

and leaving his deeds behind. We must work hard now while Chief Luthuli is still alive. I conclude by appealing to you people by saying we must endeavour to show the world that we are fully prepared to fight till the last drop of our blood, fighting to achieve our liberation. We are fighting for a democratic rule.

And you also translated Exhibit EG, there are three letters written in a Bantu language, dated the 29th March, 13th June and 17th June. The last in 1961 the first one in 1962. You read out your translations of these three letters in the same order that they appear in the Exhibit and hand it in as Exhibit FC. Start with the first letter please. --

National Head Quarters, 35, Mount Street, Cape Town. 29th March, 1962. The Chairman, A.G.W.U., Llanga Branch.

Dear Friend, I have been instructed by the Executive Committee to inform you about the resolutions that were made at a special Executive Committee meeting. They are as follows:

1. It was decided that the yearly conference of this organisation will be held at Minor Hall, Mowbray, Mowbray Townhall, on the 8th February, 1962. It commences at 10 a.m. till 2 p.m.
2. Each one will contribute a sum of R2. This money will be used for hiring the hall and for catering for people.
3. We are again reminding you that if in one place there are 25 members you can establish a branch. But I shall be very pleased if we could get the money in good time.

Yours, A.M. Ntuzizana. National Head Quarters, 35, Mount Street, Cape Town. 13th June, 1961. The Secretary, Llanga Branch, c/o Mr. C. Mabe, 15, Magana Square, Llanga, Cape.

Dear Secretary, In our last conference it was unanimously agreed that all the membership fees should be forwarded to the abovementioned head quarters. It was further decided that the monthly contributions should be raised from 5 to 10 cents. The subscriptions should be divided, the half would be forwarded to the head quarters and the other half would be retained by the branch. A circular dealing with the

finance is obtainable at the head quarters. Whenever you encounter a difficulty you must contact the head quarters. The secretary will always avail himself and assist you in your difficulty. The meeting of the executive will be held on Saturday the 17th.6.61. The venue will be at No. 15 Makana Square at Llanga at 2.30 p.m. sharp. Thank you. A.M. Ntzizana. Secretary. African General Workers Union, National Head Quarters, 35, Mount Street, Cape Town. Dated 17th June, 1961. The Secretary, Llanga Branch, Llanga.

Dear Secretary, I have been instructed by the executive of the above to advise you that your branch must send delegates to the meetings of the above executive. Please note that the other members whom I call to these meetings will not be representing your branch but you will be there for the good of the executive. Secondly, kindly furnish the secretary of the head quarters with the names and addresses of the secretaries of the branch and together with the names of the chairmen. Please address your letters to the above address. The next meeting of the executive will be held at Llanga on 1.7.1961 at 2.30 p.m. sharp. Thirdly, please furnish the secretary with all the names of the members who subscribed this year, 1961. I'll be very grateful if you would take note of this three important items. Thank you. A.M. Ntzizana. African Secretary.

Now these documents handed in this morning by Mr. Dirker, were translated Exhibit DR and you read out and hand in your translation as Exhibit PD. -- Cape Western Region, Cape Town. Report. Our branches met on the 8th.6.63. with the object of intensifying the struggle. It has been realised that we are not satisfied with the struggle and it was decided that we should go and revive these branches. We were given three weeks in which period we had to see whether we could not put matters right. We issued OR distributed pamphlets in order to revive the branches, and the people. We tried to gather the youth in order to have

them, by us. Vorster has hit our leaders with a bomb. Five of them have been two months in jail before trial. Many have been banished or banned while others are under house arrest as well as being detained for 90 days. We have decided to have Mr. Makanda sent here to help us. We chose him because of his familiarity with this town and he speaks Xhosa. We ask that he be warned about his conduct. If not raided you must tell him on his arrival that that girl of his is now in love with a special branch. We promise you we clear reports. Strength is ours or power is ours. M.B.82, Llanga, Cape Town.

Do you know a person like Makanda? -- Yes.

You also translated Exhibit DS and you hand in your translation as Exhibit FE. -- The bus should be abolished. Wake up and stand on your feet. It must be abolished. The good government declares that a Black man must quit the towns and go to the reserves such as Transkei, Siskei, Cookland Sibabaland and Zululand. The government further says the Black man claims no right in the towns. He is only required to do strenuous work for the Whites so if he is not employed by a White he must quit the town. People who are desperate who will easily give up and level criticism, but this government is too inhuman and they do not know what to do. For many years people experienced hardships and are accustomed to this unpleasant situation. Even if this has been the practice of this government to make these unjust laws but it yields at the long end bit by bit. This is something as what the National Government does is cruel and if the facts of this kind. In Parliament the government makes laws that are all oppressing an African. A law is constituted by this government which debars the African to be a free man. A Black man has no claim in anything and as the result you find him floating over the air. He has no fixed place of abode. Here are some other important points re this law.

1. Even if a Black man is born and bred in town if he is

not employed by a White he must quit the town. 2. This law deprives everybody of his right. Formerly if one person has worked for one employer for a period of 10 years or 15 years he would claim the citizenship of the place. 3. This law says that when women and children must be removed in the urban areas irrespective of the husband working there. The husband must go and stay in zones where he will be easily endorsed out when he has lost his job. This is effective especially in Cape Town. 4. This law says if you have been arrested or being suspected of being a member representing your nation you must be endorsed out. 5. If by ill-luck you have been found not in possession of your pass or being not employed, or you have been a member of a political body which fights the government, like A.N.C., you will be arrested and taken before the magistrate who will send you to the farms or camp where you will be exploited. 6. Boys and girls of 15 years are taken to the camps. If a worker becomes ill for a considerable time and fails to turn up to work he is endorsed out. 7. This law emphasises that ordinary workers or part-time workers like people working in the Railways and the Dockyards must wear . . . that they are non-intentive. As the government puts it clear that a Black man has no claim in the towns, that signifies that we are all temporarily here in urban areas. No beginning just great ending. Although this fact has not yet been passed the National Government has already stated to take steps to eject the people out of Cape Town. Day in and day out women are being endorsed out. A man who comes from work will find his wife in jail or already packing for she has been ordered to quit this place with her children. The government compels the the factories to expel the African workers. The Nationalist Government is fully determined and vote that all the African people are to be removed from Western Cape. The removal of Africans from urban areas have affected many people all over. In Port Elizabeth there is hue and cry. Women are raided and taken to the rail-

way station after their husbands have incurred in too much expenses in paying fantastic amounts of fine imposed on these women. That is the position in Alexandria, Johannesburg. It is very pathetic that is why we employ the idiomatic expression, no beginning makes great ending. A path is then implimented to dig. All this oppression and depression that is on the shoulders of the African men originate from the pass laws. The pass laws affect everybody. The ministers of religion are refused permission to visit their people or to execute their duties that in they are not allowed to come to towns, not unless he has obtained permission to be in town where he will be able to contact his people. There are many who have been refused permission. The teachers also experience the same thing. Even if he strikes a job if he has no pass he does not get that job and is endorsed out. We don't want to mention about ordinary workers. They are victims. The National Government attack the shopkeepers. Now he tells them to go and open business outside town. In all and all the government is envious about the money they raise in these shops. They want this money to be consumed by the Nationalists. Not one Black man is not affected by this pass. Which class among you Black people that you have confidence in this government. A person who refuses to fight this government what has he to gain. Everybody is awake. People in Cape Town have given up. They maintain that the government has taken our nation by its roots. He has exterminated our nation. The removal of Africans in the urban areas signify the intention of the government. He wants us to go to rural areas where we shall starve and die. People are fully determined not to live down. The time has come for us to resist and expect the worst to happen. This is even terrible now. For these reasons the nation says nobody should quit urban areas for the sake of a pass. People claim they built these stately houses which are occupied by Whites. The gold here in South

South Africa has been ~~lag~~ by these poor Africans. In all and all we say we are not leaving here whether our refusal will result to our being locked in lawful custody, we are prepared to face that. It is better to die a fighting Bantu than to be submissive to these Nationalists. In all our efforts we do not want anybody to be idling. Everybody should realise that there is no place to hide. We all prepare ourselves to fight the abolition of passes. This is going to be an initial attempt to fight for our liberation here. The Verwoerd government together with other former governments have failed dismally to administer this place in accordance with the wishes of every citizen. All what this present government does is to pave the way for Whites. There is no provision carried for us Black people. This government deprives us of the bread for our children. Even the little wages we get the government takes that by means of imposing heavy taxes with the sole intention to buy weapons and guns with which to shoot us and also employ soldiers, policemen who kill us. We cannot tolerate that and we don't want to be submissive to this unjust law. 1. We say the time has come for us to embark on the non-co-operation, that is to disregard the unjust laws of the government. 2. We say the members of the advisory board and other government servants should tender their resignations and let the government do all these things alone. 3. We appeal to chiefs and their supporters to resign and withdraw from supporting Bantu authorities. 4. People must have no dealings with the policemen. They must ignore them even when they are being interrogated. They must not answer. 5. To workers who say they must demand their rights such as higher wages. They must be steady at work, not overburden themselves. With one spirit. When we embark on this trouble we must unite. The reason why we are still oppressed by this despotic government is because we are not united and we do not give ourselves time to ponder our hardships. The

government is being supported by the majority of Whites who like patriotism. Let us take an example of Jacol who devoured the sea by trying to separate them in a cunning manner. Let us retreat sons and debtors of Africa and face our enemy. We must come together and have one spirit. We must have no differences among ourselves. We must not create segregation among us irrespective of our social standards. We are the oppressed and as such we suffer alike. We are ill-treated. We have long been trying in vain to air our grievances to the government who gives us a deaf ear. The only remedy to this unpleasant is to disregard these unjust laws of this government. We must defy these laws. If for instances we refused to carry the pass what will the Labour Bureau do? If an employer does not want to employ a person without a pass, where will he get people and how will he manage? It is not talk in fibs, we must agree. We are oppressed by these pass laws because we are submissive to them. The pass must be abolished. This is issued by the African National Congress for the People, dated 15th 4.63.

Also translated Exhibit GT and you hand in the translation as Exhibit FF. Wake up, wake up, Africans. Trouble has started. It is now given to us full that the Nationalist Government was sincere when stated that all African people should quit the Western Cape. Today there are specific outcries men and women are being endorsed out of Cape Town. The repatriation of people is the main Lennon which destroys the Black nation. A teacher, minister of religion, women association, religion, men as well as workers in general are overcome with anxiety for no person knows whose reference book will be endorsed out. Women are being repatriated and men to be located in zones. There is totally a confusion. There is no rest, hearts feel sore, because it is segregation of families from their fathers. Here is growing influx of people to interview Black patches as well as to approach the lawyers. All those things are

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caused by this terrible affair of being endorsed out. How does one start not to be a victim of this endorsement. Depend on it the reference book there is a snake in your own pocket, can't you see it. There is this string to hang around your neck you have entangled yourself. There is one remedy for it but that is to get rid of the reference book, every individual. We must all unite, those who carry the reference book, and we must come to a definite decision about the reference book and get rid of it forever. This is a wide call for national announcement. Let us appeal to all branches and divisional organisations and churches, sports clubs and workers, reference, book, reference book, reference book, etc. Why did we come to Cape Town. You will remember the arrival of these white robbers in this country. They met our fathers and fought with them. They resisted with a view to defending our country. They were driven away and were shot with the result that they confined themselves in a secluded place in Transkei and Siskei. A vast rich portion of land is inhabited by robbers. The bona fides occupy a barren land where they are overcrowded. They suffer from starvation and death and they came to Cape Town with a view to maintain their families. Today it is stated that we must return to that starvation so that when we are hungry and desperate their comes a poor white man to recruit labour for his farm and mines with low wages. We have a claim. There is no one who would dispute the fact that we do have a claim to every portion in the Republic, where we are. It is our home. The Nationalists drive around with luxurious cars. They occupy stately houses and run huge business concerns. It is the harbours, the railways, beautiful shops, sports grounds, high buildings and in all these places there is not a single one where the Black man has not assisted with his hand, his blood spilt and his fingers were cut off and remained there. Some died in dynamite factories. When everything was accomplished the Nationalists sat down and

said that we have no right to enjoy anything here. That is something which cannot happen. Do the employers also need us. Yes, those are blood sucking, because they believe in profits than human lives, they like you while you are strong. When you become exhausted then they expel you and they prefer one who is still strong. Therefore they need our assistance in Cape Town. Even though they need us they support the government when hearing that we must leave. It is good that we must show the employers that they cannot get both things at the same time. We appeal to the workers to strenghten their union associations in order to reduce the money for buying weapons for killing you. So we say to you workers you must be steady. Do not strain yourselves because this profit is not yours. When it is abandoned, some buys weapnns pays vans, pays uniforms, pays informers, pays informers, escourt us, all these things impress you. This must be crown- ed by on and off they are shift and shift. Now in our days we have no chiefs only government servants. They camouflage under religious cloak of shift and shift whereas they are oppressors, murderers, they live at the expense of widows and widowers. They are tax collectors of girls and they encourage the habitation scheme and trust scheme. They are responsible for a new scheme of houses in rural areas. They encourage oppression and whatever Dr. Verwoerd likes. Man we speak about Mantanzima, Condile, Tangata, Justice Mabanzla, Mshlambise and Mbotha Shligaso. Education based on slavery. It is the duty of the government to oppress the nation by making trash in the way of making a gun. Policemen, jailing as much as to enslave children mentally so that they consider the white man as the highest authority and that we cannot do anything to him except go on. A child who submits by attaining low marks cannot be admitted to a higher class instead he or she has to be expelled with the result his or her education is hard. A teacher's experience hard times under the present education. They notify he had it coming and without their expulsion. Non-co-operation.

How is this resolution at Ngumvubu carried out. We strongly emphasize do not associate with the policemen. They must not be entertained in your house. We strongly state that they must resign from being policemen. They must stop being the escorters of people, withdraw from being a member of the school board or school committee either. Withdraw from being chief supporter, informer. Try to get money by other means. Otherwise go and stay in town with those who help each other. Do not be a traitor at work and betray other workers. Do not strain yourself with work. Be steady. This is the final call. The aim is reference book and don't spend only. Man let us free ourselves. Unite. Die together. We are not going anywhere. This is our country. We are going to fight for it till we die. Arrange all divisional organisations and launch the freeing of reference book. Africa the 15th. This is the glory of being in Africa. This is the day to wish the African leaders who have been selected in order to call the day of freedom. Countries which have already obtained freedom will enjoy and serve this day. Countries not yet freed will claim new power to fight for freedom. So those who lost hope will be refreshed this day. We also state in this very day that we should be cautious in thinking and retrieve our hope and retrieve our rest and proceed forthwith to freedom. Freedom lies in our hands. Man it collects. Let us hold it. It used to perish with someone when perishes. Unity is a weapon for the oppressed, segregation is the weapon of oppressors. Strength is ours. Freedom must come. So save the organisation A.N.C.

You translated Exhibit DU and you now hand in your translation reading it out as Exhibit FG. -- Our salvation lies in the fighting for complete freedom. The Nationalist Government is fully determined to annihilate the nation. They intend doing this without using guns. They want to kill the nation through starvation so that it should not be known to other nations and will assume that they are

killed by diseases or dies through lack of culture and coupled with the fact that we ignore body-building food as Mr. Albert Hertzog has already made that allegation at the Parliament in his capacity as the Minister of Health Department. Although the government is busy administering these laws, that is the removal of Africans from urban areas, endorsement and expulsion from their places of employment, still is busy manufacturing various types of arms with which to exterminate the Africans. The government is not satisfied to kill us through starvation. To them it would appear as if the extermination through starvation is rather too slow to achieve the required tempo. That is why they arm their school children. The Nationalist Government is becoming despotic and harsh. Nowadays the Government is emphasizing its policy that all the Bantoes should quit the Western Cape. The government would not grant any permission to any woman to stay with her husband. This has already manifested itself to Mrs. Mapela, Mrs. Manjati and many others. When a man takes his annual leave and fails to turn up in good time, he is refused permission in Cape Town. No matter how rich a Bantu man is he is refused permission to open a business. The government puts it clear that he should go and open business in rural areas in Matanzma's area, where he, the government has removed all the destitute people who is being sucked by those chiefs of de Wet Nel, the Nationalist who is now wearing Xhosa traditional kilt in order to win the people's confidence so that he could suck their blood. Hence we say let us retreat as gentlemen. Under these conditions is there anybody who thinks or dreams there is anything we could acquire by being submissive to this oppression. Even a swine when it is entangled will resist and become desperate and face its enemy to its death. Mustn't you? That is an animal. **There is no doubt the strength is ours.** We are the winning party in this struggle. Let us retreat gentlemen. There is no more

place to hide. Let us retreat women. There is no more home and the only result is being monopolised by the fierce giant. It is very imperative that we approach the government and get hold of what we want. It is better to die fighting like a man not to be a coward. We are blowing the trumpet. We say wake up men, women and the youth. The Black nation is being killed by these oppressive pass laws of Verwoerd. The decision of this country are hiding in the bushes in a few of these pass laws. They intend to be murderers, robbers, due to these pass laws. Let us embark on the struggle of us and that might enable us to dissolve or get rid of this removal of people. Time has expired. We are the only people who are behind time here in South Africa. The other Black States in Africa have long achieved their freedom. Let us struggle for freedom. The resolutions arrived at Pietermaritzburg. 1. We are bound by a decision which was arrived at Pietermaritzburg unanimously by the nation. That decision raised as non-co-operation which denotes that there should be no assistance rendered to the government who oppresses people. 2. Having scrutinised and read thoroughly this pamphlet please spread the news to the next man and tell him that we are going to embark on the struggle. Whenever you meet in any social gathering such as church, football field, schools, factories, etc. you must preach and discuss about these above decisions. Pray to God and ask him in your prayer that he assist you in fighting passing in every respect. A coward does not enter the heaven. You must be bold. This must be spread near and abroad and it must be a daily talk so as to acquaint everybody with this decision, that was arrived at at Pietermaritzburg. Whenever you greet your fellowmen remind him of this decision. He must have spirit and be courageous. Remember workers the capitalists will be able to buy weapons only if you support the industrial concerns, who would suggest that you should be steady at work and do not overburden or strain yourselves, by the work of the oppressor. To the residents of Nyanga

and Llanga we say you should bear in mind that the government benefits from the revenue derived from beer halls and payments and these nylon vents to board with the money. That is why we always suggest that you should not buy liquor at the bottle stores in the location because there are many bottle stores in town which do not contribute towards the government, because they are not for the country. To those who escort people who are endorsed out of the area and to policemen and also to the supporters of chief we advise you to withdraw because you are obstructing the freedom. We are going to resume again. Save the African National Congress. Strength is ours. Issued by the National African Congress.

The last exhibit translated by you, Exhibit DV, translation Exhibit FH. -- The Danga Township is ablaze in the presence of men. To see the Llanga location divided in two sections is a disaster. What is the cause? Some allege it is the Tsotsi who rob people of their wages which they earn under difficult and painful conditions. Others say the Tsotsi's are assaulting the migrant labourers because of our failure to adapt themselves to urban conditions. This scheme has given our enemy an advantage to step in. Inasmuch as that a reports of death have come to our ears in this section. Death caused by African killing one another. This type of behavior is to be deplored and is usually committed by ignorant people, who grope in the dark. In this respect we Youth League members declare under no circumstances has anybody a right or anybody the authority to kill an African, even if we do not see eye to eye with one another we are Africans and as such we are not enemies. The ignorance should be enlightened without the use of the knife, sword and gun. One who enlightens must be a recognised African. The authorities neither intervene or have anything to say. Could we expect any assistance from them? Who of us is not aware that they derive pleasure

when we kill one another. Is this not a fulfilment of their policy of divide and rule. Are you not aware that they encourage a diversion among our ranks under the cloak of intervention to enhance their policy of divide and rule. Those who know are aware that the earlier settlers in the course of their rape of the land they introduced such tribal divisions as Singos, Xozas, Zulus, Basutus, which they still encourage. In our days they have introduced in our land such sectional terms as red-blanketed men, christian, heathen, intellectual and also tsotsis, immigrant labourer. Loyal people and those who defy laws of oppression the government is working hard to encourage the segregation or classification because it serves their aim to oppress the nation. You must take notice there are beer halls which are being erected by the government with a view to getting the profit from this money. The poor Africans are exploited in the factories and are underpaid but this would not appease the authorities. Look at the high rents of African pay. In the hotels they used to pay 70 cents but today it has been raised to R2. People used to brew Kaffir beer but that privilege has been deprived of. The brewing of Kaffir beer in the location was necessary and helpful. The produced money, through this money they realised from this Kaffir beer to send their children to school. We have in our community teachers, lawyers, ministers of religion, nurses, etc. as the result from the help from selling this Kaffir beer which today has come to an end. What is the Council going to do with this money. They allege they are going to build recreation halls, football grounds, bioscopes. All those things are down or based on segregation which we term as oppression. We are always promised good things and they come under a camouflage. What is our attitude and reaction to these things. The social element we will see at once they are facilities for us that is buses running in the location are to be driven by the born residents of Llanga. The intellectuals of Llanga must get

employment at Llanga Administration office. We work hard to give children good education and having achieved or acquired this education under hard conditions the job that should have been given to them is monopolised by the Nationalists. We say they must quit Llanga. We want Bantu policemen in Llanga. We say there should be peace in Llanga township. We must visit each other. People in zones, flats, hostels, and locations should understand each other and create friendship among them. We must discuss our problems and we should not call the Nationalists to come and intervene in your affairs. You must not act as our chiefs who suggested to Mr. Snyman that sons of the souls should be hung. You must write and feel for the other and be sympathetic. The unity is the only remedy to the oppressed people. The segregation is the fighting implement to the oppressor. We must not have section fights just like dogs. Let us aim and struggle for the freedom. Strength is ours. Africa must come back in our lifetime. Issued by the African Youth League.

Now there is only one thing I'd like to ask you. While you attended these African Youth League meetings or anywhere else did you ever hear the word Olutja and Ukaibambi? -- Yes.

Where did you hear these words? -- At the meetings.

Which meetings? -- Meetings called by the African Youth League members.

How in what connection were these words used? -- Olutja in the first place is used to the young people, youth, that is Youth - Olutja.

Youth - Yes.

And Ukaibambi? -- Ukai Bambi to my experience was the name given, that was the Khoza name to the Youth League.

The Khoza name to the Youth League? -- Yes.

What does Ukaibambi mean? -- Ukaibambi is no interpretation but I can describe it that it means, You must wake up and grab it.

Ukai - wa^{ke} up. -- Wake up.

Bambi - grasp something. -- Yes.

CROSS-EXAMINATION BY MR. WEINKOVE: You recall that we played back some of these tapes and you were present when some of these tapes were played back outside the Court hours. -- That is correct.

Now you can just look at Exhibit AE before the Court. This is a translation that you made. Do you remember that when that tape was played back. -- Yes.

A certain error was pointed out to you. Do you remember that? -- Yes.

That was that where you'd actually recorded Joseph Ndabezitha as having made a speech in fact it was Quenisela who'd made the speech. -- That's correct.

Can you just indicate to the Court where that is. It's on page one of Exhibit AE. In actual fact on hearing that tape again remember that there was a song that was sung. -- That's right.

By the person that you've written down there as Joseph Ndabezitha. -- That is correct.

And then at the end of the song the chairman took over and started speaking again. -- That's right.

And that the person who did the song, it wasn't the same person who continued on after the song. Is that correct?

-- I want to correct you there that I have perused my transcription and then I found it correct as I indicated here that in my transcription there would be no mistake but it would appear only in the translation and of course I have rectified that. I saw that it is correct in my transcription that Ndabezitha interrupted and he sang the song, Kosolele Afrika and he called Amandla Gaweto and then the chairman too there in the first instance I should like to tell you in the meeting as well as those who are in my company. Then the chairman took over there.

Yes, but the fact that the chairman took over is not indicated on that exhibit is it? -- But I have told you

previously that in my transcription it will be correct and of course I perused it and I found it correct because I had the chairman there.

COURT: So there should be after the song then there should be the chairman. -- That's correct.

Actually the chairman has been left out. -- Yes.

MR. WEINKOVE: Prima facia it appears as if...

COURT: One person carried on but...

MR. WEINKOVE: One person, Joseph Ndabezitha.

COURT: It starts there and then after the exclamations the chairman took over from: In the first instance I should like to tell you, etc. Is that correct? -- That is correct.

MR. WEINKOVE: These translations that you did and these translations from the tapes were done with another Bantu detective, Nhlapo and this was under the auspices of a European detective sergeant van Wyk. -- Van Zyl.

Now you've told this Court that you had notes with you also. -- Do you remember? -- Yes.

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That you used notes in addition to the tapes you had notes of your own that you had taken at the meeting. -- Yes.

Now did sergeant van Zyl see these notes? Did he know about these notes? -- Yes, he knows about them.

You see I want to put it to you that he was asked whether you had used any notes in addition to the tapes and he said he didn't know that you did.

PROSECUTOR: No, that is incorrect. Sergeant van Zyl said that the transcription was not done in his presence.

COURT: The translation was done.

PROSECUTOR: Only the translation was done in his presence.

COURT: The translation from the transcription.

PROSECUTOR: This witness again said in his evidence that he used the notes from the transcription not from the translation.

MR. WEINKOVE: Did anyone supervise the transcription when you played the tapes and noted into Xhosa? -- Sergeant

Trout was there.

Did he know about these notes that you used? -- Well, I would not say. We had the notes there. I do not know whether he noticed but he was also there, he was supervising when we were doing it.

Now it was partly from your being able to recognise the actual voices and partly because of what you had written on the pieces of paper that you used that you were able to identify who spoke. Is that correct? -- Yes, I must admit that I was present at the meeting, I must make this clear, I was present at the meeting and whenever a speaker delivered his piece, I wrote his name before he delivers his speech and I wrote down, and whoever comes on perhaps after him then I wrote his name so in their order so that is the same tape I had when we were doing the transcription and of course as you have mentioned I also recognised the voices.

Some of the voices you were able to recognise. -- Yes.

Now those papers that you used have you been able to find out where they are? -- I did not look for them.

Do you know if they are in the custody of any members of the police? -- Well, the notes I handed them to my authorities, what happened to them I do not know.

If you saw those notes again would you be able to recognise them? -- Certainly.

And you do admit that in part at least some of your identification as to who spoke is based on what was written on these notes. -- It was, I based my argument on my paper and on the recognition of the voices.

So it is correct then for me to say that part of your identification of the speech, at least part of it is because of what you saw on your notes, because of what you yourself had written down at the meeting on a piece of paper. Is that correct? -- **What are you driving at? Because I had the list of the names of the speakers on the meeting.**

Without the list, if you hadn't had the list at all,

would you be able to say who spoke? -- Yes, even if you can bring the machine in here I can tell you who is speaking.

Every single speaker? -- Every speaker.

You see previously this was put to you and you said that you wouldn't be able to identify every speaker.. -- But for argument sake I can because there was no argument about it because I had the paper which I based my arguments, I have the paper which indicated who spoke and who spoke after him and I have them in there in their order.

COURT: Yes, but now the question is if you didn't have that paper at all would you have been able to recognise the voices of all the speakers from the tape? -- Yes.

Every one of them without those notes. -- Without notes I will be able to.

MR. WEINKOVE: I want you to be careful because this was put to you previously and your answer was: most of them yes, but some of them no. -- I said perhaps I might not know them. I said I might not recognise all their voices, but now you did not convey if the paper was not there. You just asked me if I would be able to recognise their voices. I said some of them I would recognise.

COURT: Yes, but if the paper is not there, you mustn't have the paper at all. You just sit down to the tape and you replay the tape without the paper, will you be able to recognise the voices? -- Yes, I will be able to recognise them.

Without the paper? -- Without the paper.

MR. WEINKOVE: I don't think that you are following me. Do you remember once in this question about whether you could recognise the voices on the tapes. -- Yes.

Do you remember the question? -- I remember it very well because I said I would recognise some of the voices, but I said perhaps I might not recognise all of them.

And are you changing your opinion now? Do you still think that or do you think differently now? -- I'm thinking the same that I can recognise but I do not want to say then

that I would be able to recognise all of them but I can put it to you that I can recognise them.

Then let me put my question this way. In making these notes, in making the transcription did you make use of those notes at all? -- I made use of the notes.

You did not try to recognise the voices, if you've got it on paper who the speaker is, did you make a conscious attempt to recognise the speaker or did you accept what you had on the paper? -- No, I had to play it time and again, time and again, so then I had the paper with me, I did not mainly rely on recognising the voices.

Did you ever find that what you'd written on the paper was wrong? -- At no time did I find any mistake.

So you relied completely on the notes that you yourself took at the meeting? To identify who spoke. -- But you are redundant now because you have asked me and I said now I had the paper and I recognised the voice.

And why is it redundant? -- Because you are asking me again and again and I'm saying the same words.

This question of the salute. You attended these African Youth League meetings and you witnessed a salute there, Amandla Gaweto. -- Yes.

Have you seen that salute done anywhere else, that greeting, that salute, that greeting. -- What do you mean anywhere else?

At any other type of meeting other than the Youth League? You did investigate some activities for instance of S.A.C.T.U. -- Yes.

Did you ever see that organisation use that salute? -- No.

Can you look at Exhibit EZ that you've just translated. Now that is a letter which appears to be written by the South African Congress of Trade Unions. Is that correct? -- That is correct.

Addressed to: The Workers. -- That is correct.

Now the South African Congress of Trade Unions that is S.A.C.T.U. -- That's right.

At the bottom there is Unity is Strength, Strength is Ours. Written in English. That was originally in Xhosa, was it? -- Yes.

Could you give me the Xhosa for those two phrases? -- Yes.

Unity is Strength. How would you say that in Xhosa? -- Amandla Gawetu. Unity is Strength - Emanjano Amandla.

And Strength is Ours? Is Yours? -- Amandla. You is Amandla Gawenu.

Isn't that the same salute that you saw at the Youth League meetings? -- It is Strength is Yours. It is the same thing.

COURT: Strength is Ours.

MR. WEINKOVE: Exhibit CH.

COURT: Amandla Gawenu the other one is Amandla Gawetu. Gawenu is Yours, instead of Strength is Ours. That's the difference here. Unity is Strength - Emanjano Amandla.

MR. WEINKOVE: Have you heard of Amandla Ngawenu before? Have you heard that salute before? -- Amandla Gawenu?

Yes. -- It depends. I just want to tell you this way that it carries no, because this is now to the crowd that Amandla Gawenu, referring to the crowd. Whenever he says Amandla Gawetu he includes himself there.

Would you say that those two salutes would be the same then? Would you regard that as the same? -- I don't know since there it is Amandla Gawenu, Amandla Gawetu, it is written there differently.

Yes, but in your experience, have you ever heard at the Youth League that a speaker says Amandla Gawenu and the crowd responds Amandla Gawetu? -- Yes, yes.

Have you heard that? -- Yes.

In other words the speaker says Strength is Yours. -- Yes.

And then they reply Strength is Ours. -- That's right.

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AANKLAER: Net vir rekord doeleindes daar was 'n versoek van die Verdediging gister toe gevra was of dit nie nou moontlik is dat die verrigtinge in 'n ope hof kan voortgaan nie. As die Hof sou behaag, geen beswaar van die Staat se kant af dat die verrigtinge nie meer in kamera voortgaan tot die einde van die saak nie. Die Verdediging het net versoek om asseblief toe te sien dat nie meer mense in die hof toegelaat word as waarvoor daar sitplek in die hof is nie en niemand in die gange toegelaat word net om samedromming te verhoed en die Verdediging het so ingestem.

CROSS-EXAMINATION BY MR. WEINKOVE: MARTIN NGCEBA: S.S.

On Exhibit EW your translation can you just look at that exhibit. Is there any indication from that exhibit as to who wrote the letter? -- No.

And is there anything from the document itself which indicates to whom it is addressed? -- Yes, it is addressed to somebody.

Yes, but the person, there is no identity. -- No.

Identifying mark as to which particular person or which group of persons it is addressed to. -- As far as I can see the name of the person is not mentioned.

Now the first sentence you've translated as : The mother body has decided that a collection of 2/6d. Now what is the Xhosa word in the original for mother body? Have you the original? -- No, I haven't got the original with me.

Here is the original. -- Mother body is written here in the original.

Is the word body written there? -- Yes.

Is it not mother bood or boerd or something or board? Is it not a rather free translation of mother body? -- I can see an alteration done with ink. It is board, b o a r d, something like that.

Mother board. Your Worship, I then have only to cross-

examine this witness on Exhibit EU, this translation of Exhibit AY. Exhibit AY was a document which was found in the possession of the witness Eddy Siboso who subsequently was discredited by the State who handed in the statement he made. My submission is that that document is therefore not properly before the Court. This is a document not found in the possession of any of the accused or in the presence of the accused.

AANKLAER: Dit is korrek, die dokument was oorspronklik deur die getuie, Siboso ingegee en hy het die bewering gemaak dit was onder sy deur ingestee, maar daarna is die polisie getuie gelei dat hierdie dokument in die eiendom van Siboso gekry is. Dit was gewees Kotze wat daardie getuie gegee het, dat hy het hierdie dokument daar gekry saam met ander persoonlike besittings van hom. Nou goed nou Siboso is nou nie 'n beskuldigde gewees nie, hy is 'n medepligtige. Maar hierdie dokument kan in elk geval dan kragtens Artikel 12 van die Wet ook ingedien word, daar dit weens die bewering van die Staat en dit is duidelik dit is 'n dokument uitgereik deur die African Youth League.

MR. WEINKOVE: In terms of section 12 on which my learned friend now indicates he is relying, the document may be handed out into the Court if it appears to have been issued by an unlawful organisation but the African Youth League is not an unlawful organisation, not in terms of the indictment nor in terms of the Section, not a banned organisation. This would be begging the question. It is for this Court to decide ultimately whether or not that is a banned organisation. Until that decision is made, my submission is it doesn't fall within Section 12. I can refer the Court to the actual words of the Section: Any prosecution under this Act or any civil proceedings arising from the applications the provisions of this Act, any document, book, record, pamphlet or other publication with the instrument, which is proved to have been found in or removed from the possession, custody

or control of the accused or any party to the proceedings or any person who was at the time before or after the commencement of this Act, an office bearer or office of the organisation of which the accused and said parties are alleged to have been an office bearer, member or active supporter and which has been declared an unlawful organisation, and all the sub-sections have that proviso and which has been declared an unlawful organisation and the African Youth League has not been declared an unlawful organisation.

BAINKLAER: Maar nou dink ek my geleerde vriend het sy eie keel afgesny want hy sê nou any party to the proceedings. Nouja, Siboso is a party to the proceedings.

MR. WEINKOVE: If the section is properly read it refers to any party to civil proceedings.

COURT: Is the word "civil" included there?

MR. WEINKOVE: A proper construction of that section.

"In any prosecution under this Act or in any civil proceedings."

COURT: We do not prosecute on civil proceedings.

MR. WEINKOVE: This section may be availed in civil proceedings and in criminal proceedings and the section reads: In any prosecution under this Act or in any civil proceedings arising from the application of the provisions of this Act any document, record, book, pamphlet, etc. may be handed in which is proved to have been found in or removed from the possession, custody or control of the accused which would then refer to prosecution or any party to the proceedings or any person who was at the time before or after the commencement of this Act, an office bearer or member". My submission is a proper construction of that party to the proceedings one has parties to proceedings in civil cases, one doesn't have parties to proceeding in criminal cases.

COURT: Which document is that?

PROSECUTOR: It is the document "Impi" issued by the African Youth League, Amandla Gawetu. Furthermore the evidence is

before the Court that Amandla Gawetu is the official slogan or whatever it may be called, of the African National Congress. That evidence is before the Court and on the strength of that it can also be handed in.

MR. WEINKOVE: On the face of the document it is issued by the Youth League.

PROSECUTOR: Yes, and Amandla Gawetu.

COURT: You say that was found in the possession of?

PROSECUTOR: Eddy Siboso who was eventually discredited by the State and in the evidence of constable Kotze he found it in the locker of Siboso.

COURT: This person has handed in the document. He may be discredited but that does not eliminate his evidence from the, what he has testified is still part of the record and what is handed in is still part of the record. It is for the Court to decide whether his evidence should be entirely discarded or not. Even though the State has discredited the witness, if there is sufficient corroboration for evidence given by him, the Court is still in the position to accept portion of his evidence as correct. If the Court should find that it cannot accept his evidence at all then it is for the Court to discard the evidence including any documents in evidence handed in by him. But that is for the Court to decide. At this stage this man's evidence is before the Court and that which was handed in by him is before the Court. That being so, seeing that that is a document which is in a Bantu language, the document has to be before the Court in a proper official language. I can't see that there can be any objection to that document being translated at this stage.

MR. WEINKOVE: I'm not objecting to the translation. My submission is that in light of the fact that this witness has been impeached by the state therefore the whole foundation for the handing in of that evidence falls away. It must all go out.

COURT: The Court cannot rely on that evidence, but that

is still evidence properly admitted. You cannot exclude the evidence now. The Court can say I am not, the witness has been discredited, I don't believe a word he says and I'm disregarding the evidence entirely, but that still does not entitle the Court to delete that evidence from the record. After the State has discredited this particular witness you still cross-examined him in order to obtain some possible benefit from his testimony for your clients. So in other words that man's evidence is a proper part of the record and the Defence can still, even though the witness has been discredited, the Defence can still rely on that evidence in argument, because whatever he has said, he may told lies in certain respects, but it does not mean to say that because he has been discredited that his entire evidence is a tissue of lies. He may well have corroboration with certain things he said in which case the Court can rely on that. If it is found that those are sufficiently substantiated in order to be acceptable. But that goes for the State as well as for the Defence. That being so, the entire evidence of this witness cannot be deleted and if he has handed in the document on which the State might get some information, the Court might get some information in case the Court should accept that part of the evidence, either for the Defence or for the State, the Court is entitled to have it translated.

MR. WEINKOVE: I'm not attacking the handing in of the translation.

COURT: Whatever has been handed in must remain. The mere fact that this witness has subsequently been discredited does not make these documents inadmissible or make his evidence inadmissible. Evidence has been led, the documents have been handed in at that stage, the mere fact that the witness has been discredited does not mean that the Court is going to exclude that evidence. But whatever goes in that evidence, that is entirely a different thing.

MR. WEINKOVE: My difficulty will then be that it would be

of no avail to me to recall that witness for instance to put certain parts of the document to him because he has already been discredited by the State. He might be the author of that document.

PROSECUTOR: He has given evidence to that effect that ...

MR. WEINKOVE: Yes, but he has been discredited.

COURT: Does that mean to say that because he is discredited now he is the author of the document?

MR. WEINKOVE: No.

COURT: But that is what you are now suggesting that he is the man who drew up this document.

MR. WEINKOVE: I'm suggesting that as a possibility, but...

COURT: But that information was in your possession at the time. Why did you not put this question to the witness when you cross-examined him? Even though he was discredited, you still cross-examined him. You cannot have your cake and eat it. Either you didn't cross-examine him because he was discredited, or you did cross-examine him, and you did in fact do so. There were many points that were actually put to this witness. Then why if this was so important, why wasn't it put to him.

MR. WEINKOVE: This is just a suggestion I'm making. I haven't instructions on that, I'm just suggesting...

COURT: Why don't you get proper instructions before making suggestions to the Court?

MR. WEINKOVE: Also, this document wasn't translated at the time it was handed in. The significance of it wasn't evident at that stage. It is only evidence now that the translation has been made.

COURT: The only significance is the document was distributed by somebody and handed or pushed under the door of this witness. In fact in his evidence he stated that other people in the bus had similar documents.

MR. WEINKOVE: The Youth League might well have distributed pamphlets. The question arises whether they distributed

this particular pamphlet and that I couldn't put to the witness until I knew what the pamphlet contained.

COURT: The only thing it says at the bottom is issued by the Youth League. That is apparent...

MR. WEINKOVE: That isn't contrary to my instructions that the Youth League issued pamphlets. The question is whether they issued this particular one, and that only becomes evident now that, becomes important now that the contents of this document is now, my point is now that even if I were to recall this witness he is a person who has been discredited already.

COURT: I can't see your difficulty. The position is this, here is evidence before the Court that a certain man says I have seen this document. This document was pushed underneath my door. This is the document. The policeman says he saw this document, similar documents were in possession of other people in the bus on that particular day. So whether the Youth League distributed it or not all that he can say is the Youth League's name appears on it and that is about all. Surely the witness if he received it, cannot give you any more about it, about who distributed it or whether it is actually the Youth League. He never said so. He just said this is the document that was left there, and this document happens to bear the name of the African Youth League at the bottom. This document has been properly handed in as I see it and therefore the Court is entitled to accept the translation of it.

MNR. WEINKOVE: I'd like you to look at this document that you translated. The heading of the document is "Impi". What is the translation for the word "Impi"? -- Can I see my translation? The translation that I have given is "War".

Is that the only translation? -- No, that could not be the only translation?

What are other translations for the word "Impi"? -- Impi is the word that is used in a gang of people.

Will it also be the word for "group" of people? -- Yes.

For instance how would you translate "ujesa impi jakuti"?

-- Let me see that.

I've got the translation written on this paper.

COURT: The witness would like to see how the words are spelt. Can you just write it out for him. Who says your translation is correct?

MR. WEINKOVE: If his translation he gives accords with mine then it would be correct.

COURT: How do you know yours is correct?

MR. WEINKOVE: I will not dispute his translation unless I produce expert evidence that mine is correct.

COURT: Your expert would have to be an expert.

MR. WEINKOVE: How would you translate that? Is it difficult to translate that? -- No, it is not difficult but it isn't a free translation. I don't want to commit myself, I must give myself chance to think because I might give it in another way. I may give the translation on the wrong side. I must give myself chance to work. It is not at all difficult. I would like you to add some other words here now because I am not sure now. I want to know where this Impi goes because you must have some other words. I want to know the object.

What is that word I've given you? Has it got any meaning at all? -- Yes, but now at the same time I still want some other words now to, it is not complete. I want some other words so that I know exactly which way, in which sense it is used.

Is that capable of translating in different ways then?

-- Yes.

Can you tell me the different ways. -- Do you accept that now as I am asking you to add so that it can mean something...

You must confine yourself to my question and not put questions to me. Can you give me a translation for what

I've given you?

COURT: Just give a literal translation. Translate the words. -- Ujesa is "coming". Impi is the "group". Jakuti - ours.

Our group is coming. -- Yes, that is a literal translation now.

Therefore impi can also mean group. -- Yes.

And can impi also mean "struggle"? -- No, not struggle. I wouldn't agree there.

What is the zhoza word for "war"? -- Igabi.

And "Imfazwe"? -- Imfazwe is also "war".

Is impi a recognised word as meaning "war"? Isn't it more recognised as meaning a group? -- Well, since I have already indicated that this is a free translation and you just ordinarily consider the way it is used in the sentence.

Yes, but now the word "impi" in the sentence you translated is standing alone. -- That's right.

It is not used in a sentence at all. -- That's right. But now it is the heading. I had to consider the heading. Before then I shall take it the whole contents of the pamphlet.

Did you first translate the pamphlet and then the heading or first the heading and then the pamphlet? -- In the first case I had to read the contents of the pamphlet so as to understand what it actually means and then to see now if the heading is correct, or if it makes any sense.

Now can you tell me why you couldn't have used the heading "group". Would it still have been sensible to put the heading as "group" together with what you've translated? -- As I've already told you that I had to read the contents of the pamphlet and then I decided then to put "war" there.

To put "war"? -- Yes.

You say that is a free translation? -- It is a free translation.

Do you think that other people might have different

opinions about what to put on? -- Since I say it is a free translation?

Yes. Now what I want to know is could you also have used the word "group"? -- Yes.

You could have used the word "group" as a heading for that. -- Yes.

RE-EXAMINATION BY PROSECUTOR: Now you told the Court that you could have used the word "group" but had you used the word "group" would it have agreed with the contents of the document? -- No.

Now in other words did you take the word "war" as the best interpretation after you'd read the document itself? -- That is correct.

There is some word that was used in evidence here that we don't know the translation yet, the word Vikunduku. This word appeared on several occasions. Can you explain the word "Vikunduku" what it means? -- It is an idiomatic expression and what it means as far as I know is "When you are going to fight then you must be ready". When you are going to fight you must be on the alert.

Now the word Vikunduku is it compiled or made up of different Bantu words? Perhaps made up out of words like "Vika" and "Nduku". -- Nduku is the stick. Vika is to protect yourself.

So you can say Vikunduku is then to be on the alert? -- Yes, to be on the alert.

MR. WEINKOVE: This witness, the answer he gave me directly conflicts with the answer he gave in re-examination on the question of impi being war. I put it to him whether he could equally well have used the word group. He said yes.

COURT: Yes, he said he could have used the word group but he used the word war after having read the contents of the document.

MR. WEINKOVE: Then I said could he also have used the word group and he said to me yes and he told the Prosecutor no.

COURT: He says it made better sense. What he means any translation for any word that whether that translation of the heading will fit the contents of the document is a different story.

MR. WEINKOVE: Might I take that up further with him?

COURT: Take it up further if you want to.

MR. WEINKOVE: Can you indicate to me what parts of this document lead you to think that the interpretation "war" was the best interpretation to use? Was it reading the document as a whole that gave you that impression? -- Yes, I read the whole document and then I made it that.

It wasn't any particular part of the document? -- No.

AANKLAER: Ek het verstaan dat die Verdediging nog sou aangedui het vir Jubase wil terugroep en ek weet nie wat van Sibota nie. Hy is beskikbaar. En speurder sersant van Rooyen se kruisverhoor het ook afgestaan in verband met die bewysstukke. As dit miskien nou 'n geskikte geleentheid is om hierdie persone terug te roep.

MR. WEINKOVE: In regards the witness Jubase we would like to play part of the tape to him to see how much of the speech he could have taken down. Certain transcripts of what he took down had been handed in and it is being relied upon as evidence as what what said at the meeting.

COURT: It has been handed in to Court as an exhibit.

MR. WEINKOVE: I'm entitled then to see that there is a likelihood that they will be used as evidence. In the circumstances I would like to subject the witness to a test to see how much and how accurately he can take down of a speech.

PROSECUTOR: He is available.

COURT: And what about van Rooyen's cross-examination?

MR. WEINKOVE: There is one point that I'm not quite sure whether we want to take it or not. And I'd like to discuss that over the tea break, but in the meantime we could perhaps dispose of the tests.

PROSECUTOR: The tape recorder is available.

CROSS-EXAMINATION BY MR. WEINKOVE: LENNOX JUBASE: s.s.

I want to now put a test to you. I want to play you a tape recording of a speech taken at a meeting. This is a similar meeting to the one that you actually took notes of yourself. I would like you to listen to that and write down the speech in English as you did previously. Now can you indicate to me would you prefer to use paper with lines ruled on it or blank paper? -- Any one that is available.

This is a pad similar to the pad that you used in Court. Now do you prefer to use a pencil or a pen or what do you want to use? -- I will use my own pen.

Now do you want to stand up in the witness box or would you like to sit down? -- I'm quite all right as I am.

You are perfectly comfortable in that position? -- Quite comfortable.

Bewysstuk AE. Is that tape now ready for the beginning and is it being played at the normal speed. I just want to put it to you would you prefer this to be played at a slightly slower speed? It can be adjusted on the tape recorder. -- I can't hear properly.

Might Ngceba follow his translation while the tape is going so we know where the tape stops. The tape has now been changed to the one of the same day, the other side of the tape, that is the morning meeting, Exhibit AD, translation of Exhibit AD.

COURT: What is the number of the tape?

MR. WEINKOVE: Still Exhibit 12.

COURT: From where do you take it?

MR. WEINKOVE: From the beginning of the entire speech of the first speaker on this thing, Lucas Kukulelo. I just now want the witness to read out what he has taken down, just for argument. Those are the notes you took just now on the test that was given to you. Is that correct? -- That is correct.

And after the test you had an opportunity of looking through them again? -- That's correct.

Are you satisfied that you've taken down everything? --
Not everything.

But as much to the best of your ability? -- That's correct.

Now can you just read to the Court what you've taken down? -- Talk to your employer and if he agrees you should work that way. I mean to say that you workers should be united. As you are workers you should have your unions, because your employers have got their unions. You should have your unions because you cannot do anything alone except that you work under your unions. Every worker is supposed to get increase after a certain period. I want to tell you that if you are injured at work and you lose one joint of your finger you'll get £50 and if it is two joints you get £150. The pass laws would not be so difficult if you people join your unions. We have dealt with a lot of cases where people have been injured on duty and have not been paid money for that. You will know of everything if you join the Trade Unions. I will also say something of about the beer halls. Here at Llanga the beer halls have been objected. Now the government is forcing the issue. Now it will be for you to show us your protest. Now it is for you to say that beerhalls are good for you or not. It is also the same about the Matanzma Government. If you like that freedom it is for you to decide if you like a thing or not. In the Transkei there are many different kinds of taxation. In some places you pay 2/6d. tax for your dog. At some places you pay 1/9d. and 2/- for a beast. If you have got about 40 heads of cattle then you should be a loser. A man who pays £2.5.0. tax and he sees one pay £1.15. that money is for the chiefs. Where can you get that money if you do not work. If you can ask yourself a question about the different taxation at the different places all in the Transkei. That means to say that we cannot be able to support our families. If you are sacked from jobs where you have been working that means to say that

you will not have clothes. That's where I stopped writing.

Can that be handed in as an exhibit?

PROSECUTOR: There are some other exhibits that I've marked already to be handed in by my. So this will have to be Exhibit FQ.

MR. WEINKOVE: For the record I just want to point out that the tape that was played was the first speech and included pages 1 and 2 of Exhibit AD and four lines at the top of page 3, which is the entire speech of Lucas Kukulelo which speech was followed by Ngceba.

RE-EXAMINATION BY PROSECUTOR: Any difference between the conditions, the meetings and the conditions this morning? Was it easier for you to take down or was it more difficult for you to take down the notes this morning? -- At the meeting.

What was at the meeting? -- Easier.

When last have you taken down notes before today? About how long ago? -- I think about 9 or 10 months ago.

And when you took down the notes handed in by you, did you then attend meetings very often or only now and then, with instructions to take notes? -- Regularly.

Can you say whether this morning you could take down the notes as fast as at the meetings? -- No, because I am not used to writing so fast any more.

KRUISONDERVRAGING DEUR MNR. WEINKOVE: RENIER JACOBUS

VAN ROOYEN: v.o.e. (HERROEP).

Wat beskuldigde No. 36 betref, hy beweer dat die foto wat u gevind het by sy huis is onder 'n tafeldoek gevind.

-- Laat ek net die foto sien, die bewysstuk.

Verskoon my die kaart van Afrika, Bewysstuk B4. -- Dit is 'n kassie of 'n tafel wat voor die bed staan. Daardie kaart het tussen briewe, aan hom geadresseer, gelê. Tussen die briewe wat aan hom geadresseer is.

Hy sal sê hy dra geen kennis van die bewysstuk nie, Bewysstuk B4. Het hy enige verklaring aan u gemaak toe u

hierdie dokumente daar gevind het? -- Ek glo nie. Ek onthou nie.

In die kamer waar hy woon het hy daar alleen gewoon? -- Nee, daar is, ek dink drie beddens in die kamer, meer as een in elk geval.

Weet u wie anders woon in daardie kamer? -- Nee, ek kan nie nou onthou nie.

Wat beskuldigde No. 35 betref, hy sal ontken dat hy vrywillig die eiendom van hierdie artikel ge-erken het.

HOF: Ek volg nie nou nie.

MNR. WEINKOVE: Het hy erken dat dit syne is, die dokumente wat u by sy .. -- Na wie verwys u nou?

No. 35. -- No. 35, sal u vir my net die dokumente wys asseblief. ~~Di~~

Dit is 'n pamflet in Khoza, dit is Bewysstuk CG tot CM. -- Al hierdie bewysstukke is die beskuldigde is gevra om sy kas of enige doos of enige korrespondensie wat hy besit, te oorhandig vir inspeksie. Daartussen is al hierdie bewysstukke gekry. In verband ..

HOF: Wanneer was dit gewees? -- Ek onthou nou nie spesifiek nie. Ek onthou dat ons hom gevra het om sy korrespondensie te oorhandig. Ek onthou nie was dit in 'n kas, 'n kartondoos, wat die posisie was nie. Hy het in elk geval die oorhandig, uitgewys, aangetoon en daarin het ek hierdie bewysstukke gevind. In verband met Bewysstuk GL dan het hy 'n spesifieke verduideliking gegee wat ek wel onthou.

Wat beskuldigde No. 41 betref, niks daarop te sê nie. Wat beskuldigde No. 42 betref, hy beweer dat hy 'n verduideliking gegee het omtrent daardie boeke wat gevind is. Hy sê dat hy het aan die polisie meegedeel dat dit was boeke van 'n Umgalelo klub. -- Dit is geheel en al verkeerd. Sy verduideliking wat hy gegee het is heeltemal in die teenoorgestelde.

Verder sal hy sê dat die bewysstuk van die A.N.C. boek gevind is, A.N.C. dokument, hy sê hy dra geen kennis van

daardie boek nie. -- Dit was saam met die ander boeke en die stempel in die pakket toegedraai. Hy het ook ten opsigte daarvan 'n rapport gemaak aan my.

Wat beskuldigde No. 43 betref hy sê hy het aan die polisie verduidelik dat die twee boeke African Nationalism en Introduction to Marxism behoort glad nie aan hom nie, asook nie die twee joernaal boeke wat by hom gevind is. --
Beskuldigde 43?

HOF: Bewysstuk 28 en 29, dit is die twee boeke wat van gepraat word. -- Is u nou seker dit is beskuldigde 43? Ten opsigte van hom as ek reg onthou Introduction to Marxism African Nationalism en daardie pamflet of boekie I Accuse ingehandig.

CZ, 28 en 29.

MNR. WEINKOVE: In elk geval hy sê dat omtrent die boeke het hy aan die polisie verduidelik dat dit nie aan hom behoort nie. -- Hy het gesê dit behoort nie aan hom nie, maar dit is tussen sy eiendom gevind.

Hy sê verder dat die pamflet I Accuse het hy aan die polisie verduidelik was aan hom gegee deur iemand anders. -- Hy was in elk geval in besit daarvan.

HOF: Het hy gesê.. -- Ja, dis deur iemand anders aan hom gegee.

HERONDERVRAGING DEUR AANKLAER: U het gesê wat betref 35, Bewysstuk CL, het hy 'n verduideliking gegee, dit is 'n boekie. -- Ja, ek dink dit is 'n finansiële staat soort van. Ja, hy het verduidelik dat dit 'n konsert is wat gereel was deur die Youth League, die opbrengs waarvan sou gaan vir die Youth League fondse.

Dan beskuldigde 42 is die ander een. Die het u ook gesê, die vraag was aan u gestel in kruisverhoor, hy het 'n verduideliking gegee dat dit 'n Umgalelo klub was. U het gesê dit is nie so nie, hy het 'n rapport aan u gemaak, 'n ander verduideliking gegee. -- Ja, beskuldigde het gesê dat daardie boeke is aan hom gegee. Dit is boeke wat gebruik

word by die organisasie Youth League. Die boeke was aan hom gegee, deur, ek onthou nie die naam nie, dit is in elk geval 'n persoon wat die funksie van sekretaris van die Llanga Youth League behartig het voor No. 42.

Het die persoon die boeke aan hom oorhandig? -- Die persoon het die boeke aan hom oorhandig toe hy die funksie van sekretaris geneem het.

GEEN VERDERE VRAE.

AANKLAER: Ek weet nie of die Verdediging enige ander persone het wie hy wil herroep nie. Hulle moet nou besluit. Ons gaan nou end se kant toe. Dan is hier net enkele dokumente wat ek wil inhandig, kragtens artikel 12, Wet 44 van 1950. Die eerste is 'n dokument, Bewysstuk FJ, pamflet, uitgereik deur die African National Congress, opskrif "The A.N.C. is Alive - Ngonto Meshishle fights on. The A.N.C. is ready for anything. We are not alone. We gather strength." Dan laaste: "Release our leaders" onder andere genoem word dat persone soos Mandela, Sisulu, Mbeke, Sabukwe en Kathrada losgelaat moet word en dan eindig hy weer met "Amandla Gawetu". Die volgende is Bewysstuk FK, ook 'n fotostatiese afskrif van 'n dokument uitgereik deur die African National Congress. "Listen White Man" is die opskrif en dan is daar 'n kort samevatting wat staan onder "Vorster's threats deter nobody". En dit spreek ook dan van geweld onderaan. Die volgende is Bewysstuk FL opskrif: "The People accept the challenge of the Nationalists. Our political line of action." Ook 'n fotostatiese afskrif. Uitgereik deur die Nasionale Uitvoerende Komitee, National Executive van die A.N.C., Maart 1963. Die hele dokument handel dan ook soos die opskrif aandui daardie aangeleentheid. Die volgende, Bewysstuk FM. Opskrif is: "How do we set about to get freedom." En dis dan ook 'n uiteensetting van wat die organisasie daarby sê, hoe te werk behoort gegaan te word. 'n Verdere dokument, Bewysstuk FN, uitgereik ook deur die A.N.C. 16 Julie 1963, afge-eindig weer Amandla Gawetu.

Opskrif: "Coloureds and Africans unite now". Ook 'n beroep op die Kleurlinge om saam met die Bantoes te staan en dan word verskeie aspekte behandel. Byvoorbeeld soos die onderskeie sig-opskrifte aandui in die dokument. Die tweede laaste is Bewysstuk FO uitgereik deur die African National Congress. "White man you are going on trial". Word daar sekere dinge gesê onder andere "Let us tell you what it means" dan kom die antwoord daarop begin dit "South Africa is in the first stages of civil war. Apartheid has brought that war." Die laaste dokument, Bewysstuk FP, fotostatiese afskrif van 'n dokument uitgereik deur Ngonto Meshishle, met opskrif: "Wake up White student. Why die for a lie".

SAAK VIR DIE STAAT.

MR. WEINKOVE APPLIES FOR ADJOURNMENT UNTIL THURSDAY.

AANKLAER MAAK BESWAAR.

MR. ODES applies for discharge of accused 1, 3, 7, 9, 10, 14, 16, 28, 32, 34 and 35.

PROSECUTOR: I only oppose the application in respect of accused No. 14, 32 and 35.

MR. ODES ADDRESSES THE COURT. Discharge only for No. 14.

MR. WEINKOVE ADDRESSES THE COURT.

PROSECUTOR ADDRESSES THE COURT.

COURT: The position is really this at this stage of the proceedings. Is there any evidence to connect an accused person with the crime that is allegedly committed. If so, then the Court should put him on his defence. I feel that as far as accused No. 14 is concerned, there is sufficient evidence to put him on his defence. There has been, he has been identified by three witnesses and before the Court can say whether or not he should be acquitted, the Court has to consider the value of the evidence of those witnesses. That being so, that is not something that the Court should be called upon to do at this stage of the proceedings. I therefore refuse the application for the discharge of

accused No. 14.

Will accused No.s 1, 3, 7, 9, 10, 16, 28, 32, stand up. In the case of accused No. 10 there is no evidence at all connecting him with the crimes charged and as regards the other accused that are standing now, what evidence there is against them, and I'm now speaking of the accused except 1, 3 and 32, the evidence against them is insufficient to put them on their defence. As far as 1, 3 and 32 are concerned, the evidence before the Court in regard to them is that they attended African General Workers Union meetings and the evidence as to the nature of this organisation is contained in the testimony of two witnesses. The one alleging that at a certain meeting it was stated that this organisation is a continuation of the A.N.C. whereas the other man who attended this meeting, was emphatic that what was said was that the A.N.C. has been banned and that this is a new organisation under a new name. Furthermore these witnesses had testified in regard to the same meeting and this is the only meeting at which these three accused were seen, and according to these two witnesses, what was discussed at this meeting were the ordinary everyday matters in regard to a Workers Union. As the African General Workers Union was a lawful organisation the fact that people attended that particular meeting has no incriminating effect. And as the evidence before the Court is insufficient to show that this organisation was actually the A.N.C. all this time, they too had no testimony. Accused No.s 1, 3, 7, 9, 10, 16, 28 and 32 are therefore acquitted on both counts at this stage.

REMANDED UNTIL 18th JUNE, 1964.

ON 18/6/64.

MR ODES. You Worship before we actually open the case for the Defence I must apologize for the rush with which we have perused our charge, and we have on second look at our charts discovered that there is one accused who is in exactly the same position as one of the accused who have already been discharged. We submit that there won't be any prejudice if we formally move for his discharge at this stage. We have informed the prosecutor of our intended application and I submit that the arguments applying to accused Nos. 1, 3 and 7 apply in respect of accused No. 31 as well, and I formally move for his discharge.

COURT: In which respect do they apply?

MR ODES ADDRESSES THE COURT.

PROSECUTOR ADDRESSES THE COURT.

APPLICATION REFUSED.

MR ODES CALLS ACCUSED NO. 6.

MELFORD STUURMAN d.s.s.

EXAMINATION BY MR ODES.

Now Melford were you a member of the A.N.C before the ban? -- Yes.

When did you join? -- 1954.

Did you remain a member after it was banned? -- No.

Did you continue with any of its activities after it was banned? -- No.

Did you join or become a member of the African Youth League? -- No.

Did you ever attend any meetings of the African Youth league? -- Yes.

Now how did that come about. Tell the Court how you attended? -- The plain where the Youth League held the meetings is close to my house. When I see people gathering there, holding a meeting, I go out to see what it is about,

Do you know anything about the African Youth league? --

No.

Did you join any political organisation after 1960?

-- No.

Now how long have you been in jail. When were you arrested?

-- The 12th November 1963.

No further questions.

CROSS-EXAMINATION BY PROSECUTOR.

Stuurman, laat ons nou net duidelik kry, hoe sê jy hoeveel vergaderings van die Youth League het jy bygewoon?

-- As ek goed onthou, twee.

Twee. Hierdie twee verderings wat jy bygewoon het waar was hulle gehou, kan jy net meer besonderhede gee? -- By die ou terminus, Nyanga-oos.

Ongeveer wanneer wat dit gewees? -- In 1962.

Het jy die hele tyd gestaan waar die vergaderings gehou was? -- Partymaal het ek gekom dat die vergadering alreeds aan die gang is, dan staan ek en luister. Ek onthou nie dat ek geloop het voor dit verdaag het nie.

So is dit korrek dat beide geleenthede het jy taamlik lank by die vergaderings gewees? -- Ja, Edelagbare.

Het jy polisie daar gesien, Veiligheids Polisie, byvoorbeeld? -- Ja.

Wie was daar wat jy kan onthou? -- Nhlapo en Jubase.

Kan jy onthou wat was op die vergaderings bespreek gewees? -- Nee, ek onthou gladnie.

Hoe het jy geweet dit is Youth League vergaderings? -- As die spreker opstaan verduidelik hy dat dit Youth League vergaderings is.

Goed. Al die gevalle wat jy daar was het die spreker verduidelik, né? -- Ja.

Was jy nuurkierig gewees, belang gestel om te hoor wat gesê word op die vergaderings? Belang gestel? -- Nee, ek het nie eintlik belang gestel nie maar soos enige persoon

het ek maar net gegaan om te luister wat hulle daar te sê het.

En ek neem aa, die eerste slag wat jy gegaa het, moes jy tevrede gewees het oor wat hulle daar sê, daarom het jy 'n tweedemaal gegaan, want andersins, die tweede keer toe jy gehoor het dit is 'n Youth League vergadering en jy het nie daarvan gehou wat hulle sê nie, sou jy weggestap het en jou nie verder daaraangesteur nie? -- Dit is nie laat ek tevrede was dat ek die tweede keer gegaan het nie, dit is ook nie dat ek tevrede met dit was nie.

Hoekom het jy dan die tweede keer gegaan? -- Omrede dat ek net gesien het mense gaan vergader.

Ja, reg. Kan jy onthou wat die onderwerp van die besprekings was in enige opsig? Waartoe het dit gegaan? -- Nee, ek wil nie die onwaarheid praat nie, ek onthou nie wat daar gesê was.

Kan jy onthou wie was die sprekers gewees op hierdie vergaderings? Een of meer soos jy kan onthou? -- Ek onthou Mountain Qumbela was die voorsitter gewees by die een vergadering.

Nr. 19. Ja, kan jy onthou enige van die sprekers? -- Nee, ek wil nie die onwaarheid praat nie.

Laat ons nou net seker maak. Mountain, is dit nou beskuldigde 19 wat jy nou van praat? -- Ja.

En jy sê, jy was 'n A.N.C lid gewees, nê? -- Ja.

Het jy lid gebly tot die A.N.C in die ban gedoen was? -- Ja.

Lid waar - lid van watter tak was jy gewees? -- Ek het aangesluit by Elsie's Rivier.

En lid van daardie tak gebly tot mat in bandoening? -- '59, Meimaand is ek toe Nyanga toe, toe was al die persone toe al weg by Elsie's Rivier, ek was die laaste een om daar te verhuis.

Het jy toe van die Nyanga tak lid geword? -- Ja.

Oos of Wes? -- Oos.

Tot en met inbandoening sê jy? -- Ja.

Was jy nou net 'n gewone lid gewees van die A.N.C daardie tyd of het jy op die komitee gedien of enige ander pos bekleed daar? -- Net 'n gewone lid.

Het jy aktief deelgeneem en die vergadering bygewoon gereeld? -- Ja, by die openbare vergaderings.

Gereeld? -- Meeste van hulle.

Met ander woorde het jy - laat ons dit so stel, het jy nou werklik voor inbandoening jou gewig by die organisasie ingewerk? -- Ja.

Het jy toe saamgestem met die doelstellings van die organisasie? -- Ja.

Stem jy vandag nog saam met die doelstellings? -- Dit is mos nou verban.

Ja, maar as die organisasie dan sou bestaan het nog vandag met dieselfde doelstellings, of laat ek lievers dit aan jou so stel, is jou gevoel dan nou nog dieselfde as wat dit destyds was toe jy aan die A.N.C behoort het? --

Kyk as jy nie die vraag verstaan nie -? -- Ek verstaan nie die vraag nie.

Destyds toe jy aan die organisasie behoort het, aan die A.N.C het die A.N.C sekere dinge gepropageer, sekere regte wat hulle wou verkry vir die Nie-Blanke, nie waar nie? -- Ja.

Goed. Jy het jou volle ondersteuning gegee aan die organisasie, met ander woorde, jy het hulle doelstellings goedgekeer? Korrek? -- Ja.

Nou dit is reg. Nou as 'n man, 'n groot man 'n gevoel in 'n sekere rigting ontwikkel het dan, nor maalweg, dan bly hy by daardie gevoel, né? --

Mens spring nie rond van een kant van die kamp na die ander soos 'n bok? -- Voor dit verban was het ek dit met 'n volle hart gesteun maar ek kan dit nie vandag steun nie aangesien dit nou verban is.

STUURMAN.

Dit is reg, ek stem met jou saam, maar die posisie is nou dit, dat jy het 'n persoonlike gevoel gehad, jy het gevoel dat die Bantoe is geregtig op hierdie dinge wat die A.N.C voorgestaan het? Is dit nie so? Daarom het jy hulle ondersteun? -- Ja.

Nou-ja, dit is reg. Nou op die oomblik het ek nou niks te doen met die A.N.C nie. Ek praat nou van jou persoonlike opinie, jy as persoon. -- Ek verstaan.

Nou vra ek net vir jou, is jou persoonlike opinie, jou persoonlike gevoel wat die reg van die Bantoe in hierdie land betref, nog soos dit destyds was? -- Nee, ek sal nie so sê nie, want ek was nie eintlik van die voorleiers gewees nie want ek was maar net 'n gewone lid gewees.

Nou kyk, kan jy net vir die Hof 'n bietjie sê wat was die doelstellings van die A.N.C gewees voor inbandoening, wat het hulle gepropageer. -- Ek sal verduidelik wat ek nog kan onthou.

Ja? -- Die reg vir die Bantoe.

Watter reg? -- Regte lone te kry.

Ja? -- Laat hy die reg het om te bly waar hy graag wil bly.

Ja, nog iets? -- Weg te maak met die paswette.

Nog iets? -- Dit is wat ek nog onthou.

Nou goed. Nou in ander woorde wat ek net maar by jou wil weet, voel jy vandag nog, dit is 'n verkeerde ding, hulle moet vandag nog hierdie passe wegvat. Persoonlik nou, dat dit is nie die regte ding? -- Ek weet nie, ek kan nou nie sê nie want vandag kom ek nie in aanraking met daardie persone wat dit aan my verduidelik het nie.

Ek vra vir jou jou persoonlike - is jy bang om met jou persoonlike gevoelens mee uit te kom? -- Nee, ek is nie bang nie om te verduidelik nie, maar ek sê dat die persone wat dit aan my verduidelik het, ek kom nou nie in aanraking met

hulle nie.

Dit is reg. Maar die Bantoe moet vandag nog 'n pas dra?
Is dit reg? --

LANDDROS: Dit is verkeerd, 'n Bantoe dra nie 'n pas nie.

AANKLAER: 'n Bewysboek, Edelagbare.

LANDDROS: Ja, 'n bewysboek.

AANKLAER: Hy dra nog 'n bewysboek? -- Ja.

Dit is reg. Dit is een van die dinge wat die A.N.C nie wou gehad het nie. -- Ja.

Nou ja, wat wil jy vandag doen, hou jy van die bewysboek of wil jy nie die bewysboek dra nie. As jy nou die keuse het om te kies? -- Ek sal sê ek wil nie.

Dit is reg. Presies. Dit is al wat ek net van jou wil hê. Nou wat nou betref die A.N.C beleid, julle beleid was, het jy gesê verder, dat hulle was teen die feit dat die Bantoe nie toegelaat om te kan woon waar hy wil nie, né? -- Ja.

Dit is nog die posisie vandag? -- Ja.

En voel jy ook dat die A.N.C was destyds reg? Voel jy vandag ook dat die Bantoe moet toegelaat word om te kan bly waar hy wil? -- Ek sal nie nou so sê nie, want soos ek al gesê het, ek kom nou nie in aanraking met daardie persone wat dit aan my verduidelik het nie.

Maar het jy dan nie 'n gevoel van jou eie nie? -- Ek het leiers gehad.

Maar kan jy nie sonder leiers jou eie gevoel hê nie? -- Dit is hy wat jou sê wat is reg en verkeerd is.

Met ander woorde, dit kom net daarop neer, jy is bereid om agter jou leier aan te gaan? -- Ja.

En wat die beleid van jou leier ook al is, die sal jy volg? -- Nie alles nie.

Nie alles nie? Nou hoekom nie. -- As my leier vir my sê ek moet voor 'n trein spring, dit sal ek nie doen nie.

U bedoel so, goed, ek verstaan. Wie was jou leier toe
gewees? Voor inbandoening? Luthuli? -- Luthuli.

En plaaslik? -- 45 wat nou hier teenwoordig is.

Bernard Huma. Goed. Jy het nou net die die Hof gesê jy het die twee Youth League vergaderings bygewoon of gedeel-
telik bygewoon. Het jy verdere navraag gedoen daaromtrent?
-- Nee.

Was dit vir jou 'n vreemde organisasie gewees? -- Ja
dit was 'n nuwe organisasie.

Het jy geen pogings aangewend om uit te vind waarvoor
die organisasie staan nie of het die vergaderings vir jou aan
gedui wat die doel van die organisasie is? -- Nee, hulle
het nie vir my vertel nie.

Het jy nie op die vergaderings gesien waaroor praat die
mense nie? -- Die wat ek alreeds gesê het, ek onthou nie
meer nie.

Ja maar daardie dag toe jy na die twee vergaderings toe
gegaan het, het jy toe besef waarvoor die organisasie staan,
volgens die sprekers? -- Al wat ek onthou wat hulle net
gesê het is dit was die Youth League se vergadering, ek onthou
verder niks meer nie.

Het jy geen belang gestel nie? -- Nee.

Hoekom nie? -- Geen rede nie, nuwe organisasie, nie
belang gestel nie.

Goed. Jy het soveel belang gestel dat jy 'n man is wat
elke slag daar 'n vergadering gehou word op die plein naby
jou huis dan hardloop jy uit en gaan kyk watse vergadering is
dit? -- Ja.

En dan laat jy dit daar? -- Ja.

Ken jy die groet "Amandhla Ngawetu"? -- Ek het gesien
dat hulle dit gee.

Waar, wie? -- By daardie vergaderings.

Is dit. Het jy die groet geken? -- Nee.

Weet jy nou watter organisasie se groet dit is? -- Soos
ek dit gesien het by die Youth League neem ek aan dit behoort

aan die Youth League.

Enige ander plek? -- Nee. Nie wat ek onthou nie.

Het jy ooit hierdie saluut "Amandhla Ngawetu" gegee met die gebalde vuis na vore? -- Wanneer?

Enige stadium? --

Vandat jy dit die eerstemaal gesien het? -- Ek het dit ook gegee as hulle dit gee by die vergadering.

Hoekom? -- Dit is wat hulle daar gedoen het by die vergadering.

Jy het dan niks van die vergadering geweet nie, hoekom gee jy dit dan? -- Ek sien almal die mense wat die vergadering bywoon dat hulle gebalde vuis oplig, dan het ek maar dieselfde gedoen.

Het jy dit ander plekke gedoen behalwe die vergaderings? -- Nee, nie wat ek van weet nie.

Wat van die dag hier by Roelandstraat Tronk in Bellville hof toe hulle die saluut gegee het. -- Ek onthou nie dat ek dit gedoen het in Bellville se hof nie.

Onthou jy dat jy dit by die tronk gedoen het? -- Ek onthou nie dat ek dit by die tronk gegee het nie.

Ontken jy dat jy dit gegee het? -- Ek ontken dit, ek weet niks daarvan nie.

Goed. Ken jy vir Johnny Mgemntu wat hier getuienis gegee het? -- So bietjie.

Het julle al met mekaar gepraat? -- Ja, eendag.

Jy en Mgemntu -

LANDDROS: Getuie nommer?

AANKLAER: Getuie 17, Edelagbare.

Waar ken jy vir Johnny vandaan? -- Nyanga.

Weet jy of hy aan enige organisasies behoort het? -- Nee.

So as jy maar Johnny net ken dan neem ek aan jy het nog nooit moeilikheid met hom gehad nie? -- Herhaal asseblief.

As jy hom net ken dan het jy sekere nog nie geleentheid

gehad om met hom moeilikheid te hê nie? -- Ek het nog nooit moeilikheid gehad met hom nie.

Goed. Ken jy vir Yacobi? -- Ek ken hom.

Waar ken jy vir Yacobi vandaan? -- Ek het hom al daar gesien by Nyanga.

Weet jy dat Yacobi 'n lid van die A.N.C was of het jy hom as sulks geken voor inbandoening? --

LANDDROS: Getuie nommer?

AANKLAER: & Edelagbare. -- Nee, ek het hom nie geken nie.

Hoe het jy hom leer ken? -- Net mekaar ontmoet in die bus as ons werk toe gaan.

Gesprekke met mekaar gehad so nou en dan? -- Ja.

Jy het geweet wie is hy en hy het geweet wie is jy? Is dit wat dit op neerkom? -- Ja.

Het jy ooit enige pamflette gesien deur die Youth League uitgereik? -- Nee.

Ken jy die Vigilance Association? -- Ja.

Het jy ooit aan hierdie organisation behoort? -- Nee hulle het nie lede nie.

Nie. Nou is dit korrek dat die Vigilance Association 'n organisasie is wat slegs te doen het met sake van die lokasie alleen? -- Ek weet nie wat hulle werk is nie, al wat ek weet, hulle het nie lede nie.

Nou was jy ooit op enige byeenkomste van die Vigilance Association gewees? Besprekings? -- Ja, Edelagbare, by een. By die voetbalveld.

Waaromtrent was die besprekings daardie dag? Lokasie aangeleenthede? -- Ja, daar in die lokasie op die voetbalveld.

Maar was die aangeleenthede wat bespreek was, die onderwerpe in verband met die plaaslike omstandighede daar in die lokasie? -- Ek onthou nie meer nie, dit is al te lank.

Dit is nie 'n politieke organisasie nie, né? -- **SOYER** ek weet, nee.

Jy dra ook nie kennis dat hulle enige besondere groet het nie? -- Nee.

Ken jy S.A.C.T.U? -- Ek hoor daarvan.

Enige ondervinding van S.A.C.T.U vergaderings? -- Nee.

Wat was die woorde die Bantoe woorde wat gebruik was op die Youth League vergaderings toe aan die mense teenwoordig gesê was dit is 'n Youth League vergadering. Wat was die woorde wat gebruik was, in Bantoe taal. Die naam in ander woorde wat in Bantoetaal gegee was? -- Ek weet nie die Bantoe woord daarvan nie, ek weet net die African Youth League.

Het die Youth League nooit daarna vergaderings gehou nie? Na hierdie twee geleenthede nie? -- Ek kan dit nie betwis nie, daar is nie wat ek van weet nie.

Hierdie twee vergaderings wat jy bygewoon het, was hulle kort na mekaar of lank uitmekaar uit? -- Ek onthou nie meer te goed nie.

Volgens Jubase se getuienis het jy op drie geleenthede vergaderings bygewoon? --

LANDDROS: Twee. Die derde een is algemeen, vergaderings in die algemeen.

AANKLAER: Dit is korrek, jammer Edelagbare. Ek laat dit dan daar.

Nou jy het gesê op die een vergadering was nr. 19 voorsitter. Kan jy onthou op die ander vergadering? -- Nee ek onthou nie meer by die ander vergadering nie.

Weet jy dat die A.N.C. onder grond gegaan het? -- Nee.

Niks? -- Gladnie.

Op hierdie A.N.C vergaderings wat jy bygewoon het voor inbandoening, daar sê jy was die paswette bespreek gewees, bedoel jy daarby, dit sluit ook in die bewysboekie, die dra van bewysboeke? -- Dit is die bewysboekie wat ek van praat, dit is wat ons mos dra.

Geen verdere vrae.

RE-EXAMINATION BY MR ODES. Melford you said that had

spoken to Mgemntu before, you know Johnny Mgemntu? -- Yes.

Now in what connection did you speak to him? -- We were playing just a friendly football match. The football field is in front of his house.

Yes, and what did he say to you? -- He said he wished that his elder brother's son would join our football club.

Now what football club is this? -- Flying Eagles.

Did you belong to that club? -- Yes, I am a member.

Are any other members - any other of the accused members of the Flying Eagles Football Club? -- Yes.

Who are they? -- Ndabambi.

Number? -- 14.

Yes? -- Howard Magow, number 11.

Now did you see Mgemntu at any meetings? -- I never saw him at any meeting.

You only know him from this discussion? -- Yes.

Were you present when he was arrested? -- No.

No further questions.

LIZO MTOTO d.s.s. (ACCUSED NO. 8.)

EXAMINATION BY MR WEINKOVE.

You were a member of the A.N.C before the ban? -- Yes.

Did you take part in its activities after the ban? -- No.

You have been identified by Jubase, the witness Jubase as having spoken at an African Youth League meeting. -- Yes that is so.

Did you ever speak at an African Youth League meeting? -- Yes, there was a meeting where I was the speaker at the African Youth League.

Will you tell the Court who asked you to speak or did you want to speak on your own or what happened? -- The chairman asked me to say a few words to the younger people.

And who was this chairman? -- No. 19, Mountain

QUMBELA.

Is he a stranger to you or do you know him? -- I know him very well.

Do you belong to this Youth League? -- No.

Did you ever attend any other meetings of it? -- No.

Now how did you come upon this meeting? -- I was on my rounds at the location on that particular day collecting laundry and dry-cleaning. I then saw people on the plain where there was a loud-speaker. I then decided to go closer and listen. On my arrival there I found this meeting. I listened. After some time the Chairman said to me, as he knew me, he said, "Can't you say a few words to the children, because we have collected these children with things that have been happening in the bushes. We have gathered here to collect the children because they are murderers in these bushes, and they go stabbing people in the locations here at night, and they go breaking into people's houses and steal. As you are known in this location, say a few words, because we have got this organisation. We want all the young people to come to it, so that we can come together and avoid all this unpleasantness in the location." Due to those words, then I decided to get up and say a few words.

Now you say he told you about these people, these children who were stabbing other people? -- Yes.

Was this the first you had ever heard of it or had you - did you know about it yourself? -- I know that is one of the most important things in the location.

What are these people know as, these children who stab-
-- There are two names for them.

Yes? -- Some of them call them "Spoilers" and others call them Tsotsi, meaning the spoilers.

And so you did speak at this meeting? -- Yes, I spoke.

Did the chairman say what you should speak about or did you speak about whatever you felt like? -- He said that

I could speak on the passes. I said, no, I was not interested in regard to passes, what I am mostly concerned about are these children because we have repeatedly discussed this thing about passes, I am tired of it.

Now, the witness Ngcebe said that he saw you at a meeting but he can't give the date, it was a meeting of the African Youth League? But he can't give the date? -- If it is the one where Jubase saw me then he would be correct.

But did you attend any other meeting besides that one? -- No, no other one.

Now the witness John Ngeuntu said that he also saw you at a meeting at the terminus? -- Yes.

Is that where the meeting was held or -? -- That is where it was held.

Now the witness Yacobi, Cecil Yacobi gave evidence about you and he says that you attended a meeting at the house of accused No. 20? -- I don't remember any meeting in the house of accused No. 20.

Do you know Yacobi at all? -- I know him.

How do you know him? -- He was the secretary of the Vigilance Society in the location. He was a member of the African National Congress. He was then staying in Langa.

When you say that he was a member of the African National Congress was this before the ban or after the ban? -- Before the banning.

Now were you on the Vigilance Association? -- Yes.

What was your position? -- I was a member of the committee chosen by the members.

And did you ever attend meetings of this committee with Yacobi? -- Yes.

Now certain documents were found in your home. Do you remember the evidence of Inspector Wessels? Now among those documents was a copy of the *freedom charter*.

MAGISTRATE: Mr Wessels, witness number -?

MR. WEINKOVE: 41. Now among these documents was a copy of the Freedom Charter. Is that yours? -- I have a pamphlet in my house the Freedom Charter.

Did you buy that or was it given to you? -- I bought it.

About when did you buy it? Before the ban or after the ban? -- Before the banning.

There was also two other documents found, the document Fighting Talk, a paper called Contact and a pamphlet called Bantustan Bluff. Do those papers belong to you? -- I don't remember owning such papers.

Now you remember in the evidence of Mr Wessels that he said that he went to your house twice, once when you were there and once when you were not there? -- Yes that is so.

Now were these papers that I have just mentioned, the Contact and the Fighting Talk and the Bantustan Bluff, were they shown to you by Mr Wessels? -- Yes, here in Bellville at the police station.

Now if they don't belong to you who can they belong to? -- I don't stay alone in that room, they may belong to some of the others that I say with.

Are there other people then that stay in the same room as you? -- Yes.

How long have you been in jail? When were you arrested? Were you arrested on the 15th October 1963? -- That is correct.

I have no further questions.

CROSS-EXAMINATION BY PROSECUTOR.

Jy sê jy was 'n lid van die A.N.C voor inbandoening, wanneer het jy aangesluit? -- Ek dink die einde van '58.

En lid gebly tot met inbandoening? -- Dit is korrek.

Waar het jy aangesluit, by wie? -- Msosa.

Was jy 'n aktiewe lid gewees van die organisasie wat

gereeld die vergaderings bygewoon het? -- Ek sal nie sê ek het gereeld gegaan nie, ek het na die vergaderings toe gegaan.

Jy was tevrede gewees met die doelstellings van die organisasie? -- Ja.

Dink jy nou vandag nog dat die organisasie se doelstellings korrek was? -- Nee, nie vandag nie.

Wat is hulle doelstellings vandag? -- Daar is geen doelstellings nou nie want dit is nou verban.

Wat die doelstellings was voor inbandoening, dink jy dit was reg gewees? -- Ja, voor die verbanning.

Keer jy dit nog vandag goed, daardie doelstellings, voor inbandoening? -- Ja, ek was heeltemal tevrede voor dit verban was.

En as die organisasie vandag as sulks voorbestaan het, sou jy lid gewees het dan? -- As dit nie verband was nie?

Ja? -- Ja as dit nie verban was nie sou ek 'n lid gewees het, altemits sou ek dan bedank het vir sekere omstandighede.

Jy weet nie. Nou nr. 19, het jy hom goed geken? -- Ek ken hom goed.

Is hy 'n man wat 'n leidende aandeel in die bedrywighede daar in die lokasie neem? -- Nee, dit kan ek nie sê nie.

Nou jy sê jy ken hom goed. Het jy hom al baie maal op ander vergaderings gesien as spreker? Behalwe hierdie een? -- Nee, behalwe net daardie een het ek hom nie by anders gesien nie.

Het jy ooit navraag by beskuldigde gedoen wat die Youth League nou eintlik is of het jy toe daardie dag geweet watse organisasie is dit? -- Hy het my daardie dag vertel, na dit daarna het ek hom nie weer ontmoet laat ek kon hom uitgevra het nie.

Hoe het jy verstaan, waarvoor die Youth League staan?

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