

because that is why I left.

And I mean you told us last time you still felt that way after you came back and when you were giving evidence in court?

--- Even now I am still feeling like that.

√ Now this question, your attitude you say that during a discussion about capitalism and communism when it cropped up in Tanzania, you indicated that you didn't agree with communism? --- Yes.

And that was very well known at the camp, your attitude?

--- Yes, it was wellknown.

(10)

And when it was arranged to send you off to Russia for training it was very wellknown that you were a person who didn't go along with communism? --- Yes, it was wellknown. They tried to convince me saying that they are teaching me. 14 }

And incidentally, did you say that accused no.3 was opposed to religion? --- Yes.

Well, he says in fact he is a churchgoer? --- Is that what he says?

Yes. You say that is not true? --- I don't know, he never told me that.

(20)

He never told you. And I must put it to you that accused nos. 1, 2 and 3 deny their having tried to convince you to communism? --- They were trying their best to force me to communism.

They will deny it. --- But that is what they were doing, that is what I am telling the court.

And accused no.1 and 2 said that they were very critical of the way that capitalism had affected the lives of Blacks in South Africa? --- Yes, it is like that.

But they deny ever having as it were taken the line of communism and try to convince you to become a communist? ---

(30)

When /...

When they are criticising capitalism what do they prefer then?

Do you suggest that there are only two systems in the world, capitalism and communism? --- We were well aware - we were against capitalism in order to obtain communism.

Well, look, I really think that this has got very little to do with this case, I don't want to waste any time on it, but I just want to put it to you that the accused deny your evidence that they talked only of the merits of communism and the demerits of capitalism. --- What I am telling the court is what exactly happened. (10)

Now I want to get something quite clear, is it correct that you in fact received no training at all while you were in Russia? --- I did not go for practical training.

And did you in fact - you talked about map reading, did you receive any training at all on map reading? --- We were busy with it in the class but we had not gone through that.

BY THE COURT: Mr. Chaskalson, you asked him whether he had training in Russia, and he said he didn't have training in Tanzania. You spoke about two different countries. I don't think you picked it up that he actually referred to Tanzania. (20)

MR. CHASKALSON: Did you receive - is it correct that you received no training in Russia? --- I did not receive practical training.

Now you say that you were dealing with map reading? --- Yes, My Lord.

What were you taught about map reading? --- Distance of the scales. I now forget the others because I didn't carry on for long with that map reading.

It must have been a very unusual experience for you to be in Russia? --- It was the first time that I had been in Russia. (30)

Surely it is not something that you could forget so

easily, /...

easily, the details of what happened there? — Studying is not like going about and looking at things as you see them, it is something different.

So all you can remember is that maps have scales, is that all that you can remember about map reading? — Yes.

And you were taught I think you said something about - did you say something about other things that you learnt besides map reading, what were they? — We were receiving lectures concerning manufacturing of homemade explosives.

Were you taught how to make any particular homemade explosives? — We were still busy with the studying. (10)

I don't want you to give me an answer now, I just want you to tell me in general terms, are you able to describe how to make any homemade explosives? I just want to know whether you can do that? — No, I cannot be able to describe, I did not continue with that studying.

So can you tell us anything that you can remember about the making of homemade explosives? — Yes.

Well, what can you remember? — It is made by coffee and sugar.

Anything else? — I forget now the names of the powders that are included. (20)

Yes, and is that all that you can remember? — There is also something, I don't know whether it is tree leaves or tree bark that us also used.

What is that? — It is tree leaves and tree bark.

Well, what is it, would you just explain it to me? — The tree leaves, it is the leaves of a tree, and the tree bark is the bark of the tree.

Are those used to make explosives you say? — Yes.

So you say that explosives are made out of coffee and sugar, /... (30)

sugar, and tree leaves and tree bark? --- Yes.

And is that all that you can remember about the making of explosives? --- Yes.

BY THE COURT: He said coffee, sugar and powders of which he had forgotten the names.

MR. CHASKALSON: Oh yes, you mentioned coffee, sugar, tree bark, tree leaves, and some powders which you can't remember? --- Yes, My Lord.

I want to put it to you that in fact there was no training at all while you were in Russia? --- How can you prove that? (10)

I have no further questions.

CROSS-EXAMINATION BY MR. KUNY: No questions.

RE-EXAMINATION BY MR. DONEN: My learned friend questioned you as to why you were looking only at the box in which you were standing, and you didn't turn around and face the accused, and you said accused nos. 1, 2, 3 and 5 are still having the same positions? --- Yes.

Now the same positions as what? --- (Court intervenes):

BY THE COURT: He said in his evidence if I remember correctly in the same positions that they were in previously. Is that (20) correct, Mr. Chaskalson?

MR. CHASKALSON: (Away from microphone).

BY THE COURT: I think he actually used those words unless my memory is not correct, but let him ask the question again.

MR. DONEN: My note was that he only said the same position, I just want to get that clear.

BY THE COURT: Oh well, let us clear it up then. --- The positions which they had previously.

MR. DONEN: Where? --- During the time when we were in the Synagogue. (30)

Now you said in cross-examination that before you left

South/...

South Africa you were afraid that you may be arrested. Why were you afraid? --- Because I had discussed this matter of escaping with many people, some of which now changed their minds. I then thought that they might probably reveal it.

Reveal in which respect? --- They may discuss about it that I want to escape and then this might come probably to the ears of the police.

Now after you returned from hospital in Russia, what was your relationship like with Joyce and the other ten members of your team? --- We were merely comrades. (10)

What did you do after you returned from hospital? --- I found that they were now attending class, I also joined the classes.

What sort of classes were they? --- Where we received theological training. Theological training.

BY THE COURT: We will still come to the meaning of that word, Mr. Chaskalson, before we have finished this case.

MR. DONEN: You have already said what you understand by theological training? --- Yes, I have described it.

Now what theoretical training did you receive in Russia? (20) --- Map reading, Russian language, alphabet, powers of small arms, manufacturing of homemade explosives, TNT powder, to the TNT block, booby traps, manoeuvring of the guerilla warfare and how to sabotage.

Now what theological training did you receive in Russia? --- We were trained how to manoeuvre when going for a fight. How to sabotage the economics, creation of strikes, training people to fight the country, intellectual circumstances.

Now the other members of your group, what training did they receive? --- They had already started training on these. (30) When I found them they were busy already, and then thereafter

I then /...

I then left.

When did you find them? — After being discharged from the hospital.

Now who arranged for you to go to Tanzania? — The A.N.C. representative who was in Mozambique.

What was his relationship with Frelimo? — He was greatly related with the Frelimo.

I have no more questions, My Lord.

BY THE COURT: Tell me when you arrived in Maputo, did you have any money with you? — From where? (10)

When you came from South Africa? — No, I had no money.

Where did you get food, and when you ride in the bus you must pay? Life needs sort of money. How did you manage to exist? — I was staying with the soldiers, sleeping with them.

And then after you left the soldiers and you joined up with the A.N.C. how did you live, who gave you food and clothing? — When I was in Mozambique I was getting my food from the soldiers. At Tanzania I used to get my food from the A.N.C. (20)

And in Russia? — From the Russians.

Thankyou, you may go.

NO FURTHER QUESTIONS.

THOMSON MBUTHU d.s.s. (Through interpreter)

EXAMINATION BY MR. VAN PITTIUS: Now on a certain day in 1975 you boarded an aeroplane at Durban, is that right? — I did.

Can you remember the exact date? — I remember the date.

Yes, what was it? — The 26th of July, 1975.

Now where were you en route to? — To Lourenco Marques which is now Maputo.

Did you have any travel documents in your possession? — (30)
I had.

What was your reason for going to Maputo, to Lourenco Marques? — I had visited my friend Lazarus Lukhele.

Had you or what was the — had you visited him or what? — I was visiting him.

BY THE COURT: In Maputo? — In Maputo.

MR. VAN PITTIUS: Lazarus who? — Lukhele.

Now you eventually got to Maputo then, is that right? — I did.

Now in Maputo, or rather let me put it like this, did you get to know a place called Avenida de Brazil perhaps? — Yes. (10

What place was this? — That was a place of refugees. And it was also a place of people who were running away from Mozambique because of the fights.

What fights? — The fights against the Portuguese and the Frelimo.

Now did you ever go to this place after you had come to Maputo? — I only ended at Maputo because I had failed to see the comrade whom I had visited.

Yes, but my question is did you eventually go to this place at Avenida de Brazil after you had come to Maputo? — (20 Yes, I did go to this place.

How long after you got to Maputo did you go to this place? — I was sent there the very same day of my arrival.

BY THE COURT: I understood him to say, to say unless I misunderstood it then, he couldn't find this person that he went to see, and then he went to this Avenida de Brazil, is that correct? — They had objections that I should see my comrade, and the officers took me to this place.

MR. VAN PITTIUS: Which officers? — The Frelimo officers whom I found at the airport. (30

So from the airport you were eventually taken to Avenida de Brazil?/...

de Brazil? --- I was taken from the airport to the Avenida de Angola.

Yes, and from Avenida de Angola? --- To the Avenida de Brazil.

And you were taken all this way by these officials that you were talking about? --- Yes, My Lord.

Now can you look around in court. Have you ever seen accused no.3 before? --- Yes, I have seen him.

Now can you tell the court when did you come to meet him and where? --- I met him at the Avenida de Brazil the very same day of my arrival. (10)

How long after you arrived at the Avenida de Brazil? --- On my arrival there I was presented to the caretaker, namely Nikis.

I don't want to know what Nikis said, but just how you got to meet accused no.3? --- No.3 was called.

And then, were you introduced to him, or what? --- My Lord, Nikis gave instructions to accused no.3.

Yes, then on this day when you met accused no.3 there at that moment, did you have any discussions with accused no.3? (20) --- Yes, we had discussions.

Now can you tell the court what these discussions between you and accused no.3 were? --- Accused no.3 asked me as to whether I had come for a scholarship or to join the A.N.C.

Yes? --- I told him that I had paid a visit.

Yes? --- Accused no.3 told me that people who arrive there join the A.N.C. and then these are sent to Tanzania.

Did he say what for? --- For military training.

Yes, did he say anything else? --- I think that was all he said that day, but as time went on he said other things. (30)

Was this now during your stay there? --- During my

stay /...

stay there.

For how long did you stay there at Avenida de Brazil?

— I stayed there for three months.

Now can you tell the court of any other discussions you had with accused no.3? — He told me one day that he is training guerilla warfare overseas, but he didn't mention exactly where.

Let me just get this exactly right, did he - does it mean he said that he himself is training people, or that he himself received training? — He said that he has been trained. (10)

Did he mention the place? — No, he merely said overseas.

Now do you know what accused no.3's position was there in Avenida de Brazil? — He was in charge of the refugees who came from other countries, especially from South Africa.

Now I want to show you a photograph, that will be EXHIBIT C, My Lord. Can you just have a look at this photograph and tell the court whether you recognise this person on the photograph? — I do recognise this person.

Yes, can you tell the court who he is? — At that time he had no beard on. I can identify the forehead, the ears, (20) and the nose.

Now how did you get to know this person, by what name?

— Thabo, by the name of Thabo Mbeki.

Now - My Lord, perhaps I do not know whether ...?

BY THE COURT: Yes, I think so, this afternoon - today we will finish at 1 o'clock, is that correct, in terms of the arrangement? We will adjourn until half past eleven.

COURT ADJOURNS.

COURT RESUMES AT 11.30 A.M.

MR. VAN PITTIUS: My Lord, we want to ask Your Lordship to (30) excuse us for starting late. We had a discussion that is I think /...

think that would be necessary between the Defence and myself, as to certain evidence that I am going to lead.

BY THE COURT: Mr. Gey van Pittius, I don't mind extending my teatime if I know Counsel spends their time to try and shorten proceedings. I will with pleasure extent my teatime.

MR. VAN PITTIUS: Then I call Thomsom Mbuthu, My Lord.

THOMSON MBUTHU (Still under oath)

EXAMINATION BY MR. VAN PITTIUS (Continued): Now before the tea adjournment I showed you a photograph Exhibit C and you said that you recognised that person on the photograph as being Thabo Mbeki, the person you know by that name? — Yes. (10)

Now can you tell the court when you got to know that person for the first time? — I got to know of him at the Avenida de Brazil on the 5th of October, 1975.

That was still during this time that you stayed there, the three months? — Yes.

Now can you tell the court briefly what happened, how you got to meet him? — He went through the gate and stood at the door.

What door is this? — The door of the hall at the bottom, (20) and then called accused no.3.

Now I just want to ask you to explain this hall more carefully? — The house in which we were staying is divided into three portions and has a double door.

Yes now this hall, where is it? — It is in the centre where I and accused no.3 were staying and where we slept.

Just the two of you or anybody else? — A good number of us were sleeping there.

Now you say this Thabo Mbeki got to the door and he beckoned accused no.3? — Yes. (30)

Now where did they go to then? — They went behind that flat, /...

flat, for some couple minutes.

Is that now outside the flat? --- At the backyard.

But outside the building itself? --- Outside the building itself, My Lord.

Yes, then after a couple of minutes? --- They both came back together, when they were at the door Thabo Mbeki instructed accused no.3 to go and call the others, they were upstairs.

Did accused no.3 then go upstairs? --- Yes.

And he then eventually returned, is that right? --- He (10)
did eventually return.

Was he alone then, accused no.3, when he returned? ---
He first entered and the others followed from behind.

How many people followed him? --- I cannot say how many they were, there were also the Mozambique people amongst them. And Thabo Mbeki then said he does not need the Mozambique people but only the South Africans.

Now was there a discussion thereafter? --- Thabo Mbeki asked me ... (intervention).

There was a discussion, is that right? We will not go (20)
into detail. --- After Thabo had arrived he then took two people upstairs and came back with the two again. Then Thabo started saying ... (intervention).

There was a discussion then? --- Yes, a long discussion.

And then later on did Thabo leave or did he stay there, after this long discussion? --- Thabo left after the long discussion.

Now after Thabo had left did any of you say anything? ---
Yes, accused no.3.

Yes, what did he say? --- He said to us that the man (30)
we have been seeing here is the great man of the A.N.C. who

comes /...

comes from Tanzania, from the capital Dar es Salaam.

Now after this occasion when you had seen this Thabo Mbeki, have you seen him again? --- Yes, My Lord, he used to come especially in the morning.

And did he meet anybody then when he came there, or what was the position? --- He used to come there and take no.3 away with him.

Did you ever overhear any of their discussions? --- No, I overheard no discussions.

Now you told the court of a few discussions you had with (10) accused no.3. Now during this period of three months, were there any other times that you spoke to accused no.3? --- Yes, there were times when I spoke to no.3.

Now can you tell the court of any of these discussions between you and accused no.3? --- But during those occasions I was not the only one, there were people in the hall who sleep in that hall.

Now where you were present, can you tell the court what accused no.3 had to say during these discussions? --- He used to say that seeing that we South Africans are here nobody is (20) going to fight for us, we must fight for ourselves. At another occasion he even named me John Vorster. At other occasions he named me John Vorster.

Do you know why? --- Because I did not want to take part in military training.

Now where did this military training come in? --- This came in during the first day of my arrival there.

How? --- The moment when he asked me as to whether I had come for a scholarship or military training of the A.N.C. (30)

Was it ever again raised, this aspect? --- Yes, it was again /...

again raised.

By whom and when? — By accused no.3 and the other person who is now not here, Themba is his name.

Now when did accused no.3 raise it again after that occasion? — During the three months when I was there.

Now how did he raise it? — He started saying that there are other people who go to Mozambique, and those who go to Mozambique don't go for military training as there are others who go for scholarships. There were three people there at the Avenida de Brazil who were there for scholarships, and Thabo used to say that ... (intervention). (10)

Yes, alright, we won't go on there. — Accused no.3 used to say that those three are the agents of the Boers.

Yes, we won't go on with that. Leave that there then. Do you know a person called Lennox, or did you ever get to know such a person? — Yes, I do know of a person by the name of Lennox.

Now can you tell the court how you got to know him, how you got to meet him for the first time? — I first heard of him and thereafter met him. (20)

Now when you met him what happened? How did you meet him? — At that time I was at the detention.

Where? — At Maputo Commando Geral Prison.

Now was this after you had been at Avenida de Brazil? — Yes, My Lord.

How long after? — (Court intervenes).

BY THE COURT: I think he said he was at this place for about three months?

MR. VAN PITTIUS: Yes, My Lord.

BY THE COURT: And then after the three months were you taken (30) to this prison, or what? — Or how did you land in prison then?

Or weren't /...

Or weren't you in prison? --- Yes, My Lord, after the three months I was taken to this prison.

We are at the prison now. Yes?

MR. VAN PITTIUS: At this prison you said you met this Lennox? --- He was not in prison, but he was in the headoffice of the security branch.

How did you get to meet him? --- Chief Mathias told me when we then arrived at the headoffice of the security branch ... (intervention).

What security branch? --- Mozambique. Mathias then said (10) to me ... (intervention).

Wait a minute, how did it happen that you got to know this - or rather did you meet any persons then there? I don't want to know what Mathias said or anything like that? --- I met Lennox. He introduced himself to me.

How did this Lennox introduce himself to you? --- As the A.N.C. representative of Maputo.

Was that all that he said? --- Thereafter he asked me if I am going for military training. I answered no. (20)

I do not want to know what he said further. What happened after he said that to you? --- He left.

What happened to you? --- I was returned to prison.

Is that Commando Geral again? --- Yes.

Now how long were you kept at Commando Geral? More or less? --- For two months, for two months and a couple of days.

Now after the two months in Commando Geral where did you go to then, or where were you taken to then? --- I went to Cadeia Civil.

What is that? --- It is a prison.

Where? --- At Maputo. (30)

Now did you meet any people there at this prison? --- Yes.

Who is /...

Who is this person you refer to? --- I saw Sipho, accused no.5.

Now where was he? Was he also in the prison or what was the position? --- He was in prison.

Did you have any discussions with him ever or not? --- Yes, we had discussions especially the first time on his arrival in prison.

Were you then already in jail when he got there, or not? --- Yes, I was already.

Now what were these discussions between you and accused no.5? --- Because I thought that he looked young I wanted to know whether he was going to school. He told me that he had joined the A.N.C. in the Republic and they had given him documents so that he must hand the documents to the Frelimo because the Frelimo were together with the A.N.C. and then he said that he jumped over the fence to go to Mozambique. That is all I can remember. He only stayed about a week in prison and was later released. After two or three days he then visited his friend in prison. (10)

Now do you know what this friend's name was? --- Yes, his name is Charles Buthelezi. (20)

Have you seen the previous State witness? --- I have.

Do you know who he is? --- Yes, I know him. He is Charles Buthelezi.

Is he a different person from the Charles Buthelezi you mentioned just now? --- It is the same man I mentioned.

Now when accused no.5 came there again on that occasion what happened? --- I asked him as to whether he is still in prison or out of prison, because people were mixed, that is the prisoners and the rest of the public. The reason why I asked is because sometimes one is transferred from one prison /... (30)

prison to the other. I wanted to know as to whether he was released from prison. He told me that he is out of jail staying at Avenida de Brazil. He is awaiting an aeroplane to take him to Tanzania.

Yes, Mr. Interpreter? He also said something else? --- For military training.

Now was this what he said on that occasion? --- Yes.

Now from that - after that occasion did you ever see him again? --- No, I did not see him again.

Now you referred to him earlier on in your evidence as Siphho. Was that the name that you mean him by? --- Yes, that is the name by which I knew him. (10)

Did you know him by any other name perhaps? --- No, by no other name.

Now the person that you called Charles Buthlezi that you have mentioned before, when did you meet him for the first time? --- I met him during August, 1975, at a funeral.

Where? --- At Maputo.

Now when you - can you remember when you were transferred to Cadeia Civil? --- On the 3rd of January, 1976. (20)

How long were you kept there? --- Until the 2nd of April, 1977, I was then deported.

Where to? --- To Komatipoort, My Lord, and was handed over to the security police of the Republic.

Now there is one other aspect, when you got to Maputo by aeroplane, when you landed there, did you have any belongings with you, or not? --- Yes, I had belongings.

What were these? --- A suitcase, I had an overcoat on.

What type of overcoat was this? --- The Prisons Department overcoat which I got when I was a warder. (30)

Now when you got to Avenida de Brazil did you still have these /...

these belongings with you? --- No, My Lord, I had not the belongings with me. The Frelimo had taken my belongings.

Now all that I want to know is did you get this suitcase back later on? --- Yes, I later on got my suitcase back.

Did anybody whilst you were at the Avenida de Brazil, ever see the contents of your suitcase? --- No, nobody ever saw what the suitcase contained.

Did you ever show it to anybody, the suitcase? --- Well, they saw it. They saw it by themselves, later I heard that the Frelimo had returned it. (10)

Now who are "they"? --- Accused no.3 and the rest of the people with whom we were in that hall.

How did accused no.3 see it? --- It was in the time when I wanted to change my shirt.

Yes, what happened? --- They saw that this is my suitcase, but at that moment they said nothing. But on the 30th of October they instructed me to open the suitcase ... (Court intervenes).

BY THE COURT: Who instructed - just a minute, let's get it clear, who instructed you to open it? --- Accused no.3. (20)

Yes? --- During that day accused no.3 saw me in town with the Portuguese, and he then wanted to know how it came about that I had European friends. Before he had instructed me to open the suitcase there had come a European friend of mine namely Paul Jordaan. After this friend of mine had left accused no.3 instructed me to open my suitcase because he and the others did not trust me as I had European friends, from South Africa.

Now when he instructed you to open the suitcase did he explain why or elaborate on it, or not? --- He said he wanted to make sure as to whether there was no bomb inside the suitcase. /... (30)

suitcase given to me by the Boss.

MR. VAN PITTIUS: Did you yourself then open the suitcase or not? --- I refused to open it.

And was it then later opened? --- After the Frelimo police was called then it was opened.

Now after this were you still then staying in Avenida de Brazil? After this occasion of the suitcase? --- Yes, My Lord.

I have no further questions.

CROSS-EXAMINATION BY MR. CHASKALSON: Now when you were in Mozambique, did you tell the people there that you were a school teacher? --- Yes. (10)

Were you a school teacher? --- No.

Why did you tell the people that you were a school teacher? --- Because I had realised that they did not like because I was before a warder.

When you arrived you pretended to be a teacher? --- Yes.

And you say the reason you pretended to be a school teacher was because you didn't want them to know that you were a prison warder? --- Yes, My Lord, that I realised when I arrived at the airport, that what I was doing as a warder is dangerous to me. (20)

Now when you - did you have a job before you left South Africa to go to Maputo? --- I had.

What was your job? --- Routine draining manager at Sun-crush Limited.

Now was that job a dangerous job for you to have had? --- No, it was not dangerous, but at the airport I was not questioned about that way, I was searched.

BY THE COURT: I see Mr. Kuny is not here?

MR. CHASKALSON: My Lord, Mr. Kuny has left the court temporarily to attend to a matter. (30)

BY THE COURT: Oh I see, that is alright, I just noticed that he wasn't here.

MR. CHASKALSON: I am sorry, would you mind repeating your last answer? --- When I arrived at the Maputo airport I was searched. In my suitcase they found two photos of mine. These two photos I was dressed in uniform and the others were my private photos.

I will come back to that later on, but what I want to know is this. When you left South Africa you had been working for Suncrush? --- Yes. (10)

Now you said that working for Suncrush wasn't a job that endangered you in any way in Maputo? --- No, it was not dangerous.

Would it make your life difficult in Maputo? --- It would not.

You pretended to be a teacher? --- Yes, at the airport when I told them that I was working for the Suncrush they did not accept it. They kept on insisting that I was a policeman.

But working for Suncrush wasn't a problem as far as you were concerned? --- No. (20)

You have never been a teacher in your life? --- No, I have never.

I notice you sometimes answer my questions in English directly without waiting for it to be interpreted, is that correct? Please, I don't want to interrupt you and I don't want to deprive you of the services of an interpreter, but sometimes you are speaking English and answer my questions? --- I will give evidence in Zulu, I am sorry.

No, I don't object to it, I just want to put it on the record that you answer in English. If you feel like speaking English you may, and if you feel like speaking Zulu you may. (30)

I will /...

--- I need the services of an interpreter.

Now you have never been a teacher in your life? --- No.

You lied to the people at the Avenida de Brazil? --- Yes, to save myself.

If you had told them the truth that you had worked for Suncrush would you have been in trouble? --- No.

So why was the lie necessary then? --- They did not want to hear anything even at the airport about Suncrush.

Before you worked for Suncrush who did you work for? --- I had a temporary job in the O.K. Bazaars, at the O.K. Bazaars. (10)

Before you worked at the O.K. Bazaars who did you work for? --- I was working for the doctor, dr. Pearce and dr. De Vos.

Why was it necessary to make up the fact that you were a teacher when you had lots of jobs that you had actually done that you could have spoken about? --- I did not think of mentioning all the different people for whom I had worked.

Why did you think of lying when the truth would have been very simple? --- I was already annoyed because my belongings had already been taken and my money as well and the address (20) of the person whom I had visited.

BY THE COURT: The address of the person whom you intended visiting? --- My intention was to go to him.

MR. CHASKALSON: Are you saying that you lied because you were angry? --- They did not accept the fact that I was working for Suncrush Limited.

Who didn't accept that? --- The Frelimo at the airport.

Yes, but the people at the Avenida de Brazil weren't at the airport? --- I did not know those people in the flats, whether they were people from South Africa or where. I later (30) on realised after.

What ?/...

What? --- That they come from South Africa.

So when you spoke to them why did you pretend to be a teacher, they were people from South Africa? --- That was the only thing I had to say to them.

BY THE COURT: But you said you worked for Suncrush, they didn't believe it. And then you lied and said you were a teacher. How did you think they would then believe you when you said you were a teacher? --- I told the Frelimo that I had worked for Suncrush. And because they had already seen my photos they did not accept it and thought that I am a policeman. (10)

MR. CHASKALSON: Why were they more likely - why was anybody more likely to believe that you were a teacher than a person who worked for Suncrush? --- The people whom I found at the Avenida de Brazil I did not know what kind of people they were.

BY THE COURT: That still does not answer the question, why were they more likely to believe you when you said a teacher. If you said well, I worked for the O.K. Bazaars, they would just as easily believe that as if you said you were a teacher. Now Counsel wants to know why did you say you were a teacher? (20) You did in fact work at the O.K. Bazaars, and were not a teacher? --- I was confused at the time I didn't know what to tell them, because I told them exactly for whom I was working and they would not accept it. †

MR. CHASKALSON: The "they" you are talking about you say are the Frelimo officials at the airport? --- Yes.

Did you ever tell the South Africans you met at the Avenida de Brazil about your questioning at the airport by the Frelimo officials? --- I only told them that my belongings had been taken away. (30)

You didn't tell them that your photographs of yourself in prison /...

prison warder's uniform had been found? — No, My Lord, I only told them that my belongings had been confiscated.

Why didn't you tell them about the photos of yourself in prison warder's uniform and what had happened? — Because I realised that when I got to the airport, that they did not like the type of work that I had previously done.

You were trying to conceal some of the facts that you had once been a prison warder? — Yes.

Is that your explanation? — Yes, My Lord, I didn't want it to be known. (10)

You thought that the people at the Avenida de Brazil knew nothing about what had happened at the airport? — Yes, I thought that they knew nothing of what happened at the airport.

And now you are meeting people who knew nothing about the incident at the airport and they ask you what work you do? — Yes, My Lord.

And you lied to them? — I didn't know as to whether there were no Frelimos amongst them.

You told us you met this - look here, weren't you really (20) pretending to be something that you weren't when you were in Mozambique? — Yes, I was concealing myself. ✕

Were you - I think you told us that the very first occasion that you met accused no.3 in Mozambique there was a discussion about going for military training and scholarship? — Yes.

Did you ever tell accused no.3 that you had come to Mozambique to go for military training? — No, I did not tell him.

Did you ever tell anybody that you had come to Mozambique to go for military training? — Nobody.

Did you make it quite clear at all times that you had (30) no intention of going for military training? — Yes, I was

trying to come back before I am imprisoned.

And was that well known at the Avenida de Brazil that you weren't a man there for military training, you were a man who had come on holiday and wanted to get back to South Africa?

--- Yes, My Lord.

Nobody would ever have believed that you had come there for military training? --- Nobody.

X Did you tell us, I can't remember, but did you tell us that you had met someone called Charles Buthlezi? --- Yes.

Was it at a funeral that you met him? --- Yes, at a funeral but the funeral was almost over. (10)

And you were - well, he evidently said the same thing, he said he first met you at a funeral? --- Yes.

And he asked you what you were doing in Mozambique? --- No, he was the person who was doing the talking.

Did you ask him what he was doing in Mozambique? --- I wouldn't ask him that because he was dressed in the Frelimo uniform.

But did you ask him - did you speak to him about why he had come to Mozambique and what he was doing there? --- He was the man who was talking to the people. (20)

But look here, he said that he spoke to you at that funeral? --- No, he didn't. He was talking to us. We never told him anything.

He said that you talked to him? --- No, I deny it.

You say that nobody on your side did any talking, all the talking was done by Charles Buthlezi? --- Yes.

I think you were there with accused no.3? --- Yes.

So you and accused no.3 said nothing, all the talking was done by Charles Buthlezi? --- I can't remember what no.3 said. (30)

I thought/...

I thought you said that all the talking was done by Charles Buthelezi? --- Yes, it was Charles who was doing the talking.

Well, he said he asked you what you were doing in Mozambique? --- No.

That is not true? --- That is not true.

Isn't that the natural thing to ask someone else from South Africa? --- We were at a funeral, a funeral is not a place where we can discuss everything.

But after the funeral, you said the funeral was nearly over? --- Yes, it was nearly over. (10)

Certainly the opportunity was there for Charles Buthelezi apparently to do quite a lot of talking, because you said he did a lot of talking? --- Yes, he was doing the talking.

It is a perfectly natural thing for him to say to you what are you doing in Mozambique? --- I was at the back with my friends and he was further ahead. He was in front with accused no.3 and the others.

He said he spoke to you? --- No.

He said that he asked you what you were doing in Mozambique? --- No. (20)

He said you told him that you had come to Mozambique to join the A.N.C. to get military training so that you could go back and fight the Boers? --- Each time when he came there he was a man who always had dagga with him, and he and accused no.3 would go and smoke.

Have you ever given evidence in prison cases when you were a prison warder? --- No.

You say he was a man who always had dagga, Charles Buthelezi? --- Yes. (30)

BY THE COURT: I didn't quite understand. What did you say, that /...

that he and accused no.3 did what? --- They were smoking dagga.

He and no.3? --- And no.3.

I thought you said that Charles and no.3 when they were together they would smoke dagga? Is that correct? --- He and Charles would go and smoke it.

Where was this now where they went aside to smoke dagga, Charles and accused no.3? --- In the flats, right up in the latrines of the flats.

I want to know in which town we are, is that now in Maputo? --- Avenida de Brazil.

(10)

MR. CHASKALSON: Firstly when you were giving evidence you said accused no.3 and no.5 to the interpreter and then you corrected yourself? --- I made mention in my evidence of no.3 and 5.

But when you were talking about the dagga you first mentioned accused no.3 and no.5 in connection with the dagga, and then you corrected it? --- No, not no.5.

Did you not mention it and then correct yourself? --- Yes, I mentioned it and then I realised that the person is Charles.

(20)

You realised the person is Charles? --- Yes.

Now why did you suddenly bring in an accusation against accused no.5 which you had to correct? --- (Mr. Van Pittius intervenes).

MR. VAN PITTIUS: Your Lordship, with due respect I think that was just what you can call a slip of the tongue because it was very - I also heard that My Lord, and (Court intervenes).

BY THE COURT: I might say that I didn't, you may have noticed it.

MR. CHASKALSON: But just explain to us why you first mentioned accused no.5 and then withdrew it? --- I was asked about

(30)

Charles /...

Charles and Charles is not here. Instead of mentioning Charles I then mentioned no.5.

Alright, it was a mistake? --- I made a mistake.

Now would you tell me something. If I told you that Charles Buthelezi has given evidence to say that you had told him at the funeral that you had come to Mozambique to join the A.N.C. so that you could go back and fight the Boers?

--- No.

And it was purely in response to that that you accused Charles of smoking dagga? --- At times when he had come to the (10) flat he would just get inside and stand next to the gate, thereafter take another direction leading to the toilets.

That has got nothing to do with my question, why did you have to bring in the fact that Charles smokes dagga when I put it to you that Charles Buthelezi had given evidence saying what you had told him in Mozambique? --- Because I wanted to let the court know that I had no discussions with him.

But you saw him at the funeral? --- I did.

So what did the smoking of dagga in the toilets of Avenida de Brazil have to do with that? --- I want to point it out (20) that whenever he came to the flat I had no discussions with him.

You want the court to feel that he was such a person who smokes dagga and therefore shouldn't be believed in preference to you? --- I want to convince the court that I had absolutely no discussions with him. x

Did you see him in jail? --- Which jail, here or at Maputo?

Maputo? --- Yes, I saw him in the Maputo jail.

You were in jail together? --- Yes, we were both in jail. (30)

Did you ask him in the jail in Maputo how he came to be

in /...

in jail? --- I did not ask him.

Did he ask you how you came to be in jail? --- He did not ask him.

† Did you speak to each other in jail in Maputo? --- No.

Why did you not speak to each other? --- Because the day when I was arrested he was one who named me a spy.

He named you a spy? --- Yes, My Lord.

And you say he wouldn't speak to you in jail? --- I also did not want to speak to him. †

So you wouldn't speak to each other? --- We did not speak (10) to each other. We started talking to each other when we were in South Africa in jail.

† And you saw each other in jail in South Africa? --- Yes, we did.

And he asked you in South Africa how you came to be in Mozambique? --- No, he didn't ask me.

When you spoke to each other in jail in South Africa, didn't you explain your own predicament, how you both found yourselves in jail in South Africa? --- I told him when we were in the jail in South Africa. (20)

What did you tell him when you were in the jail in South Africa? --- I said to him - do you realise that I am now still in jail. If I were a spy how could they then arrest me. Because when arriving at Komatipoort they'll give me a ticket. }

Did you never talk about your experiences to each other, about what had happened to you in Mozambique and what had happened to you here? --- No.

† How did that come about that you didn't explain your predicaments to each other, how you found yourselves in South Africa in jail? --- Because my being arrested in Mozambique (30) Charles was involved.

How was Charles involved in your being arrested in Mozambique? --- He came with the soldiers and he pointed me out.

Where did he come with the soldiers and point you out? --- At the flat in the Avenida de Brazil.

Was that the time when you were arrested? --- Before I was arrested.

And as a result of being pointed out by Charles were you arrested? --- I was not arrested at that moment.

Were you arrested subsequently? --- Yes, I was later (10) arrested.

On the same day? --- Yes, the same day, at night.

When Charles came and pointed you out to the soldier what did he say? --- Charles said meanwhile pointing at me "this man is dangerous, he must be guarded".

Charles said that? --- Yes.

I see, and were you guarded? --- I will say I was guarded because in December the security police they showed me a thick report, as thick as that, My Lord ... (intervention).

I am very bad at estimating distances, but I would say (20) that was about ... (Court intervenes).

BY THE COURT: I guess that is - I am little better than you are, something between 2 and 2½ inches.

MR. CHASKALSON: A thick file anyway, My Lord. --- This report was made by accused no.3, to show that I was guarded.

To show that you were guarded. Now look, you say therefore that Charles was involved in your arrest in Mozambique? --- Yes, My Lord.

And that he called the Frelimo soldiers to guard you? --- He only said that I must be guarded and that soldier left with (30) him, he didn't guard me. This soldier is a soldier with whom he was/...

he was staying in the camp.

Didn't accused no.3 have something to do with your arrest? --- Yes.

Was he with Charles Buthelezi when all this happened? --- No, accused no.3 had his own group staying with him at the Avenida de Brazil.

So apparently there were two lots of people who wanted to have you arrested. Charles and his soldier friends, and accused no.3 and his friends? --- Yes, My Lord.

And they both went into operation on the same day? --- (10)
I was not arrested the moment Charles was pointing me out.

But the same day? --- But the same day.

Yes, so both groups went into operation on the same day?
--- I would say so.

Are you angry with Charles for having told the court that you said you had come to Mozambique to join up to come back to fight the Boers? --- I don't care much about that, I am not angry for that matter.

Is that not why you are making all these allegations against Charles? --- No, I am only giving the court facts. (20)

That he is a dagga smoker? --- When Charles came at the Avenida de Brazil he had not come there to have discussions with me. How could I discuss with him and when?

My Lord, I think time has marched on.

BY THE COURT: We will adjourn until tomorrow morning at 9.30.

COURT ADJOURNS.

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