATE BAG X67  
PRETORIA

Collection Number: AD1901

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court  
Records 1958-1978**

**PUBLISHER:**

*Publisher:-* Historical Papers, University of the Witwatersrand

*Location:-* Johannesburg

©2012

**LEGAL NOTICES:**

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of the collection records and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a private collection deposited with Historical Papers at The University of the Witwatersrand.

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

In the matter between:

THE STATE

versus

MOSIMA GABRIEL SEXWALE AND ELEVEN OTHERS

---

REPLY TO REQUEST FOR FURTHER PARTICULARS TO THE IN=  
DICTMENT

---

A. MAIN COUNT:

- (1) (a) Unknown to the State.
  - (b) All the organisations mentioned in the indictment.
  - (c) Unknown to the State for what period exactly, but at least during the periods or at the times mentioned in each Annexure applicable to each accused.
  - (d) The State will not rely upon inference alone but also upon direct evidence - the facts from which inferences are to be drawn are a matter of evidence.
  - (e) The State is not prepared to furnish any documents in this regard.
- 
- (2) (a) The State is unaware of when, where and in what manner precisely each of the accused and each of the organisations and each of the persons mentioned in Annexure "M" conspired with one another. As far as the organisations are concerned they adhered to the conspiracy for the period relevant to the charge. As far as the accused are concerned it is unknown to the State for what period exactly they adhered to the conspiracy, but at least during the periods or at the times mentioned in each Annexure applicable to each accused. As far as the other persons are concerned it is unknown to the State for what period exactly they adhered to the conspiracy.

Inference will be drawn from facts and documents which are a matter of evidence - the State is not prepared to disclose these facts and documents.

(b) No.

(c) (i) The facts and documents on which the State will rely for the inference that such conspiracy existed are a matter of evidence - the State is not prepared to disclose these facts and documents.

(ii) See answer to (c)(i) above.

(3) The connection between the A.N.C., the S.A.C.P., the Spear of the Nation and M.K. is a matter of evidence. The State is not prepared to furnish to the defence copies of documents or information in respect of these documents as requested under par. (a), (b) and (c) as this will form part of the evidence.

(4) Any further evidence which may disclose further acts by the accused will go towards proving the acts alleged in the annexures and/or the existence of the conspiracy, its terms and/or the involvement of the accused therein. The above is a matter of evidence.

B. REQUEST FOR FURTHER PARTICULARS TO ANNEXURES "A" - "L".

15. Re Accused no 1 - Mosima Gabriel Sexwale  
Ad Annexure "A"

15.1.Ad paragraph 2:

On or about 30 November 1976.

15.2.Ad paragraph 3:

30 November 1976.

15.3.Ad paragraph 4:

- (a) Unknown to the State exactly when and where.
- (b) Oral and practical training in the use of the Scorpion sub-machine gun and the handgrenade.

15.4.Ad paragraph 5:

- (a) Unknown to the State when precisely but through a forest near Nerston Border Post.
- (b) David Charles Ramusi and Ian Deway Rwaxa.

15.5.Ad paragraph 6:

- (a) Unknown to the State exactly when.
- (b) Orally.
- (c) Matter of evidence.

15.6.Ad paragraph 7:

- (a) Unknown exactly when and where - however, it was shortly before Christmas and at or near the Olifants River and in a room at or near Apel.
- (b) Matter of evidence.
- (c) He made fire-arms and explosives available for such training.
- (d) (i) See indictment.  
(ii) Orally.  
(iii) See par. 7(a).  
(iv) Accused no 1.  
(v) The instruction of the said persons in the use of fire-arms viz. the Tokarev machine-

pistol, the Scorpion sub-machine gun and the handgrenade.

- (e) (i) See paragraph 7(a).
- (ii) See paragraph 7(d)(v) - he instructed them orally and practically.

15.7. Ad paragraph 8:

- (a) Unknown to the State exactly when. At or near Mofolo North and/or Tenth Avenue, Alexandra.
- (b) Matter of evidence.
- (c) He made fire-arms and explosives available for such training.
- (d) (i) See indictment.
- (ii) Orally.
- (iii) See paragraph 8(a) - at or near Mofolo North.
- (iv) Accused no 1.
- (v) The instruction of the said persons in the use of fire-arms viz. the Tokarev machine-pistol, the Scorpion sub-machine gun and the handgrenade.
- (e) (i) See paragraph 8(a) - at or near Mofolo North.
- (ii) See paragraph 8(d)(v) - he instructed them orally and practically.

15.8. Ad paragraph 9:

- (a) On or about the 25th of December 1976 and at or near Sixth Avenue, Alexandra.



- (b) Matter of evidence.
- (c) He made fire-arms and explosives available for such training.
- (d) (i) See indictment.  
(ii) Orally.  
(iii) See paragraph 9(a).  
(iv) Accused No 1.  
(v) He instructed the said persons in the use of fire-arms viz. the Tokarev machine-pistol; the Scorpion sub-machine gun and the handgrenade.
- (e) (i) See paragraph 9(a).  
(ii) See paragraph 9(d)(v) - he instructed them orally and practically.  
Attention is drawn to the fact that the allegations in paragraph, 7, 8 and 9 are formulated in the alternative.

15.9. Ad paragraph 10:

- (a) See paragraph 9(a).
- (b) and (c)

The accused possessed the said fire-arms, ammunition and explosives at a store-room at 6th avenue, Alexandra and he took physical possession thereof when he instructed Carl Rabotho and Bonnie Sikhakhane in their use.

16. Re Accused no 2 - Naledi Tsiki  
Ad Annexure "B"

16.1. Ad paragraph 2:

- (a) Unknown to the State exactly when.
- (b) ditto.

16.2.Ad paragraph 3:

- (a) On or about the 25th/26th October 1976.
- (b) By the detonation of explosives.
- (c) The railway line was damaged at two

places:

- (i) The left handleg of the track was damaged in that the inside of the flange was blown out in a half-moon shape for a distance of 0,406 metres. The two sleepers on the sides of the damaged places were displaced from their normal positions. The coach screws which hold the gauge clips in position were pulled out of the sleepers for a distance of four sleepers on both sides of the point of explosion and the gauge clips could not effectively clasp the rail for that distance.
- (ii) One concrete sleeper was totally destroyed along half its length on the left hand leg of the track. The coach screws which hold the gauge clips in position were pulled out of four sleepers on both sides of the damaged sleeper to such a degree that the clips could no longer effectively control the gauge. The flange of the rail was slightly bent by the force of the explosion.

16.3.Ad paragraph 4:

- (a) Unknown to the State.
- (b) He took him to an unknown hiding place.

16.4.Ad paragraph 5:

- (a) Unknown to the State.
- (b) Unknown to the State,

16.5.Ad paragraph 6:

- (a) Unknown exactly when and where but during the last week of November 1976.
- (b) Matter of evidence.
- (c) Orally.
- (d) He made provision for the instruction of Nicholas Alfred Mohlaka by accused no 4, in the use of a fire-arm viz. the Scorpion sub-machine gun and explosives viz. the handgrenade.
- (e) (i) Orally.  
(ii) Unknown exactly when but at or near Kganane Street, Vosloorus.  
(iii) Accused no 4.  
(iv) The instruction of the said person in the use of a fire-arm viz. the Scorpion sub-machine gun and explosives viz. the handgrenade.

16.6.Ad paragraph 7:

- (a) (a) Unknown exactly when and where but about the middle of December 1976.
- (b) Matter of evidence.
- (c) Orally.
- (d) He made a fire-arm and explosives available for such training.
- (e) (i) Orally.  
(ii) Unknown exactly when and where but about the middle of December 1976 - at a house in Mpetla.

(iii) Accused no 2.

(iv) The instruction of the said persons in the use of a fire-arm viz. the Scorpion sub-machine gun and explosives viz. the handgrenade.

As far as paragraphs 6 and 7(a) are concerned attention is drawn to the fact that the allegations in the indictment are formulated in the alternative.

(b) (i) See paragraph 7(a)(e)(ii) above.

(ii) See paragraph 7 (a)(e)(iv) above.

16.7. Ad paragraph 8:

(a) See paragraph 7(a)(e)(ii) above.

(b) Not applicable.

(c) The accused had it in his possession in a plastic bag - it was not found in his possession.

16.8. Ad paragraph 9:

(a) On the premises of accused no 8.

(b) Mankwatsane, Sekhukhuniland - it was found in the yard (lapa).

(c) Not applicable.

16.9. Ad paragraph 10:

The attention is drawn to the fact that the State will apply for an amendment of Annexure B paragraph 10, Annexure C paragraph 2 and Annexure K paragraph 3 to the indictment. (The application for amendment of the indictment in this regard is attached hereto.)

+++

- (a) Unknown to the State when precisely. The following was possessed at 50 - 6th Avenue, Alexandra: 5 Scorpion sub-machine guns; 1 Tokarev pistol with magazine containing seven rounds; 3 handgrenades and two loose detonators (primers) for handgrenades. The following was possessed at 124 - 7 th Avenue, Alexandra: 9 x 200 gram bars of T.N.T.; 2345 grams of plastic explosives; 6 handgrenades; 1 loose detonator (primer) of a handgrenade and 2 detonators (primers) of handgrenades attached to vinyl cloths; 10 detonating caps and three pieces of safety fuse.
- (b) The articles which were possessed at 50 - 6th Avenue, Alexandra were found at 62 - 12th Avenue, Alexandra in the yard. The said articles were removed from the one address to the other before they were found by the police. The articles which were possessed at 124 - 7th Avenue, Alexandra were found in a corrugated iron coal shed in the backyard of the premises.
- (c) Not applicable.
- (d) Attention is drawn to the fact that the allegation in the indictment was formulated in the alternative.
- (i) Unknown to the State.
- (ii) (aa) Not applicable.
- (bb) This is a matter of evidence.

17. Re Accused no 3 - Lele Jacob Motaung  
Ad Annexure "C"

17.1. Ad paragraph 2:

See answers to paragraph 16.9 above.

17.2. Ad paragraph 3:

- (a) Unknown exactly when. At or near Jonathan Village, Aasvoëlboom, district of Odi.
- (b) It was found in a wardrobe in a bedroom at the address mentioned in sub-paragraph (a) above.
- (c) Not applicable.
- (d) The attention is drawn to the fact that the allegation in the indictment was formulated in the alternative.
  - (i) Yes.
  - (ii) (aa) Not applicable.
  - (bb) Matter of evidence.

17.3. Ad paragraph 4: Paragraph 16.5 is not completely applicable.

- (a) Unknown exactly when and where.
- (b) Matter of evidence.
- (c) Unknown to the State.
- (d) The State does not intend to press the allegation that the accused "aided" the three people mentioned to undergo military training.
- (e) (i) Unknown to the State.
  - (ii) Unknown to the State.
  - (iii) and (iv) Unknown to the State.

The attention is again drawn to the fact that the allegations in the indictment are formulated in the alternative. The questions in respect of paragraph 16.5 are not fully applicable to this paragraph.

17.4. Ad paragraph 5:

- (a) Unknown to the State.
- (b) In a house - unknown precisely where.
- (c) Unknown to the State.

18. Re Accused no 4 - Simon Samuel Mohlanyaneng:  
Ad Annexure "D"

18.1. Ad paragraph 1:

Unknown to the State.

18.2. Ad paragraph 2:

See answers to 17.2 Ad paragraph 3 above.

18.3. Ad paragraph 3:

- (a) Unknown exactly when. At or near the Moretele River.
- (b) Matter of evidence.
- (c) Orally.
- (d) He made arrangements for the training of the said persons by David Charles Ramusi in the use of fire-arms and explosives and in target shooting.
- (e) (i) Orally.  
(ii) See ad paragraph 3(a) above.  
(iii) David Charles Ramusi.  
(iv) The instruction of the said persons in the use of fire-arms namely the Scorpion sub-machine gun, the Tokarev machine-pistol and explosives namely the handgrenade as well as in target shooting.

18.4. Ad paragraph 4:

- (a) (a) See answer to 16.5. Ad paragraph 6(a).
- (b) See answer to 16.5. Ad paragraph 6(b).

- (c) See answer to 16.5.Ad paragraph 6(c).
- (d) He made arrangements for the training of the said Alfred Nicholas Mohlaka and he made a Scorpion sub-machine gun and a handgrenade available for such training.
- (e) (i) Orally.  
(ii) See answer to 16.5. Ad paragraph 6(e)(ii).  
(iii) See answer 16.5.Ad paragraph 6(e)(iii).  
(iv) See answer to 16.5.Ad paragraph 6(e)(iv).
- (b) Naledi Tsiki (Accused no 2) assisted the accused (no 4) in making contact with Alfred Nicholas Mohlaka, in arranging with him a place and time for discussion and in orally inciting, etc. the said person to become a member and/or active supporter of the A.N.C. and/or to undergo military training.
- (c) (i) Unknown exactly when but at or near Kganane Street, Vosloorus.  
(ii) The instruction of the said person in the use of a fire-arm viz. the Scorpion sub-machine-gun and an explosive viz. the handgrenade.

18.5.Ad paragraph 5:

- (a) See answer to 18.4. Ad paragraph 4 (c)(i) above.
- (b) Not applicable.
- (c) The accused had them in his possession but they were not found on him.



18.6.Ad paragraph 6:

- (a) The date appears in the indictment - the night of the 2nd - 3rd January 1977. In a hut in a kraal near Nooitgedacht.
- (b) See answer to (a) above.
- (c) Not applicable.

19. Re Accused no 5 - Elias Tieho Masinga:  
Ad Annexure "E"

19.1.Ad paragraph 2:

Unknown to the State.

19.2.Ad paragraph 3:

- (a) He inured himself with executive members of the Soweto Students Representative Council in order to merge the said association with the A.N.C. He furthermore arranged a meeting between members and A.N.C. officials on the pretext of offering instructions in the competent administration of the S.S.R.C.
- (b) See (a) above.
- (c) The Action Committee of the South African Students Movement.

19.3.Ad paragraph 4:

- (a) Unknown exactly when, at or near Mofolo Village.
- (b) Matter of evidence.
- (c) Orally.
- (d) He arranged a meeting between Mafison Morobe, Robert Billy Masethla and A.N.C. officials in Swaziland and he arranged transport thereto.

- (e) (i) Orally - also see (d) above.  
(ii), (iii) and (iv)

NB

At this stage they did not become members of the A.N.C. and/or receive military training - discussions for this purpose were, however, held.

19.4.Ad paragraph 5:

- (a) Unknown to the State.  
(b) Ian Deway Rwaxa transported them to Swaziland.  
(c) Moses Mabhida and/or Henry Chiliza and/or Stanley Mabizela and/or John Nkadimeng and/or Doctor Zwane.

19.5.Ad paragraph 6:

- (a) Unknown exactly when. At or near 10th Avenue, Alexandra and at or near Mofolo North, Soweto.  
(b) Accused no 5 arranged the meeting with and instruction by Mosima Gabriel Sexwale.  
(c) Yes.  
(i) Mafison Morobe, Robert Billy Masethla, Super Moloi and Accused no 5.  
(ii) Unknown exactly when. At or near Mofolo North - in a room.  
(iii) Mosima Gabriel Sexwale (Accused no 1).  
(iv) The instruction of the said persons in the use of fire-arms namely the Tokarev machine-pistol, the Scorpion sub-machine gun and explosives namely the hand-grenade.

- (d) By deed.
- (e) (i) See answer to (c)(ii) above.  
(ii) See (c)(iii) above.  
(iii) See (c)(iv) above.

19.7. Ad paragraph 7:

- (a) Matter of evidence.
- (b) A small secret group of A.N.C. members unaware of each others existence but aware of the existence of one member of the cell vertically above theirs and from whom each takes his orders.

19.8. Ad paragraph 8:

- (a) Unknown to the State.
- (b) Unknown to the State how he recruited them but he aided and/or procured them by making them available to Ian Deway Rwaxa for transportation out of the Republic for military training.
- (c) Accused no 5 referred to them as "special recruits" and they were afforded treatment not given to ordinary recruits.
- (d) Accused no 5 arranged for Ian Deway Rwaxa to transport them out of the Republic.

19.9. Ad paragraph 9:

The attention of the defence is drawn to the absence of any allegation of military training in paragraph 9. Paragraph 16.5. is thus not applicable mutatis mutandis. Particulars are given below only where applicable.

- (a) Unknown exactly when. At or near 3001 Rockville, Soweto.
- (b) Matter of evidence.
- (c) Orally.
- (d) He offered education to Michael Themba Nkabinde himself and financial support for his family.

- (e) (i) Orally.
- (ii) Unknown to the State.
- (iii) and (iv) - Not applicable.

19.10.Ad paragraph 10:

- (a) Unknown exactly when:
  - (i) At 670 Dhlamini no 1, Soweto;
  - (ii) 3001 Rockville, Soweto.
- (b) The main sentiments are as follows:-
  - Detention and Detente:- Indignant and emotive criticism of South African Security Legislation, the government that enacted it, as well as its executive and judicial enforcement.
  - Deaths in Detention: An emotive précis of the reaction of White authority to mobilized Black resistance.
  - Revolution in the Revolution: Military and Political ideas for violent Marxist Revolution such as suiting the form of the guerrilla force to the environment, the rejection of armed self-defence, competent armed propaganda, strategic positioning of the guerrilla base, possible guerrilla rule of the party instead of the opposite.
  - The Thought of Karl Marx: A beginner's handbook of class-struggle containing extracts from Marx's works. The ideas include: the alienation of man from himself due to the "capital" relationship and the formation of the state and religion; historical materialism, labour and the process of externalisation, class (the bourgeoisie and proletariat), the Communist Party,

Revolution; the withering away of the State in order to form a workers' dictatorship and finally a classless society. Engels: Selected Writings: Denunciation of industrial society in the 19th Century; Expositions of Marxian philosophy and economics.

20. Re Accused no 6 - Martin Mafefo Ramokgadi:  
Ad Annexure "F"

20.1. Ad paragraph 1:

- (a) During the whole period mentioned.
- (b) It is a person in a position of leadership.
- (c) The Executive Committee of the A.N.C. for the Transvaal.

20.2. Ad paragraph 2:

- (a) From A.N.C. officials in Swaziland.
- (b) This is a matter of evidence.
- (c) The "other amounts" are unknown to the State.

20.3. Ad paragraph 3:

- (a) 17th April 1976.
- (b) Joseph Tseto's.

20.4. Ad paragraph 4:

- (a) On the 27th July 1976 and the 23rd September 1976 respectively - on both occasions from Lindsay Sakers.
- (b) Lindsay Sakers, Highlands North, Johannesburg.
- (c) The Combi's were registered in Tseto's name.

20.5. Ad paragraph 5:

- (a) Unknown to the State exactly when and where.
- (b) Volkswagen Combi.
- (c) Ian Deway Rwaxa.

20.6. Ad paragraph 6:

- (a) Unknown to the State precisely when and where.
- (b) Pat Mayisela and Alois Mancini and the names of the others are unknown to the State.
- (c) Unknown to the State in what manner the persons were procured - to the A.N.C. officials in Swaziland - unknown to whom precisely.

20.7. Ad paragraph 7:

- (a) (a) Unknown to the State exactly when and where.
  - (b) Lukisi Moloi; one Elizabeth and the names of the others are unknown to the State.
  - (c) The abovementioned persons and one person whose name is unknown were approached by Tsimo for that purpose and then the others whose names are unknown were approached by Mzimkulu Twala and Thobi Mbele on Tsimo's behalf. They were not yet supplied to anybody.
- (b) The accused asked Tsimo to recruit or procure persons and have them available for him when they were needed.

20.8. Ad paragraph 8:

- (a) Unknown to the State exactly when and where.
- (b) Ian Deway Rwaxa and/or Phineas Norman Shabalala and/or Alois Mancini and/or Simon Samuel Mohlanyaneng and/or Dawid Charles Ramusi and/or Mosima Gabriel Sexwale and/or Naledi Tsiki and/or Jacob Gaonakala Seatlholo and/or others unknown to the State.

- (c) By supplying vehicles whenever they were required by the abovementioned terrorists.

20.9. Ad paragraph 9:

- (a) Unknown to the State precisely when.  
At or near 32 - 10th Avenue, Alexandra.
- (b) Henry Makgothi and/or Joe Gqabi and/or Alois Mancini and/or Mosima Gabriel Sexwale and/or another male person unknown to the State.
- (c) See (a) above.
- (d) Meetings in fact took place; the violent overthrow of the South African government was discussed; no military training in fact occurred; further details as to the meetings are a matter of evidence.

20.10. Ad paragraph 10:

- (a) (i) and (ii)  
Unknown to the State exactly when. At his house in 57 - 11th Avenue, Alexandra.
- (b) (i) and (ii)  
Peter Mohlala and/or others unknown to the State.
- (c) Unknown to the State.

21. Re Accused No 7 - Joe Nzingo Gqabi  
Annexure "G"

21.1. Ad paragraph 2:

See Answers to 20.1 Ad paragraph 1.

21.2. Ad paragraph 3:

- (a) Unknown to the State precisely when and where.
- (b) Names of books and pamphlets not mentioned in the indictment are unknown to the State.

21.3. Ad paragraph 4:

- (a) Unknown to the State precisely when and where.
- (b) Unknown to the State.
- (c) Timothy Mahlangu was to arrange the meeting on behalf of Accused No 7.

21.4. Ad paragraph 5:

- (a) Unknown to the State precisely when; at or near Mofolo North, Soweto.
- (b) A room; further details are unknown.
- (c) Yes.
  - (i) No.
  - (ii) See 15.7. Ad paragraph 8d(v).

21.5. Ad paragraph 6:

Unknown to the State precisely when; at or near 32-10th Avenue Alexandra.

22. Re Accused No 8 - Petrus Mampogoane Nchabeleng  
Ad Annexure "H"

22.1. Ad paragraph 1:

- (a) Unknown to the State precisely when and where.
- (b) Orally.
- (c) Unknown-young boys.
- (d) Mamagase Sibeyi was to procure young boys on his behalf.

22.2. Ad paragraph 2:

- (a) During or about the end of November 1976; at or near the Village of Moloka.
- (b) Not applicable.
- (c) Not applicable; he had possession.

22.3. Ad paragraph 3:

Attention is drawn to the fact that paragraph 15.6. is not fully applicable to the present paragraph.



- (a) (a) Unknown to the State precisely when; unknown to the State exactly where but at or near Moloka Village and the Olifants River.
- (b) Matter of evidence.
- (c) Not applicable; See Answer to (b) hereunder.
- (d)+(e)  
Not applicable.
- (b) The accused took Morepye Stephen Lekgoro to the venue for training and supplied the weapons in which the said person was trained.

22.4. Ad paragraph 4:

- (a) (a) Unknown to the State precisely when and where.
- (b) No recruits were procured at that stage; the State alleges an attempt.
- (c) Not applicable.
- b) ~~(a)~~ Morepye Stephen Lekgoro was to procure recruits on behalf of Accused No 8.

22.5. Ad paragraph 5:

- (a) Unknown to the State exactly when; at the home of the accused; Attention is drawn to the formulation of paragraph 5 in the alternative.
- (b) The terrorists stayed at his house.
- (c) See indictment.

22.6. Ad paragraph 6:

- (a) (a) Unknown to the State exactly when; at or near the home of accused No 8.

- (b) Aaron Debeila, Motale Frans Mantati.
- (c) Orally; Mosima Sexwale.
- (b) Elleck Nchabeleng was to procure recruits on the accused's behalf.

22.7. Ad paragraph 7:

- (a) On or about the 2nd January 1977 and at or near the home of Accused No 8.
- (b) Scorpion sub-machine gun, a Tokarev machine pistol and a hand-grenade.
- (c) Matter of evidence.

23. Re Accused No 9 - Nelson Letsaba Diale  
Ad Annexure "I"

23.1. Ad paragraph 1:

- (a) Unknown to the State exactly when and where.
- (b) Matter of evidence.
- (c), (d) and (e)  
Not applicable.

23.2. Ad paragraph 2:

- (a) Unknown to the State exactly when and where.
- (b) Matter of evidence.
- (c), (d) and (e)  
Not applicable.

23.3. Ad paragraph 3:

- (a) Between Christmas and New Year and at or near Ngwanabekane.
- (b) Matter of evidence.
- (c), (d) and (e)  
Not applicable.

23.4. Ad paragraph 4:

- (a) 30 December 1976 and at or near Ngwanabekane.
- (b) Matter of evidence.
- (c) Not applicable.
- (d)

- (i) See indictment.
  - (ii) Orally.
  - (iii) On or about 1st January 1977; at or near Seribeng.
  - (iv) Accused No 9.
  - (v) The instruction of the said persons in the use of and/or construction of the Tokarev Machine Pistol.
- (e) (i) See d (iii).  
(ii) See d(v).
- (b) See (e) (i) and (ii).

23.5. Ad paragraph 5:

- (a) See paragraph 23.4 d(iii):
- (b) Not applicable.
- (c) Not "found" on his person but he had possession.

Accused No 10 - Michael Mpandeni Ngubeni

Ad Annexure "J"

24.1. Ad paragraph 1

- (a) Unknown to the State exactly when; at 771 Morudi Street, Tlhabane Location, Rustenburg.
- (b) Matter of evidence.
- (c) Matter of evidence; orally.
- (d) Matter of evidence.
- (e) Mkhwakazi.

24.2. Ad paragraph 2:

- (a) Unknown to the State exactly when; at 771 Morudi Street, Tlhabane Location, Rustenburg.
- (b) Orally.
- (c) Unknown to the State.
- (d) Agrenett.

24.3. Ad paragraph 3:

- (a) (a) Unknown to the State exactly when; 771 Morudi Street, Tlhabane Location, Rustenburg.
- (b) Matter of evidence.
- (c) Not applicable.  
Attention is drawn to the fact that the whole allegation is formulated in the alternative.
- (d) (i) Newton Calvin Mosime.  
(ii) Orally.  
(iii) The training did not transpire.  
(iv) and (v)  
Not applicable.
- (e) (i), (ii)  
Not applicable.
- (b) Unknown to the State.
- (c) (i) Ebenizer Gqiba, Buti Zimba, Newton Calvin Mosime.  
(ii) None.
- (d) (i) Unknown.  
(ii) They were used as a ruse for military training.
- (e) (i) Unknown.  
(ii) Unknown when and where cells were formed and whether they were actually formed.

25. Re Accused No 11 - Jacob Gaonakala Seatlholo  
Ad Annexure "K".

25.1. Ad paragraph 1:

- (a) Unknown to the State exactly when; 14 Sherborne Rd, Parktown, Johannesburg.

- (b) Their names are unknown to the State.
- (c) 2 days.
- (d) Hidden from the police at a house.
- (e) They were still to undergo military training.

25.2. Ad paragraph 2:

- (a) Attention is drawn to the formulation of this paragraph in the alternative.
  - (a) Unknown to the State exactly when; 50 6th Ave. Alexandra and/or 124 7th Ave. Alexandra.
  - (b) They stayed at his home and/or a house belonging to him.
  - (c) See indictment.
- (b) He let them use his home; matter of evidence.

25.3. Ad paragraph 3:

See **Answers** to paragraph 16.9.

25.4. Ad paragraph 4:

- (a) On or about the 27th December 1976; at or near 50 6th Ave. Alexandra and/or 69 12th Ave. Alexandra.
- (b) At 154 19th Ave. Alexandra in a room in a house.
- (c) Not applicable.

25.5. Ad paragraph 5:

- (a) On or about the 28th December 1976 and at or near 69 12th Ave. Alexandra.
- (b) Unknown except that it was hidden from the police.
- (c) Henry Makgothi; TP 149-328.

26. Re Accused No 12 - Paulina Mamagotla Mohale:  
Ad Annexure "L"

26.1. Ad paragraph 1:

Attention is drawn to the fact that 15.6. is not fully applicable to the paragraph in question.

- (a) Unknown to the State exactly when and where.
- (b) Not applicable.
- (c) She provided transport for them out of the Republic.
- (d) (i) See indictment.  
(ii) Unknown to the State.  
(iii), (iv) and (v)  
Unknown to the State.
- (e) (i) and (ii)  
Not applicable.

26.2. Ad paragraph 2:

- (a) Exact time and place unknown to the State.
- (b) She typed an exact copy.  
Attention is drawn to the fact that the allegation is formulated in the alternative.
- (c) Unknown.

C. 27. Ad Count 1

- (a) See paragraph 15 to 26.
- (b) Should the State fail to prove either the existence of the conspiracy or that any one of the accused was a participant in the conspiracy, then the State will rely on the individual acts of each accused (where applicable) as alleged in annexures A - L,

to prove the liability of each accused for the purposes of Count 1.

- (d) Not applicable in the absence of proof of a conspiracy.

  
N.C. GEY VAN PITTIUS

  
M.J. DONEN

COUNSEL FOR THE STATE

TO: MR RAYMOND TUCKER  
10th FLOOR, SOUTH WING  
NATIONAL BOARD HOUSE  
94 PRITCHARD STREET  
JOHANNESBURG

AND TO: THE REGISTRAR  
SUPREME COURT  
PRETORIA

Collection Number: AD1901

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court  
Records 1958-1978**

**PUBLISHER:**

*Publisher:*- Historical Papers, University of the Witwatersrand

*Location:*- Johannesburg

©2012

**LEGAL NOTICES:**

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of the collection records and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a private collection deposited with Historical Papers at The University of the Witwatersrand.