

IN THE REGIONAL COURT FOR THE EASTERN CAPE DISTRICT.

HELD AT HUMANSDORP.

CASE NO. RC. 26/1965.

THE STATE

versus

MOUNTAIN MGALONKULU AND 8 OTHERS.

MAGISTRATE'S REASONS FOR
JUDGMENT AND SENTENCE.

1. I beg to refer to my judgment delivered in open Court as recorded on pages 214 to 242 of the transcript.

Subject to the following corrections, I adhere to this judgment and I have nothing to add as far as paragraphs 1, 3 and 4 of the Notice of Appeal are concerned.

CORRECTIONS:

Page 214 - 22nd line:

"there charges" should read "these charges".

Page 215 - 23rd line:

word "at" should be deleted.

Page 219 - 4th line:

after "his" add the word "sister"

Page 222 - line 22:

the word "not" should be deleted.

Page 222 - line 23:

the word "and" should read "but"

Page 229 - line 20:

"their" should read "them"

Page 229 - line 22:

"and" should read "but".

2. As far as the second paragraph of the Notice of Appeal is concerned, I beg to point out that the Court did not find for a fact that the two state witnesses tried to use the exact words of the speakers. The Court merely mentioned it as one of the possibilities.

DATED AT HUMANSDORP THIS 15th DAY OF DECEMBER 1965.

J.L. CILLIERS.

Acting Regional Magistrate

3. The meetings were in respect of the Kwazakela branch of the said unlawful organisation.

4. The names of the persons attending meetings include all the accuseds and various persons which the State contends is a matter of evidence.

5. The State will not rely on any document, book rekord or pamphlet ~~xx xxx~~ to prove the offence.

RE COUNT IV, V AND VI:

1. The exact addresses are unknown to the State but includes the Kwazakela Location.

2. It is alleged that the accuseds took part in the said activities of the said organisation by inter alia -

- (a) attending meetings of the said organisation;
- (b) distributing documents issued by, at the instance of, or on behalf of the said organisation;
- (c) advising, advocating, defending or encouraging the achievement of the aims and objects of the said organisation and encouraging the taking part in the activities as set out in 3 below.

3. The activities alleged that the said organisation was or could have been engaged in are those which tended to further the aims and objects and which were in the direct or indirect interest of the said organisation.

These activities which are in the interest of the said organisation is , inter alia -

(1) Generally, wrongfully to perform acts of sabotage and acts involving force and violence with a view to overthrow the legally constituted Government of the Republic of South African and/or to embarrass the said Government in the administration of its affairs, and

more particularly -

- (a) to attack, kill and murder person in the Republic opposed to the said organisation, and/or
- (b) to damage, destroy, render useless or unservicable property of other persons and of the State by violent means including explosives and fire, and/or
- (c) to obtain and to possess explosives, firearms and other weapons for use in order to pursue, further and achieve or to endeavour to further and achieve the aims and objects of the said organisation,
- (d) to recruit persons generally from the said organisation,
- (e) to carry on organisational and propoganda work for the organisation.
- (f) to distribute documents issued by, on behalf of, or at the instance of the said organisation.

4. The State will rely on certain documents distributed in the various locations by, on behalf of or at the instance of the said organisation, during the periods specified in the charge sheet. These documents were not found in the possession of any particular person or persons, or from particular premises, but generally in the locations. As these documents are ~~XXXXXXXXXX~~ somewhat lengthy it is suggested that arrangements be made by your office to have copies made.

ANNEXURE "A".

THE STATE versus:

1. MOUNEAIN MGALONKULU: Bantu male: 40 years: S.A.B.: Id. No.
 2. MZWANDELE TSHABI: Bantu male: 33 years: S.A.B.: Id. No.
 3. CHARLIE KRISJAN: Bantu male: 51 years: S.A.B.: Id. No.
 4. JACKSON MASEFI: Bantu male: 33 years: S.A.B.: Id. No.
 5. JOHNSON PENEU: Bantu male: 53 years: S.A.B.: Id. No.
 6. MICHAEL BIKIE: Bantu male: 32 years: S.A.B.: Id. No.
 7. PHILEMON BUTI: Bantu male: 38 years: S.A.B.: Id. No.
 8. WELLINGTON RULASHE: Bantu male: 50 years: S.A.B.: Id. No.
 9. SORI WILLIAM MOBES: Bantu male: 37 years: S.A.B.: Id. No.
-

Each

B 244

REMEMBER THE 26th JUNE.

The 26th June is the most remarkable date to the Africans in the Union and all the oppressed people. In the struggle undertaken by the African fighting oppression, to show that he could no longer bear the unjust laws. Oppressive laws and discriminatory laws he decided to defy them. They started defying the unjust laws on the 26th June, 1952. Whereas the 26th became an important date in the history of this country during June 1950 when there was a stay-at-home demonstrating our anger because of the laws made for us in our absence in parliament by the minority of white people.

On that 26th June, 1952 we noticed for the first time in the Union Africans working together. As from that year it was decided upon by the Africans and their friends in the freedom struggle that this should be a mourning day, that means there are things which we should fast on even though we are accustomed to them.

During this 1961 the Africans have decided to remember this date 26th June by footing the way to and from work. On the night of this date we are expected to use candle light and make bonfires in front of our homes.

We shall also not forget during the night to sit down and converse about the ups and downs of the freedom struggle.

THE REPUBLIC GOVERNMENT

When we scrutinise the manner in which this Government rules us, we find it fully armed as though it is war time, indicating that any appeal made by the oppressed people shall be answered by shooting. That means if we are prepared to fight for freedom let us talk about fighting plans that we resist the so armed Government.

TWO WAYS

In this journey to freedom we have come to two ways: It is for you to take the one to Verwoerd (Hell) or to Freedom (Heaven). The place where we now stand in our journey is called 'Hold your Own'. 'Hold your own' means we shall no longer respect, obey any law that will be made by any Government in the absence of the Africans. The first step in 'Hold your own' we had a stay at home for three days, we shall not stop, and make Verwoerd and his comrades continue talking about us.

We shall await everybody who is a member of the following committees to withdraw from them: Advisory Board, Bantu School Committee, Bantu Authority.

Forward to Freedom...

STRENGTH!

Africa, Africa, Africa.

Issued by the African National Congress.

24th June, 1961.

Exh. D
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26TH JUNE IS THE FREEDOM DAY.

On the 1st May 1950, the police of the Boer Government shot and killed 80 African people. Those were the first signs of the barbaric Government of a white minority who govern to please themselves.

FREEDOM IN OUR LIFETIME.

In order to show the Government that this is a filthy action when it passed the "Suppression of Communism Act" and the Apartheid Law and discriminatory laws, the African National Congress chose the 26th June in 1950 as the "Freedom Day" of the African People of the Republic of South Africa. In this date hundreds of the black nations will conduct a Stay-at-home demonstration so that the words "Freedom in our life time" should whisper in the ears of the oppressed people.

THE AIM OF OUR STRUGGLE.

During the past 13 years the A.N.C. had always had some activities on this date. During June 1952, the African National Congress called on the sons and daughters of this Country to defy the unjust laws. More than (9000) nine thousand Volunteers felled the gaols.

During 26th June 1955, all the people of South Africa came together and compiled the "Freedom Charter" at a People's Conference, the light for the good welfare of the people of South Africa.

THE BANK OF BLOOD.

On the 26th June this year, the "Freedom Day" will be observed in the following Countries:- England, America, Europe, Scandanavia, Cuba and here in Africa in general as well as in Asia.

The decision of the free countries like at Addis Ababa, was to help and free the oppressed people of this country from bondage of oppression. At Addis Ababa, the Chief leader of Algeria, Ben Bella, said that not only words will be used but also actions are contemplated. At Algeria the Congress Offices will be opened on the 26th June.

ACTIONS TO BE SEEN.

Verwoerd's Government is preparing to keep the black man under oppression forever. We must show him by actions that he is waisting time. On this 26th day of June, the African National Congress calls on all people who are oppressed, old and young, workers, business people, teachers, doctors, people who stay in the rural areas, Attorneys to observe this day.

On this day:- We will not read the poison of the Boer Newspapers. We are starting the boycott of the Newspapers like these - Elethu Mirror, Imvo, Zabantsundu, Bona and Zonk.

Umkhonto We Sizwe

— Army of the Liberation Movement —

- **UMKHONTO IS FOR ACTIVISTS**
We have fought against the White state more than 70 times (boldly yet methodically). We are trained and prepared. We shall be more so.
- **UMKHONTO IS ORGANISED**
Our organisation is nation-wide. We can strike anywhere.
- **UMKHONTO TRAINS THE YOUTH**
We are ceaselessly, thoroughly, training an Army of Liberation.
- **UMKHONTO HAS POWERFUL ALLIES**
The African states and the democratic world are four-square behind us. We have allies among other races in South Africa.
- **UMKHONTO HAS A PLANNED STRATEGY**
Umkhonto can analyse the revolutionary situation. It knows how to use soldiers where they are most effective.
- **UMKHONTO HAS LEADERSHIP**
Our leaders are brave, intelligent men. They work together.
- **UMKHONTO HAS NO NEED TO BOAST**
The people are with us. We are for the people. Our words are deeds.

Three 1000 men are due to hang. Hundreds are in jail, many for life. Who knows how many will be rounded up after the Leballo fiasco?

THESE ARE THE CASUALTIES IN THE FREEDOM STRUGGLE. WE QUARREL NOT WITH BRAVE MEN BUT WITH BAD LEADERSHIP. WE ATTACK PAC-LEBALLO POLICY NOT OUT OF PETTY RIVALRY BUT BECAUSE IT TAKES US BACK, NOT FORWARD ALONG THE FREEDOM ROAD.

- Genuine freedom fighters must find a way to fight together, in **UNITY**, in unbreakable strength.
- There is room in the freedom struggle for all brave men — and women.

WE ARE PREPARED TO TALK UNITY. TO WORK FOR UNITY. TO FIGHT UNITED WITH THE CORRECT POLICY AND THE CORRECT FIGHTING STRATEGY.

WITH YOUR SUPPORT WE WILL WIN

Amandla Ngawethu !

Be Careful - But Let Others See This
Issued by African National Congress

The A.N.C. Speaks ^{Each E} Revolution Leballo? No!

The South African people are at war with Verwoerd. Twelve million people will be slaves no longer. For three hundred years the Whites have refused to hear our voice. The ways of peace have failed. Now we fight to be free. The Verwoerd government has made it impossible for us to win our birthright any other way.

The A.N.C. tells the people straight: the struggle that will free us is a long, hard job. Do not be deceived by men who talk big with no thought for tomorrow. Freedom is not just a matter of strong words. Neither is it simply brave men and heroic deeds. Impatience, which makes men lose their heads, will not bring freedom.

The White Supremacy state is powerful and has tried to prepare itself for revolution. It has money, it is well-organised, well-armed. Verwoerd and his henchmen will not be frightened out of power.

TO DESTROY VERWOERD WE MUST DESTROY THE INSTRUMENTS OF WHITE POWER.

We will not win until we destroy the forces that make the White state powerful. We must break the instruments of oppression, take them over, and use them to smash White basskap.

WHAT ARE THE INSTRUMENTS OF WHITE POWER?

They are the army, the mines, the railways, the docks, the factories, the farms, the police, the whole administration.

HOW ARE TO SMASH THEM?

With planned, strategic violence. Already scared, the Whites are on the look-out. We must outwit them. We must hit them when they are not looking. We must strike where they do not expect it. We must hit them hardest where they are soft.

Organised Violence Will Smash Apartheid!

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Schubert E

The Leballo way is useless

Impetuous, brave and impatient for freedom have joined PAC and POQO. The nation needs brave men. We are all impatient, thirsty for freedom. But impatience alone leads to recklessness, and recklessness loses the battle. The Leballo way is useless, worse than useless.

LEBALLO TALKS OF FREEDOM IN 1963

From Bainsburg, Potlako Leballo challenger Vorster said says: "Our revolutionary council is discussing the time and manner in which positive action will be launched. It is imminent." Any sane man knows that the struggle will be longer than the eight months left this year. It took the Algerians seven years to get rid of the French. We will not smash Verwoerd in a day. Instead of organising, Leballo invites our brave men to rush untrained into the guns of Verwoerd as if freedom was a Christmas present.

LEBALLO TALKS TOO MUCH

Leballo has always been a boaster. He is confused. He says one thing today and denies it tomorrow. How he has betrayed his people. Either Leballo genuinely believes there will be freedom in one action — in which case he is wrong, and other men will die for his mistakes, or else he knows the revolution will take time, but for some mysterious reason wants to deceive us.

THE P.A.C. LEADERS FIGHT AMONG THEMSELVES

There is no room in freedom organisations for ambitious men out for their own gain. The PAC leadership has shown it cannot work together. They expel a Philip Egoane then a Mafiso. Now Leballo will expel Sebokwe. Can we trust these men? They talk the talk and think the least, they see one thing and mean another. Revolution is serious business. These men — vain, squabbling and confused — will waste the noblest soldiers as if they were toys.

PAC KNOWS NOTHING ABOUT WAR

A crowd of unarmed men on a midnight march to town carried boxes, the police, the army and all the oppression of Verwoerd. That was Paarl — a brave effort in our day of oppression. But it is no good to think in terms of our old, not of modern, past, a war. PAC leaders and Leballo only talk of revolution but do not work out how to make revolution. War needs careful plans. War is not a gesture of defiance. For a sum total of nine Whites killed — only one of them a policeman, and he killed by accident — hundreds of Poqo are in jail serving thousands of years imprisonment. For a wild head Leballo has caused the founding of unknown numbers of young fighters.

These ways achieve nothing physically. These ways squander men, make of the life and death struggle a game of prestige and big talk.

FREE MEN MUST KNOW HOW TO FIGHT

The leaders must have control over their soldiers. The soldiers must know what the leaders want. The freedom forces of South Africa must be re-estimated — cell with cell, branch with branch, region with region — in revolution. There must be strong discipline — no scraps going off to school.

NO MISUSE OF MAN POWER

It is a misuse of manpower to send out all men on every job, as if enough followers could make up for too little leadership. Freedom fighters must be trained. Ten men, well trained and organised, can often without loss, do a job that 200 men, heroic but badly led, would bungle.

DON'T MISTAKE THE REAL TARGET

Poqo is said to have killed five White road-builders in the Transvaal recently. There are more effective ways of beating the White supremacy state. A few road-builders make no difference to the revolution. Instead, smashed railway lines, damaged pylons carrying electricity across the country, bombed-out petrol dumps cut Verwoerd off from his power, and leave him helpless. And these acts are only the beginning.

WHY MAKE ENEMIES OF OUR ALLIES?

The Leballo spurn men of other races. We say that just as Africa's left the brunt of oppression under the Whites state, so will the Whites state be broken by the man power of Africa's people. But this is no reason we try to reject comrades of other races whom we know are ready to fight with us, suffer, and if necessary, die.

NO CRY OF DESPAIR

The slogan POQO — 'poor' is a panicky cry of blind leaders who thrust themselves away from others and for comfort in the dark, shout out they are alone. We know we need to worship isolation — the people are with us. We do not despair, for it does not make good soldiers. Despair and the men of Paarl, armed with nothing but their bravery, unorganised, untrained, and badly led, to meet the hordes of Verwoerd's police. Despair is dangerous. There is also no reason for it. We know we will win. The only question is how good and what depends on how we use our forces.

ABOVE ALL — SECURITY

Freedom fighters must keep their mouths shut. There is no room for those who give statements to police. Young recruits who have a few drinks and start boasting are a danger. Arrested men who know without betray the struggle. No abortive adventures. No police penetration of the freedom force!

Find a way - But not the Leballo way

Henry ... 4/1 1962

4/1/1962 wife came on to transfer house
& found out from her that husband has
deceased, in July 1962

Given until the 8/11/1962 to her
herself. paid up on her house, and then
to be transferred to the 2 room house.

28/9/65. C P Herald dated the 22/9/51/11/1962
says that the required papers has
been returned to his eye goal.

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Exch. F
250

CITY OF PORT ELIZABETH.

NATIVE ADMINISTRATION DEPARTMENT.

RE-ALLOCATION OF DWELLING.

Site No. 11464 Registered to the name of Debra Nduna
who has been leased a house re-allocated

to Johnson under N.I. No. 2159625

Transferred from 11392 B17 with effect from -

Site 1/1/61 Dwelling 1/10/62

Irrecoverable rents: 2 a. d. Site: 2 a. d. Dwelling: 8 a. d.
R 5.25 R 0.25

Dependents of Occupier.

| Name | N.I. No. | Relation- ship | Sex | Age | Remarks. |
|-----------------------------|----------|-------------------|-----|-----|----------|
| <u>See application form</u> | | | | | |

Repairs to be effected: _____

Date: _____

[Signature]
LOCATION SUPERINTENDENT.

Transfer recorded and new rent card issued.

Signature of Senior Clerk [Signature]

Date: _____

| | |
|--------------|------|
| DEPARTMENT | 1963 |
| JAN 11 1963 | |
| NEW BRIGHTON | |

Balance verified and irrecoverable amounts written off

Signature: [Signature]

Date: 18. 1. 63.

Exh. F
251

CITY OF PORT ELIZABETH
NATIVE ADMINISTRATION DEPARTMENT
SITE & SERVICE SCHEME

CERTIFICATE OF OCCUPATION

This is to certify that the right of occupation of
Municipal Dwelling No. 11464 being Room
roomed house, constructed of brick situate
on Stand No. 11464 Street Port Elizabeth
has been sold to John van Padden

National Identity No. 2105620 at a total cost of
R400

The R60 monthly instalments of R4 12 and
the site rental of R 1 70 are payable monthly in advance at
the office of the Superintendent.

The following members of his family are permitted to reside
in the dwelling.

| | Year of Birth | Year of Birth |
|------------------------|---------------|---------------|
| <u>John van Padden</u> | <u>29</u> | |
| <u>Indira</u> | <u>5</u> | |
| <u>Archie</u> | <u>5</u> | |
| <u>Noni</u> | <u>3</u> | |
| <u>Paul</u> | <u>1952</u> | |

Signature or left thumb
print of grantee

SUPERINTENDENT

12-7-1960

NEW BRIGHTON

CITY OF PORT ELIZABETH

NATIVE ADMINISTRATION DEPARTMENT

APPLICATION FOR MARRIED ACCOMMODATION.

FORM L3.

Exh. F
252

EACH APPLICANT MUST FURNISH ALL DETAILS CALLED FOR BELOW:-

- Full name of head of family (IN BLOCK LETTERS):
 ..D.A.A.H.A. EDWARD:..N.P.U.NA... Age 56 years.
- H.I. No. or Ex. Cert. No. 2421242. Tax Identity No. 99/4..
- Ethnic Group ..KARSA.....
- District of Origin ..P.O.R.T. ELIZABETH.....
- Date of arrival in Port Elizabeth ..K.E. DEAN.....
- Present Residential Address ...562...FERGUSON, RD.....
- Period of Residence in Port Elizabeth ...S.W.I.T.S. BURTON.....
- (a) Are you the registered occupier of a house or site in the Location at present
- (b) If so, where
- (a) Have you ever occupied a house or site in the Location
- (b) If so, where

Employment and Income of:-

| Head of family | Employer. | Date of engagement. | Income per month. |
|------------------|-----------|---------------------|-------------------|
| | P.O.R. | 30/7/59 | £ 6-0-0 Pw |
| Others (Specify) | | | |
| | | | |
| | | | |
| | | | |

- Marital State of Family Head ..YES.....
- If married: (a) Date and Place ...4.11.1960.....
 (b) Christian Rites, Civil Law or Native Law and Custom
- Details of Certificate or Affidavit ..S.P.P. 5.11.63.....
- Full Name of WifeTENZINE.....
- Period of Wife's Residence in Port Elizabeth RE...DEAN.....
- Family and other dependants:-

| NAME. | IDENTITY NO. | SEX. | AGE. | RELATIONSHIP. | PRESENT ADDRESS. |
|------------|--------------|------|------|---------------|------------------|
| TENZINE | 2188800 | F | 21 | wife | NB. |
| NIKHANE | - | F | 11 | Assess | " |
| DUMALISILE | - | F | 8 | Assess | " |
| JALISWA | - | F | 4 | Assess | " |
| YAKANDA | - | F | 6 | Assess | " |
| MADODA | - | F | 2 | Assess | " |

SIGNATURE OF APPLICANT.

11390 258 Edh Gw

NATIVE ADMINISTRATION DEPARTMENT
NATURELLE ADMINISTRASIE DEPARTEMENT
 16-5-1960
 NEW BRIGHT

PERMITTED TO RESIDE AT
FORM 13.
 DATE _____
 SUPERINTENDENT _____

CITY OF PORT ELIZABETH.

NATIVE ADMINISTRATION DEPARTMENT.

APPLICATION FOR MARRIED ACCOMMODATION.

EACH APPLICANT MUST FURNISH ALL DETAILS CALLED FOR BELOW:

1. Full name of head of family (IN BLOCK LETTERS):-
 .MICHAEL BIKIE Age..... 29..... Years.
2. N.I. No. or Ex. Cert. No. 2429295..... Tax Identity No. 29/1.....
3. Ethnic Group..... XHOSA
4. District of Origin..... PORT ELIZABETH
5. Date of arrival in Port Elizabeth... 1942.....
6. Present Residential Address..... 6135 8/8/5
7. Period of Residence in Port Elizabeth... 17/1/5
8. (a) Are you the registered occupier of a house or site in the Location at present
- (b) If so, where.....
9. (a) Have you ever occupied a house or site in the Location.....
- (b) If so, where.....

Employment and Income of:-

| | Employer. | Date of engagement. | Income per month. |
|------------------|-------------------|---------------------|-------------------|
| Head of family | M.E.T.A. W. ADAMS | 18/7/57 | 4-1-1.2w |
| Others (Specify) | | | |

9. Marital State of Family Head..... YES

10. If Married: (a) Date & Place..... 30/4/1960

 (b) Christian Rites, Civil Law
 or Native Law & Custom.....

 (c) Details of Certificate or Affidavit..... 9/10562597

11. Full Name of Wife..... LILLIAN ZOLILE TOZAMA
12. Period of Wife's Residence in Port Elizabeth... 1935.....
13. Family and other dependents:-

| NAME. | IDENTITY NO. | SEX. | AGE. | RELATIONSHIP. | PRESENT ADDRESS. |
|-----------------------|--------------|------|------|---------------|------------------|
| LILLIAN ZOLILE TOZAMA | 2009412 | F | 28 | wife | 6135 8/8/5 |
| | | F | 9 | son | " " |
| | | F | 6 | 0 | " " |

Michael Bikie
 SIGNATURE OF APPLICANT.

Each 1/2
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CITY OF PORT ELIZABETH

NATIVE ADMINISTRATION DEPARTMENT

SITE & SERVICE SCHEME

CERTIFICATE OF OCCUPATION

This is to certify that the right of occupation of
Municipal Dwelling No... 1139c... being...
roomed house, constructed of...
on Stand No... 1139a Street...
has been sold to... Michael...
Richard...

National Identity No... 2429890... at a total cost of

R4400

The ... 360 ... monthly instalments of R2 and
the site rental of R1.75 are payable monthly in advance at
the office of the Superintendent.

The following members of his family are permitted to reside
in the dwelling.

| | Year of Birth | Year of Birth |
|-----------|---------------|---------------|
| Julian | 28 | |
| Julie | 9 | |
| Josephine | 5 | |
| | | |
| | | |
| | | |
| | | |

Signature or left thumb
print of grantee

SUPERINTENDENT

25th of March 1965

255

Ech. G.

Please call to inform Mr. King of the
Commission Council regarding the sale of
this land with original receipt, awarded
on the 2nd of May 1957

22/4/65 E P Herald dated 22/4/65 states to Council on land
returned to 6 1/2 yrs good.

rs

15 K. APRIL: AFRICA DAY.

Nje ngokuba sithetha nje izizwe zenke zase Afrika zenza aza lungiselele ukubonisa ukubaluleka kwalo mhlaba ukhulu eyi Africa Day 115 ka April. Kubantu abaninzi, ngakumbi iintshaba zika ntlobo-ntlo kunye nonkululeko yabantu, abawugondi ukubaluleka kwalo mhlaba. Kancinci kubalulekile okokuba uantu - odliwa yidyokhwe yobukhobeka baseDlagusha kufuneka kwazi ukubaluleka kwalo mhlaba. Iizwe ezilento liwaphosa Afrika amhlo aloe. Izizwe zase Afrika ngawe nam ataxchha zilwa inkululeko yeAfrika kunye nonxwama lwayo. Kanti abangxowa-inkulu bangaphosheya bazama ukuchitha ollu mnyama ngonjongo zokudlwanisa ngula ingatha leAfrika khona ukuzo yona iAfrika ingabinye inqubela phambili, abantwana bayo babalilifa lendlela. Kwelinye icala izizwe zaseLatini-Merika kunye nezamaKomanisi zini ezinye zinecodiso nezizwe zase Afrika zilwa ingqakaza yelizwe iApartheid. Kanti kwelinye icala abangxowa-inkulu bangaphosheya bokhokelwa yiMerika, Brithane kunye neFransi bakhusela ingqakaza eyiApartheid; bathi wayidle abantu beli lizwe ngoba bona bangxowa-inkulu bayadla ngayo. Kodwa ke abangxowa-inkulu bangxowole ukuba noentloni ukukhusela leingqakaza. Singatone ukuthi esi ezi zizigama zehla weli 15 ka April asiwuqhambula ngayo yenke iminyaka nje ngabantu abachazolwayo nanje ngabantu abayifumayo inkululeko ikho ingokho "90 Days".

Ngalo mini ye 15 ka April, 1958 izizwe ezintathoba iRhama, Morok Jiphutha, Libia, Tiyopiya, Sudan, Tyunisia, Gini kunye neLiberia zayo zadibana ngonjongo zokumayana zilwa zinecodiso bonke abantu abasile bophantsi kwedyokhwe yobukhobeka ihlelele apho eAfrika ukuyakuna e-South Afrika.

Kwakhona yenke imibutho ayayilwela inkululeko kwabo abazazi nuka ligazi labantu elaliphalazwa nolalidliwa ziintshaba zoluntu, yanonywa okokuba ithathe inxaxhoba ezelayo, icobise igqibo ngawona manyathelo afanokhileyo nokutshabalalisa intshutshiso nengcikiyo eAfrika ngakumbi eSouth Afrika. Kuloo ndibano yayisochana abantu beli lizwe abantshutshiswa ngonxeni yobala labo elingomhlophe babanelwe ngubothowesizwe iAfrican National Congress. Umibutho wabantu wabalula ingcikiyo yopasi kumadoda nakubafazi, i livuze yendlela ezala iT.B. kunye nezifumbo zabantwana, nePolio kunye nengqakaza lo ihlelele uantu ongomhlophe; neBantu Education infundo edalolwe okokuba sibo zizicaka zana phakade; kunye nobundlandiya obugutyelwa phambili ligosa lobusathana nobundlobongela elingumathanzina.

Izigqibo ezathathwa kuloo ndibano zozijongene nokukhulula iAfrika ngendlela onokuthi ingabinkho ukuphalaza igazi ngonjongo zokuphapha intiyano onokuthi ihle xa oko ibhukuqiwe imikhosi yobundlobongela. Kodwa ke kwavunyelwana nakwisithuba sabacinezoli bbangakwaziyo ukuliva olulwini; ulwini lekungaphalazigazi. Eke oko ulwini oluqatha lunakho ukusetyenziswa; ulwini olunokuthi lulunisa kakubi utshaba lude luvo okanye lutshatya laliswo kuthi owaka.

Ngalo xosha abantu baseAljoria phantsi koburkokheli beNational Liberation Front yooBen Bolla ayayiphantsi komhlaba itshutshiswa kangangoko zindlobongela zaseFransi phantsi kwogana lempucuka yaseMpunalanga, babonhalaza igazi ozintaboni, ezilalini, ezidolophini, nasezilokishini. Yona okaBen Bolla wayo kwozimnyana izisole zotolongo kunye nama80,000 amaqabana akho, okuqhatha zoloni kwanzinye, ojongono ubuso ngobuso netshaba; zosenziwa senke izinto ezindaka kubo ngamaFrontshi ngonjongo zokutshabalalisa umbutho wabantu baseAljoria. Kodwa yona ibali yolo swo yalatha okokuba izibhanxa zabantshutshisi zabanokubhukuqwa ngo1962 abantu bathola inkululeko yabo yemveli. Namhla nje iAljoria lolinye lamazwe atho khona okokuba nakasixhaso kwidabi lethu ngakumbi njongokuba afikolole kulo ngangatho uqatha.

Iwicala lozi qibo ezisakwe phantai kokungaphalazi gazi iBantu nfa yathatha ezi zigibo ngokuphathalalo kweli lizwe lethu - linakiselwa yingcikeva yeApartheid:-

(a) Zonke izizwe zilond okokuba ziroxise abantu bazo kweli lizwe, kuzo kugxothwe abantu banadlagusha kulomazwe. (Ambassadors)

(b) Ukuroxisa ilungelo lokuhabha kwedapliyini zanaDlagusha phozukonhlaba waseAfrika

(c) Uroxiso lerwobe phakathi kwelizwe zelizwe nanadlagusha. Ugxotho lwanaDlagusha kuyo yenke isibutho yezizwe zelizwe ngonjongo zokubonisa inqakaza yelizwe iApartheid; ngobhoyoyantu ongorhlophe angenxa yobala lakho.

(d) NOKUSHASA isibutho elwela inkululeka yabantu bali lizwe ononjongo zenzubala-phambili ngonjongo zokubhukuka uRulumente wanaDlagusha.

(f) NOKUGXOTHA wanaDlagusha kusibutho elalulekileyo kwelizwe zonke zelizwe oyiUnited Nations.

Ngalo mzuzu sithetha ngawo kizwe ezikhululekileyo zingama shumi amathathu anesine (34), okubeni ngoshla wa 15 ka April sas xitshax 1958 zazi lithoba. Ucebunzi wazo kukwenza konke okusomandloni aze; zinezidise ukugqabelisa izigqibo ezizitha ezathathwa okera ngawo lishla wa 15 ka April 1958.

Izizwe zaseAfrika zibenzile, zisabonza unako nako ukuguqula iintliziyo neongqondo ezilikhuni zondlebhongela zanaDlagusha ngogxindlela zingaphalazi gazi. Hodwa into oxhanyisa anoblo kukukhula kolandelela elalulathana kusaDlagusha ngomxa yonxaso nonkuthazo ayiyifumana koonxoxo-ngulu baseAfrika, Britani naseFransi. Ukutyulo okwonyakazi kwabantu bonaxhanyanga ngo-1960 babonisa okokuba izizwe zikasathana, abonzi bo'abhi abazicisole ukuroxisa intshutshiso, undaweni yokuroxisa ba yayandisa isihle nezole, yayo bazicisole ukuphondula iinkhululo zabantu ngorhlophe ngqudu. Nyoko oko kwacaca phandle okokuba ayisebubuchule uluthetha motshaha ulwimi olungaliqendiyi. Buloko nehlala nje kwacacayo okokuba iintshala zokululeko ziphaphazela, zibonza inithethe yabantu ngonjongo zokubulala isibutho yabantu.

Ngawo lomzuzu sithetha ngawo anaDlagusha apasise withotho e apha ongeole ngaphozu kosathana oyiBantu Laws Amendment Bill kwipalamente yawo eKapa. Loo nithotho phakathi kwosinto ezininzi ujongene nokupholisa amalungelo ezidolophini afana (i) Nokuhabha yinzala yedolophi (ii) Ukuba noshumi elinosihlanu lominyaka usadolophini (iii) Nokuhabha noshumi lominyaka usobonza kumqeshi omnye. Oko loo amalungelo sika nganazi. Wonke umntu uzakusise oTranakai ase-apha ezidolophini ngokontshaki yojijini. Yonke lo nto izakwenziswa ngonkani lominyaka lomnye.

Iwengawo lo mzuzu sithetha ngawo ubatho wabantu iA.N.C. iphantse kotshutshiso lwanaDlagusha. Abantu abaninzi bazizisulu zokunkulwa ngabocuphi abangoboji, Gazi noBundla kaSoga phantse kobunkokholi bukadu Froese. Iinjongo zikaVorster kukubulalala iKhongosi khona ukuze abantu bangabinabo ubunkokholi kulonithotho upasayo. Bafuna ukusibulala isizwe osintsundu ngala ndlela uHitler noEichmann babulala ngayo anaJuda anga6,000,000 oYurophu. Ngako oko yona iA.N.C. izicisole ukuzenza idini oganani lenkululeko nontlalo-ntle wabantu.

QWALASELA KAKUHLE.

Ukuqibela kwethu ukakhupha iphophu kwaye kwephusa iphophu oganani loA.N.C. liphuna kusaDlagusha ngonjongo zokulahlakisa abantu. Ngako oko kulindolekile eava kweli phantse anaDlagusha akhuphe omnye unogogwana.

AMANDLA!! NGAKETHU!!

LYANDYA IAFRIKA!!

Each # I
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1964.

At the present moment, all the Nations of Africa are preparing to show how important is this great day. The Africa Day, the fifteenth April, to many people, especially to the enemies of social welfare and the Freedom of the people. They cannot understand how important is this day.

However, it is necessary that everybody who is under the yoke, of bondage and slavery of the boer, should know how important is this day.

The whole world is focussing its eyes on Africa.

The nations of Africa are fighting at all times to attain the freedom of Africa and its unity, but the rich countries overseas are trying to break down this unity, with the intention of exploiting the riches of Africa, so that Africa must never reach its prosperity and its children with fall prey to hunger.

On the otherside the nations of Asia, Latin America and those of the Communist block, are standing on one side helping the Africa Nations to fight this country's small pox, the Apartheid. But on the otherside, the rich countries overseas, led by America, Britain and France, are protecting the Apartheid Small pox they say it must distroy the people of this country because they (the rich countries) are benefiting through Apartheid. But now the rich countries are becoming shy to protect this small pox. We can at least say that these are the results of the 15th April, with which we commemorate all the years as oppressed people, also the people who wants Freedom, whether there is '90 days' or no '90 days'.

On this day, 15th April, 1958, nine nations, Ghana, Morocco, Egypt, Libia, Ethiopia, Suda, Tunisia, Geanea and Liberis, met with intention of uniting in order to fight, to help people who are still under the bondage yoke of slavery all over Africa up to South Africa.

Again, all the organisations that were fighting for freedom in places that were smelling of people blood which was spilt and eaten by the enemies of humanity, were asked to participate fully, advise and decide the necessary actions to distroy the persecution and discrimination in Africa, especially in South Africa.

In that conference which was in Ghana, the people of this country who are persecuted because of their colour being not white, were represented by the African National Congress. The African National Congress, expressed concern against the pass iniquity on man and woman, salaries, which are the cause of T.B., deformities of children, polio and small pox, which had befallen all non-white people, Bantu education which is introduced for the sole purpose of keeping us dull servants for ever and the savagery carried on by the Official of satan and barbarism, Matanzima.

The decisions that were taken here in that conference are concerned with the liberation of Africa by bloodless means, so that there would be no hatred after the forces of barbarism had been overthrown, but it is agreed upon with the oppressors who did not understand the language of bloodless struggle. That being the case, harsh language can also be used. The harsh language can then put the enemy into trouble until it can understand or be destroyed completely.

At the time when people of Algeria under the leadership of the National Liberation Front of Ben Bella which was underground, persecuted at all costs by the barbarians of France, under the cloak of western civilisation.

They shed blood on the mountains in the reserves, in towns and locations. BEN BELLA himself was in the dark gaol with his 80,000 comrades in the gnashing of teeth facing the enemy. All filthy and painful things were done on them by the French with the intention of destroying the organisation of those people in that country, but the history of that country shows that the fools and persecutors were overthrown in 1962 and the people attained their birthright Freedom.

Today, Algeria is one of the countries that are prepared to support us in our struggle, especially when the struggle had reached this critical stage.

Regarding the decisions compiled for the bloodless struggle, the conference took these decisions concerning this country of our, which is smelling with apartheid iniquity. (a) All the nations had decided to withdraw their ambassadors from this country and will in turn exile the 'BOER's ambassadors from those countries. (b) To withdraw the right of BOER aeroplanes to fly over African soil. (c) Withdrawal of trade between the nations of the world and the BOERS. The exile of the BOERS from all the world-nations organisations in order to show the apartheid, small pox of this country., the discrimination against the non-white people because of his colour. (e) To support the organisations that are fighting for the people's freedom of this country which are looking forward to overthrow the Boer Government. (f) To chase the Boer out of the important organisations of all world nations.

At present, the nations that had been liberated, are 34, although, on 15th April, 1958, they were only 9. Their task is to work and do all they can to put the decisions reached in Accra on this 15th day of April 1958, into effect.

The nations of Africa are doing, and have done, all they can to change the hearts and hard brains of the Boer barbarism by bloodless means, but what is more peculiar, is the growth of barbarism and Satan of Boer, because of the support and courage it gets from rich America, Britain and France. The shooting of unarmed people, like wild animals in 1960, indicated that the servants of Satan, the perpetrators of bad deeds are not prepared to withdraw the persecutions, instead they are increasing every day and are determined to answer peoples grievances with bullets and knob-kieries.

That being the case, it became clear that it was not wise to speak the language which the enemy did not understand. That is why today, the freedom enemy is panic-stricken and now making unjust laws so as to destroy the people's organisation.

At present the Boer have passed a filthy bill, more filthy than Satan, the Bantu laws amendment Bill in their parliament in Cape Town. That bill, amongst other things is purpeted (i) to deprive the people of their birth-rights in the towns, whether you are born there or not, (ii) Whether you have been staying there continuously or not, (iii) Whether you have been employed for one employer for ten years or not. All those rights are washed away, everybody will be sent to the Transkei and will come to town by joining contract. All this will be done forcibly at the point of a gun.

Again, at present the people's organisation, the African National Congress is under persecution of the Boer's. Many people are falling prey to the corruption of Detectives such as George, Gasa and Banda Soga, under the leadership of Du Preez. Vester's aim is to destroy the African National Congress so that the people should have no leadership in this passing law. They want to kill the black nation in the same manner as Hitler and Eichman did when they killed the Six million Jews in Europe. That being the case, the A.N.C. is prepared to sacrifice itself for the cause of freedom and Social welfare of the people.

NOTE WELL.

When we last issued a leaflet, a leaflet in the name of the A.N.C. was issued by the Boers, in order to mislead the people. That being the case, it is inevitable that after this leaflet, the Boers will issue another center leaflet.

STRENGTH IS OURS.

ISSUED BY THE AFRICAN NATIONAL CONGRESS.

CHARGE SHEET—KLAGSKRIF. SAAK No. R.C. 26. 65 CASE

| | | |
|--|---|--|
| Police station. Polisie kantoor. New. Law Courts | R.C.A. No. R.A.A. 174/10/63 | Investigation officer. Ondersoekbeampte. |
| District/Division. Distrik/Afdeling. Eastern Province | Place of trial. Plek van verhoor. Humansdorp | Date of trial. Datum van verhoor. 15.9.1965 |
| Presiding officer. Voorsittende beampte. Mr. J.L. Cilliers | Public prosecutor. Staatsaanklaer. Mr. E. Klusmann | |
| For defence. Vir verdediging. Mr. N.M. Mac Arthur | Interpreter. Tolk. Mr. S.N. Njadu - Xhosa. | |
| Finger-prints taken./not taken. Vingerafdrukke geneem./ XXXXXXXXXX | In custody./On bail./Warned. In hegtenis./ XXXXXXXXXX | |

THE STATE versus—DIE STAAT teen

Insert following particulars after each accused's name:—

- Sex
- Race (whether South African born or otherwise).
- Occupation.
- Approximate age.
- Identity number.

AS PER ATTACHED ANNEXURE "A"

(hereinafter called the accused) (hierna die beskuldigde(s) genoem)

Vul die volgende besonderhede in na die naam van elke beskuldigde:—

- Geslag.
- Ras (of in Suid-Afrika of elders gebore).
- Beroep.
- Ouderdom (ongeveer).
- Persoonsnommer.

charged with the offence of AS PER ATTACHED ANNEXURE "B" / beskuldig van die misdryf van

in that upon (or about) the day of 19 / deurdadig op (of omtrent) die dag van

and en / in the said District/Division in voormelde distrik/afdeling,

the said accused did wrongfully and unlawfully / genoemde beskuldigde(s) wederregtelik

| | |
|----------------------------|---|
| Plea on Pleit op | 19 |
| Judgment Uitspraak | All accused not guilty to all the charges. |
| Sentence Vonnis | Accused 1,2,3,4,6,7, & 9 - guilty all counts. Accused 5 Guilty cts. 1,2,3, & 6 - Accused 8 guilty cts. 1,2,3,5, & 6. |
| PER ANNEXURE "C" ATTACHED. | |
| Date Datum | 15.9. 1965 |
| | J.L. Cilliers. Magistrate/Regional Magistrate. Landdros/Streeklanddros. |

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IN THE REGIONAL COURT FOR THE EASTERN CAPE DISTRICTS.

HELD AT HUMANSDORP

CASE NO. RC 26/1965

DATE: 30th August, 1965.

THE STATE versus MOUNTAIN MGALONKULU AND 8 OTHERS.

BEFORE: MR. J.L. CELLIERS.

FOR THE STATE: MR. E. KLUSMANN.

FOR THE DEFENCE: MR. N. MacARTHUR.

CHARGE: A.N.C. (6 Counts)

PLEA: NOT GUILTY.

CONTRACTORS: LUBBE RECORDINGS (PTY.) LIMITED.

THE PROSECUTOR informs the Court that the charge sheets have been served on the accused.

MR. MacARTHUR: The Plea is not guilty to all charges by all the accused.

HARRY GLADILE (sworn), states:-

EXAMINATION BY THE PROSECUTOR: You are a detective Sergeant in the employ of the South African Police, stationed at Port Elizabeth? --- Yes, your Worship.

You are attached to the Security Branch? --- Yes.

During the years 1960 to 1964, where were your stationed? --- I was at Port Elizabeth.

And in which location? --- At Kwazakele Location.

I show you Exhibit 'A'. Do you know this pamphlet? --- Yes, your Worship, it is a photostatic copy similar to pamphlets I picked up on the 26th of June, 1961, in the Kwazakele and New Brighton locations, Port Elizabeth.

Where did you pick them up? --- In streets, lanes and at bus stops.

On the 25th of June, 1961, were you on duty? --- Yes.

Until approximately what time? --- Till about 10 p.m.

Were those pamphlets in the streets and lanes where you found them? --- No.

And when on the 26th of June, 1961, did you find these pamphlets? --- From about 6 a.m. in the morning.

In other words, they had to be distributed between 10 p.m. and 6 a.m. on the night of the 25th - 26th? --- Yes.

Are you a Xosa linguist? --- Yes.

The pamphlet, Exhibit 'A', that is in Xosa? --- Yes.

Can you speak, read and write English? --- Yes.

Did you prepare a translation of Exhibit 'A'? ---

/ Yes

Yes, I did.

Is this the translation, Exhibit 'B'? --- Yes it is.
Will you just read out the translation? --- (The witness reads out Exhibit 'B' to the Court.)

Now that translation, did you do it to the best of your ability? --- Yes.

And you adhere to that translation? --- Yes.

What was the result of the issue of the pamphlets? --- People went to and from work on foot. Those who made use of buses were assaulted.

In the evenings were anything done? --- Small fires were made outside.

These pamphlets that you found, were there few of them or can you give the Court an idea of the distribution? --- There were many of them.

Now I show you a further pamphlet - that will be Exhibit 'C'. Do you know that pamphlet? --- This is a photostatic copy similar to pamphlets I picked up on the 26th of June, 1962.

Where did you pick them up? --- In New Brighton and Kwazakele locations, Port Elizabeth.

And here again, can you indicate to the Court the extent of the distribution? --- Picked up many of them.

BY THE COURT: Where were they? --- Streets, lanes and bus stops, your Worship.

BY THE PROSECUTOR (contd.): As in the case of Exhibit 'A' did you also prepare a translation of Exhibit 'C'? --- Yes.

And was that also done to the best of your ability? --- Yes.

Will you just read out the translation of Exhibit 'C'? --- (Witness reads out Exhibit 'D' to the Court)

Do you also adhere to that translation, Exhibit 'D'? --- Yes.

/ What

What was the result of the distribution of this pamphlet? --- People went to and from work on foot. Those who made use of buses were assaulted.

I show you a further pamphlet, Exhibit 'E'. Can you tell the Court anything about that pamphlet? --- This is a photostatic copy similar to pamphlets I picked up during May, 1963.

And where did you find these pamphlets? --- Kwazakele and New Brighton locations, in the streets, lanes and bus stops.

This pamphlet is in English? --- Yes.

And what was the extent of the distribution as regards this pamphlet? --- I picked up many of them.

The pamphlet Exhibit 'E', the original one, was it the same as that one? --- No, it is not the same. That pamphlet was one leaf, printed on both sides.

And this present Exhibit 'E'? --- This is in two leaves.

Which are attached to each other by staples? --- Yes.

CROSS-EXAMINED BY MR. MacARTHUR: Sergeant, you say the effect of these pamphlets was to cause people who made use of buses to be assaulted. The effect of the freedom pamphlets of the 26th of June, was to cause people who used the buses, to be assaulted? --- No, I did not say so.

Let me put it another way. You were asked by my learned friend, what was the effect of these pamphlets which were issued on the 26th of June, 1961 and 1962? --- Yes.

Your reply to that was that people who made use of buses were assaulted? --- I said that people went to and from work on foot, and those who went on buses, who made use of buses, were assaulted.

Yes, that is what I put to you just now? --- Yes.

Is this true of every person who used a bus on those

days? --- Some got chances to use the buses, not all of them did not use the buses. Some got chances, for instance if policemen arrived at the bus stop, they had a chance to get the buses.

I am talking about the assaults at the moment, Sergeant. Was everybody who used a bus assaulted on that day? --- As far as I am concerned yes.

Therefore there must have been hundreds of assaults on that day? --- I won't say hundreds.

How many would you say? --- I would not know. Some people didn't

You don't know? --- No, I don't know.

How many people were assaulted? --- No.

In other words, you are merely saying this on what somebody has told you? --- I saw some people at the charge office who went to make a complaint there of having been assaulted at the bus stops.

And did you investigate these yourself? --- No, I did not.

So you don't know anything about them, how true these statements were? --- No, that's right.

As far as Exhibit 'E' is concerned, the one you have got in your hand, what was the exact date of distribution? --- No, there was no exact date. I can't remember on which day I picked it up.

Was it the beginning of May, middle of May? --- It was the beginning of May if I am not mistaken.

Towards the beginning of May? --- Yes.

You don't remember the date? --- No, I don't remember the date.

RE-EXAMINATION BY THE PROSECUTOR: Do you know of persons who were in fact convicted for assaulting persons at bus stops? --- Yes, there are some who were convicted. I cannot

/ remember

remember who they are now.

Where police arrived at bus stops and persons boarded those buses, could they have been assaulted then? --- No.

WILSON DONDASHE (interpreted) (sworn), states:-

(INTERPRETER: S.N. Njadu)

EXAMINATION BY THE PROSECUTOR: Do you know of the organisation known as the African National Congress or the A.N.C.?

--- I do.

Did you become a member of this organisation? --- I did.

BY THE COURT: When did you become a member? --- In 1952.

BY THE PROSECUTOR (contd.): At that time, where were you living? --- In Walmer location, Port Elizabeth.

Did you move away from Walmer? --- Yes, during November, 1960.

Where did you go and stay? --- At Kwazakele.

Do you know whether this organisation, the African National Congress, was banned? --- Yes, I was fully aware of that.

Can you remember when it was banned? --- Yes, I can remember. During April, 1960.

After the banning of this organisation, did it cease its activities? --- There was a pause, but I was still a member working for the organisation.

You say there was a pause. After this pause did the organisation cease to function? --- Yes it did.

Did it cease, did it stop functioning after the pause? --- It continued after the pause.

Now, did you become a member of any section of the Kwazakele branch? --- I did become a member.

Of what branch or ward? --- I was in ward G.

Could you tell the Court what activities were carried on? --- Yes, I can tell the Court. I attended the A.N.C.

meetings and I did contribute to the A.N.C. I attended A.N.C. concerts. I attended the tea parties as well. And I distributed A.N.C. leaflets.

These meetings, can you remember when these meetings were held? --- I cannot remember the day but I can remember the year and the month.

What I am trying to get at is this, how often were these meetings held? --- There were many meetings.

Yes. Now - in a week, how many times did you meet? --- Once a week on Thursdays.

And where were the meetings held? --- We met at Jafta's place, a steward.

Every time at the same place? --- No, there was a rotation amongst the stewards.

Now, can you remember of any specific meetings which were held? --- Do you mean after the meeting we held at Jafta's place?

Alright, we will start at the house of Jafta. You say a meeting was held there? --- Yes.

When was that? --- During November, 1960.

What type of meeting was this? --- Jafta addressed us about the A.N.C. that had been banned in 1960.

Yes, what else did he say? --- He then told us that the A.N.C. was not prepared to cease its functioning but it would go on by underground.

At this meeting - by the way, who is Jafta first? --- Jafta was a chief steward.

Can you remember who all were present at this meeting at Jafta's house in November, 1961 - 1960, I am sorry? --- I am not sure that I can remember everybody that was present.

BY THE COURT: Mention those that you can remember? ---

Jafta was there, Krisjan was there - Charlie Krisjan.

BY THE PROSECUTOR (contd.): Is he present in Court? ---

(Accused No. 3). Mseti was also there.

Do you see him in Court? --- Yes - accused No. 4.
Bikie.

Is he present in Court? --- Accused No. 6. Mgalonkulu
as well.

Is he present? --- Accused No. 1. Tshali as well -
accused No. 2. Philemon Buti as well - accused No. 7.
Tuselo as well, Rodger is his name, but I do not see him.

Rodger Tuselo? --- Yes. Richardson Kulelo, who is
not in Court at present. George Matshini as well.

Is he present in Court? --- No.

Yes, anybody else? --- I, Dondashe, was also present.

Are there any others that you can remember? --- Those
are the only persons I can remember.

Can you remember any other meetings? --- There can be
other meetings that I do remember.

Yes, do you remember when it was? --- It was during
June, 1961.

Can you remember at whose house this was held? --- Yes
I can. At Kulelo's house - Richard Kulelo.

What type of meeting was this, for what organisation?
--- An A.N.C. meeting.

Can you remember what was discussed at this meeting? ---
I can. Ngoyi was the speaker on that day. On that day
Ngoyi told us that Congress, the A.N.C., is now tired of
speaking to the Boer Government. He said now the A.N.C.
was prepared to exercise violence.

Yes, did he say how? --- He said as we were there,
every man who comes to a meeting, must be armed, such as
hammers, axes, spears, revolvers.

What were they supposed to do with those weapons? ---
So that if a policeman enters the house where we are holding

a meeting, we should kill him on the spot.

Can you remember who was present at that meeting? --- All the people I have mentioned were there, excepting Pendu and Rulashe (accused Nos. 5 and 8). Only those two were not there.

At the first meeting, do you know whether accused No. 5 and accused No. 8 were there? --- No, they were not there.

At the first meeting, that is in November, 1960? --- The 1960 meeting.

And at the second meeting, were they there? --- They were not there. Moses was not there during the first meeting but he was there during the second meeting. (Accused No. 9)

So now, do I understand you correctly, all the persons you mentioned in the first meeting were there plus accused No. 9. Is that right? --- During the second meeting.

And at the second meeting you indicated accused Nos. 5 and 8 were not at the first or second meeting? --- No, they were not there.

Can you remember any further meetings? --- There can be another meeting. That was during June, 1962.

Can you remember where this meeting was held? --- Yes I can. At Moses' house.

Who is Moses? --- Accused No. 9.

Who addressed this meeting? --- I, Dondashe, addressed the meeting.

Could you tell the Court on what you addressed this meeting? --- I addressed the meeting and said: "Comrades, I have good tidings for you today. I said today the A.N.C. has a new branch, named "Umkhonto we Sizwe" (in English "Spear of the Nation"), and I said now this branch will fight for the A.N.C." And I said, "As we are here, we must procure money, a lot of money, because this branch

/ will

will use money to buy arms. And the Head House wants the money to send it to other countries."

To do what? --- To buy arms.

At this meeting, can you remember who were present?

--- We were all there.

(COURT ADJOURNS)

ON RESUMING - EXAMINATION BY THE PROSECUTOR (contd.):-

Now, could you tell the Court at the third meeting, that is in June, 1962, who were all present? --- We were all there, all except accused No. 5, Pendu.

Right, shall we just go through the accused first.

Accused No. 1, was he present? --- Yes.

Accused No. 2? --- Yes.

Accused No. 3? --- Yes.

Accused No. 4? --- Yes.

You say accused No. 5 was not present? --- He was not present.

Accused No. 6? --- He was there.

Accused No. 7? --- No. 7 also was there.

Accused No. 8? --- He was present.

And accused No. 9? --- He was present. And the others who are not here in Court. Richardson Kulelo, Robert Tusebe. Matshini was also not there.

Not there? --- He was there. Jafta was there.

BY THE COURT: Anybody else? --- Those are the persons I remember, your Worship.

BY THE PROSECUTOR (contd.): Now, at this meeting in June, 1962, besides yourself, did anybody else address this meeting? --- Yes. Accused No. 9 explained to the comrades that we would now gain freedom.

Can you remember any further meetings? --- I can remember a further meeting. During July, 1963 - no June, 1963.

/ What

What meeting was this? --- At that meeting I advised the other stewards that people in New Brighton and Walmer who belonged to the A.N.C. had been arrested. I advised them that in this ward there were tell-tales, Mdwayi, Mangesana and Xashibe.

What did you tell the meeting? --- I advised them that A.N.C. members from Walmer and New Brighton had been arrested and that in this ward there were tell-tales - people who give away information.

BY THE COURT: And you mentioned their names? --- Yes, I did.

BY THE PROSECUTOR (contd.): Who all were present at this meeting? --- We were all there, full attendance.

The accused now before Court, were any of them not there? --- They were all there.

All nine accused. And Robert Tusebe, was he there? --- He was also there.

Jafta? --- He was also there.

And this person Kulelo? --- He was also there.

Matshini? --- He was also there.

You indicated that amongst the activities in which you took part, you distributed pamphlets? --- Pamphlets like what?

Hadn't you people distributed pamphlets? --- Yes we did distribute pamphlets.

I show you Exhibit 'A'. I just want you to have a look at it first, the contents? --- Your Worship, this paper, although the writing is now rather dark, but I did distribute such a paper during 1961. This one seems to be smudged, and the writing was black on white.

BY THE COURT: When was that you say? --- During June, 1961.

BY THE PROSECUTOR (contd.): What can you tell the Court about this pamphlet, what did you do in June, 1961? ---

During that period we told the stewards that people had to walk to work and back, not to use the buses, and when one

returns from work, one should make a fire outside the house, call the children together and converse with them.

I see. Now, as regards this pamphlet, was anything done with it? You people as a cell, or ward, did you do anything in regard to it? --- We distributed the pamphlet within the ward.

Who distributed this pamphlet, Exhibit 'A'? --- We all distributed the pamphlet, Exhibit 'A'.

BY THE COURT: Just tell me where did you get it from? --- From Jafta's house, your Worship.

Who handed them out? --- Jafta, the chief steward then.

Did he hand them out in his house? --- They were in Jafta's house.

How did it happen that you were there? --- Your Worship, it was pre-arranged by Jafta that Jafta wanted us to be at his house at about eleven.

So he summoned you to his house? --- Yes.

What time? --- Eleven p.m.

BY THE PROSECUTOR (contd.): When you say all were present, who was the "all" that you mean? --- Except accused Nos. 5 and 8. They were not there at the time. The others were all there.

BY THE COURT: Accused Nos. 5 and 8 - you say they were not there at the time? --- They were not there at the time.

Did they turn up at all, or not? --- They did not turn up.

BY THE PROSECUTOR (contd.): Where were these pamphlets, Exhibit 'A', distributed? --- At the houses, underneath the door. If there is a dog, one had to put it outside and put a stone on the pamphlet.

I show you a further pamphlet, Exhibit 'C'. Will you just have a look at that pamphlet? --- Your Worship the wording is similar to the one we distributed, although this one

rather smudged and the writing is illegible.

Can you remember when this was that you saw it? ---
Also in June, 1962.

This wouldn't be "also" - at any rate, where did you
get this pamphlet? --- I gave this pamphlet to the cell
stewards to distribute.

Was the same procedure followed, put it under doors
and where there were dogs, put a stone on the pamphlet? ---
The same procedure was followed.

BY THE COURT: What was your position at that time? ---
During 1962 I was the chief steward.

When did you take over? --- I took over from Jafta
during May, 1962.

BY THE PROSECUTOR (contd.): In which area was this Exhibit
'C' distributed? --- In Ward G.

BY THE COURT: Kwzakele? --- Kwazakele your Worship.

BY THE PROSECUTOR (contd.): Who were the persons who dis-
tributed this pamphlet, Exhibit 'C'? --- All of us, with
the exception of accused Nos. 5 and 8.

BY THE COURT: By the way, where did you hand these out? ---
At my house, your Worship.

BY THE PROSECUTOR (contd.): I show you a further pamphlet,
Exhibit 'E'? --- I know Exhibit 'E' as well.

Where did you see it for the first time? --- I also
issued this pamphlet at my house.

BY THE COURT: When? --- During May, 1963.

BY THE PROSECUTOR (contd.): And who all were present then?
--- We were all present then.

Is that all the accused? --- All the accused were present.

And was the same procedure followed there? --- The same
procedure was followed.

As regards Exhibit 'E', was it in the same form as it is
now? --- That pamphlet was not in two, it was written on

/ both ...

both sides.

You also indicated that in fact you paid subscription, is that right? --- Yes.

When were these subscriptions paid? --- On Thursdays at the meetings.

BY THE COURT: every Thursday? --- At the month end.

BY THE PROSECUTOR (contd.): Besides yourself, did you see any other persons contributing? --- Yes, I used to see persons contributing.

Who all? --- All the persons I mentioned.

Does that include all the accused, did you see all the accused contributing? --- Yes.

BY THE COURT: What was the subscription? --- Before the A.N.C. was banned, we used to pay 25c. That was a yearly contribution. After the organisation was banned, we used to pay 20c. per month.

And is that what you all paid? --- Yes.

BY THE PROSECUTOR (contd.): When I spoke about the contributions, that you saw all the accused contributing, was that the 20c. that you are talking about now, after the banning? --- Yes, after the banning.

You also indicated that meetings were held on a rotatory basis amongst the members, amongst the cell stewards? --- Yes.

Are there any members of your ward or cell that you did not attend a meeting at? --- Not a single meeting did I not attend.

Can I just get that clear, Mr. Interpreter.

BY THE COURT: Where did you have the meetings, at what sort of a place? --- At the houses of the cell stewards, your Worship, in rotation.

BY THE PROSECUTOR (contd.): I see. Now, amongst the accused, did you attend any meetings at their houses? --- Yes.

/ Are

Are there any of the accused at whose houses you did not have meetings? --- All the accused, I attended meetings at their houses.

Now, in your evidence you have indicated that you have spoken at some meetings and somebody else had given pamphlets out. Could you explain to the Court the constitution of your particular ward or particular cell? Shall we first take it this way: How many chief stewards were you? --- Jafta was the prime steward, I was the chief steward, the others were cell stewards.

Were you the only chief steward there? --- In my ward, yes.

Accused No. 9, did he hold any position? --- Except that he once addressed that meeting where I spoke also of the Spear of the Nation, he was not a chief steward.

But what was he then when he spoke at this meeting? --- He was a cell steward then.

This particular ward of yours, was it more than one cell or was it only one cell? --- There were a few of us so we all combined and we formed a ward.

BY THE COURT: A few in what? --- In one home.

BY THE PROSECUTOR (contd.): A cell consists of certain members, is that correct? --- Yes.

And a ward consists of what? --- In a cell there are about two or three people, so I could not be chairman of those people, so we formed a ward in order to have many people.

That is what I am trying to find out. Is a ward then different cells who have combined? --- Yes.

And can you tell the Court how many of these cells combined then in ward G? --- Four.

Is it correct that in each cell there is a chief steward

in charge of each cell? --- Yes.

Could you give the Court the chief stewards of the four different cells who joined up to make the ward G? --- Yes.

Well, give the Court the names? --- Lungile Jafta, Wilson Dondashe (myself), Goodwin Tjali and Richardson Kulelo.

As regards accused No. 9, did he ever become chief steward of any one of these different cells? --- Yes, he did become a chief steward.

BY THE COURT: Of a cell? --- Yes, in Jafta's place your Worship.

BY THE PROSECUTOR (contd.): Whose place did you take? --- Jafta was made a prime steward and I became a chief steward.

Yes, in his place? --- In Jafta's place.

And accused No. 9? --- There were four zones. When Jafta was arrested accused No. 9 then became a chief steward.

Oh, I see.

BY THE COURT: You say Jafta was arrested and accused No. 9? --- Took over your Worship.

As what? --- As chief steward. If the four zones would be there.

Was Jafta not a prime steward by then? --- Your Worship, all the wards were amalgamated and Jafta was arrested, so accused No. 9 had to take his part. If the zones had to be separated your Worship, accused No. 9 would have to take Jafta's place. Since we were all then together, Jafta was the prime steward and I was the chief steward.

(NO FURTHER QUESTIONS BY THE PROSECUTOR)

(COURT ADJOURNS)

ON RESUMING AT 2 P.M.

CROSS-EXAMINATION BY MR. MACARTHUR: Now Dondashe, you became a member of the A.N.C. when? --- During 1952.

And was your membership of this organisation consistent

/ right

right up to the banning? --- Yes.

What was your position in the organisation before the banning? --- I was a member.

I see. You had no status or no leadership or standing whatsoever? --- I have some literature your Worship - I am literate.

BY THE COURT: No. Did you hold any office, were you a secretary or chairman or anything like that? --- At that time I did not hold office

BY MR. MACARTHUR (contd.): And when did you come to Kwazakele? --- November, 1960.

And at that time did you have anything to do with the unbanned movement A.N.C.? --- At the time of my arrival?

Yes, when you arrived at Kwazakele? --- I had, but I heard at the first meeting that the organisation would go underground.

I know you heard that. But did you have anything to do, when you arrived at Kwazakele in 1960, had you had any dealings with the A.N.C. underground? --- I was a member yes.

When did you hear first of all that A.N.C. was banned? --- During April 1960.

At that time you were at Walmer? --- Yes, that time I was at Walmer.

Now, when you heard it was a banned organisation at Walmer, did you take part in any activities between April, 1960, and November, 1960? --- Apart from the membership there is nothing that I did.

BY THE COURT: You did not have meetings? --- No your Worship.

BY MR. MACARTHUR (contd.): Now when you got to Kwazakele, presumably somebody got hold of you to come to this first meeting you told us about? Somebody told you?

BY THE COURT: That there was going to be a meeting? ---

Jafta told me about the first meeting, your Worship. It was a few days before the meeting.

BY MR. MACARTHUR (contd.): Had you met Jafta before this particular meeting? --- We met at a beer drinking.

How long before you went to this meeting? --- A week and a few days, two or three, before the meeting.

Before that you had never met or known Jafta before, is that correct? --- He was an acquaintance of mine.

When did you first meet him, that is the question I want to put.

BY THE COURT: In all your life. Since when did you know him? --- I first saw him at the race course.

When was that? --- About 1960 your Worship.

BY MR. MACARTHUR (contd.): You are a gambler, are you? --- I am.

You gamble on anything, apart from horses? --- Only on horses.

Not on dice? --- Not on dice. Those are things for boys.

So the first time you saw Jafta in 1960 - when did you first discuss A.N.C. activities with Jafta? --- We started at Jafta's house.

No, but didn't you talk about the A.N.C. before the meeting at Jafta's house? --- We met at a beer drinking and Jafta advised me to call at his house where he would explain the A.N.C. activities.

And this was a week and a few days before the actual meeting in November? --- I agree.

You knew it was a banned organisation, didn't you? --- Yes, I knew.

Why did you go to this meeting at Jafta's house then? --- It was because I had not yet achieved freedom.

There was no compulsion upon you to attend, is that

correct - in other words, was it voluntary? --- I voluntarily attended this meeting.

Now this was the first meeting in this particular area? Is that right? --- Yes, it was.

Did you not discuss other things apart from the fact that the A.N.C. was now underground? --- Many things were discussed at the meeting, but I cannot remember everything that was discussed there.

Was this organisation discussed? --- Yes, extensively.

Right, let us discuss the organisation now. What was the organisation to be, that was mentioned at that meeting, how was it to be organised, the A.N.C. in your group? --- Jafta told us that the organisation was not prepared to cease its movement although the Government banned it.

When I talk about organisation, I mean who was to be the chief steward and who were to be the cell stewards and all the rest of it? --- Jafta said he was the chief steward as we had assembled in his house. The others who assembled were cell stewards.

How many little cells had come to that meeting, at that first night? You told us that there were different little cells that came together in this big cell, one big zone or ward as you call it? --- I have already said that accused Nos. 5, 8 and 9 were not there.

This is a simple question. Let us start from the beginning again. When you got there there were a certain number of little groups there at this meeting, is that right? --- Yes.

How many of those little groups were there? --- I said there were four cells. I could not say who belonged to the 1st, second, third or fourth. I cannot name them.

BY THE COURT: When you assembled there on the occasion of

this first meeting, were you people who were present, told now that you were representatives of four different cells, or did you only find that out later on? --- Jafta told us that if the number increased, we would have four cells, each cell with a leader, but there were not many people, so that plan did not work.

If you say it did not work, what do you mean? Did your membership increase or did it remain as it was? --- The membership remained as it was.

BY MR. MACARTHUR (contd.): But all the time you were connected with this ward, as you call it, you say the membership never increased? --- The membership did not increase.

So when you all came there that evening, there was no chief steward of any organisation apart from Jafta? --- Jafta was the only chief steward.

What did you mean when you said earlier on that there were four cells? --- We were planning this. We thought that if the membership increased, somebody would be at the head of cell one, one at two, three and four respectively. But that did not work.

It never in fact worked at all, up to the time of your arrest and the arrest of the accused? --- It did not work.

So when you told his Worship earlier on that there were four chief stewards for individual cells, they were never actually chief stewards - it was only contemplated that they would be chief stewards, is that correct? Just to be quite certain on that point:

BY THE COURT: You say you contemplated that but it never worked. Do you then mean that these four cells, they never functioned separately - they did not have meetings in separate cells, they all came together as one ward for every meeting? --- They all came together as one ward.

Tell me, the area of this ward, was it a small area or rather a big area? --- (Interpreter: The description rather puzzles me. It is a big area, I know Port Elizabeth, but it is quite a big area.)

And these members, were they scattered all over the area? --- Yes, they were.

BY MR. MACARTHUR (contd.): So, just to be quite clear on these four chief stewards that you said: Longele Jafta, Wilson Dondashe, Goodwin Tjali and Richardson Kulelo were never chief stewards? --- No. We never became chief stewards, but that was the plan.

Now, you say that the ward you were in - this is Ward G, is it? --- Yes.

Had members scattered all over? --- Yes.

What was the furthest member, how far was the furthest member away from say Jafta's house, he was the chief Steward? --- Michael Biekie was the nearest to Jafta (Accused No. 6)

Who was the furthest from Jafta's place? --- Goodwin Tjali was the furthest.

Where did he live? --- Near Kakaban.

Is that one of the Port Elizabeth townships? --- Yes, at Kwazakele, in our area.

In the Kwazakele location? --- Yes.

What was the number of this man's house, Goodwin Tjali, do you know? --- I don't know if I still can remember it. I will try - I will remember it was 1159, but I have forgotten the other number.

And did you have people living in townships other than Kwazakele in your particular ward? --- No.

Everybody lived in Kwazakele who was in your ward? --- Yes.

And this last one was the furthest away, Goodwin Tjali was the furthest away from Jafta? --- Yes.

Now, continuing with this organisation: How many members altogether did you have then in ward G, in November, 1960? --- I cannot remember the number.

You say the numbers never increased all the time it existed? --- It remained the same.

And you were the chief steward of this - did you say you were chief steward? --- Yes, I became a chief steward.

Well, how many men did you have under you? --- It is quite a period, I cannot remember.

Were it so many people that you can't recall? --- They were not very many but they were bordering ten.

Well, perhaps you can remember their names, if you can't remember their number. Give us their names? --- I may remember their names.

BY THE COURT: Let us get all the names at all times, whether they were there right in the beginning or later on. All the people who belonged their to your ward G? --- I may guess and try to remember correctly, but I do not think that I will be accurate.

Yes, well then start and tell us as many as you can and at the end you can tell us whether there were more that you can't remember - we will do it that way? --- Lungile Jafta was the first one, Mountain Mgalonkulu, Goodman Tjali, Jackson Maseti, Michael Bikie, Philemon Buti, Richardson Kulelo, George Matshini, Rodgers Tuselo and myself. Those are the persons I still remember.

You - those that you mentioned here, Lungile Jafta, is he here before Court? --- No, he is not in Court.

Mountain? --- Yes he is here (accused No. 1).

Goodman Tjali? --- Yes, he is here (accused No. 2).

Jackson Maseti? --- Accused No. 4.

Michael? --- Accused No. 6.

Philemon Buti? --- No. 7 your Worship.

Richardson? --- He is not here in Court.

George Matshini? --- I do not see him here.

Rodgers? --- He is also not here.

You mentioned 10 names. Were there more than these ten?

(PROSECUTOR: Your Worship, can we get clarity on that point - when was this supposed to be?)

Were there more? Just bear in mind what I said: We want the names of people who were members of ward G, all the people from the time that you started in 1960 till the end, I want all names of all people who were members of your zone during that period? Whether they were at the first meeting or not. They may not have been at the first meeting - perhaps they might have been a year later - I want all those names, is that clear now? --- Only the three members that I mentioned who were not at the first meeting.

Who are they? --- Accused Nos. 5, 8 and 9.

Name them? --- Pendu (accused No. 5), Rulashe (No. 8)

BY MR. MACARTHUR: What did you say his first name was? --- If I am not making a mistake, his name is Wellington.

BY THE COURT (contd.): And then the last one? --- His name is Moses, your Worship.

Do I understand you then that they were members but they were not there at the first meeting? --- At the first meeting they were not there.

BY MR. MACARTHUR: What is No. 9's christian name? --- If I do not make a mistake, I think his name is William.

(COURT ADJOURNS)

ON RESUMING - CROSS-EXAMINATION BY MR. MACARTHUR (contd.):-

Dondashe, you gave his Worship the names of those people who were members of the group? --- Yes I did.

/ Now

Now, I will go through this list again, and this - I want it to be quite clear - is a list of all the people who were in your ward from the time it started in November until the time it stopped functioning? --- All the names are there.

You mentioned Jafta's name? --- I mentioned Jaft's name.

Mountain's name? --- Yes.

Goodman Tjali? --- Yes.

Jackson Maseti? --- Yes.

Michael Biki? --- Yes.

Philemon Buti? --- Yes.

Kulelo? --- Yes.

Matshini? --- Yes.

Tuselo and yourself? --- Yes.

Now were there any other people in this organisation apart from those ten that I have mentioned? --- The first ten people were the people who attended the first meeting.

BY THE COURT: The question is, apart from those ten, were there others? --- At the other meetings there were others.

Who were they? --- Moses then joined.

Anybody else? --- In 1963 Rulashe also joined.

I take it Moses is No. 9? --- Yes.

And Rulashe is No. 8? --- No. 8.

Yes, apart from these three, did any others come later on? --- Pendu was the last one to join - that is No. 5.

BY MR. MACARTHUR (contd.): When did he join? --- Late, towards June, 1963.

You seem to have difficulty in remembering the names of your members, is that correct? --- Yes, there is some difficulty because we did not take their names down in writing.

And when you wanted to have meetings - you were Chief steward - how would you get hold of them to tell them there was another meeting? --- I used to tell them at the meeting that we would have another meeting at so-and-so's place.

But nevertheless, you as chief steward would know these

people very well, wouldn't you? --- That is correct. I know them well.

And then you knew them by name as well? --- I know them by name.

What did you call No. 1 for example, what is his Xosa name? --- We did not go deep into what a man's name is.

BY THE COURT: What did you call him, how was he known to you? --- I knew him by the name Mgalonkulu and that is the name by which I called him.

BY MR. MACARTHUR (contd.): No. 2, what did you call him - what was his Xosa name? --- Tjali.

You called him Tjali? --- Yes, I called him Tjali.

Were you a great friend of any one of these nine accused before the Court now? --- I am related to some of them.

Such as whom? --- Krisjan (accused No. 3)

What do you call Krisjan? --- We used to call him Krisjan Gxekwa.

And is this how he was normally known - you say you are related to him - is this how he is normally known to his family? --- Yes, in his family.

Who else are you related to? --- Accused No. 5 is a brother-in-law of mine.

What do you call him, Pendu? --- We used to call him by his clan name Cete.

Are those the only two that you are related to? --- Those are the only two to whom I am related. The others I am merely friends.

What do you call No. 4, what do you call him by? --- I used to call him Maseti, if not so, I used to say Majola.

Either Maseti or Majola, is that what you called him? --- Yes.

No. 6, what did you call him? --- I used to call him Bikie. If not Bangqo.

Is this what he was known by amongst the particular ward? --- Yes, we all knew him as Banggo.

And No. 4 would be the same, Maseti or Majola, everybody would call him by that name? --- Yes.

No. 7 - what do you call him? --- We called him Buti.

No other name? --- I have forgotten the other nick name.

What about No. 8? --- We used to call No. 8 Rulashe or Dlamini.

And No. 9? --- Moses or Tshangisa.

At this first meeting it was decided that Jafta would be the chief steward? --- Yes. That is what Jafta told us.

BY THE COURT: He told you - you did not elect him? --- No your Worship, he had been elected already. He called us to the meeting.

BY MR. MACARTHUR (contd.): Did he say that all you people were to be cell stewards? --- Jafta told us that if we had been elected, we should be cell stewards.

What is this about a prime steward that you spoke about? --- Somebody with a rank higher than chief steward.

And did you have this higher rank in your little ward? --- We did not know who had a higher rank than Jafta, but we had to look to the chief steward.

So amongst you people at the first meeting, there was no prime steward at all in that particular ward? --- No, we did not know of a prime steward.

Were you allowed or were you asked to be cell stewards, or were you told to be cell stewards? --- We were told to be cell stewards, and we were also happy because we had got positions.

BY THE COURT: Were you happy? --- We were happy yes.

BY MR. MACARTHUR (contd.): When you say "we were happy", do you mean you personally or do you mean everyone was happy? ---

I mean the others as well, because nobody stood up and opposed that, your Worship.

If anybody had opposed, what would have happened? --- Nothing could have happened, because nobody was forced.

There was no force about being a member of ward G at all? --- No, there was no force whatsoever.

And all the time that ward G existed, anybody could have withdrawn or resigned from ward G without difficulty? --- I do not think that there could have been any trouble, because we were all going the same way, fighting the same battle.

Did you ever hear of any form of pressure being brought to bear upon anybody in the cell, being cell steward, in any particular ward or zone? --- No, I never heard of it.

So it was a purely voluntary business altogether? --- Yes.

And if a man had resigned there would have been no action taken against him at all? --- No, no steps were ever taken.

Certain other people were not at this first meeting, No. 5 and No. 8. Do you know why they were not at that first meeting? --- It is likely that they had not taken residence at the houses at which they are now. We saw accused No. 9 after the first meeting.

And Nos. 5 and 8 you saw after the first meeting too? --- Yes, after the first meeting.

So if these people were not in Kwazakele, if they were living in another area, they would not be asked to join this particular ward G - is that right? --- They way other centres were they could have joined if they did not stay at Kwazakele. In our ward.

I don't understand that. Give an example? --- As our zone existed, it could have been possible that they came

to Kwzakele and stayed at other zones and at those zones they could have joined.

Other zones? --- Other zones, not our ...

Not your ward G? --- Not at ward G.

When did No. 5 and No. 8 join your zone?

BY THE COURT: They may not have joined at the same time. Take No. 5 first, when did he join your zone? --- I saw accused No. 5 towards the end of 1963.

Did you see him then for the first time? --- It was not the first time that I had ever seen him, but it is the time that he joined our ward.

You knew him before? --- I used to see accused No. 5 before, because he is married to my sister.

BY MR. MACARTHUR (contd.): Did you recruit No. 5 into the ward? --- I met accused No. 5 and I asked him where he had been but he said he had not been allocated with a house but he said he should be near me in G ward.

You recruited him, is that right? --- Yes, I did.

BY THE COURT: Into this ward, or do you perhaps know whether he was a member? --- I knew that accused No. 5 was a member of the A.N.C. before the banning.

BY MR. MACARTHUR (contd.): After you had got in touch with him, it was only then that he started taking part in A.N.C. activities in 1963? --- He came to me and told me that he had been allotted a house very near me. I went to see his house and after that he took part in the A.N.C.

What about No. 8, when did No. 8 join the organisation, ward G? --- It must have been in the middle of 1963, about July.

Before or after No. 5 had joined? --- Before accused No. 5 joined.

Do you know where No. 5 came from? --- I did not ask

/ accused ...

accused No. 5 where he had been living or where he came from.

Who brought No. 5 into the organisation of Ward G then?

--- I have already replied to that.

Are you not answering the question?

(THE COURT points out that there is some confusion between Nos. 8 and 5.)

What I want to know, is who recruited No. 8 into the organisation? --- Philemon Buti called accused No. 8 into the organisation. (Accused No. 7)

Did you leave it to No. 7 to go into the qualities of No. 8 as a member of the organisation, in other words, his reliability? --- At a certain meeting it was decided that we should recruit new members, then accused No. 7 brought accused No. 8 as the first person after that.

BY THE COURT: Could you tell the Court, was No. 8 brought in as a stranger, a man who had nothing to do with the A.N.C. before, or don't you know? --- According to what he said he had never been in the organisation, but I do not know whether that was true.

Is that what No. 8 said himself? --- What No. 8 said when he were asked at the meeting.

BY MR. MACARTHUR (contd.): And after that he took part in all the ward activities? --- Yes.

Now, let us just get this quite clear. He came in in the middle of 1963, about July? --- Yes.

(COURT ADJOURNS)

ON 31.8.1965.

WILSON DONDASHE (still under oath, interpreted) states:-

CROSS-EXAMINATION BY MR. MACARTHUR (contd.): Dondashe, yesterday you were telling us about accused No. 5 and No. 8. You told us that No. 5 was married to your sister? --- Yes, I did.

/ What

What is your sister's name? --- Vyelwa. Your Worship, I meant that accused No. 5's brother is married to my sister.

That is quite a big difference isn't it? --- According to us, the Xosa's it is not a big difference.

Not a big difference being married to your brother? --- They belong to one clan name, the Cete's.

And now you say that No. 5's brother is married to your sister? --- Yes.

What is No. 5's brother's name, who is married to your sister? --- Velile.

Where did they live? --- At Veeplaas.

Number? --- I never looked at the number of the house.

When did you last see them? --- Early during this year.

No. 8 you were telling us, you recruited in July, 1963? --- No. 8 joined during July, 1961.

That is different from what you told us yesterday? --- How is it different from what I said yesterday.

Yesterday you said on two occasions in July, 1963? --- Is it possible that I said so?

Your job here is to answer questions, not to ask questions.

(COURT, reading from notes: Accused No. 8 joined Ward G in the middle of 1963, about July, before No. 5.)

? --- If I said so, the Court must pardon me. He joined during July, 1961.

So you made a mistake about that as well? --- I may have made a mistake.

Why do you say, "I may have made a mistake"? Why don't you say, "I have made a mistake"? --- I made a mistake.

Let us get this quite clear, in July, 1961, No. 8 joined? --- Yes.

You see, No. 8 was not at that first meeting, according

to you, in November, 1960 - is that right? --- That is right.

Was he at the second meeting that you described yesterday? --- No, he was not at the second meeting, but he did attend meetings subsequent to the second one.

When did Jafta's period of chief stewardship come to an end? --- During May, 1961.

And did you take over immediately after that? --- Yes, immediately.

What happened to Jafta then?--He obtained a higher position,

In your ward or another ward? --- In my ward.

What did he become? --- He was termed a prime steward.

Now, on that point: Yesterday I asked you about Jafta and you said that a prime steward was not in existence in your ward - this was just after the list of names your Worship. You said there was no such thing as a prime steward in existence in your ward, and now you say that Jafta became a prime steward. Can you just enlighten the Court what you mean? --- When we attended the first meeting we did not know who the prime steward was, because Jafta was then the chief steward.

So this prime steward only came into existence when? --- I was the only person who knew that Jafta was a prime steward - the others did not know.

Yes, when did he take over this role of prime steward? --- During May, 1961, as I have mentioned before.

BY THE COURT: As far as your own ward is concerned, your meetings in your ward and your activities in your ward, did a prime steward have any functions there, was he chairman of your meetings and was he the person who handed out pamphlets, or not - what was his duty? I am referring to the prime steward now? --- No, the chairman is usually the chief

/ steward

steward.

And what were the functions of the prime steward? --- There are meetings that are held by the prime steward, but when he attends our meetings, we take him just as a cell steward.

In other words, he operated outside your zone? --- He held meetings - we did not know. They only knew when they met, we did not know.

They were actually higher up? --- Yes.

BY MR. MACARTHUR: (contd.) Did Jafta not come to your Thursday night meetings then? --- He used to.

BY THE COURT: And when he attended, he attended as an ordinary member? --- An ordinary member.

So he was then just an ordinary cell steward? --- Yes.

BY MR. MACARTHUR (contd.): And you say you are the only one who knew in your little ward that Jafta was the prime steward outside? --- Yes.

You have told us twice this morning that this happened in May, 1961. Are you sure about the date? --- Yes.

Yesterday you told his Worship, that "I took over in May, 1962, from Jafta." Did you make another mistake.

(THE COURT refers to notes - yes, that's right.)

Yesterday in giving your evidence-in-chief, you said that you took over chief steward in May, 1962? --- May, 1962?

BY THE COURT: Is that what you said? You told us about the distribution of this pamphlet, Exhibit 'C'. You said that was distributed in June, 1962. You said you were chief steward at that time, and you said you took over in May, 1962, from Jafta? --- Before that I did not know the functions Jafta used to take part in. In 1962 I knew that I was a chief steward. He used to help me where I made mistakes. In 1962 I was convinced of the fact that I was a chief steward

and I carried on the functions.

BY MR. MACARTHUR (contd.): When were you actually appointed - now let us get that clear - when were you appointed as chief steward? --- At the first meeting.

At the first meeting? --- At that first meeting we were told that each chief steward would have seven members, but that did not work out.

That was November, 1960? --- During November, 1960.

We are talking about ward G. When did you take over as chief steward of ward G? --- During the period I have mentioned.

Which is what? That is precisely the question: When did you take over? --- To take up action and functioning?

BY THE COURT: Yes, when did you actually take over control of your ward? --- In May, 1962, because before that Jafta used to assist me. In 1962 I was the chief steward and nobody assisted me.

BY MR. MACARTHUR (contd.): Were you chief steward in May, 1961, as well? --- I had already been appointed and I was told that I would be chief steward with seven members besides me, Kulelo seven members, Jafta seven members, but that did not work out. In numbers we were less. We then worked as one ward.

Jafta then became prime steward in May, 1961, is that correct? --- That is what he told me, and he told me that I would take over.

And that you were to take over - therefore you became chief steward in May, 1961? --- I told Jafta that I did not know the functions and that he must come and assist me, but I accepted the position.

That is what I want to know, did you take the position in

/ May

May, 1961? --- I accepted the position in May, 1961, but I became sure of myself during May, 1962.

As far as the members of your ward were concerned, you became chief steward in May, 1961, is that so? --- Yes, they used to see me addressing the meetings as the chairman.

So as far as they were concerned, you were chief steward as from May, 1961? --- Yes.

They did not know that you were not sure of yourself, did they? --- No, they did not know.

Well, it is a very simple question. Why is it taking you so long to answer that? --- These things happened a long time ago, not yesterday or today.

Who told you that you were to be chief steward, did Jafta tell you? --- I think I had answered all these questions before.

BY THE COURT: Then repeat it, please? --- Jafta told us that although we were cell stewards, if a man brings seven members, he will be promoted and ...

No, I think the advocate wants to know, eventually when you took over control from Jafta, who told you that you are now the man in charge? --- Jafta is the man we looked to.

BY MR. MACARTHUR (contd.): Did you have any alternative but to accept the post or was it compulsory for you to take over this job? --- I was pleased to accept this post, because I was oppressed and an oppressed person wants freedom.

Did you ever get those other seven members which you were telling his Worship about just now? --- I did not ever have those seven members. If I had had the seven members I would have been allotted my own zone.

(COURT ADJOURNS)

/ ON

ON RESUMING - CROSS-EXAMINATION BY MR. MACARTHUR (contd.):-

We have been trying to cover the organisation of ward G, and just before we leave that, am I right that all the members came from Kwazakele location? --- Yes, Kwazakele residents.

In other words, if they lived further afield such as Veeplaas or New Brighton or one of those other places, they would not be in ward G? --- No.

Are you sure about No. 6? --- I am.

Was he at that first meeting? --- Yes, he was there at the first meeting.

Do you know where he lives? --- Yes, I know his house.

In Kwazakele? --- Yes.

The number being? --- If I do not make a mistake it is 11390.

What would you say if you were told that Michael Bikie (No. 6) only came into this house at Kwazakele on the 24th of July, 1961? --- All I know is that he was there at the first meeting.

What would you say to the fact that he will say that he lived at New Brighton before that? --- I am not referring to his home being in New Brighton, but I know that he lived at that house, the number of which I have given.

Yes, but he will say he moved there in July, 1961, and before that he lived at New Brighton? --- No, that I did not know.

And if that is so, isn't it strange that he should be a member of your ward in Kwazakele? --- The house was built for accused No. 6.

Isn't it strange - let me put it this way: Isn't it possible that you make a mistake that No. 6 was at the earlier meetings? --- I am not making a mistake.

/ Because

Because he was not in the Kwazakele area - he lived at New Brighton? --- I am not referring to the fact that accused No. 6's home is at New Brighton. The house was built for him - it was still a (?) (in other words - a pondok - Interpreter).

BY THE COURT: On the same site? --- On the same site.

BY MR. MACARTHUR (contd.): Do I understand then that you deny that he lived at New Brighton until the 24th of July, 1961? --- I think accused No. 6 and others arrived at that place during May, 1960.

That is what I am telling you about it. He will say that he came there in July, 1961? --- I say it was during 1960.

Alright, that is what you say, and if you are wrong, you would have made a mistake, wouldn't you? --- He may be making a mistake.

I say that if you were wrong, you would have made a mistake, wouldn't you? --- I do not think that I can make a mistake on this point.

We will leave that. Will you say that you have not made any other mistakes up to now in your evidence? --- I do not say so.

What do you say to the first meeting, the first meeting in November, 1960, the fact that in your cross-examination you made no mention of accused No. 3 being at the first meeting? Why? --- Yesterday I mentioned all the accused.

I am talking about the first meeting, November, 1960. In cross-examination you made no mention of accused No. 3 being present and yet in your evidence-in-chief you say No. 3 was present? --- I mentioned all the accused except accused Nos. 5, 8 and 9.

Listen, I am putting it to you that you made no mention of No. 3. You made mention of the following names: Jafta ...

BY THE COURT: Just explain to him that the advocate is referring to his evidence yesterday afternoon when he was asked to repeat the names of those people who were present at the first meeting? --- I said all the accused were there with the exception of Nos. 5, 8 and 9, and the other members that I do not see in Court. That is what I told the Court. (THE COURT and MR. MACARTHUR discussing the question put to the witness.)

Just put it to him that he was requested yesterday afternoon to mention the names of all the people who were members at one or other time of Ward G, and then he mentioned Lungile Jafta, said he is not here, and Mountain Mgalonkulu (No. 1), and Goodman Tjali (No. 2), Jackson Masete (No. 4) Michael Biki (No. 6), Philemon Buti (No. 7), Richardson Kulelo, who is not here, George Matshini who is not here, Rodgers Tuselo who is not here and you yourself, and then you said: "The others I still remember". Then you said three members were not at the first meeting, that is accused No. 5, Pendu, accused No. 8 Rulashe, and accused No. 9, Moses. And from this list you left out accused No. 3. That is what the advocate now wants to know, why you left him out? --- I may have made a mistake, in saying all the members were there excluding the three that I mentioned.

BY MR. MACARTHUR (contd.): Are you sure No. 3 was there at that meeting? --- Yes, accused No. 3 was at that meeting.

The first meeting? Right, let's come on to the second meeting. Where was this held? --- At Kulelo's house.

When? --- In June, 1961.

This was an important meeting, wasn't it? --- That is so.

Who was the speaker? --- Edgar Ngoyi.

Did you know this man Ngoyi before that? --- No, I did not know him.

Who was in the chair that night? --- Ngoyi was in the chair.

Was not one of the ward G people sitting next to him then? --- Yes, they were.

Who were sitting next to him? --- He sat in the middle, Jafta on the other side and myself on the one.

Who was chief steward at that time? --- It was when I was told that I would take over from Jafta.

This came out at that meeting? --- After that meeting.

That same night though, but after the meeting? --- Jafta had told me a month before that meeting that I would be chief steward, but after the meeting he then declared that I would be chief steward.

Oh, I see, everybody in the ward knew that you were now the chief steward? --- I told them.

BY THE COURT: You said so at the meeting? --- I told them at the meeting.

It was actually an announcement? --- I announced to them that I was now the chief steward.

BY MR. MACARTHUR (contd.): You were told at that meeting, I think you said, that you had to equip yourselves with hammers, spears and revolvers - isn't that right? --- Yes.

Where were you going to get these revolvers from? --- We were to obtain some money and send this money to the head office at Johannesburg, then the money would be sent to other countries to obtain all those things.

You are now saying that money had to be obtained and sent over to the executive in Johannesburg - is that what you are saying? --- To Johannesburg.

Are you sure that this was in June, 1961, that you were told to get money? --- In 1961 Ngoyi was the chairman. I was the ^{at the meeting} chairman held at 1962 where I told the people to

collect money to be sent to Johannesburg.

Yes, I know. At the meeting in 1962 you were told to collect money to send it to Johannesburg to get weapons from overseas. But I am talking about the meeting in June, 1961. Where were you going to get the revolvers from in June, 1961?

BY THE COURT: The advocate is referring to the revolvers that you had to arm yourselves with. It was suggested that a person who has a hammer, he has a hammer to arm himself, the person who has got a spear, he must arm himself with the spear, but those who wanted to arm themselves with revolvers, where would they come from? --- It was decided that in future a member who comes to the meeting who possesses a hammer, an axe, a spear or a revolver should bring that weapon with him.

BY MR. MACARTHUR (contd.): Dondashe, this is not a difficult question. I was asking you where did you anticipate getting revolvers from to arm yourselves with? --- Well, I did not pay particular notice to that but I knew that I had a hammer in my hand.

So you were not told where you were to get revolvers from? --- No, at that meeting we were not told.

You were told to kill policemen who came and interrupted your meetings? --- Yes, who came to arrest people at our meetings.

Was that accepted quite happily? --- Yes, we accepted that quite happily because we did not want to be disturbed at our meetings.

You had no objection to killing policemen or anyone else? --- No, no exception.

And you still feel that way today? --- Yes.

You would be quite happy to kill policemen or anyone

else today, is that right? --- Anybody who disturbs me.

Are you a violent type, have you been brought up on a charge of assault before? --- No, I was never convicted of assault before.

Have you in fact assaulted people before? --- No, except playing with sticks.

So, what is your attitude today about policemen who come and disturb you at meetings for the A.N.C., what is your attitude about that today? --- It is still the same I declared on that day, that if anybody comes and disturb me at an A.N.C. meeting, I must remove him out of my way.

So you are still a stern and firm believer in the African National Congress? --- I still have some faith, although it has now diminished.

Why has your faith diminished? --- Because the staunch members who urged me forward have now been arrested.

You were arrested too, weren't you? --- Yes.

And you were a leader, you were a chief steward? --- Yes.

Has that got anything to do with the fact that your faith in the A.N.C. has diminished? --- No, nobody has told me that I should now refrain from being a chief steward, that somebody would take over.

Perhaps I can word the question a little differently. Since your arrest, has that been the cause of your faith in the African National Congress being diminished? --- Yes.

When were you arrested? --- In January, early, during this year.

With No. 1 and No. 2? --- Yes.

And when were you released? --- I think a month after my arrest.

Why were you released? --- I don't know why, but about two days after my arrest the police came and told me about

my activities in Ward G.

Yes; were you asked to co-operate with the police?

--- No.

You weren't asked to give evidence here in this Court against these people? --- No.

Why are you giving this evidence then? --- It is because I made a statement and I wanted to tell the whole truth.

Why did you make that statement to the police? --- Because I realised that there was nothing secret any more.

Is this part of the reason why you were released, do you think? --- I do not know whether that may be the reason.

Do you think it is the reason? --- I cannot say that I have been released completely.

Why do you say you have not been released completely? --- Because I was told by the Magistrate that I would be called as a witness.

Did he tell you anything else? --- No, nothing else.

Has anybody given you an indemnity? --- No.

So in other words, you can be arrested today for your particular activities? --- I am awaiting that.

You are awaiting to be arrested? --- At any time.

And do you hope to avoid this fate if you give your evidence satisfactorily? --- I did not want to give the Magistrate trouble. I just decided to tell the whole truth.

But do you hope to escape being arrested by giving this evidence? --- No, those are not my intentions.

(THE PROSECUTOR, the COURT and MR. MACARTHUR discusses briefly these questions put to the witness)

The question that I am asking is, do you hope to avoid arrest by giving evidence? --- I have no hope of escape. I still expect to be arrested because I am now standing in the dock.

/ You

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