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CASE NO. _____

ANNEXURE TO CHARGE SHEET

THE STATE

versus

ALAN MORRIS FINE

(hereinafter referred to as the accused)

WHEREAS the African National Congress (hereinafter referred to as the ANC) was established on 8 January 1912;

AND WHEREAS the ANC aims and endeavours to overthrow the Government of the Republic of South Africa (hereinafter referred to as "the Government" and "the Republic" respectively) by means of violence or means which envisage violence and other means, including the crippling or prejudicing of industries or undertakings generally in the Republic;

AND WHEREAS the ANC was declared an unlawful organisation by virtue of proclamation 119 of 8 April 1960, as amended by section 22 of Act 93 of 1963;

AND WHEREAS the South African Congress of Trade Unions (hereinafter referred to as SACTU) was established on 5 and 6 March 1955;

AND WHEREAS SACTU aims and endeavours to organise workers in the Republic to play a militant role in a revolution in the Republic and to bring about a change in the economic, social and political system in the Republic by means of crippling or prejudicing industries or undertakings generally in the Republic;

AND/..

AND WHEREAS the ANC and SACTU have conspired with each other to further the object of overthrowing the Government by means of violence or means which envisage violence and by means of crippling or prejudicing industries or undertakings generally in the Republic;

AND WHEREAS the accused was at all relevant times a member and/or active supporter of SACTU, and associated himself with the aforesaid aims and objects of SACTU, and therefore with the aforesaid aims and objects of the ANC;

AND WHEREAS the accused committed the acts set out in the schedule hereto, or any of the said acts in furtherance of the aims and objects of SACTU;

NOW THEREFORE the accused is guilty of the crime of -

Participation in terroristic activities in contravention of section 2(1)(a) read with sections 1, 2(2), 2(3), 2(4), 4, 5 and 8 of Act 83 of 1967;

ALTERNATIVELY, contravening section 3(1)(a)(iv) read with sections 1, 11 and 12 of Act 44 of 1950.

MAIN COUNT:

In THAT during or about the period 1977 to 1981 and at or near Johannesburg in the Republic, in the Regional Division of Southern Transvaal, and in Botswana, the accused unlawfully and with intent to endanger the maintenance of law and order in the Republic or any portion thereof -

- (a) conspired with SACTU and its members and/or supporters to further the aims and objects of SACTU and therefore of the ANC; and/or
- (b) committed and/or attempted to commit the acts set out in the Schedule hereto or any of the said acts.

ALTERNATIVE/..

ALTERNATIVE COUNT TO THE MAIN COUNT:

IN THAT during or about the period 1977 to 1981 and at or near Johannesburg in the Republic in the Regional Division of Southern Transvaal, and in Botswana, the accused unlawfully took part in the activities of an unlawful organisation, to wit the ANC, or carried on in the direct or indirect interest of the ANC activities in which it was or could have engaged, by committing the acts set out in the Schedule hereto, or any of the said acts.

S C H E D U L E

1. During 1977 the accused visited Jeanette Schoon, an official of SACTU, in Botswana, and agreed to obtain information regarding labour and trade unions in the Republic and to forward it to SACTU via Jeanette Schoon; he arranged with the said Jeanette Schoon to communicate with her for this purpose by means of, inter alia, so-called dead letter boxes.
2. On a date and place unknown to the State the accused learned a secret code to be used for communications with SACTU.
3. During the period 1977 to 24 September 1981 the accused obtained and sent or conveyed information to SACTU via the said Jeanette Schoon by means of so-called dead letter boxes, ordinary post and personal meetings with Jeanette Schoon in Botswana regarding the following:
 - (a) A Trade Union Council of South Africa (TUCSA) conference, and TUCSA national executive committee meetings;
 - (b) The likely recommendations of the Wiehahn Commission;
 - (c) the state of various trade union organisations, including TUCSA, The Federation of South African Trade Unions (FOSATU), the Council of Unions of South Africa (CUSA) and South African Allied Workers' Union (SAAWU);
 - (d) The Food and Canning Workers' Union (FCWU);
 - (e) The Western Province General Workers' Union (WPGWU);
 - (f) The Fattis and Monis, Red Meat and Wilson Rowntree boycott campaigns;

- (g) The formation and policies of SAAWU;
- (h) Mrs. Mary Ntseke, an official of the General and Allied Workers' Union (GAWU);
- (i) The breakaway from SACTU by five SACTU members;
- (j) The Black Municipality Workers' Union (BMWU);
- (k) The National Union of Distributive Workers (NUDW);
- (l) The Witwatersrand Liquor and Catering Trade Employees' Union (WLCTEU);
- (m) The Witwatersrand Tearoom, Restaurant and Catering Trade Employees' Union;
- (n) The Commercial, Catering and Allied Workers' Union (CCAWUSA);
- (o) The Hotel, Liquor and Catering Workers' Union (HOTELICA);
and
- (p) The National Union of Commercial, Catering and Allied Workers (NUCCAW).

1. THE STATE V ALAN MORRIS FINE

CASE NO.: 41/2618/82

DATE: 2/8/82

IN THE REGIONAL COURT FOR THE DIVISION OF TRANSVAAL
HELD AT JOHANNESBURG, TRANSVAAL

BEFORE: MR W G ROSCH

THE STATE VERSUS ALAN MORRIS FINE

CHARGE: AS SET OUT IN THE CHARGE SHEET

PLEA: NOT GUILTY TO THE MAIN COUNT and
NOT GUILTY ON THE ALTERNATIVE COUNT

FOR THE STATE: MR J A SWANEPOEL ASSISTED BY
MR W HANEKOM

FOR THE DEFENCE: MR D A KUNY

TRANSCRIBER: MRS B K GODLONTON
LUBBE RECORDINGS (PTY) LIMITED
JOHANNESBURG

35. .

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That is correct, Your Worship

And you were elected to serve on the NUSAS National Executive as finance officer for 1975? --- That is correct, Your Worship.

You were then re-elected for 1976 and in 1977 you left South Africa? --- That is correct, Your Worship.

What happened briefly after you left South Africa? --- I travelled to Geneva in Switzerland where I took up a job with an organisation known as the International University Exchange Fund as Information Officer. 10

COURT: As Information Officer? --- As Information Officer. I remained working for that organisation and I was appointed the Deputy Director in 1978 -

Deputy? --- Deputy Director and I returned to South Africa in January 1980. .

PROSECUTOR: When was your first contact with the ANC?

COURT: Repeat your question please?

PROSECUTOR: Your first contact with the ANC? --- That was in 1975, Your Worship, when I travelled overseas on behalf of 20 NUSAS and I was recruited to assist the ANC while visiting London, by Thomas Nkobe and Reg ...

COURT: You were requested to assist the ANC whilst in London? --- Yes, while I was visiting London. .

Yes? --- I was requested by Thomas Nkobi, who is the Treasurer General of the ANC and Reg September, who at that time was the chief representative of the ANC in London, to work for them by sending information ...

Sorry, what is September's first name? September's position? --- He was the chief representative. 30

In London? --- That's correct, Your Worship. .

PROSECUTOR: Did you in fact then send information to the ANC as requested/.....

as requested?

COURT: Did he?

PROSECUTOR: Send information? --- That's correct, Your Worship, from that time until I returned to South Africa in 1980 I worked for the ANC.

Did you become a member of the ANC as well? --- That is correct, Your Worship.

Were you at any stage instructed in the policies of the ANC? --- Your Worship, as a worker for the organisation I was expected to be thoroughly versed in the policies of the 10 organisation as well as any revolutionary theories relating to the so-called National Liberation Movement for Revolutionary Alliance...

COURT: Sorry, the theories relating to? --- Revolutionary theory relating to the National Liberation Movement and the Revolutionary Alliance, of which the ANC was the leading member organisation. I was expected to have a thorough knowledge of the ideological premises underlying the policy ...

The ideological? --- Premises underlying the policy strategy and tactics of these organisations. The revolutionary alliance comprised the ANC as the leader, together with other elements of what is termed the Congress Alliance including SACTU, the South African Congress of Trade Unions and a further organisation, the South African Communist Party. I was given instruction in these theories by mainly Ronnie Kassrils and Aziz Pahad. It is virtually impossible to briefly describe all the instructions that I was given, but if I could use some of the documents which I was given during this instruction.

PROSECUTOR: Before you proceed, Major, Ronnie Kassrils and Aziz Pahad, are they member of the ANC? --- That is correct, Your 30 Worship, as well as of Mcontso Isiswe, Umkhonto We Sizwe, that

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is the Spear of the Nation, the armed wing of the Revolutionary Alliance and the ANC and the South African Communist Party.

Is it also known by a certain abbreviation? --- That is correct, Your Worship, usually known as MK.

COURT: Merely the letters MK? --- MK.

PROSECUTOR: Now, Major, you said that you have certain documents that you were given, will you please refer to the first one, that will be Exhibit J.--- The first one, Your Worship, is a document entitled African Trade Unions and the Liberation Struggle by R E Braverman. Your Worship, all the documents which I will be referring to and handing in are copies of those documents which I was given at various times, by my various instructors in the ANC.

MR KUNY: Your Worship, at this point I don't know what other documents my learned friend proposes putting to the witness, I haven't seen this document or any of the other documents.

COURT: Have you seen Exhibit J?

MR KUNY: I haven't seen Exhibit J, I hope to get a copy of it. I don't know the basis on which it is suggested that this document should become an admissible piece of evidence. Perhaps my learned friend could lay the foundation for this and then I can consider whether or not it is something to which I can object. The same applies to the other documents which the witness has before him, I haven't seen them.

PROSECUTOR: Your Worship, I submit perhaps the matter should be argued at a later stage when my learned friend has seen all the documents, but it would be admissible on two bases, firstly on a basis that Major Williamson is giving evidence as an ex-member of the ANC and accordingly as an expert on the ANC. He is accordingly, I submit entitled and also obliged to inform the Court how he derived his knowledge of the ANC and secondly,

some of these documents may be, I haven't checked all of them, admissible in terms of Section 2(3) of the Terrorism Act or Section 12(4) of the Internal Security Act, but I do submit that before I put before the Court proper argument, it may be more convenient to let the witness hand in all the statements and then give my learned friend a chance to consider the position.

MR KUNY: If they are going to go in on that provisional basis.....

COURT: In other words that they are placed before the Court, the Court adjourns, you study and make known your position?

MR KUNY: Yes, Your Worship. 10

COURT: I think that is satisfactory.

MR KUNY: The only point is, of course, that the witness is going to incorporate into his oral evidence presumably portions of the documentation which he is now going to hand in and to which he is going to refer, it will to that extent be incorporated into the evidence on record.

COURT: Just repeat that?

MR KUNY: I am merely saying that it is not merely a case of handing in the documents which will then provisionally go in and have to be considered, but the witness is I gather going to actually refer to portions of the documents as he goes along and incorporate those portions into his evidence, which may at a later stage have to be struck from the record depending on the question of the admissibility of the documentation. 20

COURT: Yes.

PROSECUTOR: Your Worship, that may be so. On the other hand suppose the document says SACTU is part of the Congress Alliance. Now, the Major says SACTU is part of the Congree Alliance. It appears from this document, other he can exlude the document and just say SACTU is part of the Congress Alliance and my learned friend will ask him how do you know that, and he says

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they gave him this. So, it will go in in any event. It forms the basis of this witness's knowledge, but my learned friend will have to test under cross-examination I suppose, so, except if my learned friend wants an adjournment at this stage to study all the documents

COURT: Mr Kuny, would it speed up matter for you if we adjourn now?

MR KUNY: No, I think it would be better if we continued and got all the documents and then I can consider the position in toto. . . . 10

COURT: We will then proceed on the basis that we adjourn later and you get an opportunity later to study the documents.

MR KUNY: Thank you, Your Worship. . .

PROSECUTOR: Do you wish to refer to any specific portion of this document, Major? --- Yes, Your Worship, however, before doing that if I could briefly outline the basic premises of what I was taught about the ANC and its alliance with other organisations and its role in the so-called struggle to overthrow the State in South Africa. Now, I was told that the ANC itself ... 20

MR KUNY: Your Worship, again I don't want to be subjective, but I must at this point have on record that I will object to any evidence given by this witness which is of a hearsay nature in regard to statements which might have been made by the persons who were in the ANC or connected with the ANC as it appears the witness is now about to do. My submission to Your Worship is that that evidence is not admissible against the accused, and that if it is intention to prove the truth of its content, it is purely hearsy evidence and should not be allowed

COURT: What does the State say? 30

PROSECUTOR: I submit, Your Worship, that when Major Williamson became a/.....

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became a member of the ANC he became a member of what is alleged in the charge sheet to be a conspiracy, a conspiracy of the ANC to overthrow the Government, a conspiracy between the ANC and SACTU. He was expected to be well versed in the policies of the organisation and accordingly he had to be instructed in the policies, etc., of the ANC and as such anything or any instruction given to him by any member of the ANC formed part of executive statements, because the purpose was to train Major Williamson as

COURT: Sorry, these instructions?

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PROSECUTOR: Were then in fact executive statements by members of the ANC in order to properly instruct a potential of a new ANC member, and on that basis it is admissible. .

COURT: The evidence is then allowed. .

MR KUNY: Sir, I am sorry if I misunderstand, but that is now to be the argument, I merely raised my objection, but I do want to submit in relation to what my learned friend has said that the question of the executive statements which is one that has been extensively considered in a number of cases would only apply insofar as the accused is alleged to have been part of a conspiracy in respect of which the witness is now giving evidence of executive statements and I would point out to Your Worship that there is no allegation in the charge sheet that the accused is a co-conspirator with the ANC. The allegation is quite clear that there is a conspira²⁰ce between the ANC and SACTU, and a separate conspiracy is alleged between the accused and SACTU, but not between the accused and the ANC. Consequently, my learned friend cannot, with respect, rely upon statements made by ANC members in instructing this witness, even if they are executive statements and they would have to be executive 30 statements in order to become admissible, because they don't

relate to/

relate to a conspiracy of which the accused is alleged to be part. Your Worship will see that at the top of page 2 of the charge sheet, it is alleged that SACTU and the ANC have conspired with each other for a particular purpose and in the main count sub-paragraph A says that the accused conspired with SACTU, but those two conspiracies are quite clearly separate and separately alleged and it is my submission, therefore, that whether or not the statements made which are of a hearsay nature to Major Williamson in the course of instruction are executive statements, they are not admissible against the accused in this case on this indictment. Your Worship, it is not necessary for the purpose of my argument at this stage to refer Your Worship to all the cases dealing with executive statements and their admissibility in conspiracy cases. I would merely refer to pages 165 and 166 of Hofman and Zebit on the South African Law of Evidence where the learned authors deal with the principle and set out the various authorities on the question of executive statement and their admissibility. There is in particular the case of State versus Bonbibi 1962 (4) -

COURT: The name again please?

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MR KUNY: The state versus Bonbi 1962 (4), South African Law Reports page 671 in which the question of what is an executive statement as opposed to mere narrative is considered and then I would refer you in particular to the case of the State versus Plenchvite, 1972 (3) South African Law Reports, page 430 at page 455 and following pages. The case of State versus Chitane, 1976 (2) South African Law Reports, page 875, judgment of the Lordship Justice Boshoff, where the question of executive statements in a conspiracy charge is dealt with. Now, Your

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Worship, the principles are clear and I don't want to re-state them, but one must apply those principles to the present

indictment and on the present indictment my submission is that this type of evidence, which otherwise might be admissible as executive, taken as of an executive nature, is not admissible against the accused. ;

COURT: Mr Swanepoel, do you wish to reply?

PROSECUTOR: Yes, thank you, Your Worship. My learned friend submits that there is no allegation of a conspiracy or that the accused is a co-conspirator. Firstly, I refer the Court to page two of the charge sheet, the first paragraph says that there is a conspiracy between the ANC and SACTU then 10 the second paragraph says whereas the accused at all relevant times was a member of active supporter of SACTU and associated himself with the aforesaid aims and objects of SACTU and therefore with the aforesaid aims and objects of the ANC. It is accordingly, Your Worship, alleged that he associated himself with the aforesaid aims and objects of SACTU. Now, I submit it is not necessary for the State to use the word "conspiracy" if it wants to rely on leading evidence of a hearsay nature as far as executive statements are concerned. The state can use the words "common purpose", the same effect, or association, 20 but there is an explicit allegation in the main count, paragraph a it is alleged that the accused conspired with SACTU and its members and/or supporters to further the aims and objects of SACTU and therefore of the ANC. So, there is an allegation of a conspiracy. It is stated that he is a co-conspirator with SACTU and its members and/or supporters and with the ANC. May I refer the Court also to a judgment given in the case of the State versus Alexander and Others 1965 (2) S A 818 (c) where it is stated at page 822 next to 30 it is paragraph (f) Where two or more persons have associated themselves with an organisation with the agreed purpose or

object of committing an offence they have in law formed a conspiracy to commit the contemplated offence. It follows that any person who joins such an organisation as a member well knowing the object or purpose thereof or who remains a member after becoming aware of the purpose thereof as signified by his conduct, his agreement with the aims of the said organisation, and has made himself guilty of a conspiracy to commit such offence. Now, it is alleged in the charge sheet that the accused was either a member of an active supporter of this organisation. It is clear from the allegations in the charge sheet, whether 10 explicit or implied that the state alleges he was a conspirator together with SACTU and with the ANC and I submit that on that basis executive statements as to the policies of these organisations would be admissible. Thank you. .

COURT: Anything you wish to reply to that?

MR KUNY: Yes, my learned friend relies on Alexander's case which doesn't take the matter any further, because it deals with the accused being a member or a supporter or in conspiracy with a particular organisation and it doesn't explain the present situation where it is not alleged either expressly or 20 implied that the accused was a conspirator with the ANC. It is a matter of inference by associating himself with SACTU there therefore he furthered the aims of the ANC, but that doesn't make him a co-conspirator with the ANC. What my learned friend is saying is that because the accused is alleged to have done work on behalf of or for SACTU and because SACTU has a conspiratorial agreement with the ANC, therefore, and the word therefore is important in the second paragraph on page 2, therefore, he says the accused is a conspirator with the ANC. . But Your Worship will remember the basic principles of 30 a conspiracy and that is that there is an agreement to commit an unlawful/.....

an unlawful Act. That is what a conspiracy is in law and you can't say that there is a conspiracy between the accused and the ANC because the accused has conspired with SACTU and because SACTU has in turn conspired with the ANC, because that doesn't either allege expressly or imply an agreement between the accused and the ANC which would give rise to that conspiracy. So, with respect, Your Worship, the indictment did not allege a conspiracy between the accused and the ANC and the indictment doesn't in fact very expressly suggest that that conspiracy exists. It is a matter of if you look at the alternative count¹⁰ of alleging that because the accused took part in the activities of Sactu and because SACTU is associated with the ANC, therefore the accused carried out in the direct or indirect interests of the ANC activities in which it was or could have been engaged, if the State had intended to allege a conspiracy between the accused and the ANC it would have been an entirely difference charge and would have alleged with respect, the State very deliberately hasn't alleged it and can't now through the back door let in evidence of an executive nature relating to the ANC on an indictment of this nature. ; 20

COURT: The Court has been referred to a lot of authorities, ; which the Court would like to go and study, in considering its decision already given. The Court will adjourn for a while. .

COURT ADJOURNS

COURT RESUMES

COURT: Well, the Court has in the adjournment studied the authorities quoted. Amongst others the Court has already given a ruling that the evidence was admissible, the Court has again had a look at the first and second paragraph of - on page two of the indictment. The Court is satisfied that the³⁰ State does in fact allege a conspiracy although somewhat indirect/.....

indirect, still a conspiracy has been alleged.

PROSECUTOR: As the Court pleases. . . Major, I think we were dealing with the premises that you were taught, the premises of the organisation? --- That is correct, Your Worship. . . Everything that I ever learned in my association with the ANC indicated that the ANC was regarded as what is terms a mass democratic organisation, representing ...

COURT: As a mass? --- Democratic organisation representing that sector of South African Society which they regard to be the most oppressed. . .

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As the? --- The most oppressed and that in this role the ANC acts as the leader of the National Liberation Movement which is made up of various organisations as I have indicated previously, and the National Liberation Movement under the leadership of the ANC seeks to overthrow the State in South Africa, but not only to remove the present Government, seeks also to remove totally the current political social and economic structures of the state. Now, this overthrow is to be carried out by various means, mainly through what is terms armed struggle. Now, armed struggle is initially isolated acts of revolutionary violence which ...

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Just repeat that? --- Initially armed struggle comprises isolated acts of revolutionary violence and is designed to culminate in a general insurrection. However, armed struggle is only the main or one of the means of bringing about a revolution and the National Liberation Movement as led by the ANC is determined also to use all other means at its disposal both political and economic for what is terms peaceful means and here we include such things as boycotts, strikes ...

Sorry, it is termed peaceful? --- Peaceful means. . . . 30

And you then went on? --- Including such methods as boycotts/... .

boycots, strikes, demonstrations and other methods, and in order to participate or to organise this political and economic struggle, as well as of course the armed struggle, the National Liberation Movement

You are going to fast, in order to organise? --- In order to organise this revolutionary process which includes then armed as well as non-violent methods, the National Liberation Movement as led by the ANC has to organise amongst the people of South Africa and in particular they regard the black working class as having an indispensable role in this revolution-¹⁰ary process. In other words the role of organising workers must go beyond the purely economic or bread and butter issue of organising, which is regarded by the National Liberation Movement as being reformist nature and there must be imbued in the black workers first of all a trade union consciousness -

Sorry, there must be? --- There must be imbued in the black workers first of all a trade union consciousness which level of consciousness must then be raised to a revolutionary class consciousness and throughout my association with the ANC I was regularly instructed to give all possible assistance ²⁰ to SACTU as the member of the National Liberation Movement primarily responsible for the organisation in a revolutionary sense of black workers in South Africa.

I think this may be a convenient time to interrupt you. We are now going to adjourn for tea.

COURT ADJOURNS

COURT RESUMES

COURT: You are still under Oath to tell the truth. --- In essence, Your Worship, what I found within the National Liberation Movement was that the ANC as the leader of that movement or ³⁰ Revolutionary Alliance was as I said a mass based political

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organisation working towards the national liberation of South Africa. Now, it was supported in this, or it is supported in this by various other organisations including SACTU and the South African Communist Party who in addition or which in addition to working for the so-called national liberation and are also looking for the liberation of what they term the working class from the second oppression.

From the second? --- The second oppression which is the capitalist economic system.

Capitalist? --- Economic system. We can then refer, 10 Your Worship to the first document, I think it is already on record, the African Trade Unions and the Liberation Struggle by Braverman.

That is Exhibit J? --- J: This document was given to me in 1977 by Ronnie Kasrils. The most important parts are on page 58 to 62 of the document. I refer to the first paragraph on page 58 which relates to the inseparable relationship that the oppressed workers have with the National Liberation Movement and which also states that certain so-called economist, or limits of economist trade unionism in South Africa are trying to prevent unity and struggle for working class democracy. This relates, Your Worship, to the evidence I gave on the difference between economist and political revolutionary trade unionism. Then on page 59 in the second paragraph ...

May I just refer to the first one again. Is it the first paragraph right at the top of page 58? --- That's right, starting with the words the ICMPU.

Right. --- And then the second reference, Your Worship, is on page 59, the second paragraph beginning with the words "Struggle of the working class", and this relates to the evidence I gave, particularly that the struggle is seen not only for/...

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only for better terms for the sale of labour power, in other words for better salaries and conditions, but also for the abolition of the social system per se. Then, Your Worship, the paragraph immediately under the heading Need for Leadership second sentence relates again to my evidence - we must arm the African working class with the revolutionary working class theory raising its political and class consciousness to carry out the historical task of the working class of leading the revolution in alliance with other liberatory forces in our country. Then the last sentence of that page and the first 10 paragraph of page 60 refer specifically to SACTU and quotes from the pre-amble to SACTU's constitution if I can quote that "The organisation of the mass of the workers for higher wages better conditions of life and labour is inextricably bound with the determined struggle for political rights, liberation for all the present practices and laws. The struggle for economic rights without participation in the general struggle for political emancipation would put an end to the trade union movement usefulness and to betray the interests of the workers." And then, Your Worship, on page 61, the section 20 under Student Support. The document discusses the assistance SACTU activists are receiving from students and refers to the Wages Commission, and then on page 62, Your Worship, the article ends giving a general view of actions that the author regards as necessary.

Are you referring to those which are paragraphs one, two and three? --- Yes, that's right, Your Worship, and everything in this article complies with the instruction I was given, in my association with the movement.

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You are now referring to paragraphs one and two and three? --- Yes, as well as everything else in the article. Your

Worship, I would like to go on to the next document headed African Trade Unions Reformists for Revolution by David Davis.

PROSECUTOR: That will be Exhibit K, Your Worship.

COURT: May I just raise one point about the exhibits which I took yesterday, there are two of them not included, the passport of the accused and I think a document that the witness, Mr Visser spoke about which he had received from Major cronwright. I take it you have retained them to introduce them at a later stage.

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PROSECUTOR: Yes, it has been handed in I ...

MR KUNY: Your Worship, I have got the book marked Exhibit D and the passport is Exhibit E.

COURT: Exactly, yes, but I haven't got them.

MR KUNY: Oh, I see.

COURT: That's my problem. So I suppose the State is still in possession of them to introduce them at a later stage?

PROSECUTOR: We will see where that is, Your Worship. I don't know where it is at this stage, but we will see where it is and hand it in. --- Your Worship, I want to refer in particular to the last two pages of this article, page 60 and 61, headed The Tasks Ahead.

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COURT: Pages? --- 60 and 61. Here the article outlines the role of strike and in the second paragraph quotes from the book on strikes ...

Thes second paragraph under this heading, The Tasks? --- That's right, beginning strikes ...

The Tasks Ahead. --- It quotes from the book, Lennon on Trade Unions, and it basically goes about the essential nature of strikes as part of the struggle and calls them a school of war, a school in which workers learn to make war on their

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enemies for the liberation of the whole people, and then, Your Worship the last paragraph states the genuine support for the African working class struggle in South Africa cannot be separated from the support for the National Liberation Struggle of the People led by the African National Congress.

Sorry, which paragraph is that now? --- The very last one.

Starting with? --- It starts the genuine support for the African working class struggle -

That is on page 61. --- Then the next article, Your Worship is entitled African Unity at the Conference, also by David 10 Davis.

PROSECUTOR: That is Exhibit L, Your Worship. --- Here I refer Your Worship to the last paragraph on page 96 which ends on page 97. The paragraph begins "The black working classes in South Africa as the communist party have said are doubly oppressed as a race and as workers"; and that paragraph ends "We must arm the ^{African} working class with revolutionary working class theory, raising its political class consciousness to carry out the historical task of the working class of leading the revolution in alliance with other liberatory forces". Now, 20 that, of course, Your Worship, is a direct quote from the previous document which we have already dealt with.

COURT: That was Exhibit J, I think? K. Is that a quote from J or K?

PROSECUTOR: Exhibit J, I think, Your Worship, the first one. About Government. --- Its from the first one, ja, Trade Union and the Liberation ...

COURT: Yes. --- Then, Your Worship, on page 102 and 103 in the last paragraph on page 102 beginning "The African unions have come to a turning point and a decision must be made whether to advance or to loose ground and fall back, and then the last paragraph/.....

paragraph of 103 that argument is closed off and it states the various unions including the Urban Training Project must grab the opportunities available and unite with the TUACC unions within a single Trade Union federation. This, Your Worship, was a central point in most of my discussions about SACTU, about the encouraging of black trade unions in South Africa to merge into a single federation and that article ends "Only if this is done will the African labour movement be ready to the tasks that lie ahead, one of which is to consider how best to function under the overall umbrella 10 of SACTU which remains the only recognised federation representing the South African working class of all races and capable of realising economic and political objectives. Your Worship, I think that is a very good reflection of the policies of the National Liberation led by the ANC and including SACTU as I know them, and I would just like to add that the implementation of this revolutionary process was to be done through clandestine or underground methods. :

The implementation of? --- Of this revolutionary process, 20 the revolutionary organisation, and I was on various occasions given instruction in the methodology of the ANC and what is called underground work, or conspiracy work as it is usually known. Your Worship, the essence of organising revolutionary activity is organisation and I would like to refer to another document given to me entitled Our Youth Need ANC Revolutionary Leadership.

PROSECUTOR: That will be Exhibit M, Your Worship.

COURT: And this document illustrates - and you say this document illustrates? --- It illustrates the ANC's instructions for organising in order to carry out its aims and objectives. The whole article is relevant, but I refer Your Worship to the 30 last paragraph on page 17 which reads inter alia "The immediate

tasks, therefore, are for the youth to organise and reach where ever youth are in the factories, mines, townships and villages, in schools, universities and professional societies, sport, Church and other cultural bodies." And then that same paragraph which continues over the page on page 18 concludes "Small scale actions whether they are in downing of tools, picketing, demonstrations, protest meetings, go-slows, works to rul, sit-down strikes, boycotts, stays at home, defiance etc., are important and lead to higher revolutionary activities, sabatage, geurilla action and the siezure of power." This, 10 Your Worship, relates to the evidence I gave earlier about the inter-relationship between the political and armed struggle in order to bring about the overthrow of the State. In continuation of this instruction I was given in conspiracy work I would like to refer to the next document which is How To Outwit the Enemy.

PROSECUTOR: Exhibit N, Your Worship. --- Your Worship, I refer first of all to the paragraph on page 7 immediately above the title Underground Work.

COURT: Is the first page page 7? --- That is on the second 20 page.

PROSECUTOR: That is on the right hand side of the first page of the photocopy, Your Worship. The paragraph that starts "It is not only the comrade carrying the gun who is a Freedom Fighter." It continues, inter alia to say "To carry forward the revolution we need organisation in the schools and in the work place, be it factory, farm or mine. Through these we can mobilise our people." The articlar then continues by giving instructions on how to work in secret in order to outwit the police, their spies and informers, and on page 11 there is a table of various activities which are instructions of actions that should/.....

53. :

Craig Michael Williamson

that should be taken in support of the revolutionary struggle. I just refer to the second one, Your Worship, where ever you work organise trade unions for the rights of workers. .

Major, just to explain the rest of the document - ---
Your Worship, ...

The first few pages seem to be an extract from the document? --- Yes, the one ...

Thirteen pages. --- The second document, the one I handed in is from Sechaba, the official organ of the ANC which is a reprint from an underground publication, Flakati. . 10

That underground publication, Flakati, Your Worship, also forms part of Exhibit N, it starts from page number 5 at the top, its Flakati Volume 1, number 1 October 1976 it starts with Youth in Revolt. That is also attached to Exhibit N.

COURT: That is the one marked Appendix E?

PROSECUTOR: That is correct, Your Worship. --- Your Worship, towards the end of 1977, November 1977 I had a meeting with a certain Mac Maharaj at which stage both myself and certain other people who were involved with me in conspiracy work for the ANC were incorporated into the unit headed by 20 Maharaj which worked under the auspices of Umkhonto We Sizwe, that is the armed wing of the ANC in the South African Communist Party. .

COURT: Just repeat that, you were incorporated? --- Into a unit of Umkhonto We Sizwe and at that stage through Aziz Pahad in London

Sorry, where does Maharaj fit in with this? --- Maharaj was the commander of the unit, and as a member of this unit I was then regularly given copies of a publication called Dawn. .
Your Worship, this publication is the internal monthly journal
of Umkhonto We Sizwe. .

An internal/.....

An internal? --- Montly journal, it is designed for consumption of the member of Umkhonto We Sizwe and was normally also written by Umkhonto We Sizwe units.

PROSECUTOR: That will be Exhibit 0, the document.--- I refer Your Worship to pages 2 to 7 of this publication starting with the Editorial which deals with Mayday and Africa Day and starts "Alongside progressive mankind we in the African National Congress and Umkhonto - MK, that is Umkhonto We Sizwe have recently celebrated May Day, the international day of working class solidarity," and then, Your Worship, that 10 editorials ends on page 4 ...

COURT: I must point out that page three is a very bad copy.

PROSECUTOR: That is the best we could make from the Major's copy, but could you read it out? --- The last paragraph on page 4 states that "The African worker" - that is above the piece on the Morocco police station, that is the last paragraph of the editorial. "The African workers have a decisive role to play in our struggle to overthrow white supremacy."

COURT: Which page are you on now? --- Page 4.

And where on page 4? --- It is immediately, the paragraph immediately above the headline Morocco Police station.

Its about one quarter of the page? --- Yes.

From the top? --- Yes. "The African workers have a decisive role to play in our struggle to overthrow white supremacy and achieve the goals of the Freedom Charter. We cannot envisage the advance of the arms struggle without the involvement of the toiling masses. The organisation of the workers into fighting trade unions, the withdrawal of their labour power at crucial moments is an absolute necessity if our struggle is to advance." Then Your Worship, there is another article 30 starting on page five headed May Day and the Wiehahn Cocktail.

I refer Your Worship then to page six of that article about

two-thirds down the page there is the statement Comrade John Hasawe, General Secretary of SACTU exposing the fraudulent Wiehahn Report points out that African trade unions are debarred from the right to engage in political activities." This entire article, Your Worship, is consistant with instructions given to us as member of Umkhonto We Sizwe about the role of trade unions in the revolutionary struggle.

Is consistant with? --- With the instruction given to us as member of Umkhonto we Sizwe about the role of trade unions in the revolutionary struggle or revolutionary process. We were also in various occasions given instruction, Your Worship, in the idealogical aspects of socialism versus capitalism, and I refer you ...

You were instructed? --- In the idealogical aspects, of socialism versus capitalism, and I refer Your Worship to the article, the Glory of Labour in its entirity. This reflects I believe the importance that my instructors in Umkhonto We Sizwe placed upon the role of trade unions in labour in the revolutionary process.

That appears on page 12 of the publication? --- Twelve to fourteen, amongst other things, Your Worship, the article argues that a new system, that socialism must be set up in South Africa.

PROSECUTOR: Major, in, I think, two of these documents there is mention of the historical task of the workers to lead the revolution. I think it was from Exhibit J and from Exhibit L. Can you explain that idea that they are supposed to lead the revolution or what is meant by that? --- Your Worship, it was explain to me that one could not have a genuine or successful revolution unless the society which was brought about by that revolution represented the people, per se.

Collection Number: AD2021

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials 1958-1982

PUBLISHER:

Publisher:- Historical Papers, University of the Witwatersrand

Location:- Johannesburg

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