

imprisonment and a maximum of two years' imprisonment, a factor which clearly indicates the gravity of the offence.

In arriving at a conclusion, however, the Court has regard to all the factors advanced in mitigation, as also, in particular, to the fact that he has already been detained for a period of eight months and that, but for one petty offence, he has had a clear record.

The contravention is one for an attempt and, although the Act provides that he is liable to the same penalty as one who commits the substantive offence, the Court nevertheless considers that one who merely commits an offence merits a lesser penalty than one who commits the substantive offence. The contravention, nevertheless, remains a serious one and punishment must be commensurate with the gravity of the offence.

The accused is sentenced to imprisonment for a period of nine months.

-----  
OORSKRYPSTER SE SERTIFIKAAT:

Ek, die ondergetekende, sertifiseer hiermee dat die voorafgaande 'n ware oorskrif is van die oorspronklike getuienis neganies opgeneem in die saak van:

DIE STAAT Teen:

PIET MAHLANGO.

*M. L. de Wet*

M.L. DE WET.  
OORSKRYPSTER : LUBBE OPNAMES.



CASE NO. S.H.J. 76/64.

DATE: 26/2/64.

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF PRETORIA, HELD  
AT PRETORIA.

BEFORE:

MR. F.E. MENTZ.

THE STATE VERSUS PIET MAHLANGU.

CHARGE:

ATTEMPT TO LEAVE R.S.A. WITHOUT  
PERMIT OR PASSPORT.

PLEA:

Y

FOR THE STATE:

MR. V. MARINUS.

FOR DEFENCE:

MR. M. HANNON.

INTERPRETER:

S. NKOSI.

OPERATOR:

S.H. SNYMAN.

TYPIST:

MRS. M. PETZER.

---



DEFENCE ADDRESSES COURT: Your Worship, I have been instructed to apply for bail pending an appeal in this matter.

COURT: Yes of course, as soon as your notice of appeal is filed that can be considered.

DEFENCE: I see Sir, could I have a few seconds to draw up a notice of appeal, I am sorry.....

THE COURT ADJOURNS.

DEFENCE ADDRESSES COURT (continued): Your Worship most of the facts are before Your Worship in this matter. Before the accused went on the venture for which he has been convicted, he was in permanent employment Sir. His family are in Johannesburg, that is his mother, his father, and his four brothers and one sister, he was imposed a sentence of nine months upon the appellant, so my submission is that he is not, it is not so severe a sentence as would necessarily call for flight, Your Worship, if he were granted bail. It is true that he was found leaving the Country on the occasion on which he was arrested, but then he was found in the trial, leaving for a specific purpose. That purpose presumably no longer operates. If Your Worship is inclined to grant bail, I will ask for Your Worship to set it in some sort of sum commensurate with his means. He hasn't been in employment, of course, for eight months, since he was arrested by the police but he feels that some sort of sum could be raised by his parents in order to get him released pending the appeal. I will argue the question of quantum at a later stage after Your Worship has heard my learned friend, and if Your Worship is disposed to grant bail.

PROSECUTOR: The facts, I agree Your Worship, are all before the Court, and I would submit with respect, that the test whether or not to grant bail, is whether the accused or the convicted person rather, can be relied upon, if necessary to submit himself to undergo the punishment which has been imposed upon him. My submission, Your Worship, is that the



facts of the matter has disclosed that the convicted person has no regard whatever for those laws of the Country, permitting departure unless he has been issued with a passport. There is no knowing whether the man, should he be granted bail, will again be conveyed by the organisation to the border and whether he will not by that means, escape from the Country. I feel constrained to oppose any application for bail whatsoever.

COURT: The law relating to release on bail, has recently been amended, not so Mr. Prosecutor?

PROSECUTOR: Yes Your Worship. Your Worship has a discretion whether or not to grant bail.

COURT: Previously there was no discretion?

PROSECUTOR: Previously there was no discretion, I think it was in Pheke's case which says that the Court has only discretion in so far as the amount of the bail is concerned, but the position has now been altered to give the Court discretion.

BY THE COURT: The accused has been convicted and sentenced to a period of imprisonment. The notice of appeal has been filed, and an application has now been made for bail, which is opposed by the State, and regard being had to the ease with which people in similar conditions have left the Union and failed to appear to serve their sentences in the past and in the very recent past, I am inclined to the view that the application for bail in this case should be dismissed, the application is accordingly dismissed.



TRANSCRIPTION CERTIFICATE.

I, the undersigned, declare herewith that the foregoing is a true and correct transcript of the proceedings recorded by mechanical means , in the case of:

THE STATE VERSUS PIET MAHLANGU.

CASE NO. S.H.J. 76/64.

M Petros  
TRANSCRIBER.



Besk. uitg. 25/2/64 - in hegtenis.

(Get.) F.E. Mentz.

St. Landdros.

24/2/64.

On 25/2/64.

Appearance as before. Evidence recorded by mechanical means.

STATE CASE.

Mr. Hannan applies for discharge - 2 points - 1. factual case not proved that accid intended to go to Kenya or Tang.

2. Law - acts of preparation only proved.

Mr. P.P. replies. R.O.M. 26/2/64 - in custody.

(Sgd) F.E. Mentz.

St/LANDDROS.

25/2/64

On 26/2/64

Appearance as before. Proceedings recorded by mechanical means.

Application for discharge dismissed.

Mr. Hannan closes defence case.

DEFENCE CASE.

Mr. P.P. addresses court.

Mr. Hannan addresses court.

Court delivers judgement

Accd found guilty.

Accd admits previous conviction set out in SAP 69B  
SAP 69B completed.

Mr. Herman addresses Court in mitigation.

Accd sentences.

(Sgd.) F.E. Mentz.

ST/LANDDROS,

26/2/64



Postea at 2.25 p.m.

Notice of appeal filed and annexed to the proceedings.  
Mr. Hannan applies for bail pending appeal. Mr. P.P. opposes  
application. Application dismissed.

(Get.) F.E. Mentz.

ST/LANDBROS.

26/2/64





**Addisionele Afskrif 29.2.64**

**BELANGRIK.** (a) Polisie moet een afskrif van hierdie rekord met uitslag van verhoor daarop aangedui, aan die S.A.K.B., Posbus 445, Pretoria, terugstuur.  
 (b) Een afskrif moet aan die Publieke Aanklaer ter inligting van die Landdros oorhandig word  
 (c) Een afskrif moet aan die Klerk van die Hof oorhandig word om aan die Laasbrief tot Gevangesetting geheg te word, al het beskuldigde geen vorige veroordelings nie.  
 (d) Vier afskrifte moet, in sake wat in Hoer- en Rondgaandehowe dien, aan die Klerk van die Hof vir beskikking oorhandig word

**IMPORTANT.** (a) Police to return one copy of this record to the S.A.C.B., P.O. Box 445, Pretoria, with result of trial endorsed thereon.  
 (b) One copy must be handed to the Public Prosecutor for use by the Magistrate  
 (c) One copy must be handed to the Clerk of the Court for attaching to the Committal Warrant, even if accused has no previous convictions  
 (d) Four copies must be handed to the Clerk of the Court for disposal in cases set down for hearing in Superior and Circuit Courts

Die beskuldigde het, nadat aan hom gesê is dat dit blyk dat hy/sy veroordeel was weens oortredinge op keersy gemeld en gevra is om hulle te erken of ontken, verklaar —  
 The accused who, having been informed that it appears that he/she was convicted of the offences overleaf and being called upon to admit or deny these convictions, declared —

Handtekening van beskuldigde  
Signature of accused

Handtekening van talk  
Signature of interpreter

Handtekening van Landdros  
Magistrate's signature

Hof  
Court

Datum  
Date

Dossier-no  
Docket No

K.R.-no  
C.R. No

V.A.-klas  
F.P. classification

V.A.-no.  
F.P. No.

P/35310 1 A Z 9 218621/63  
1 Ua Z 12

Aan  
To

S.A.P. Pretoria Sentraal

V.A'e ontvang  
F.P.'s received

i.s.  
RE

Piet Mahlangu

R.A.A.  
R.C.A.

475.9.63

12.9.63 S.A.P. 69's  
uitgestuur,  
despatched.

Aanklag  
Charge

Wet 44/50/11

Sameswering om n misdaad te pleeg

S/A/Off. Stumpher

HvW

**UITSLAG VAN VERHOOR OP HUIDIGE AANKLAG.**

**RESULT OF TRIAL ON PRESENT CHARGE.**

Hof en plek van verhoor Court and place of trial	1. Datum van skuldigbevinding Date of conviction	Vonnis Sentence	Misdaad. Offence.	Naam waaronder veroordeel. Name convicted under.
	2. Datum van vonnis Date of sentence			

Hofsaak-no. ....  
Court case No

Distriks-no. ....  
District No

Is boete betaal.....Indien nie, meld tronk/opsluitplek.....

Was fine paid.....If not, state gaol/lockup.....

**Blaai om.  
TURN OVER.**

Handtekening, no. en rang van Polisiebeampte wat die uitslag van die verhoor aangeteken het  
Signature, No. and Rank of Policeman who filled in result of trial.

Druaafdruk van  
beskuldigde.  
Thumb-print of  
accused



## VORIGE VEROOEDELINGE.

## PREVIOUS CONVICTIONS.

Hof en plek van verhoor. Court and place of trial. Hofsaak-no. Court case no.	1. Datum van skuldigbevinding. Date of conviction. 2. Datum van vonnis. Date of sentence.	Vonnis. Sentence.	Misdryf. Offence.	Naam waaronder veroordeel. Name convicted under.
Johannesburg 0.775/61.	22.2.61. R20 or 2 months Imp.	KCP.F/35310	Theft - hosepipe - garden Johannes Thole. R15.	41864/61

Tensy anders aangedui is die oortredinge wat aangeteken is as: HB. en diefstal; Ontvangs van gesteelde goedere; Vervalsing en Uitgifte; en Aanranding E.L.L. in werklikheid; Huisbraak met die opset om 'n oortreding te pleeg en diefstal; Ontvangs van gesteelde goed wel wetende dat dit gesteel is; Vervalsing en Uitgifte van 'n vervalste dokument wel wetende dat dit vervals is; en Aanranding met die opset om ernstig te beseer.

Unless otherwise indicated the crimes described as: HB. and Theft; Receiving stolen property; Forgery and Uttering; and Assault G.B.H. are in fact the crimes: Housebreaking with intent to commit an offence and theft; Receiving stolen property well knowing it to have been stolen; Forgery and Uttering a forged document well knowing it to have been forged; and Assault with intent to do grievous bodily harm

Blaai om.  
Turn over.



AUTHORITY IN TERMS OF SUBSECTION (4) OF  
SECTION 8 OF ACT 34 OF 1955.

---

I,

RUDOLF WERNER REIN,

Attorney-General of the Province of the Transvaal  
hereby authorise the prosecution of

PIET MAHLANGU

on a charge of ATTEMPTING TO CONTRAVENE SECTION 2  
OF ACT 34 OF 1955 READ WITH SECTION 8(1) OF THE  
SAID ACT.

Dated at PRETORIA this 30th day of JANUARY,  
1964.

(Sgd) R.W. Rein,

R.W. REIN  
ATTORNEY-GENERAL,  
TRANSVAAL.



Binnelandse Sake verwysingsno. 2/248/146

Ek, GERHARDUS STEPANUS BOTHA, verklaar hierby dat ek as 'n Administratiewe Beampte werksaam is in die Paspoortseksie van die hoofkantoor van die Departement van Binnelandse Sake, Pretoria.

Indien enige paspoortgeriewe deur die Departement van Binnelandse Sake aan PIET MAHLANGU (alias JOHANNES THOLO) (Bantoeman).

verleen is sou dit in die gewone loop van sake tot my aandag gekom het en sou 'n aantekening daarvan in die rekords van die Departement, waartoe ek toegang het, gemaak gewees het.

Ek het die rekords van die Departement nagegaan en vasgestel dat geen geldige reisdokument, soos vereis deur die bepalinge van artikel twee van die Wet tot Reëling van Vertrek uit die Unie, No. 34 van 1955, aan PIET MAHLANGU (alias JOHANNES THOLO) uitgereik is om die Republiek van Suid-Afrika met inbegrip van die Gebied Suidwes-Afrika te verlaat nie.

(Get.) ?

---

Die verklaarder erken dat hy weet wat die inhoud van hierdie verklaring is en dit begryp. Vandag voor my beëdig en onderteken.

(Get.) ?

---

Datum:

Plek: Pretoria.

Kommissaris van Ede  
vir die Republiek  
van Suid-Afrika (ex  
officio)

Senior Administratiewe Beampte,  
Departement van Binnelandse Sake.

Getuies: (1) (Get.) ?

(2) (Get.) ?



IN THE COURT OF THE MAGISTRATE FOR THE REGIONAL  
DIVISION OF PRETORIA HELD AT PRETORIA.

Case No. SHJ 76/64

In the matter of:

THE STATE

versus

PIET MAHLANGO

---

REASONS FOR JUDGMENT.

The accused appeared before this court on a charge of having contravened section 2 read with section 8(1)(a) of Act No. 34 of 1955, in that, being a person over the age of sixteen years, he did on the 9th and 10th June, 1963, attempt to leave the Republic for the purpose of proceeding to a place outside the Republic (other than a Protectorate) without a valid passport or permit.

On arraignment, the accused pleaded not guilty, but on completion of the trial, he was duly convicted of the charge preferred against him and sentenced to imprisonment for a period of nine months.

The accused has appealed against the conviction on the grounds that the conviction is against the weight of evidence in that the court erred:-

- (i) in accepting the evidence of the two accomplices;
- (ii) in finding that the State had proved the necessary intention on the accused's behalf to commit the offence charged and
- (iii) in finding that an attempt had been proved whereas the facts merely disclose acts of preparation to commit the offence charge,

FACTS/ ...



FACTS FOUND PROVED.

The facts found to have been proved are as set forth in the courts judgement at pp50 - 56 (inc) of the record of proceedings.

REASONS FOR JUDGEMENT.

The grounds of appeal have all received consideration in the court's judgement referred to above.

In arriving at a conclusion that the facts disclosed an attempt and not mere acts of preparation, the Court had regard to the decisions in the following cases:-

R vs HLATWAYO, 1933 TPD 441 at pp 444/5;

R vs <sup>SCHRAMMIE</sup> ~~BERAMMIE~~, 1945 AD 541 at p. 547 - as interpreted by Schreiner, J.A., in R vs B, 1958(1) S.A. 199 (A.D.) at pp 202/3.

F.E. MENTZ

MAGISTRATE OF THE PRETORIA DIVISION

At Pretoria.

30th May, 1964.



IN THE REGIONAL COURT PRETORIA FOR THE DISTRICT OF PRETORIA.

THE STATE

vs

PIET MAHLANGO

Be pleased to take notice that an appeal is hereby lodged against the conviction of the above named appellant by the Regional Magistrate, Pretoria Mr. P. E. Mentz delivered at the Regional Court, Pretoria on the 26th February 1963 for the following reasons:

1. The conviction is against the weight of evidence.
2. The Magistrate erred in accepting the evidence of two accomplices in convicting the accused.
3. The Magistrate erred in finding that the State had proved the necessary intent on the appellants behalf to commit the offence charged.
4. The Magistrate erred in law in finding that an attempt to <sup>M</sup>commit an offence had been proved, when it is submitted, the facts proved showed only mere acts of preparation to <sup>M</sup>commit the offence charged.

(Sgd) M. Hannan

COUNSEL FOR THE APPELLANT.



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**PUBLISHER:**

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

*Location:-* Johannesburg

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*Incompl*

SAAK NR: SHJ.76/64.

DATUM: 24/2/1964.

IN DIE LANDDROSHOF VIR DIE DISTRIK PRETORIA

GEHOU TE PRETORIA.

VOOR: MNR. F.E. MENTZ.

DIE STAAT TEEN: PIET MAHLANGO.

KLAGTE: POGING OM REPUBLIEK TE VERLAAT SONDER PASPOORT.

PLEIT: ONSKULDIG.

VIR DIE STAAT: W. MARINUS.

VIR DIE VERDEDIGING: ADV. M. HANNAN.

TOLK: S. NKOSI.

OPERATRICE: M. ALLAWAY.

OORSKRYFSTER: M.L. DE WET.





STAATSAANKLAER: Stel klagte aan beskuldigde.

BESKULDIGDE PLEIT: Onskuldig.

(STAATSAANKLAER SPREEK HOF. HANDIG VERKLARING, BEWYSSTUK B, IN.)

DEFENCE: No objection to handing in of Exhibit B.

SAREL JOHANNES STRYDOM : V.O.E.

ONDERVRAGING DEUR AANKLAER: U is 'n Adj. Offisier in die Suid-Afrikaanse Polisie en u is gestasioneer te Ottoshoop in die distrik Rustenburg van die Streekafdeling? --- Dit is reg.

Op die 10de Junie 1963, ongeveer 2-uur nm. het u diens gedoen .... --- Dit was 10-uur vm. gewees.

HOF: 2 vm. --- 2 vm., ekskuus.

AANKLAER: Op die Zeerust-Lobatsi pad? --- Lobatsipad.

Is dit die ooppad na die Betsjoeanaland se Protektoraat buite die grens van die Republiek? --- Dit is reg. Die pad gaan van Zeerust, oor die Betsjoenalandse grens na Lobatsi, wat in Betsjoenaland geleë is.

Het u diens verrig daar tot ongeveer 10.30 vm. van die 10de Junie 1963? --- Op die 10de Junie om 2.0 vm. het ons voertuie daar voorgekeer op die Zeerust-Lobatsipad. Die Bantoemans wat in die voertuie gevind was, was na die Polisiestasie geneem.

Het u toe daarna weer teruggekeer na die pad-toe? --- Daarna is ek na Rustenburg.

En daarvandaan? --- Om ongeveer 10.30 vm., nog op die 10de, het ek 'n Volkswagen Kombi op die pad tussen Groot Marico en Zeerust aangetref.

In watter rigting het hierdie voertuig gery? --- Die voertuig het in die rigting van Zeerust gery.

In watter rigting is dit met betrekking tot die grens tussen die Republiek en Betsjoeanaland? --- Die pad loop oor Zeerust na Lobatsi in Betsjoeanaland.

Is dit korrek dan dat dit gery het in die rigting van die grens? --- Dit is korrek.



Hoever van die grens af? --- Dit was ongeveer 47 myl van die grens af.

Wat was die registrasienommer van die voertuig? --- Dit is 'n T.J. registrasie - ek kan nie meer die nommer onthou nie - bestuur deur 'n kleurlingman met die van van Sinclair. Buiten die kleurlingman en 'n kleurlingseun, was daar nog elf Bantoemans in die voertuig gewees.

In watter gedeelte van die voertuig was die elf Bantoemans? --- Hulle het agter in die voertuig gesit. Twee van hulle het voor langs die bestuurder gesit.

HOF: Is dit inkluis die seun? --- Die kleurlingseun het agter in gesit.

AANKLAER: Wat het u gedoen? --- Ek het die persone na die Polisiestasie op Zeerust geneem.

Wie was die persone gewees? --- Dit was die bestuurder, die Kleurlingseun en 11 Bantoemans, waaronder beskuldigde een was.

In watter gedeelte van die voertuig was beskuldigde? --- Ek kan my nie meer voorstaan of hy voorin gesit het of agter saam met die ander Bantoes nie.

Wat het u toe gedoen? --- Op Zeerust het ek hulle ondervra.

Het u beskuldigde ook ondervra? --- Ek het die beskuldigde ook ondervra. Hy het sy naam verstrek as Piet Mahlango van 443.A. Zolla Lokasie, Johannesburg.

Watter lokasie? --- 443.A. Zolla Lokasie, Johannesburg. Ek het hom gevra wat hy in daardie omgewing doen, wat sy besigheid daar was. Hy het gesê dat 'n onbekende persoon hom in Johannesburg in die lokasie voorgekeer het en vir hom gesê het hy is gevang en hy moet in die voertuig klim, dat hy toe ingeklim het en dat hy nie geweet waarheen hulle reis was nie.

Is die persone, insluitende beskuldigde, aan Speurder Sersant Ferreira van Pretoria oorhandig? --- Dit is reg.

Geen verdere vrae.



KRUISONDERVRAGING DEUR VERDEDIGING: Konstabel, het jy saam met dié Sinclair gepraat? --- Ek het met Sinclair gepraat, ja.

Wat het hy gesê? --- Hy het gesê dat hy die persone na 'n begrafnis neem.

Iets anders wat hy gesê het? --- Hy het later by die Polisiestasie 'n verklaring aan my gemaak.

Wat het hy nog gesê in die verklaring? --- Met die strekking dat hy gehuur was om die persone te vervoer na 'n plek anderkant Zeerust, dat die voertuig langs die pad gebreek het, dat die insittendes op een stadium onder mekaar gepraat het om hom dood te maak, omdat die Polisie hulle nou gaan kry.

Ja, iets anders? --- Niks anders nie.

Weet u of Sinclair ooit as 'n Kroongetuie gebruik was in enige saak? --- Ja, ek is bewus daarvan dat hy as 'n Kroongetuie gebruik was.

Weet jy of hy miskien, hierdie Sinclair, nog 'n verklaring aan die Polisie gemaak het of weet jy nie? --- Ek weet nie.

Het jy hom nie gevra watter doeleindes hy hierdie mense vervoer nie? --- Ek het dit nie gedoen nie.

Kan jy net weer sê wat die beskuldigde aan u gesê het toe jy hom gearresteer het? --- Hy het gesê dat 'n onbekende Bantoeman hom in Johannesburg in die lokasie gekry het en vir hom gesê het hy is gevang, hy moet inklim in die Kombi.

Het hy op enige stadium van drank gepraat? --- Ekskuus.

Het hy van drank gepraat? --- Op geen stadium van drank gepraat nie.

Jy het nie die skriftelike verklaring van die beskuldigde afgeneem nie? Is dit reg? --- Nee, ek het nie die verklaring van hom geneem nie.

Dié verklaring wat u sê die beskuldigde aan u gegee het: het u enige nota daarvan gemaak? --- Ek het notas daarvan gemaak.



Die ander mense in die voertuig: het hulle almal aan u verklarings gemaak? --- Elkeen het 'n storie te vertel gehad. Party van hulle wou geen vrae antwoord nie; ander het verduidelikings gegee.

Nou, het u, voor u die getuiebank ingestap het, het jy die verklaring gelees, konstabel? --- Nee, ek het nie die verklaring daar gelees nie.

Het u u notas gelees? --- Ja, ek het my notas gelees.

Ja, lees net die notas.

HOF: Wil u daarna verwys, of wil u hê dat hy dit aan die Hof moet lees?

VERDEDIGING: Ek wil dit sien asseblief.

(Hof en Verdediging bespreek).

GETUIE: (lees van notas aan Hof).

"Item 2 hierso: Piet Mahlango, geen bewysboek, 443(A), Zolla Lokasie, Johannesburg. Hy het gesê: 'n onbekende persoon het vir hom gesê hy is gevang, hy moet in die voertuig klim. Hy was nie onder dwang nie en ken ook nie die ander persone wie saam met hom in die voertuig gery het nie."

VERDEDIGING: Dit is dieselfde verklaring dié wat in die dossier is? --- Ek is nie seker of dit dieselfde verklaring is nie. Daardie is 'n afskrif van 'n verklaring wat ek destyds gemaak het.

Wanneer het u hierdie getik? --- Die volgende dag.

Wie het dit vir u getik? --- Ek het dit self getik.

Wanneer was dit gewees? --- Die volgende oggend.

Het u ander notas gehad, Konstabel, of het al dié uit u kop gekom? --- Ek het ander notas gehad waar ek dit van af geskryf het.

Waar is daardie nou? --- Ek weet nie waar die oorspronklike notas is op die oomblik nie. Dit was saam met die oorspronklike verklaring gewees, wat ek aan Pretoria gestuur het.



Is dit moontlik om die oorspronklike notas in die hande te kry? --- Ek weet nie of dit moontlik sal wees nie. Ek sal eers moet hoor van die Onderzoekbeampte in die saak of dit beskikbaar is of verlore gegaan of wat die posisie is.

U oorspronklike notas: hoe lank na u die beskuldigde arresteer het, het jy hulle geneem? --- Die notas het ek gemaak terwyl ek besig was met ondervraging met die beskuldigde.

Nou hoekom het jy nie 'n verklaring van hom geneem nie? 'n Gewone verklaring? --- Herhaal asseblief.

Hoekom het jy nie 'n gewone verklaring van hom geneem nie? --- Ek het van al die Bantoes 'n kort verklaringtjie geneem; dit was nie 'n volledige verklaring nie, dit was net 'n kortlikse verduideliking van wat hy in die voertuig doen, of hy betaal het om saam te ry, of wat die posisie was.

Konstabel, jy weet as jy 'n skriftelike verklaring kry wat deur die beskuldigde geteken is, is dit die beste getuennis, nê? U weet dit? Hoelank is u in die Polisie? --- Veertienjaar.

En die beskuldigde het seker die verklaring natuurlik vrywillig gemaak, nê Konstabel? --- Hy het die verklaring vrywillig gemaak.

Ek wil weet in die omstandighede, jy weet daar is 'n vorm, jy het seker dié vorms in Zeerust ook, hulle het hulle hier, wat sê: "Ek maak hierdie verklaring vrywillig, uit my eie" en soiets, jy weet. En hoekom het jy nie 'n skriftelike verklaring geneem en die beskuldigde gevra om die verklaring te teken? --- My opdrag was nie om breedvoerig in die sake in te gaan nie. Indien ons die persone wat ons volgens inligting moes voorkeer, kry, moes ons hulle na die Polisie-stasie neem, hulle name en adresse kry, enige dokument wat aan hulle is en dan moes ons hulle aan die Veiligheidstaf van Pretoria besorg, wie volledig ondersoek sou instel.

En hoekom het jy hom gevra? *Hoekom het jy 'n mondelings* verklaring van hom afgekry, as dit nie u besigheid



is om die saak te ondersoek? --- Dit is net normaalweg om 'n persoon se adres te vra en hom ook te vra waarheen hy gaan en wat die doel van sy besoek is.

Konstabel, die posisie is: jy het nou 'n verklaring van hom gekry. Stem jy saam dat die beste getuienis van daardie verklaring is 'n skriftelike verklaring geteken deur die beskuldigde. Sal u daar saamstem? --- Dit is korrek.

Nou, hoekom het jy nie die verklaring geneem. Hoekom het jy nie hom gevra om te teken? --- Ek het geweet dat daar verder vorentoe die ondersoek gedoen sal word en wat hy te sê het sal neergeskryf word.

Ek het nie jou gehoor nie. Sê jy hy het geweet dat dit sou neergeskryf word? --- Ek het geweet dat hy by die verdere ondersoek in die saak, indien hy 'n verklaring wil maak, die verklaring skriftelik van hom afgeneem sou word.

Het jy nie gedink miskien sal hy sy verklaring betwis? --- Dit is moontlik dat hy dit kon doen.

Het jy gedink om sy verklaring in skrif te neem of nie? --- My ondervraging was hoofliks met die doel gewees om vas te stel of die storie wat hulle vertel, waar is, of ek grondige redes het om hulle aan te hou en aan die Veiligheid te oorhandig.

Antwoord net die vraag, Konstabel. Het jy gedink om die verklaring in skrif af te neem? ---

Toe hy vir jou gesê het, hierdie verduideliking: het jy nie gedink om die ding in skrif af te lê nie? --- Nee.

Jy het nie gedink dat dit sou die beste getuienis wees as jy die beskuldigde kry om die verklaring te teken? --- Op daardie stadium het ek ook nie in terme van getuienis gedink nie.

Jy het nie in terme van getuienis gedink nie? Sê vir my: hoekom het jy hom ondervra as u nie in terme van getuienis gedink nie; hoekom het jy dit afgeskryf wat hy gesê het? --- Daar was die inligting wat ons gehad het dat



daar moontlik persone oor die grens wou gaan. Ons moes hulle voorkeer, indien ons persone aantref wat verdag voorkom en moontlik die persone kan wees wat be doel is om oor die grens te vat, moet ons hulle aanhou en aan die Veiligheid oorhandig. Toe het ek die voertuig gekry en daar was 'n verduideliking aan my gegee dat hulle op pad is na 'n begrafnis-toe. Toe het ek elkeen afsonderlik gesprek om te hoor of die storie waar is, of hulle op pad is na die begrafnis-toe. Hulle het uiteenlopende stories vertel en party wou geen vrae antwoord nie, met die gevolg dat ek toe genoeg gronde gehad het om te glo dat dit 'n geval is waar ons hulle kan aanhou en aan die Veiligheid oorhandig.

Jy het die vraag geantwoord Konstabel: Hoekom het jy die verklarings geneem? Jy het gesê jy het nie van getuie-nis gedink nie. Nou hoekom het u die verklarings geneem? Vir watter doeleindes? --- Ek het hulle name en adresse gevra.

Ja, dit kan ek verstaan, maar die verklarings? Vir watter doeleindes het jy hulle verduideliking gevra?

(Aanklaer maak beswaar).

(Defence addresses Court).

COURT: I don't in any way wish to interfere with your cross-examination, but he does appear to have given a reason, the reason being to determine whether they should be detained).

VERDEDIGING: Is dit die enigste rede hoekom? --- Dit is die enigste doel waarom ek hulle ondervra het.

So, as jy hulle daar gearresteer het, het jy nie geweet dat hulle onder die "90 dae" aangehou sal word? --- Nee.

Wat het jy geweet, Konstabel? ---

Het jy net 'n oproep gekry om hulle te hou of wat?

--- Nadat hulle die uiteenlopende stories vertel het, '



ek besluit om hulle aan te hou en om die Veiligheidstak in Pretoria te kontak en hulle is aan hulle oorhandig. Daarna het ek gehoor dat hulle aangehou word onder die "90 dae" klousule.

Geen verdere vrae.

AANKLAER: Geen herondervraging.

PETRUS ALBERTUS FERREIRA : V.O.E.

ONDERVRAGING DEUR AANKLAER: U is 'n Speurder Sersant in die Suid-Afrikaanse Polisie te Pretoria? --- Ek is.

U is Onderzoekbeampte in dié saak? --- Ek is.

Nadat beskuldigde aan u oorhandig is, het u besonderhede van hom gekry betreffende sy ouderdom? --- Ek het. Sy ouderdom opgegee as 24 jaar.

Geen verdere vrae.

KRUISONDERVRAGING DEUR VERDEDIGING: Hoelank het jy die beskuldigde daar gehou toe jy hom vrae gevra het? --- Die beskuldigde is op die 10de Junie 1963 na Pretoria gebring, vergesel van 'n aantal ander persone en in die 90 dae klousule aangehou en op tot die 6de September 1963 is 'n aantal van hulle gespreek. Op watter datum beskuldigde gespreek is .....

Herhaal, September of Desember? --- September.

6 September? --- 6 September 1963. 'n Groot aantal van hulle gespreek; watter datum die beskuldigde gespreek was sal ek nie kan sê.

Dit kon ongeveer drie maande gewees het, is dit reg? --- Was vir drie maande aangehou, ja.

Het jy saam met Sinclair gepraat? --- Nee, nooit.

Jy ken 'n man naam van Coetzee, nè? --- Ek ken vir Sinclair; ek ken vir Piet Coetzee ook, 'n Kleurlingman.

HGF: Is Coetzee 'n Kleurling? --- Piet Coetzee is 'n kleurling, so is Sinclair ook 'n kleurling.

VERDEDIGING: En Suliman? --- Sulliman is 'n Indiërman, ken ek ook.

Essop Suliman? --- Essop Suliman.



Kan u vir my sê miskien, hoelank Suliman in hegtenis was voor hy 'n verklaring gemaak het? --- Dit is moeilik om te sê. Daar is onmiddellik begin met die neem van sy verklaring en 'n lang proses was, wat oor 'n tydperk geneem was. Hy is toe later, ek reken na twee maande - ek skryf onder korreksie - is hy losgelaat.

Goetzee: hoe lank was hy gehou voor hy 'n verklaring gemaak het? --- Goetzee is verklaring is die oggend geneem van die arrestasies plaasgevind het.

Op 10 Junie? --- Op 10 Junie.

Wanneer het jy hom voltooi? --- Hy was eendag aangehou en op die llde was hy losgelaat.

Jy sê op die llde was hy vrygelaat? --- Dit is so.

Het jy Suliman ondervra? --- Op geen stadium nie.

Geen verdere vrae.

AANKLAER: Geen Herondervraging.

PIET ADAM COETZEE : V.O.E.

HOF: Meneer die Aanklaer deel die Hof mee dat jy moontlik 'n mededader kan wees en dit is gevolglik my plig om jou te waarsku. Jy het nou al die eed geneem maar die Wet bepaal dat, as jy die eed neem en alle vrae wat aan jou gestel word kan bevredigend beantwoord, jy onthef sal word van alle vervolging.

ONDERVRAGING DEUR AANKLAER: Vir wie werk jy? --- Essop Ahmed Sulliman.

Wat se werk doen jy vir Sulliman? --- Drywer.

Wat dryf jy? --- 'n Kombi.

En watter besigheid doen Sulliman? --- Pirate taxi.

Sedert wanneer werk jy vir Sulliman? --- Dit is nou die vyfde jaar dié.

Gedurende 1962 was jy in Sulliman se diens? --- Ja.

Was jy in daardie jaar op Lobatsi in Betsjoeanaland gewees? --- Ek was in Lobatsi, Betsjoeanaland.

Vir watter doel het jy soontoe gegaan? --- Ek het gegaan op "instructions" om die mense uit te vat soontoe.



Lobatsi-toe vir vergaderings.

Wie het jy soontoe geneem? --- Ek het die African National Congress soontoe gevat.

(Hof en Staatsaanklaer bespreek).

VERDEDIGING SPREEK HOF.

AANKLAER: Nou wie het die vergadering gehou op Lobatsi? --- Walter Sisulu, Sambo en nog ander klomp wat ek nie hulle name baie mooi ken nie.

U het die name genoem van Walter Sisulu en Sambo? --- Sambo, ja.

U sê ook ander persone van wie jy die name nie kan onthou nie? --- Ja, want ek ken hulle nie.

Het jy die vergadering bygewoon? --- Ek was by. My kar het by die vergadering gestaan want dit was in oop kamers. Voor het baie van hulle gestaan en ons het tussen hulle gestaan.

Het jy gehoor wat op die vergadering gebeur het? --- Wat ek gehoor het, het ek gehoor.

Wie het die vergadering toegespreek? --- Walter Sisulu en Sambo, Samba.

Weet jy van watter organisasie hulle lede is? --- Hulle lede was gewees wat hulle voorgespreek het, hulle wil die Goewerment uitwerk.

Was die persone by die vergadering lede van enige organisasie? --- Hulle het gepraat van manne oorstuur.

HOF: Luister nou na die vraag. Dit is nou tweemaal wat die vraag gestel word en dan praat jy nou iets anders. Herhaal weer die vraag, Meneer die Aanklaer.

AANKLAER: Weet jy of die mense wat die vergadering gehou het, lede was van enige besondere organisasie? --- Ek weet hulle sê van die Afrikan National Congress lede is.

Wat is daarso besluit deur die mense, by die vergadering? --- Die besluit van hulle was gewees om die Goewerment af te werk.

Op watter manier sou dit gedoen word? --- Want hulle wil die land kom kry.



Ekskuus? --- Want hulle wil die land kom kry.

Hoe gaan hulle dit regkry om die "control" van die land oor te neem? --- Ek weet nie.

Wat het hulle daar besluit. Wat het hulle gesê? --- Hulle het gesê hulle gaan soldate maak om teen die wittes te baklei.

Is daar besluit waar hulle die soldate gaan maak? --- Hulle gaan "recruits" maak, hulle stuur hulle deur Tanganyka-toe en Daras Salaam.

Kan jy onthou/watter maand/in 1962 daardie vergadering gehou is? --- Ek kan die maand onthou nie, ek weet nie of dit Maart is of wat nie, maar dit is daar Februarie November daartussen.

Het u daarna, na die vergadering, enige opdragte gekry van Sulliman in verband met mense? --- Ja ek het opdrag gekry van Sulliman om vir die mense te vat van Johannesburg tot op die "borders" van Lobatsi en Transvaal.

Hoelank na die vergadering het dit gebeur? --- Drie weke na die vergadering het ek die eerste "batch" oorgevat.

Weet jy van watter organisasie daardie mense lede was? --- Dit was gesê hulle gaan oor Tanganyka-toe.

Weet jy van watter organisasie hulle lede was? --- Nee. Waarvandaan het jy die mense geneem? --- Van Johannesburg af.

Waar was Sisulu daardie tyd gewees? --- Walter Sisulu was by die huis gewees.

Ekskuus? --- Hy was in Johannesburg gewees.

Hoeveel keer het jy mense uitgeneem? --- 'n Hele klomp maal; ek kan amper nie tel nie.

Watter voertuie het jy ieder slag gery? --- Met die Volkswagen.

HQF: Met die Kombi of ander? --- Kombi.

Onthou jy die naweek van die 9de Junie 1963? --- Die 19de of die 9de.

Negende Junie 1963? --- *Wat die karre gevang gewees het?*

Ja.

Was jou voertuig ook deur die Polisie voorgekeer? --- Ja.



Waarvandaan het jy gekom? --- Van Johannesburg af.

Hoeveel voertuie het van Johannesburg af vertrek? ---

Wat als sou vertrek het was vier.

Vier Kombi's? --- Vier Kombi's.

Waar is die persone opgelaai wat in die Kombi's was? ---

Ek het hulle in die "Location" opgelaai, die anders in Maraba Garage, Orlando.

HOF: In die "location" waar? --- In die "location", Orlando, Maraba Garage, regoor die garage.

Reg oor watter garage? --- Maraba Garage.

AANKLAER: En ook in Orlando? --- En ook in Orlando-Wes, Pafenie en Pheri.

Ekskuus? --- Orlando-Wes.

Orlando-Wes. --- Pafenie.

Pafenie. --- En Pheri.

Waar is Pafenie en Pheri? --- Hulle is uitmekaar uit, naby 'n dorp amper naby Roodepoort.

Naby Roodepoort. Weet jy hoeveel persone alstesaam opgelaai is in die Kombi's? --- In my Kombi was gewees 14.

Veertien? --- Veertien.

Wie was die bestuurders van die ander Kombi's? --- Ek het een gebestuur en Abraham Sulliman het een bestuur, hy is Sulliman se broer, en een het Sinclair gebestuur en een het 'n ander "Indian" - ek het net sy naam vergeet - ook bestuur.

Het enige iemand aangedui hoe julle moet ry? --- Die leier was daarso.

Wie was die leier? --- M'bata.

Wie is hy? --- Hy is een van die "Congress Leaders" wat nou in die gevangenis is.

Na watter Congress verwys jy nou? --- African National Congress.

Waarmee het hy gery? --- Hy het gery met 'n Zodiac motor-kar.

(Defence addresses Court re objection).

(Aanklaer spreek Hof in antwoord).

(Defence addresses Court in reply).



JOURT: Of course, it is conceivable that the State intends proving that he proposed leaving under the auspices of the Association. All the essential elements have not yet been established, but this of course is merely an interlocutory order and I shall admit the evidence at this stage to see whether ultimately the necessary elements are before the Court.

AANKLAER: Ek meen daar was 'n vraag laas gevra waarop ek toe nie 'n antwoord gekry het nie.

HOF: Hy met 'n Zodiac, dit is Mbata, hy was in 'n Zodiac motorvoertuig.

AANKLAER: Nou, sal jy dan beskryf hoe julle verder gery het van Johannesburg se lokasies af? --- Van die lokasies af het ek weggetrek uit die dorp 7 uur.

HOF: 7-uur vm. of namiddag? --- Namiddag.

Op die 9de? --- Ja.

AANKLAER: Dit is die aand van Sondag, nè? --- Ek het opgetrek by Maraba Garage, Orlando.

Ja? --- Ek is weg daar; ek het die ander karre daar laatstaan. Ek is daar weg, ek is na Mandela se huis-toe, Orlando-Wes.

Wat het jy daar gaan maak? --- Ek het nog ander daar gaan laai.

Wie is Mandela? --- Mandela is die "leader" van die A.N.C. African National Congress.

Was hy saam met jou? --- Nee, hy was nie daar nie. Hy was binnekant. Sy vrou was daar by die huis gewees, ek was gevat van 'n ander man, Mbata.

Waarheen is jy daarvandaan? --- Daarvandaan af was ek weer gevat, hulle het my gesê ek moet aanry tot op Pheri.

Ja? --- Van Pheri af moet ek deur Dobsonville gegaan het.

Dobsonville? --- Ja. Moet ek deur Dobsonville gaan na Roodepoort-toe.

Waar is dit? --- Dit is naby Roodepoort, duskant Roodepoort.



Ja? --- Wel, toe ons daar kom, toe kom ons weer terug, toe staan ons in die "dresser." Toe kom ek hulle kry op Zolla. Toe staan die ander karre daar. Ek het weer omgedraai want ek kon nie die pad weer kry daarsó nie. Toe kom ek terug, toe kry ek hulle op Zolla stean.

Is dit nou die ander drie Kombi's? --- Ja, toe kry ek die ander drie Kombi's daarso.

By watter plek? --- By Zolla.

Waar is dit? --- Dit is hier in Dube se kant, Pafenie.

Ook in Johannesburg? --- Ook in Johannesburg.

En waar was Mbata met die motorkar? --- Mbata was daarso, toe het hy nog die ander man uit die huis uit gebring om die ander karre te laai.

Waarheen is jy toe? --- Daarvandaan af het ons omgedraai, toe gaan ons weer, toe draai ek om hier Johannesburg se kant, toe vat ons die pad Dobsonville deur, met die "main road," deur Dobsonville.

Het die vier Kombi's toe saamgery? --- Agtermekaar.

HOF: En die Zodiac? --- Die Zodiac was voor.

AANKLAER: Hoelangs het julle toe gery? --- Ons het gekom tot hierbo na Maraisburg, naby Maraisburg.

En daarvandaan? --- Daarvandaan toe vat ons die Roodepoort pad deur Krugersdorp se kant.

Hoe het julle toe verder gery? --- Een Kombi het "gestuck". Sinclair se Kombi het "gestuck."

Sinclair? --- Sinclair. Sy Kombi het iets makeer hier op Roodepoort. Ons het hom daar "getry" om reg te maak, toe los ons hom daar met die klomp, met sy vrag, toe gaan ons weer aan.

Is toe net die drie Kombi's en Mbata voort? --- Ja.

Ja? --- Ek het gery tot op Magaliesberg met die ander twee Kombi's, gery tot op Magaliesberg, toe draai ek en Essop om om te kom kyk waar is Sinclair se Kombi.

Twee Kombi's het omgedraai? --- *Nee, net ek het allenig omgedraai, om te kyk waar hy is.*



En Sinclair? --- Sinclair, toe ons daar kom waar ons hom gelos het op Roodepoort, toe sien ons hom nie. Hy het die ander pad deurgevat.

Het Mbata en die ander twee Kombi's verder gery? --- Die ander twee het voor aangegaan.

In watter rigting het hulle gery? --- Hulle het die Lichtenburgpad gevat, deur Koster.

Toe jy nie vir Sinclair kry nie, wat het jy gedoen? --- Toe draai ons om, toe volg ons die ander twee Kombi's, saam met Mbata.

Het jy weer by die Kombi's aangesluit? --- Ons het nie weer by hulle aangesluit nie, want die twee Kombi's was baie ver voor ons.

Ja? --- Daar van Zeerust af tot ons op Groot Marico is, sien ek net die Zodiac kom terug.

Waar was dit gewees? --- Groot Marico.

HOF: Is dit Mandela? --- Nee, Mbata.

Dit was toe Mbata? --- Ja.

AANKLAER: Tot waar toe moes jy gery het? --- Ek moet gery het tot by die grens.

Watter grens? --- Betsjoeanaland.

Van wie het jy daardie opdrag gekry? --- Van Samba hierso Sulliman? --- Sulliman. Hy was saam met my in die Kombi. Saam met jou? --- Ja, hy was saam met my gewees.

Wie was toe in die Zodiac wat terugkeer? --- Met die terugkeer van die Zodiac, toe is dit net Mbata en 'n vroumens.

Is die vroumens vroeër ook in die omtrek gewees? ---  
Toe is die vrou/<sup>VOOR</sup>saam met Mbata in die kar.

Ekskuus? --- Toe is die vroumens saam met Mbata in die kar voor.

HOF: Het sy met die soontoe gaan ook saam met hom gery? --- Ja, met die soontoe gaan was sy ook saam.

AANKLAER: Wat het toe gebeur? --- Toe het hy 'n paar manne ook binne in die kar gehet, wat hy *mee omgedraai het: vier, vyf mense* gehet in die kar toe hy omgedraai het.



Ja? --- Toe kry ons op Groot Marico.

Het julle toe stilgehou? --- Ja, hy het ons gestop, toe hou ons stil.

En, wat het toe gebeur? --- Toe sê hy vir ons, julle beter nou dadelik hier omdraai "because" die ander twee Kombi's is klaar gevang.

En toe? --- Toe klim Sulliman saam met hom in die kar in en hulle draai daar om.

Waarheen ry hulle toe? --- Toe kom hulle terug Johannesburg-toe.

Wat het jy gedoen? --- Toe trek ek net so'n eintjie op toe draai ek ook om. Toe het hulle my gesê ek moet die mense wat ek in my kar het weer by Mandela se huis gaan aflaai.

Wat het toe van Mbata en die Zodiac geword? --- Hulle is daar weg; ek weet nie wat het geword van hulle nie.

En wat het jy toe gedoen? --- Toe ek net omdraai, ek was nie eers half-myl weg nie, toe kom die Polisie op, toe keer hulle ons voor, toe vang hulle ons. Ek het net gedraai, kan ek maar sê.

Dit was naby Groot Marico toe? --- In Groot Marico.

Toe vang hulle vir jou en die ander mense wat in die Kombi was? --- Die ander mense is in Zeerust gevang, naby die "border" wat saam met my in die kar gewees het.

Is julle almal gevang? --- Ja.

HOF: En die Zodiac? --- Nee, die Zodiac het deurgekom, na Rustenburg se kant-toe.

AANKLAER: Is jy die volgende dag na Pretoria gebring? --- Ja.

En het jy daardie ander twee Kombi's wat vooruitgery het vanaf Magaliesberg, het jy hulle weer gesien? --- Die ander twee Kombi's wat gevang is, hulle het my kom kry op Groot Marico.

HOF: Is hulle toe al gevang? --- Hulle was gevang. Hulle het my kom kry op Groot Marico. Ek is agter hulle gevang.

AANKLAER: Dit is nou die twee wat vooruitgery het? --- Ja.

Het jy Sinclair se Kombi weer gesien? --- Sinclair se Kombi het ek nie weer gesien nie.



Het jy die Zodiac weer gesien? --- Die Zodiac het ek kom sien op Rustenburg.

Ken jy vir die beskuldigde? --- Ek het die beskuldigde al gesien.

Waar? --- Ek het hom gesien in Orlando die aand met die laaiery.

Weet jy waar hy opgeklim het? --- Hy het daar by Zolla opgeklim, Phiri, net daar naby. Hy het saam met Mbata gekom, toe klim hulle in die Kombi's in.

Op watter manier het hy daar aangekom? ---- Wel, hulle was uitgehaal uit die huis uit.

Het hy aangestap gekom? --- Hulle het geloop "because" hulle kom soos 'n tou uit soos skoolkinders wat uit die skool uit kom op paradedronde kom, agtermekaar.

Uit watter plek uit het hy uitgekom? --- Uit 'n huis uit. Die huis dié ken ek nie, want hulle het net gaan uithaal, want ek het gedraai, ek was klaar gelaai, ek was vol.

Is daar enige ander persone by hom gewees? --- Daar was 'n hele klomp.

Het hy enigiets by hom gehad, bagasie byvoorbeeld? --- Hulle het nie komberse, niks gehet by hulle nie.

Kan jy onthou of hy dronk gewees het? --- Hulle was nie een dronk nie.

Geen verdere vrae.

KRUISONDERVRAGING DEUR VERDEDIGING: Sê jy die beskuldigde was nie heeldronk nie? --- Daar was nie een van hulle dronk nie.

O, is dit wat jy meen. Hoe sê jy die beskuldigde het daar gekom? --- Hulle is soos hulle uitkom by die huis uit en in klim in die Kombi's.

Hoeveel mense was daar daardie aand in die Kombi's opgelaai? --- Myne was 14. Ebrahim s'n was 12. Party het 15 ook gehet. Die ander een het net 11 gehet. Sinclair s'n het 11 gehet, want ons het helfte uitgehaal.



Beskuldigde het net daar in die Kombi geklim? --- Hy het net daar in die Kombi geklim.

Maar hy het niks gemaak nie, nie geskree nie of geveg nie? --- Nee, daar is nie een wat geskree het nie.

Kan jy al die mense wat daar was onthou? --- Ek kan 'n hele paar onthou.

Ja. Antwoord net die vraag. Kan jy elke mens wat daar was daardie aand onthou? --- Hoe kan ek hulle onthou?

Hoekom onthou jy die beskuldigde so goed? --- Wat ek kan onthou wat ek wel gekyk het, wat ek gesien het wie is hulle.

Daar was ongeveer 40 mense daar, nè? --- Ek weet nie of 40 of 45 daar was nie.

'n Hele klomp wat daar rondgeloop het, nè? --- Wat rondgeloop het, daardie tyd wat ons laai was daar nie mense wat daar rondgeloop het nie. Daar was nie eers 'n hond in die pad nie.

Sê vir my, toe julle Lobatsi-toe gegaan het, die eerste keer, het jy Walter Sisulu saamgeneem? --- Walter Sisulu het gery met sy eie kar.

Maar jy was by Lobatsi toe hierdie eerste vergadering daar gehou was, is dit reg? --- Ek was op die vergadering.

Dit is waar jy gehoor van die A.N.C. en die doeleindes van die A.N.C. en hoekom hulle mense oor die grens wil stuur? Daar het ek gehoor wat gaan hulle maak met die mense.

Ja. So jy het geweet nè, wat die doeleindes van dié mense was? --- Nee, ek het nie geweet wat is die bedoeling daarvan nie.

Jy het gesê jy het gehoor toe jy by Lobatsi was, waar Walter Sisulu gepraat het? --- Ek het gehoor; ek het nie baie notisie gevat van hulle nie.

Maar jy het gehoor? --- Ek het gehoor paar woorde wat hulle gesê het, ja.

Jy het gehoor dat hulle wil mense oor die grens stuur om soldate te wees, Tanganyka en die plekke? --- Ek het daarvan gehoor.



Sê my: hoeveel keer het jy getuienis alreeds in dié soort sake afgelê? --- 'n Hele paar maal.

Is jou getuienis altyd dieselfde? --- Dieselfde, ja.

Onthou jy 'n saak waar jy getuienis afgelê het teen een Henry Mogotli? --- Henry?

Mogotli? --- Godfrey of Henry Fritz?

Nee, ek weet nie. Henry Mogotli. Het jy in elk geval 'n saak getuienis afgelê waar Henry betrokke was? --- Henry? Ek weet ek het getuie afgegee in hierdie selfde Hof.

Ja, mnr. Marinus het daarvoor vervolg. Onthou jy? --- (Geen antwoord).

Die Aanklaer hier het daar ook vervolg. Is dit reg? --- Ja, die Aanklaer ....

Die beskuldigde se naam was Henry? --- Ek kan nie onthou wat was sy naam nie.

Ja, in dié saak het jy die volgende gesê. Jy sien jy was onder die eed gewees, toe het jy dié gesê: (Lees van vorige saak aan Hof). Hy was gevra. In ander woorde, jy het nooit geweet wat hulle doeleindes was nie. Toe het jy gesê: "Nee, ek weet nie wat se doeleindes gaan hulle uit nie." --- Het ek dit nie nou geantwoord nie. Ek het dan nou hier gesê: "Ja, ek weet nie wat is hulle ding. Ek het net gehoor hulle het gesê hulle gaan manne oorstuur Kenya-toe, Tanganyka."

Ja. Jy het gehoor by Lobatsi. Nou sê jy jy was daar by Lobatsi: "Ek het gehoor wat Walter Sisulu sê." Is dit reg? --- Ek het gehoor hulle sê. Ek weet nie wat gaan hulle maak nie. Hulle het net gesê hulle gaan manne oorstuur Tanganyka-toe.

Nou, het jy enige keer mnr. Essop gevra of Sulliman gevra maar hoekom gaan dié mense grens-toe? --- Ek het hom nie gevra nie.

Jy het hom nie gevra nie? --- Nee. Net soos hy sê jy moet die mense vat sover as die "borders."

Sien, jy verander weer jou getuienis. --- Hoe nou?



Daardie saak, die saak teen Henry, was jy ook so gevra. "Het jy ooit mnr. Essop gevra, dit is van die doeleindes hoekom die mense by die grens opgelaai is." --- Ek het net gehoor ....

(Lees uit vorige saak) "Ek het hom gevra; hy sê ek moet net die mense vat en aflaai by die "borders." --- Nou ja, ek het hom gevra, maar hy het my niks gesê nie.

Jy het hom gevra? --- Ek het hom gevra; hy het my niks gesê nie. Hy het net gesê ek moet hulle vat sover as die "borders" en klaarkry.

Mnr. Essop sê in dieselfde saak. Hy het ook getuie- nis daar afgelê, nè? --- Aflê, ja.

Hy het gesê: "Jy het hom nie gevra nie." --- Ja, ek het. Toe ek hom vra, toe sê hy vir my ek moet net die mense aflaai, toe het ek hom nie verder gevra nie. Wat my gesê het hulle moet Tanganyka-toe gaan, is Mbata, en paar van die persone wat ek vir hom gery het.

As Essop sê jy het hom nie gevra nie, is dit nie die waarheid nie? --- Dan is dit reg, ja. Ek het hom nie gevra nie. Wat ek hom net gevra ....

Jy het hom nie gevra nie? --- Ek het hom net gevra waarheen gaan die mense toe, toe sy hy vir my, vat hulle net sover as die grens.

Essop sê jy het hom nie gevra nie. Is dit die waarheid, of is dit nie die waarheid nie? --- Ek het hom gevra. Hy het nie gesê waarvoor gaan hulle nie. Hy het my net gesê: "Vat hulle sover as die grens."

Ja. Hoekom het jy hom gevra? Jy het geweet, jy was by Lobatsi gewees. Jy het Siulu gehoor praat van al hierdie besigheid? --- Ja, want ek moet hom vra, "because" ek het nie geweet daar gaan so klomp "trippe" oorgaan nie. Ek het nie geweet hoeveel maal ek moet oorgaan nie, want hy het my gesê: Jy moet net hulle laai en vat hulle grens-toe."

Maar jy het geweet vir watter doeleindes die eerste klomp gaan, nè? --- Want laai jy hulle, dan sê hulle vir jou



hulle gaan skool-toe, hulle gaan na 'n skool-toe. Hulle het nie gesê hulle gaan soontoe nie. Kom dit op 'n ding dan sê die anders: "As ons kry die Polisie moet ons sê ons gaan "Football" toe."

Hulle het almal gesê hulle gaan skooltoe? --- Party het gesê skooltoe, party het gesê "football" toe, party het gesê troue-toe. Hulle het "different" woorde ieder tyd wat ek hulle oorvat.

Maar het hulle nooit vir u gesê hulle gaan soldate wees? --- Daar is wat my gesê het hulle gaan vir soldate Tanganyka, Kenya-toe, Dares Salaam-toe.

Wie het vir u gesê? --- Van hulle. Gerald Lockman is die een, Walter Sisulu se kleinkind, se suster se kind.

Toe jy deur die Polisie gearresteer was, wat het jy vir die Polisie gesê? --- Ek het vir die Polisie niks gesê nie.

Het hulle nie gevra? --- Gevra waarheen?

Ja? --- Ons het net gesê ons kom van die "ball" af.

By die? --- Ons kom van die "football" af.

O. --- Ons het omgedraai voor die Polisie ons gevang het.

Maar jy het geweet hoekom jy die grens-toe gaan en dit was nie van "voetbal" nie, dit was om die <sup>die grens</sup> mense oor/te stuur.? --- Wel, dit was "instructions" wat ons gekry het, opdrag gekry het, wat ons moet aflê.

Van wie het jy die "instructions" gekry? --- Instructions gekry van Mbata. Dieselfde tyd wat hy omdraai, toe kom hy daardie ding sê. Wat hy omdraai wat hy vir Sulliman oplaai op sy kar. Toe sê hy as die Polisie ons hier kom voorkeer, moet ons sê ons kom van die "football" af.

Het jy die "instructions" ook van Sulliman gekry om so te sê? --- Hulle altwee.

Sulliman het vir jou ook so gesê? --- Wel, "because" Sulliman het dit van hom af gekry en hy het dit vir my kom sê. Sulliman het vir my kom gee. Hy kry van Mbata af.



Ek wil net 'n bietjie terugkeer. Jy sê jy was by die vergadering daar by Lobatsi. Het jy Sisulu gehoor praat? --- Ek het hom gehoor praat.

Daar het jy gehoor hy sê: "Ons moet die witmense uit die land neem en swart regering maak en so, nè? --- Ek het gehoor dit is nie hy alleen wat dit gesê, Zamba het dit ook gesê.

Ekskuus? --- Nie net hy allenig nie, Samba ook. Die vergadering was vir twee dae aanmekeer; 'n hele paar "delegates" van Durban ook, East London ook. Hulle was almal daarso. Almal dieselfde woorde gesê.

So, wat het jy gedink toe jy daardie gehoor het? --- Wel, ek het niks gedink nie. Ek het maar net stilgebly "because" ek weet nie wat is hulle plan nie, want ek het maar net om my werk gedink.

Nie gedink om die Polisie toe te gaan nie? --- Nee, hoe kan ek Polisie-toe gaan daar in Lobatsi. Hoe kan ek gaan. Ek het net "orders" gekry ek moet die mense ry en soontoe vat en terugbring.

Sê vir my: In die ander sake wat jy getuienis afgelê het, het jy enige stadium vir die Hof gesê dat jy daar by Lobatsi was en jy het gehoor Sisulu praat, jy hoor wat Sisulu sê? --- Dié sê ek nou nog.

Het jy dit hier gesê in die Hof? --- Toe sê ek dit nog.

Het jy dit gesê in die ander sake wat jy getuienis afgelê het? --- Een getuie; een "statement."

Ek kan vir jou sê ek het afskrifte van jou getuienis in drie sake. Jy het nie so gesê nie. --- Wel, ek sê ek het gesê. Ek het dit gesê. Ek het dit in die Hoër Hof ook gesê.

Dit sal die tikster se skuld wees, nè, want dit is nie hier nie. Dit staan nie op die rekords. Jy het dit gesê? --- Wel, my statement het dit gesê, ja.

*Het jy dit in jou verklaring aan die Polisie g*

Daar in my verklaring. Is dit nie daarin geskryf



Net weer terugkom die Henry se saak toe. Hoekom het jy in daardie saak gesê dat jy nie die doeleindes van die mense weet nie, die mense wat buitekant die land wil gaan? Hoekom het jy so gesê? --- Hoe het ek gesê, ek weet nie wat nie?

"Nee, ek weet nie wat se doeleindes gaan hulle uit nie." Dit is wat jy gesê het? --- Ek het gesê hulle gaan uit Dares-Salaam-toe, Kenya. Dit is al daardie statement wat ek ingeskryf het.

Ja, ek weet. Luister. Hoekom het jy gesê jy weet nie. Jy was onder eed gewees? --- Ek weet nie waarvoor wat hulle gesê hulle gaan uit Dares Salaam-toe vir soldate, te "train" vir soldate. Ek weet nie waarvoor, weet ek nie.

Nee, dit is nie die vraag wat aan u gestel was nie. Sien, die vraag was: "In ander woorde, jy het nooit geweet wat hulle doeleindes was nie?" Dit is 'n eenvoudige vraag, nè? --- Ek weet nou nog nie wat is hulle punt nie.

Jy weet nou nog nie wat hulle doeleindes was nie? --- Ek weet nie wat is dit, ek sien maar net wat gaan aan.

Nou sê vir my: die gewone prosedure is dié, dat jy die mense voor die grens aflaai? --- Ja, drie myl van die grens af.

HOF: Hoever? --- Three miles from ....

Drie myl van die grens af? --- Van die grens af.

VERDEDIGING: En toe, wat maak hulle? --- Wel, daar klim hulle net af en gaan hulle tussen die bosse, dan draai ons net daar om.

Nou wat maak hulle na hulle in die bosse gaan? --- Ek weet nie wat maak hulle nie. Daar raak hulle weg.

As jy nou staan in die getuiebanc, wil jy sê jy weet nie wat die mense maak na hulle by die grens afgelaai is? --- Agterna weet ek nie wat maak hulle daar nie. Daar raak hulle weg soos vlieë. Ek weet niks; daar draai ons net om, van die grens af.

Jy weet nie wat hulle gaan daar maak nie. Is dit reg? --- Daar wat ons by hulle aflaai op die grens, duskant die



grens, as hulle daar afgeklim het, dan is hulle daar weg. Ons draai net daar om. Ons weet niks daarvandaan af.

Weet jy vir watter doeleindes hulle daar afgelaai is? Weet jy of nie? --- Nee, ek weet nie.

Geen verdere vrae.

HERONDERVRAGING DEUR AANKLAER: Wat beteken die woord "doeleindes?" --- Die wat Meneer?

Doeleindes, weet jy wat die woord beteken? --- Doeleindes?

Ken jy nie die betekenis daarvan nie?

VERDEDIGING: I would like an opportunity to explain to him what "doeleindes" means and then I'll proceed.

Jy weet nie wat "doeleindes" is nie? --- Doeleindes?

Hoe sê jy "purposes" in Afrikaans? --- "Purposes" is moedswillig.

"Purposes." Luister, het jy nie geweet vir watter "purpose" die mense .... --- Nee, ek weet nie vir watter purposes het hulle daar afgeklim nie. Ek het net geweet hulle gaan deur Lobatsi-toe, en daarvan weet ek glad nie. Ons laai hulle net af daar by die "borders", daar draai ons om.

Maar jy het gehoor by Lobatsi dat Sisulu praat van al hierdie besigheid, nê? --- Ja, dit weet ek. Hulle gaan weg vir soldate "but" ek weet nou nie of hulle Lobatsi ingaan nie, of hulle vat hulle karre daar wat hulle weer gaan Dares Salaam-toe, dit weet ek nie.

Jy sien, ek wil dit aan u stel: u weet goed wat doeleindes beteken, want jy het die woord gebruik in die saak teen Henry. --- Die woorde wat ek gebruik het is laat hulle daarvan af gegaan het Dares Salaam-toe.

Ja. Jy het daar gesê: "Nee, ek weet nie wat se doeleindes gaan hulle uit nie." Nou as u nie die woord ken nie, wat het u gedink jy het hier gesê? --- Ek weet mos nie waarvoor gaan hulle nie. Hulle het net gesê hulle gaan vir soldate.

AANKLAER: Geen Herondervraging.



(DEELSVEROOR)

DATUM: 25/2/1964.

ESSOP SULLIMAN : D.S.S.

PROSECUTOR: According to the evidence I have in my possession, it would seem that this witness is also an accomplice and I would prefer that he also be warned.

COURT: MR. PROSECUTOR tells this Court that you are probably an accomplice and it is, therefore, my duty to warn you that, if you take the Oath, which you have already taken, and reply to all questions put to you to the satisfaction of the Court, you will be absolved from all prosecution.

EXAMINATION BY PROSECUTOR: Do you live in Johannesburg? --- Yes.

Do you have a business? --- Yes, your worship.

What is the nature of it? --- I operate a pirate taxi business in Johannesburg.

Who do you employ as drivers? --- I have my brother as a driver, Ebraim. He died, and I have Piet Coetzee and another person by the name of Fox.

COURT: You say your brother is deceased? --- Yes.

Who is the last person you mentioned? --- Fox.

PROSECUTOR: Do you know a person by the name of Sinclair? --- Yes.

Was he employed by you at any time? --- Sinclair is a coloured man whom I had engaged his bus when we needed for the transport.

The man Coetzee, is he the previous witness? --- Yes.

Were you acquainted with any persons belonging to the African National Congress? --- Yes.

Which persons did you become acquainted with? --- I knew Walter Max Sisulu; I knew Mr. Duma Nkwe; I knew Kathrada; I know Mbata and Mlangeni. I also know Joe Modisi.

Are these persons all members of the African National Congress? --- Yes.

Do you know what positions they hold in that organisation? --- All I knew that Walter Max Sisulu was the leader of the African National Congress.



Did you have any dealings with the African National Congress with regard to transport? --- Yes.

What was the nature of these dealings? --- The nature of the dealing was to convey people for a meeting that was being held in Lobatsi.

When was that? --- That was in June, 1962.

Thereafter, did you have any further dealings with that Association? --- After that, the only dealing was to convey Bantu men as far as the border.

From where were they conveyed? --- They were conveyed from the location in Johannesburg.

COURT: What border are you referring to? --- Just otherside Zeerust. The border between .... when we enter the border about 100 or 200 yards before the border entering into Lobatsi.

What border is that; the border between ....? --- Between the Republic and Bechuanaland.

PROSECUTOR: And with which person did you make these arrangements? --- I made the arrangement with Walter Sisulu. I also made arrangements with Modesi, with Kathrada, with Nokwe, with Mlangeni and with Mbata.

Were you paid for the transport of these people? --- I was paid for all the transport with the exception of the last convoy which we took, I wasn't paid in full.

Who paid you? --- All these members which I mentioned, Kathrada, Nokwe, Sisulu, Mlangeni, Mbata and Modesi, all these people paid me for the transport.

How were you paid? --- In cash.

Do you remember the Sunday of the 9th of June, 1963? --- Yes.

Was there any arrangement for you to convey any persons on that Sunday? --- Arrangements were made to convey people up to the border.

With whom had the arrangements been made? --- With Mbata and Mlangeni.



And what had you to do in respect to the people? --- Mbata and Mlangeni came to my house and said that they wanted two Combi's to convey Bantu men.

COURT: They wanted? --- To convey people to the border, and required two Volkswagen Combi's.

PROSECUTOR: Yes? --- Then Mbata came in the afternoon and said that he will require a third Combi. The third Combi was engaged and that person was Moon Dyer.

COURT: Who is that? --- An Indian man.

PROSECUTOR: Noord Dyer, your Worship.

COURT: What about him? --- I engaged him as the third Combi. Driver? --- To drive the people. We were supposed to all meet at the Marabi Garage at about 7 o'clock. On arriving at the garage, Mbata and Mlangeni required a fourth Combi. Mr. Sinclair was engaged to drive the fourth Combi. All four Combi's were then accumulated at the Marabi Garage. Mbata paid me £75.0.0. and told me that the balance of the £25.0.0. he will pay me when he comes back. I engaged Noord Dyer and Sinclair for an amount of £18.0.0.

Each? --- Each. Before leaving, I noticed Mbata giving Mlangeni about a half-a-dozen reference books.

Reference books? --- Yes. Mbata put an unknown Bantu into my Combi and Piet's Combi and we then moved off to load the people.

PROSECUTOR: Had you at that stage loaded anyone yet? --- Only one person.

Who was the person? --- I don't know him.

Was it the accused? --- I don't the person yet at all.

Then where did the Combi's proceed to? --- Then the other three Volkswagen Combi's proceeded with the Zephyr car.

With? --- Zephyr, with the other people, a vehicle driven by Mbata and Mlangeni.

COURT: Is that the Zephyr? --- Yes. All the vehicles were supposed to meet on the Roodepoort-Krugersdorp road.



Upon whose instructions? --- On Mbata's instructions.

COURT: They had to meet on what road? --- Roodepoort-Krugersdorp road. Two or three miles before Roodepoort, ...

PROSECUTOR: Did these Combi's meet there? --- Yes. All four.

And did you notice whether there were then passengers in all of them? --- Yes, all four Combi's loaded and we were on the Roodepoort-Krugersdorp road.

Was your Combi also loaded? --- Yes.

Yes? --- Sinclair's Combi gave trouble. It didn't want to pull properly. We set the timing right and proceeded on our way.

COURT: What do you mean you set the timing right? --- There was something with the pulling.

The timing of Sinclair's vehicle? --- Yes. Mbata's instructions there was that we must not ride in a convoy, but we must ride apart. When Sinclair reached Roodepoort the vehicle broke down. He said that the vehicle don't want to pull well.

Yes, so what did you do? --- I then told Sinclair he must wait here and I rushed to tell the other Combi's they must wait. I met Ebrahim and Noord Dyer just a little above Magaliesburg. I took out eight or nine passengers from the Combi me and Piet was driving and put half of it in Ebrahim's Combi and half of it in Noord Dyer's Combi. We told them they must wait because Sinclair's Combi is not functioning properly. Me and Piet, we drove to Roodepoort to get all the passengers of Sinclair and put it in our Combi. On arriving there we found Sinclair was not there, he disappeared. We came back to Ebrahim and Noord, we found they also left, they wasn't there. We carried on to the border. Before we could come to Zeerust, Mbata came from the back and stopped us. Mbata said that the first two Combi's is arrested in Zeerust, we must take a U-turn and Mbata gave Piet Coetzee instructions to drop all the



people in the location.

Which people? --- The passengers that were in the Combi.

In which Combi? --- The Combi me and Piet were driving.

Did you still have passengers in your Combi? --- Yes.

Mbata had six or seven Bantu men in his Zephyr car. These passengers were alighted from the Zephyr car into the Combi. I then got into the Zephyr car and we were proceeding on our way to Johannesburg. In the Zephyr car it was myself, Mbata and a Bantu female. Mbata was very tired and feeling sleepy. He wanted to leave the road, so I drove the vehicle from there. On our way before we could reach Zeerust, the Police stopped us. Mbata told me I must say that he gave me a lift from Koster. The police stopped us and we were all arrested and taken to Rustenburg Police Station.

Do you know what had happened to the Combi driven by Piet Coetzee? --- After an hour or so, I supposed Piet Coetzee must be arrested too, because next morning 6 o'clock we found all the Combi's at the Police Station, except Sinclair.

Was the Combi driven by Sinclair also there at the time? --- Not at the Rustenburg Police Station. Early in the morning, as far as I can remember, I only seen Noord Dyer and my two Combi's.

Did you at any stage afterwards see Sinclair's Combi?

--- After when I came out I did see Sinclair's Combi.

COURT: Later, when you came out? --- Yes.

Came out from where? --- Well, when the Police released us.

When the Police released you. Where was that? --- Well, from Rustenburg we were brought to Pretoria.

PROSECUTOR: Did you see his Combi at Pretoria? --- No, I seen his Combi in Johannesburg then, because Mrs. Sinclair told me that .....

DEFENCE: No, he can't tell us.

PROSECUTOR: Do you know where these people were proceeding to, you were conveying? --- Our instructions were to



Convey all these people only as far as the border. We dropped the Bantu men about 100 or 200 yards before the border. We reached the border about 2 o'clock in the morning. From there the Bantus were crossing through the border by foot through the veld.

Do you know for what purpose these people were intending to leave the Republic? --- Yes. These Bantu men were going to Kenya and Tanganyika to become soldiers.

No further questions.

CROSS-EXAMINATION BY DEFENCE: Mr. Sulliman, how long have you been in the pirate taxi business? --- About five years.

Are these pirate taxi's registered in your name, I mean the Combi's? --- They are registered on my name and on my wife's name and on my brother's name, Ebrahim.

But in fact, all three of them are yours? --- All the vehicles.

I beg your pardon? --- Yes. All the vehicles belong to me and my wife.

When did you get these Combi's, Mr. Sulliman? --- We bought them from the Garage.

When? --- And we bought them from private owners. Well it depends; we bought some from Catalina Motors.

Yes, what I want to know is the time you started this business with the African National Congress, as you say you did. Was it at that time that you acquired the Combi's or not? --- No.

You had them before that? --- Yes.

COURT: How many Combi's did you have? --- We had three Combi's

Three? --- When we started off five years ago, we had about five or six Combi's. When a Combi gets smashed up or so, we get a replacement.

DEFENCE: Have you ever been charged with operating a pirate taxi at all? --- Yes.

How many times? --- *I was charged, I should say about four or five occasions.*

*4 You know the judge says rejected your answer*



Did you plead guilty or not guilty when you were charged with these offences? --- Excuse me.

Did you plead guilty or not guilty when you were charged with these offences? --- On three occasions the Court found me not guilty.

That's not my question. I want to know whether you pleaded guilty or not guilty? --- I did plead not guilty.

You pleaded not guilty. And tell me, Mr. Sulliman, did you go into the witness box on these occasions when you pleaded not guilty. Did you give evidence? --- I remember on one occasion I did go into the witness box and on the other occasion I never been in the witness box.

On the four other occasions you never went into the witness box at all? --- No, because the charges were mostly withdrawn.

The charges were mostly withdrawn? ---

On the occasion when you went into the witness box, what did you tell the Court there? Did you say that you had nothing to do with this pirate taxi business? --- We tell the Court that we gave the people a lift.

That was a lie, wasn't it? (No reply).

Under oath, Mr. Sulliman, it was a lie, wasn't it? --- Yes.

In fact, you have also given evidence in a number of other cases, sabotage trials, and so on, haven't you? --- Yes.

And there you've told a number of contradictory stories, haven't you? --- Yes.

The oath, apparently, doesn't mean very much to you, does it, Mr. Sulliman? --- Excuse me.

Taking an oath in giving evidence against accused people, doesn't mean very much to you, does it? --- It means a lot, because we have, in fact, conveyed these Bantu people.

You are not a member of the African National Congress, or the Indian National Congress, or whatever it is? --- No, I only do transport for them.



Neither is Piet Coetzee, is he, a member of any of these organizations? --- No.

Do you remember when Coetzee first lifted Walter Sisulu and company to Lobatsi for the first conference? Do you remember that little escapade of yours? --- Yes. I remember the Combi's going to Bechuanaland for a conference.

Did Piet Coetzee come back and tell you what he had heard at that conference at all? --- I don't remember anything that I can tell the Court whether there was any discussion.

Well, if it had been something of startling importance, you would remember it, wouldn't you? --- I don't worry much about Piet Coetzee. If there are people to be conveyed to the border, well he just conveys them and that's about all.

Oh no, Mr. Sulliman, you will keep repeating that throughout the length of this cross-examination like a parrot, but I'm not interested in that; I want you to answer the questions that I am asking you. The question I'm asking you is this: Had Piet Coetzee come back with some startling information like: Walter Sisulu said to me, or said to us there at the gathering, that the Africans were going to rise against the Whites and institute a black government, and so on, you would have remembered that, wouldn't you? --- No. I don't particularly remember Piet telling me anything.

I'm saying, had he told that, he would remember it, wouldn't you? --- I wouldn't know. Maybe, maybe not. I can't seem to place in my mind.

You of course realize that what you were doing by running these people to the border, was highly illegal, didn't you? --- It was illegal.

Did you realize it? --- Well, I merely thought I'm only running a pirate taxi, I have nothing to worry about. I am being paid to do the job. I'm not going to the border, neither am I leaving the country.

So far as you were concerned, you were acting quite legally. Is that correct? --- Well, it is illegal to convey



the people, but as far as I am concerned, I was merely a taxi-man.

COURT: You were? --- Operating a taxi.

DEFENCE: You knew at that stage, of course, that the African National Congress was a banned organization, didn't you? --- I read in the press it's a banned African National Congress.

At the stage when you were contracted to convey these people, did you know that it was a banned organization, Mr. Sulliman? --- I can't swear, but I do feel that I did read the report that it was a banned African National Congress.

I know. I know. But at the time when you started to convey, when you were contracted to convey people, did you know that it was a banned organization? --- I don't know when the organization was banned, whether it was banned one day before I contracted taking them, or if it was up to the day, I don't know.

I see. Because, if it wasn't banned, you see, at the time, and you didn't know it was banned, then there was no offence in taking these people all over the country, was there? --- Banning of the organization didn't worry me whether it was banned or not. To me, the Bantus were supposed to be conveyed to the border. I was given a reward for it.

Tell me, what standard of education did you reach at school, Mr. Sulliman? --- I did Std. X.

Standard? --- 10.

You passed your Matric? --- Yes.

And you can understand English? --- Yes.

And you know what it means to give a simple answer to a simple question? --- Yes.

Well then, would you please try to do so? Let's get back to the banning of the African National Congress. You say you can't remember whether you knew at the time you contracted the organization was banned. Is that right? --- Yes. I don't know when the organization was banned. Maybe it was banned five years ago, maybe three years ago. I never



took any particular notice than conveying the people, whether they got a banned organization or not.

Now look here. I just want you to answer yes or no. I don't want you to go into all this rigmarole please. Did you know at the time when you contracted to convey these people, if the African National Congress was banned or not? --- I don't really know.

You don't know? --- I don't know when it was banned.

I'm not asking you if you know when it was banned, I'm asking you if you know when you contracted to convey people, whether it was banned? --- I don't know.

You don't know whether it was banned or not at that stage. You see, I can't understand your previous answer then to the question I asked you, because you said, when you conveyed these people, you realized that it was illegal, but had the African National Congress not been banned at the time, it would not have been illegal, would it? --- Whether the A.N.C. was banned or whether the A.N.C. was not banned, I was merely given money to convey these people to the border, which I did, whether if it was banned I would have did it, and if it wasn't banned still it wouldn't make any difference to me.

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Tell me, did Piet Coetzee, at any stage ask you why these people were being transferred to the border or carried to the border? --- As far as I remember, no. All I can say, if there are people to be conveyed I give Piet .....

I know. I know. I know. Did he or didn't he ask you why? --- No, I don't remember.

He says he did ask you? --- As far as I'm concerned, I don't remember anything to that effect. Maybe he did, maybe he didn't, I don't know. As far as I'm concerned with Piet Coetzee, if there are people going to Durban, take the people .....

Yes, tell me Mr. Sulliman: <sup>were</sup> when/you told that these people were going to Tanganyika and Kenya to be soldiers? --- I was told on the very first occasion.



I see. Do you remember giving evidence, yourself and Piet Coetzee gave evidence in the case called The State against Henry Motgotli, it was here in the Regional Court. Do you remember that? --- Yes.

In that case, Piet said he asked you why these people were being transferred to the border. ~~You said you didn't know.~~ --- As far as I'm concerned, Piet Coetzee was a driver. It was just a question of giving them instructions to take the people wherever they wanted to go.

I know. You see, Mr. Sulliman, you said you can't remember having such a conversation with Piet. I take it from that you mean that you might have had such a conversation with him, but you can't remember it. Is that so? --- Possible, I can't ....

Possible, yes. But if you had said to Piet: "Look, I don't know why these people are being transferred, that would have been a lie, wouldn't it? Because, in fact, you say you did know why? --- I knew that they were going to Kenya and Tanganyika. I can't seem to remember what I must have spoken to Piet Coetzee at that particular time, when the ....

Well, just answer the question. If you had said that to Piet Coetzee, that would be a lie, wouldn't it? Because you did know, according to you? --- Then if I knew where these people were going to, maybe I just didn't want to tell Piet Coetzee where the people are going to.

I see. Well, why wouldn't you want to tell Piet? After all, you didn't know whether you were carrying on a legal or illegal business? You didn't know whether the African National Congress was banned or not? Why wouldn't you want to tell him? --- As I said, you know, it was conveying the passengers. It was just a question of giving Piet instructions to take the people, where they want to go to.

Look here, Mr. Sulliman, confine yourself to answering my question. Why wouldn't you have told Piet? Why? ---



Well, maybe I thought it is not his business. He is getting paid for it and he can take the people.

But had he asked you, let's just say, on several occasions, you would have told him eventually, wouldn't you, or wouldn't you? --- I don't know, maybe.

Only maybe, you say? You see, in the Supreme Court you were very definite about it. You said: had he asked me, I would have told him. --- Maybe I would have told him, maybe I would have changed my mind again.

Yes, but you see Mr. Sulliman, here you say maybe, in the Supreme Court you said you would have told him. Now which is the truth? --- Well, I suppose I would have told him and maybe I wouldn't have told him. I don't know.

You see, in the same case, Henry Motgothi's case: you said that as far as you were concerned, there was nothing illegal about the transaction at all. Didn't you say that? --- Yes.

That was a lie, wasn't it? --- As far as I was conveying, I had to convey the people. I was getting paid. I was running a taxi.

Just answer the question. It was a lie, wasn't it? --- As far as operating the taxi was concerned, well it is a pirate taxi. It is illegal. But I was getting paid to do the work, to convey the people for the transport.

Tell me: what would you have done had Mbata not instructed you to tell these lies to the Police? I mean that you had just been lifted from Koster and all this sort of thing? What would you have told the Police? --- I feel that I would have told the Police that we were conveying these people to the border.

Is that what you would have told him. You wouldn't have told them anything more? --- They would have asked us where ~~xxxxxxgoingx~~ they are going, and I suppose the Police, if we wouldn't speak, *there were plenty passengers* to do the talking. Might as well tell the Police that they



are going to Kenya and Tanganyika to become soldiers. I am running a taxi and I merely got paid to do the work.

Is that what you would have told the Police, had they asked you: "We are conveying people to the border to send them to Tanganyika and Kenya to become soldiers." Is that your answer? --- My answer would be that I'm running a pirate taxi and that these people were going to the border.

You would have admitted to the Police that you were running a pirate taxi, would you? --- Yes.

Like in all the other trials in which you were charged with running a pirate taxi, you admitted straight away to the Police that you were running a pirate taxi. Is that what you're trying to say, Mr. Sulliman? --- Admitting running a pirate taxi to who?

Well, you've been arrested four or five times for running a pirate taxi. On those occasions did you tell the Police that you were running a pirate taxi? No, you pleaded not guilty and went into the witness box and perjured yourself, didn't you? --- Yes.

But of course, on this occasion, this occasion you would have told the Police that you were running a pirate taxi and that you were running people to the border to be transferred to Kenya and Tanganyika. Is that right? --- Yes.

But tell me, why didn't you tell the Police that? --- Well, the Police took a statement from me at the Police Station and I told them.

Yes, but you didn't tell them when you were first stopped? --- When I was stopped at Zeerust, he was not much interested in what our purpose was. It appeared that he was merely there to see that he pulled us into the Police Station, and then the other C.I.D's were there from Pretoria to deal with us.

But why didn't you tell the Police. Why did you go to the trouble of telling him a lie, this business about Koster? --- I think Mbata wanted to keep himself clear from trouble or so, I don't know.



So what's that got to do with you, Mr. Sulliman? You say that you would have told the Police the truth? --- Yes.

But you mustn't tell the Police the truth; you lied to the Police? --- But I lied on the instruction of Mbata.

Why did you do that? --- Well,

After all, if I tell you to tell a lie, will you do it? --- Well, if you tell me to, I don't know. I just did it, when Mbata told me to tell the Police that he's giving me a lift from Koster.

Yes, but why did you tell the Police that? I want to know that. Did Mbata have a gun pointed at your head? Threatening you? --- No.

Well, why did you tell the Police this lie? --- I thought maybe he feels that the Police may just let us pass through or something.

I beg your pardon? --- Will let us go through because we were not in a Combi, it was just a private car.

You thought that when you told this lie, the Police would suddenly let you go and proceed and take people over the border to Tanganyika and Kenya. Is that what you thought? --- Well, I was of the impression that the Police were actually looking out for the Volkswagen Combi's. Then, when the Police went in front and seen the number plate, then he said well, this is the car we need.

Of course, you didn't say that in Henry Motgothi's trial, did you? You said something else. Isn't that so? --- I don't know what I said then.

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I'll tell you what you said: You said: "As far as I was concerned, if the Police were to stop me, I would tell them that Walter Sisulu engaged for the purposes of driving and I'm quite willing to tell the truth that Walter Sisulu told me that the people were supposed to go to Tanganyika and Kenya. I'm prepared to tell the Police everything." Why didn't you do that? --- Well I did. *I told the Police in Pretoria.*



How long after you were detained, did you tell the Police in Pretoria? --- When we were arrested, the same time the Police were also in Zeerust, at Rustenburg Police Station, and the next morning we were taken to Pretoria. The Police locked us up at Sunnyside and then after ten days he came and took a statement from me.

(Prosecutor addresses Court in objection).

(Defence addresses Court in reply).

(Prosecutor addresses Court in reply).

DEFENCE: Now, in fact, you said that when you were questioned in this case of, Supreme Court case of Calib Machabe and Others in the Supreme Court. Do you remember that? --- Yes.

Didn't you tell the Judge there that you made your statement to the Police because you had been threatened by the Police? --- The Police asked me at Zeerust where I'm coming from. I told the Police I got a lift from Koester. The Police said: "I will give you one blow and knock you down." Then I decided I might as well tell the Police that we were on our way .....

I can't hear you. --- Then I told the Police that we were on our way to Zeerust to drop the Bantu's to the border.

Where did this incident take place? --- It happened on our way from ....

Speak into the microphone. --- It happened on the road from Rustenburg to the Police Station.

Rustenburg to the Rustenburg Police Station? --- Yes.

So actually you only made your statement to the Police under a threat from the Police, didn't you? --- I never made a statement in writing. I merely told him that actually we were on our way to Zeerust.

I'm not interested in whether you made a statement in writing or a verbal statement. You made the first disclosure of this business of running people up to Tanganyika and Kenya and so on, under the threat from the Police, threat of assault. Is that correct? --- Well, I wouldn't worry m



about the threat of assault. I thought we'll have to tell the Police everything.

So you didn't worry about the threat of assault? --- I dunno about the threat of the assault and anything, but he just said, you know, "I'll give you one blow and knock you down," and I told him that well we were on our way to Zeerust to convey the Bantu's to the border.

But you didn't make this statement to the Police because of any threat, because you were not afraid? --- No, I made the statement after about ten days at the Sunnyside Police Station by another C.I.D.

I'm not talking about the Sunnyside Police Station. I'm talking about the time when you say you were threatened by the Police? --- No, I never made a written statement.

You made a verbal statement? --- I just told the Police that we were conveying these people to the border.

And that statement was forced out of you by a threat by a Policeman. Is that correct? --- It wasn't forced out at all.

Well, why didn't you tell him before he threatened to assault you? --- Well, he never assaulted me or anything. He just said.... I suppose he wanted to warn me because I spoke a lie, you know, that I got a lift from Koster.

Yes, but why ..... you spoke a lie, that's the Koster business? --- Yes.

But if it wasn't forced out of you by a threat of assault, why didn't you just tell the Policeman before he threatened to assault you. That's what I want to know? --- He never assaulted me.

I didn't say he assaulted you. I said he threatened to assault you and you've told us he threatened to assault you. Why didn't you tell him the truth before that? --- Because Mbata told me to tell the Police that I got a lift from Koster.



Now tell me: who told you that they were running troops, people up to Tanganyika and Kenya for military training? Who told you that? --- Nobody told me, except these people that engaged the Combi's.

I beg your pardon? --- The people that engaged the Combi's.

Yes, but who? --- Walter Sisulu.

Walter Sisulu told you that. I assume Walter Sisulu must have known that you were not a member of the African National Congress? You are not political at all, are you Mr. Sulliman? --- Walter's Sisulu's cousin, Gerald Lockman, was the driver for one of my Combi's.

I beg your pardon? --- Walter Sisulu's cousin, Gerald Lockman, was a driver also for one of my Combi's.

Yes. Lockman asked you. So you went to see Sisulu, I take it? --- Yes.

And there Sisulu said to you: "Look here, we want to run troops up to Kenya and Tanganyika for training and to bring them back here and kill everybody." Is that what he said to you. Something in that vane? --- He never said about killing the white men of this soldiers. He said that he wanted transport this Bantu's only as far as the border and there the Bantu's will go from there to Francistown and from there they were going to Kenya and Tanganyika to become soldiers.

I see. Now you say that you're non-political, of course, Mr. Sulliman. You're completely non-political? --- I am not a political person.

Beg your pardon? --- I am not a political person.

For all Sisulu might could have known, you might have run right out of his office and went and told the Police. Isn't that so? --- I don't know. All I know that people very well knew that I am running a Volkswagen Combi taxi.

Yes, just answer the question. For all Sisulu knew, look, my point is this: that you were not politically reliable, as far as Sisulu is concerned, were you? Because



YOU never allied yourself with Sisulu's politics. Is that right? ---

Yes or no. Had you or had you not allied yourself with Sisulu's policy in the past? --- Well, he never asked me whether I agree with his policies or not, or anything of that sort.

He didn't? He didn't make any enquiries whatsoever. Isn't that so. In fact, you've never allied yourself with his policies, have you? --- No.

And in fact, you, I am quite sure, abhor his policies, don't you? You dislike them, you don't agree with them, isn't that so? --- Yes.

Yet, of course, you say he's the person who comes to you and says that he wants to run people up to Tanganyika and Kenya to train as soldiers. Tell me, did he strike you as being particularly insane, Sisulu? --- No, he strike me as perfectly sane. I used to convey these members and these Bantu people to various meetings before going for a conference and before conveying the people to the border. I conveyed the Bantu men all over Capetown and Durban for various political meetings.

Yes. I want to put it to you? Mr. Sulliman, that Sisulu may very well have contracted with you, but he did not tell you that he was running troops up to Kenya and Tanganyika? --- In fact, he did.

Can you think of any reason why he should impart this information to you? --- Because I did practically all the work for the African National Congress, as far as conveying to going for meetings.

Yes. Now listen. Let's get to this meeting business. Did Sisulu say to you: "Look here, we're going for a meeting, let's take Durban." All he said to you on that occasion was: "Look here, I want you to run 500 people, or whatever it is, down to Durban for a meeting." Is that correct? --- Yes, there was meetings .....

Did he say that. He didn't tell you what was goin



to be said at the meeting, did he? --- No. But I was welcome in the meeting ....

You were? --- I could go and listen to the meeting.

Although you were completely politically unreliable as far as Sisulu was concerned? --- Well, the meeting was for the public.

O, the public too. That's a different thing. --- In Durban and Capetown, anybody could, everybody is welcome.

Yes. But my point is this, Mr. Sulliman, that Sisulu on these occasions, merely said to you: "Look here, I want you to run 40 people down to Durban? --- The meeting ....

Did he or didn't he say that, or did he say more than that or less than that? --- He said more than that.

What else did he say? --- Because if we had to take people to Durban for a meeting, we had to wait for them till the meeting is finished, next morning bring them back. Here it was just a question of offloading them in the middle of the morning on the border. They go to the veld from there because they are proceeding to Kenya and Tanganyika. I didn't have to go and fetch them, or anything of that sort. It was a one-way ticket.

When Sisulu ... I'll repeat my question. When Sisulu wanted you to lift people down to Durban for a meeting, all he said to you was: "Look here, Sulliman, can you take 40 people down to Durban for a meeting for me tomorrow?" Is that right? --- That is right. If there is a meeting to be held in Durban, he will naturally tell me that we're having a meeting in Durban or a meeting in Capetown.

But, of course, there was one secret meeting for which you were hired, wasn't it, namely, the first meeting at Lobatsi? --- Yes, I was informed about that meeting. We were not supposed to take just ordinary Bantu's that were going to the border. We were supposed to take delegates.



That's right. Now, on this occasion, Sisulu said to you: "Look here, there's a meeting up in Lobatsi. Would you mind taking the delegates up there and we'll pay you for it." Isn't that what he said? --- Yes.

He never told you what was going to be discussed at this secret meeting, did he? --- As far as I can recollect I don't think there was any discussion about what it was. All I was informed that there are delegates that are going to Bechuanaland to hold a meeting. There are delegates coming from the other African continents. I couldn't care less.

But he never told you what was going to be said at this meeting, or anything of that sort? --- No.

But, of course, when he wants to hire you to transfer soldiers, he tells you. Is that correct? --- Yes, because it's a question whether I should bring the people back or not. Those delegates, we had to bring the people back.

No, but he could have said to you: "Take these people to the border and drop them there." You would have done that? --- I would have also tried to see if I could get a little increase in business, because drop them to the border. If they were going to Francistown, I could take them.

No, no. He could have said to you: "Drop them at the border and come back because they won't be coming back for a long time. Isn't that so? --- He could have told me that also. I can't say anything.

Instead of that, he elaborates and let's you know everything? --- Well, I had known Sisulu quite well, and he told me.

Were you in Court when Mr. Justice Payne commented on your evidence on this particular aspect? --- Well, I dunno. He said something, I dunno what.

Tell me, was it disparaging, or did he accept your evidence on this particular aspect? --- *I don't even know* whether .... I just gave the evidence and went away.



You've already agreed that in several other cases you've not told the truth. What cases were those specifically that you're talking about? --- I don't remember how, but there was a few cases in the Supreme Court and a few in the Regional Court, and there was a discrepancy about certain convoys which we had made. We did about 12 to 14 convoys, something to that effect.

Well, I'll point out one complete lie to you in your evidence, in the case in which Mr. Justice Steyn sat. You said there that Accused No. 15 in that trial, I think that was Mbata, wasn't it? --- Accused No. 15 ....

I'm not interested. It wasn't Sisulu, was it? --- No. Accused No. 15 was Mbata in that case.

Mbata, yes. You see, you told Mr. Justice Steyn there that Mbata had told you to take people as far as the borders, from where they would go to Kenya and Tanganyika to train as soldiers? --- On that particular convoy, Mbata and Mlangeni engaged me.

I beg your pardon? --- On that particular occasion Mbata and Mlangeni engaged me.

Yes, I'm not interested. You told Mr. Justice Steyn that the person who said the people were going to Tanganyika and Kenya, was Mbata. Here you said it was Sisulu? --- On the very first occasion it was Walter Max Sisulu that engaged me.

O, so you were told on different occasions? --- Well, various people engaged me.

O, I see. On every occasion that you were engaged they all said to you: "Look here, we want to run people to the borders, to go to Tanganyika and Kenya to be soldiers." Is that what they all told you? --- Yes, because I knew practically each and every one.

So, on each and every occasion, that is about twelve occasions, they always said this to you, these are going to



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

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