

Regional
Court J 473
25/6/65

AD 1901 / 41.4

State v. Malokn C. Mmutle.

THE STATE vs Muroka M. Mmutle

JUDGEMENTS

24/1/66. Breder's Judgment in
Anne Hermann's Appeal
sent to Zwarry

SAAK NO:

CASE NO:

DATUM:

DATE:

H.152/65.

IN DIE LANDDROSHOF VIR DIE STREEKAFDELING (SUID-TRANSVAAL)

GEHOU TE:

IN THE MAGISTRA B'S COURT FOR THE REGIONAL DIVISION SOUTH-

TRANSVAAL HELD AT:

JOHANNESBURG.

VOOR:

BEFORE:

MR. W.R. JOOSTE.

DIE STAAT TEEN:

THE STATE VERSUS:

MALOKA C. MNUTE.

KLAGTE:

CHARGE:

CONTRAVENING THE SUPPRESSION OF
COMMUNISM ACT 44/1950 § contravening
SECTION 11(c).

PLEIT:

PLEA:

NOT GUILTY

VIR DIE STAAT:

FOR THE STATE:

MR. W.J. VAN ZYL.

VIR DIE VERDEDIGING:

FOR THE DEFENCE:

MR. SCHWARTZHAL.

TOLK:

INTERPRETER:

M. EDWARDS.

OPERATRIESE:

OPERATOR:

E. POTGIETER.

OORSKRYFSTER:

TRANSCRIBER:

MRS. B. PIKNAAR.

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* RECORD OF EVIDENCE *

STAATSAANKLAER:

Edelagbare, voordat ek die klagte aan hierdie beskuldigde stel verstaan ek daar is aansoek wat deur die Verdediging gedoen word.

MR. I.W. SCHWARTZHAL:

In the first instance, your Worship, I wish to apply for a further remand of this trial. This is the first postponement that the Defence is requesting. The others have all been requests of the State.

Your Worship, briefly the position is that the accused was arrested some months ago in connection with the present charge, which he is now called upon to face. The chargesheet, your Worship, was furnished to my attorney, there is no exact date on the chargesheet. I beg your Worship's pardon. The chargesheet is dated the 2 nd June, 1965.

A request for further particulars, your Worship, was served on the State and the request is dated the 11th June, 1965. These further particulars, your Worship, have been replied to in terms of a reply dated the 16th June, 1965. However, your Worship, it is common cause between my learned friend and myself that although the reply to the request is dated the 16th June, 1965, these particulars were only furnished to my attorney's messenger on Tuesday afternoon, that is the 22nd June at about 4 o'clock in the afternoon. These particulars, your Worship, were then sent up to my chambers first thing on Wednesday morning. I, your Worship, have unfortunately been in court on Wednesday and I was in the Regional Court, in E Court for Mr. Steenkamp for the whole of yesterday. In the result, your Worship, it has been impossible for me at any stage to consult with the accused in relation to the charge as read with the particulars, and for that reason alone,

your Worship, I am not in a position to proceed with the defence of the accused at this stage.

My other ground, your Worship, for asking for a further remand of this trial is that as your Worship will see from the charge sheet the accused is alleged to have committed these offences during the period from the 8th April, 1960 to the 17th October, 1963. A period of more than three and a half years.

Your Worship, it is now more than five and a half years since the 8th April, 1960, and nearly two years have elapsed from the last date on which the last - the last date in the chargesheet is mentioned. Now, your Worship, the State in claiming its charge is alleging that the accused did canvass for members of the Pan Africanist Congress, and in framing the request for particulars, your Worship, in order to prepare one's defence it is necessary to be informed, in my submission, of the approximate dates when these activities are alleged to have taken place. Particularly, sir, in view of the fact that the charge covers this period of three years.

Now, your Worship, my learned friend in reply has stated that the exact dates are unknown to the Prosecutor. Now, even though my learned friend might not be able to furnish the Defence with the exact dates, your Worship, my submission is that the State is in a position to furnish the Defence with approximate dates, or months when these activities are alleged to have taken place. As far as the place is concerned, your Worship, my learned friend has stated that this canvassing etc. took place at Meadowlands, Johannesburg, which is good enough in itself, your Worship, but it goes one step further: "and or other places to the Prosecutor unknown." If the information is unknown to my learned friend, your Worship, then I don't wish to take that any further.

Then, your Worship, the request also contains a request as who are the persons whom the accused is alleged to have canvassed for membership. Now, my learned friend has merely replied, "Certain Bantu males who will be called as witnesses." Your

Worship, my submission is that my learned friend is obliged to inform me of the names of the persons whom the State intends calling to say that the accused canvassed them as members or invited them by one means or another to come and join this organisation.

Your Worship, it might be said that in asking for this the Defence is asking for evidence. I am not asking for what these witnesses have said, your Worship, but I submit that the Defence is entitled to prepare its case on the basis of knowing who are the persons whom the accused is alleged to have approached to join this organisation. The accused, your Worship, might know these people, he might not know these people. There might be a reason why a particular witness might have said certain things, or there might be a context in which events did take place. There might be witnesses whom the accused would be in a position to rebut the fact that the accused ever met this person and that these discussions ever took place.

Your Worship, my submission is that without these particulars it is most difficult, virtually impossible for the Defence to prepare its case properly and adequately so that it can be placed before the Court.

The final reply, your Worship, on the second Count, second question, the accused is alleged to have gone to Basutoland, your Worship, and it is alleged that he went there to further the aims of the unlawful organisation. I have asked for the dates when he was supposed to have gone to Basutoland. My learned friend states that he cannot give me the exact date when he is alleged to have gone, your Worship, but in as much as the chargesheet here covers this period from 1960 to 1963, I submit that there should be some indication given to the Defence that it was either in March, 1962 or February, 1961, when the accused is supposed to have gone to Basutoland. Because, your Worship, when one knows when one is alleged to have done something, one may be able to say, well, I have been to Basutoland, but I went for a different reason, or

alternatively one can prepare one's defence on a basis that one knows one never went to Basutoland at all during this period, and can then prepare the defence to bring other witnesses to the court to show what the position was.

Your Worship, I am therefore asking for my remand on the basis that the particulars that the State has furnished to the Defence do not enable the Defence to adequately prepare and present its case to this Court, and on the second ground, your Worship, that the particulars were supplied on the 22nd June, late in the afternoon, and that I, your Worship, having been engaged in court on the 23rd and 24th have been entirely unable to consult with the accused on the particulars as such, as they are now before the Court. Under those circumstances, your Worship, I ask that this case be remanded to a date to be arranged.

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STAATSAANKLAER:

Edelagbare, as u kyk na sahangsel C, dit is die oorspronklike aansoek om nadere besonderhede deur die Verdediging, sal u merk dat ek het 'n aantekening daar gemaak, en daardie aantekening was gemaak in die teenwoordigheid van die bode wat daardie aansoek aan my gerig het, gebring het, dat hierdie aansoek my kantoor bereik het op die 14de Junie 1965, in die laat middag, nie op die 11de nie maar op die 14de. Ek het so gou as moontlik, tanspyte daarvan dat ek elke dag in die hof moet verskyn en tanspyte van al my ander voorbereidings wat ek het op hierdie sake, het ek gedurende my vrye tyd en my etensure hierdie besonderhede voorberei, dis aan die tikster gegee op die 16de Junie 1965. Ongelukkig het ons tikster siek geword, daar was nie 'n ander een beskikbaar nie, dit is waarom hierdie nadere besonderhede eers op die middag van Dinsdag die 22ste aan die bode kon oorhandig word.

Dit is my submissie, Edelagbare, dat sover as die eerste grond vir aansoek om uitstel aan betref, het die Verdediging dit slegs aan hulle self te wyte dat hulle so laat hierdie besonderhede

gekry het.

Hierdie klagstaat is voorberei en so gou doenlik na die 2de Junie as moontlik gestuur na die Verdediging. Daar was baie tyd voor die 14de Junie om vir nadere besonderhede te vra as hulle dit wou gehad het.

Wat die tweede grond van aansoek aanbetref. Ek glo nie daar hoef waarde gepoog te word op die antwoord van die eerste klagte nie, navraag omtrent die eerste klagte, naamlik, wanneer hierdie beskuldigde 'n lid geword het van die P.A.C. nie. Dit is heel duidelik uit die antwoord die datum, die spesifieke datum is nie bekend nie. Uit die aard van hierdie soort van saak, Edelagbare, sal die Hof met my saamstem dat dit kan nooit met presiesheid vasgestel, in baie weinige gevalle kan met presiesheid vasgestel word, presies watter datum die beskuldigde lidmaatskap aanvaar het.

G genoeg vir my om te sê dat die klagte heel duidelik is. Dit is tussen 3ste April 1960 en 17 Oktober 1963. Gedurende daardie periode.

Klagte 2. 1(a) Presiese datums wanneer hierdie beskuldigde mense gewerp het, lede gewerp het of probeer werp het vir die P.A.C. is weereens nie bekend nie. Dit strek gedurende die periode tussen die 3ste April 1960 tot die 17de Oktober 1963. Presiese datums is nie bekend nie. Dit sal in getuïenis uitkom min of meer wanneer. G genoeg vir my om te sê dat by herhaaldelike geleenthede beskuldigde gepoog het om sommige en meer as een van hierdie persone wie geroep sal word te werf. Hulle was nie insiklik nie, hulle het geweier en sy versoeke en sy dreigemente is herhaaldelike kere geopper. So presiese datums is nie daar beskikbaar nie.

Wat die plek aanbetref, Edelagbare, ek weet vir seker dat dit was Meadowlands, sommige gevalle, maar of almal in Meadowlands was weet ek nie. Daar mag ander plekke gewees het, ek kan my self ongelukkig nie bind deur die nadere besonderhede deur

te sê dit was net in Meadowlands nie, dan soos u sal beseef as daar ander plekke aan die lig kom, dan het ek myself gebind en ek kan nie daarop staatmaak nie.

Ek sal terugkom na paragraaf C, ek slaan dit eers oor. Paragraaf D glo ek nie word aangeval nie. Wat vraag 2 aanbetref van Klagte No. 2, dit is nie bekend presies en op watter datum die beskuldigde na Bessetoeland gegaan het nie. Ek kan miskien my geleerde vriend help deur te sê dit was om en by Desember 1962. Om en by. Dit is die naaste wat ek kan ongeveer - om en by - Dit mag 'n maand voor dit wees, dit mag 'n maand na dit wees.

Wat paragraaf C aanbetref. Daar is verskeie beslissings op hierdie punt, Edlagbare, Alexander se saak, Adams & Others se saak, waar ons Hoogeregshowe ingegaan het op hierdie saak van nadere besonderhede, wat is nadere besonderhede, wat moet aan die beskuldigde verskaf word vir hom om te pleit. Dis al wat die beskuldigde hoef te weet. Al wat hy moet weet is genoegsaam om te pleit op die klag. Die ander is deur ons Hoogeregshowe gehou is getuienis.

Edlagbare, die klagte teen hierdie beskuldigde is, wat klagte 2 aanbetref, die een van die verdere besonderhede, dat hy persone gewerf het of probeer werf het vir die P.A.C. As die beskuldigde gladnie persone gewerf het nie, dan weet hy alreeds genoeg uit die klagstaat teen hom, dan weet hy genoeg om te sê, ek is onskuldig, ek het niemand gewerf nie. As hy persone gewerf het dan is hy skuldig aan klagte No. 2., dan hoef hy niks verder te weet nie. So dit is volgens my submissie, wie hy gewerf het is getuienis, en dit is nie vir hom nodig om te weet wie hy gewerf het nie. Dis genoeg vir hom om te weet dat die klagte is dat hy sekere Bantoe manne gewerf het vir die P.A.C., wat 'n onwettige daad is. En as hy dit ontken dan het hy nie eens nodig om te weet wie hulle is nie.

Sou die Hof egter hou dat dit behoort aan die Verdediging gegee te word, dan is ek bereid om dit mondelings op rekord te plaas, en aan die Verdediging beskikbaar te stel, indien die Hof

so besluit, en dan, Edelagbare, gaan ek opponeer die aansoek op uitstel natuurlik. Al my getuies is hier. Daar is sewe getuies, sommige van die getuies kom van Pretoria af, sommige van die getuies kom sover as Louis Trichardt.

Die nadere besonderhede wat gevra is en die antwoorde wat gegee is, is volgens my submitisie nie so ingewikkeld dat 'n langdurige diskoers tussen die Verdedigings advokaat en die beskuldigde nodig is nie.

Ek stel voor dat as die Hof dan sou besluit dat hierdie besonderhede moet gegee word, verdere besonderhede sal ek dit mondelings gee, hier in die Hof op rekord plaas en aan my geleerde vriend gee, en ek sal vra dat die Hof vir 'n halfuur of 'n driekwartuur verdaag om my geleerde vriend in staat te stel om te konsulteer met die beskuldigde.

MR. I.W. SCHWARTZHAL:

Your Worship, with regard to my learned friend's first reply to the time that I've had in which to repair this defence for the accused. Although the request might only have been received by my learned friend on the 14th June, he had the reply ready by the 16th June. The reason why this was only furnished to the Defence late in the afternoon of the 22nd June, your Worship, I do not blame my learned friend at all, it would appear that the typist who was responsible for typing the further particulars was sick, they had no other typist to do the work, and hence these particulars were only available late in the afternoon of the 22nd.

Your Worship, if all had gone well in this matter, and my learned friend had been able to have these particulars typed and ready on the 16th and delivered on the 16th June, 1965, nine days ago, I would not, your Worship, have come to this court and asked for a remand of this case, because I would not have had sufficient time in which to consult the accused or possibly get better particulars, because in a period of nine days, your Worship

that should have elapsed from the time when my learned friend was able to give these particulars, I would have been in a position, sir, to proceed with this trial probably on today's date, but due to the unfortunate circumstance, sir, that the typist employed by my learned friend's office was indisposed, these particulars were unfortunately delayed to such an extent, your Worship, that I have not been in a position to prepare the accused's defence in this matter.

My learned friend, sir, says that if your Worship orders that these certain particulars be given to the accused that he wouldn't mind a postponement for half an hour or so that I could consult with the accused and then proceed with the trial. My respectful submission, your Worship, I would not be able to do justice to the accused's case or to the defence at all if I only had half an hour or an hour in which to consult with the accused.

Sir, this charge, as I have pointed out, covers a wide period, the accused has been in custody for over three months in connection with this charge, if it is necessary to get hold of witnesses and interview them so that one can put various things to other State witnesses, that cannot be done in half an hour. Sir, although State witnesses might be inconvenienced because this case cannot go on, I submit that the ends of justice are far more important than the inconvenience of a State witness. I regret a my inconvenience that may be caused to any person who comes to this court.

And, your Worship, it so often happens in these courts that when the State is not ready to go on with a trial of whatever nature the trial is postponed, and when the shoe is on the other foot, your Worship, the Defence often experiences difficulty in getting a postponement of the case, but, sir, in reply to my learned friend's submission on the request for particulars, he states in regard to paragraph C, where it is requested that he inform the accused of the persons whom he is alleged to have canvassed and approximately when it is to have been done, my

learned friend says, sir, that the accused does not need these particulars, the accused knows that he did canvass members or that he didn't canvass member. If he did canvass members then he is guilty, if he didn't then he is not guilty, and my learned friend is not obliged to say who he tried to canvass or when he is alleged to have canvassed those members. Your Worship, I submit that that is completely erroneous, it is like saying to a man, I charge you with murder. Fullstop. The man asks, who am I supposed to have murdered and when am I supposed to have murdered this person, and he is then met with a reply, well, either you know you murdered somebody or you didn't murder somebody. If you did murder somebody you are guilty, if you didn't you are not guilty, so you don't need particulars, just come to court.

Surely, the accused, your Worship, must be in a position to know who alleges that he did these acts, so that he can prepare his defence, your Worship. He might not know this person, this person might be coming to the court deliberately to lie against him. I'm not saying that that is necessarily the position, but this person might have a motive for coming to say that the accused did or said certain things. Surely, your Worship, the accused must be put in a position where he can prepare his defence and inform his Counsel, yes, I admit that I spoke to this man. Right, he says I said A. I did not say this. His reasons for saying so are A, B, & C., and the Defence in answer to a State witnesses evidence then appears. To my submission, your Worship, these particulars are fundamental to the preparation of the defence, and if your Worship is prepared to grant my application for a postponement of this trial, I would also ask your Worship to direct that my learned friend gives these particulars. I don't want him to say that it happened on a particular day. I'm not going to take any point, your Worship, if he says that it was in or about December, 1962, that the witness said that it was November, 1962. I just want to be in a position, your Worship, where I can prepare the

accused's defence, now from what my learned friend says the accused is supposed to have gone to Basutoland in or about December, 1962. I am now in a position, your Worship, to consult with the accused and find out whether in October, November, December, January or February he went to Basutoland. If he tells me now that he did not go to Basutoland and he can also give me certain other indications that there are persons who can support his story, then I've got a defence to part of the chargesheet that alleges that I went to Basutoland over this period. That is the kind of particular, your Worship, that the accused is requesting in this case. Particulars, your Worship, which are asked for in order to prepare his case so that it can properly be put before the Court.

Your Worship, the alternative to this is for a State witness to possibly give evidence and then the necessity will arise for the Defence to have to reserve cross-examination of every State witness until such time as it is possible to give full and proper instruction. Your Worship, I have been in that kind of trial and it is a most unfortunate dilatory waste of time to do it in that manner. There will be no prejudice to the State, your Worship, if my application for a postponement is granted. There will be considerable prejudice to the accused if my application is not granted.

BY THE COURT:

There is a twofold application before the Court. Firstly for a postponement of the trial, the reason is that further particulars in this case have been asked for. The further particulars bears the date the 16th June, 1965. It is admitted by the State that owing to unforeseen circumstances it was only delivered to the accused's representative on the 23rd June at 4 p.m.

There is further application for the Court to direct that further particulars should be given in this case.

The State did reply to the request for further particulars and gave some particulars in some cases, and said he could not give

the particulars, because they were not known to the Prosecutor.

The last paragraph referring to the date the accused is alleged to have travelled to Basutoland, the Prosecutor has now made a verbal statement, giving more or less the date.

I do not think that it is necessary for the State to give further particulars. He cannot give particulars where he does not know them, and in most of these cases it would appear that particulars have been given sufficient for an accused person to plead

The State has made a concession that as far as paragraph 1(c) is concerned, that it will verbally give the names to the Counsel for the accused. I do not rule that it is necessary in that case, but I do feel that it may be advisable, and if the State is prepared to make that concession to give the names then I think it should do so, as far as Paragraph 1(c) is concerned.

The application for the postponement. It is true that it arrived only on the 23rd the particulars, but it cannot be lost sight of that the accused was aware and received the chargesheet even as far back as the 2nd June, and that there has been sufficient time during that exact period to fully consult him. There has been a day in between, a full day, the 24th, before this trial began. It may be unfortunate that Counsel was not available on that day being at court, but I cannot hold that that is insufficient time. Some attempt could have been made to consult the accused in this matter.

I feel, however, that it is still now early in the morning, and that if the State now supplies the particulars as far as 1(c) is concerned, it is now half past nine and the Court then adjourns, even if the Court then adjourns until quarter past eleven after tea break, there is still quite sufficient time for consultation with the accused, and under no circumstances - the Court cannot grant a postponement for another date - but is prepared to adjourn the the court until that time for a consultation with the accused.

STATE PROSECUTOR: As your Worship pleases. As the Court then orders that I give these particulars to paragraph (c), I will supply the names now, verbally, and place them on record.

(1) MABAKANE PHILLIP MOHLABE.

and/or

JAMES MOLAHLELI MONUTLE

and/or

JOHANNES LINO.

* COURT ADJOURNS *

BY HERVATTING VAN HOF:

STAATSAANKLAER: Edelagbare, soos u nou al wel bewus is teen hierdie tyd daar was aansoek vir nader besonderhede, en nadere besonderheid was gegee ter aanvulling van aanhangsel B. van die klagstaat.

Voordat ek enige getuienis lei, Edelagbare, wil ek in terme van paragraaf (c) van subartikel 4 van Artikel 12 van Wet 44/1950 sekere dokumente inhandig by die Hof as bewysstukke. Voordat ek dit doen is ek egter aan die Hof voor buitengewone Staats Koreant No. 6414 van 8 April 1960, waarin gepromoveer is Proklamasie No. 119 gedateer 8 April 1960, welke proklamasie die Pan Africanist Congress as 'n verbanne organisasie verklaar.

Ek is ook Wet 93/1960 aan u voor met verwysing na Artikel 12, welke artikel die tydsbepaling van Proklamasie 119 beskryf. Gevolge die genoemde Artikel 12, sub-artikel 4, paragraaf (c) lig ek die volgende dokumente in. Al hierdie dokument is op versig daarvan uitgereik deur 'n verbode organisasie, naamlik Africanist Congress.

BEWYSSTUK A - Constitution of the Pan Africanist Congress.

BEWYSSTUK B - The P.A.C. Disciplinary Code

BEWYSSTUK C - The Africanist, gedateer Mei, Junie 1959.

BEWYSSTUK D - A call to P.A.C. Leaders

BEWYSSTUK E - Pan Africanist Congress. Dit is 'n 'News
v 21 Maart 1963.

F - Press Release.

BEWYSSTUK G - P.A.C. replies to Snyman/Vorster report in Parliament, Cape Town.

BEWYSSTUK H - Atrocities of Apartheid murderers.

I don't know if my learned friend wants to comment on the handing in of the exhibits.

MR. SCHWARTZHAL: I am unable to comment, your Worship, because I haven't seen copies of the documents, and copies are not being tendered by my learned friend.

DIE STAAT ROEP:

JOHANNES ZACHARIA VAN NIEKERK, (b.v.)

VERHOOR DEUR STAATSAANKLAER:

(GETUIE) Ek is 'n Speurder Adjunt Offisier in die Suid-Afrikaanse Polisie, verbond aan die Veiligheids Polisie, Pretoria.

Op die 17de Oktober 1963, het ek na Beitbrug gegaan waar die beskuldigde voor die Hof deur Adjutant Offisier Geldenhuys van die Messina Polisie, aan my oorhandig was. Ek het die beskuldigde oorgeneem en die volgende dag na Pretoria gebring. Dieselfde dag het Speurder Sersant Mc Durmat, verbonde aan die Rhodesiese Polisie, aan my twee dokumente oorhandig, waarop ek beslag gelê het. Ek handig aan u Bewysstukke J en K..

Is dit die twee dokumente waarna u verwys, Mr. van Niekerk? ----- Dit is die dokumente nou voor die Hof, Edelagbare.

Het beskuldigde enige iets gesê ten opsigte van hierdie twee bewysstukke? ---- Edelagbare, ek het die beskuldigde op die 22ste van Oktober 1963 gespreek in verband met hierdie dokumente, beskuldigde het my reeds op daardie stadium geken en gewet dat ek 'n speurder is. Ek het hom behoorlik gewaarsku in terme van Regtersreëls. Daarna het ek die twee dokumente aan hom getoon, en die beskuldigde het gesê dat dit sy eiendom is. Ek lees nou voor Bewysstuk J. (GETUIE LEES)

P.O. Box 98, Lobatsi, B.P. 6th August, 1963.

"Dear Son of the Soil,

Iswoleto,

"Thanks for your letter without an address, and thank you again for tipping me off about the snake who lives with me.

I was called to meet Mr. Dennis, some senior member of the S.B. around here and he told me That Setodi said he had no connection with us as he had come to stay here and is not going to Francistown. Infact he disclaimed us.

I am quite suspicious about his movements and what you said about him has been confirmed by a number of people.

As regards your letter, I have not seen any from either of the addresses. Now Nora and her sister here have not been to Johannesburg, and there is nothing that I can report with regard to your clothes. Please let me know anything of importance and I shall also try and keep in touch all the time. I am hoping to come over as soon as I have funds to come.

Yours in the struggle."

Dan is dit geteken deur die beskuldigde. Ek kan nie die handtekening uitmaak nie, Edslagbare.

Voordat ons verder gaan en afstap van daardie bewysstuk af. Mnr. van Niekerk kan u aan die Hof verduidelik wat u weet van die uitdrukking "Son of the Soil."? ----- Edslagbare, ja. 'Son of the Soil', die algemene kennis in polisie kringe, is 'n groot van een P.A.C. lid aan 'n ander.

En 'Iswoleto'? -----Het voor ek daarop antwoord.

Edslagbare, "Son of the Soil" is eintlik - hier is dit eintlik gebruik in 'n vorm van beelddpraak. Dit beteken 'Seun of kinders van Afrika.' Dit is in daardie terme wat dit gebruik word. As 'n mens dit natuurlik direk sou vertaal sou dit 'n ander betekenis hê. 'Iswoleto' word selde of ooit alleen gebruik. Die slagsprek wat gewoonlik hier gebruik word is "Iswoleto u Afrika" wat staan vir ons land.

En deur wie word hierdie slagsprek of hierdie woorde 'Iswoletc' gebruik? ---- Deur lede van die P.A.C., Edelagbare.

Is dit 'n slagsprek van hulle, Mnr. van Niekerk? ----- Dit is 'n algemene slagsprek van hulle.

In daardie brief word verwysing gemaak na S.B., kan u dit aan die Hof verduidelik? ----- Ja, Edelagbare. S.B. staan vir Security Branch. In die gewone loop van die lewe staan ons bekend as S.B.

U as lid van die Veiligheids Polisie, kan u aan die Hof verduidelik wie spreek u, watter sake ondersoek u? ----- Edelagbare, die funksies van die Veiligheids Polisie is eerstens die handhawing van binnelandse veiligheid, en dit is hoofsaaklik die hoof plig van 'n Veiligheids Polisie. Dit dek 'n geweldige wye veld, onder andere die ondersoek van politieke misdaders.

Is dit een van u vernaamste take? ---- Ja, Edelagbare.

Ondersoek van politieke organisasies? ----- Ondersoek van politieke organisasies en onderdrukking van onwettige organisasies.

Kan jy die Hof iets vertel van die aanhaling in daardie brief 'the struggle'? ----- Edelagbare, ja.

Het u al hierdie woorde 'the struggle' tegekom en in watter verband word dit gewoonlik gebruik? ----- Dit word gebruik in die stryd wat die P.A.C. teen die blanke in Suid Afrika voer. Die hoof doel van die P.A.C. is om die blanke heerskappy in Suid Afrika omver te werp, maar om dit te kan doen probeer hulle om al die nie-blankes in die Republiek tot een groep te bring en deur bemiddelling daarvan die blanke owerheid omver te werp en die land met geweld oor te neem.

Is dit dan waarna hulle verwys as 'the struggle'? ----- Ja Edelagbare.

So is ek dan korrek om te sê dat hierdie uitdrukking 'the struggle' is 'n uitdrukking wat in die spreektaal van die P.A.C. gebruik word? ----- Ja, Edelagbare.

Mnr. van Niekerk, kom ons gaan dan maar voort na bewysstuk K toe. Lees dit maar uit aan die Hof asseblief. --- (GETUIE LEES)
 "Bakglate Tribal Administration, P.O. Box 50, Mosudi, B.P.
 24th June, 1963.

TO WHOM IT MAY CONCERN.

Please assist MALOKA CHRISTOPHER MUTTLE to pass to Epeleng village to meet Mr. Modeve who is at Lobatsi. Mr. Muttie has met me in the office at Mosudi, and shall be glad if you will render onto him all possible help that he may need because he is a Shanger."

He is? ---- Shanger. Dit beteken dit is Paramount Chief of the Bakgatla.

Mnr. van Niekerk, kan u aan die Hof sê of u enige eie kennis het van hierdie Modeve? ----- Ja, Edelagbare.

In watter verband? ---- Edelagbare, ek ken Elias Modeve persoonlik. Elias Modeve was 'n tolk in die Landdroshof in Pretoria. Hy is op die oomblik 'n politieke vlugteling wat die land uitgevlug het en een van die voortvlugtendes na wie daar na stigtelik gesoek word. Hy het 'n kantoor. Ek weet nie op die oomblik nie, maar hy was tot redelik onlangs in bevel van die F.A.C. kantoor in Dar-es-Salaam. En waar hy behulpsaam is om ander vlugtelingen uit die R.S.A. te help na kampe van opleiding.....

MNR. SCHWARTZAL: Edelagbare, ek weet nie of hierdie getuie toelaatbaar is, want ek weet nie of hierdie getuie self weet of dat hy dit van ander mense gehoor het. As hy dit net van ander mense gehoor het dan is dit my submissie dat hierdie getuie van hom inverband met Elias Modeve is nie toelaatbaar, anders as wat hy gesê het dat hy hom persoonlik geken het as 'n tolk in die landdroshof, Pretoria. Al hierdie ander getuie, as hy kan sê dat hy dit self weet dan is dit 'n ander ding, maar die getuie moet dit eers sê, ek dink, voordat hy kan sagggaan.

STAATSAANKLAER: Mnr. van Niekerk, verduidelik tog net.

GETUIE: Edelagbare, ek mag net sê dit is algemene kennis. Ek is bewus daarvan dat Elias Modeve 'n lid van die P.A.C. is. Ek is bewus daarvan dat hy gesoek word, ek soek persoonlik self na hom as deel van my pligte. Ek is bewus daarvan dat hy in Dar-es-Salaam is. Daar het etlike artikels omtrent hom in plaaslike koerante verskyn hier sowel as in die buiteland. As 'n ding in die koerant verkyn het dan is dit algemene kennis.

VERHOOR DEUR STAATSAANKLAER (VERVOLG) Laat ek dit so stel, Mnr. van Niekerk, hou u 'n dossier of 'n lêer na op Elias Modeve? ---- Daar is uit die aard van die saak 'n lêer op hom, ja.

Al die inligting wat u inwin of wat ingebring word omtrent Elias Modeve gaan na daardie lêer? ---- Dit gaan daar heen, Edelagbare, en ek het insae daarop.

MNR. SCHWARTZHAL: My submissie is dat dit is nie toelaatbaar nie. Dit is nie van sy eie kennis nie, maar van ander dokumente wat die getuie gelees het en wat deur ander mense aan hom gegee is. Nie van sy eie kennis nie, en my submissie is dit is nie toelaatbaar nie.

DEUR DIE HOF: Ek voel op hierdie stadium dat die getuie nie toegelaat moet word. Ek weet nie wat verder uit mag kom nie, maar ek dink hierdie punt is reeds in die verlede en die ander sake ook al geopper en waar die persoon die algemene kennis het weens sy werk, dat hy hierdie getuie kan gee. Op hierdie stadium sal die Hof dit toelaat, dit mag miskien later wees dat ons meer diep in die saak ingaan dat die Hof moet anders beslis, maar nou op hierdie stadium kan ek dit toelaat.

VERHOOR DEUR STAATSAANKLAER (VERVOLG) Gaan voort, Mnr. van Niekerk en vertel ons wat u weet van Elias Modeve? ---- Edelagbare, sy pligte is hoofsaaklik om hulp te verleen aan mense wat die land verlaat en na Noord-Afrika state gaan vir opleiding in Guerilla oorlogvoering. Daar is etlike van hierdie kampe in die buiteland waarvan die grootste in Ethiopië. Ethiopië Haille Selassie se mense

Hoe sou u die posisie van Modeve in hierdie P.A.C. organisasie beskryf? --- Hy is....

Sommers 'n gewone lid of beklee hy 'n sleutel posisie? ---

Hy beklee 'n sleutel posisie, Edelagbare.

Hy is om dit platvloer te stel, een van die groot belhamels van die P.A.C.? ---- Dit is so, Edelagbare.

Daar word verwys na 'n plek daar Epeleng Village, is dit? ---- Epeleng Village. Dit is 'n plek in Bechuanaland waar vlugtelinge uit die R.S.A. 'n kamp het 'n soort van 'n ruskamp. Hulle word daar bymekaar gemaak.

As u praat van vlugtelinge, praat u van politieke vlugteling? ---- Politieke vlugteling.

En het Modeve iets te doen met daardie Epeleng Village ruskamp? ---- Ja, Edelagbare.

Dit val onder sy beheer. Ken u iemand met die naam van McDonald Loabele? --- Nee.

U ken hom nie? ---- Nee.

STAATSAANKLAER: GEEN VERDERE VRAE.

KRUISVERHOOR DEUR MR. SCHWARTZHAL: Mnr. van Niekerk, vir hoelank is u in die Veiligheids Afdeling? ---- Ontrent 2½ jaar, Edelagbare.

En is u nog nou in die Veiligheids Afdeling? ---- Ek is.

So jy was in die Veiligheids Afdeling, kan ons sê, vanaf die begin van 1963? ---- Dit is so, Edelagbare.

En voor 1963? ---- Het ek kriminele ondersoek werk gedoen, Edelagbare.

Wanneer het hierdie man Modeve die land verlaat? ---- Ja, ek kan nie presies sê nie, ek praat onder korreksie. Ek meen dit was hier aan die einde 1961, begin 1962.

Sodat jy het persoonlik niks van sy aktiwiteite in die Republiek geken? Jy dra geen persoonlike kennis van sy politieke aktiwiteite in die Republiek? ---- Edelagbare, ja, ek dra wel kennis daarvan.

Hoe het jy kennis van hom as jy net in die Veiligheids Afdeling is van 1963, en volgens wat jy nou sê was hy uit die land in 1961? ---- Hy het toe hy na die buiteland toe gegaan het, het hy 'n besoek gebring aan Bascetoeland.

Hy was in Bascetoeland wanneer? ---- Dit sou ongeveer

1963 gewees het.

Dra jy persoonlike kennis dat hy was daar of het iemand jou dit gesê? ----- Nee, ek het hom nie self daar gesien nie, Edslagbare.

Iemand het dit vir jou gesê? ----- Ek het die inligting uit dokumente gekry.

Ja, maar toe jy in die Veiligheids Afdeling gekom het, het jy geen kennis van Modeve se aktiwiteite, van jou eie persoonlike kennis? ---- Nee, Edslagbare, ek het nie, alhoewel ek Elias Modeve voor die tyd geken het.

Ja, maar jy het hom net daar geken as 'n tolk in die landdroshêf? ----- Dis reg, Edslagbare.

En nadat jy in die Veiligheids Afdeling gekom het, het jy sekere dokumente gelees en dit is net van daardie dokumente dat jy al jou kennis van hom kry? ----- Ek het dit my werk gemaak om soveel as moontlik omtrent hom te wete te kom nadat ek lid geword het van die Veiligheids Afdeling.

Ja, maar dit is net van dokumente wat jy gelees het en wat ander mense vir jou gesê het? ----- Ek het dit reeds aan die Hof gesê.

Nou weet jy of hierdie man, Modeve, 'n Soetoe, 'n Zulu 'n Xhosa of van watter stam hy kom? ---- Nee, ek is nie seker nie, Edslagbare.

Nou hierdie brief, dis bewysstuk X, praat net van Mr. Modeve, dit praat nie van 'n Elias Modeve nie? ----- Nee, dit praat nie van Elias Modeve.

So waarom in jou getuienis het jy gesê, 'ek ken hierdie man Elias Modeve.'? ---- Hy is 'n algemene figuur in die P.A.C. soos ek reeds aan die Hof gesê het, Edslagbare, hy is 'n senior man; 'n man wat 'n hoë posisie beklee.

Die brief praat gladnie van 'n Elias Modeve; dit praat net van Mr. Modeve? ----- Hy mag homself Mr. Modeve noem, Edslagbare.

Ja, maar dit sê nie in hierdie brief dat dit is Elias.

Modeve? --- Nee, dit is nie noodwendig dat Elias Modeve dieselfde as Mr. Modeve moet wees nie.

So dat al jou getuienis oor Elias Modeve het niks te doen Met hierdie Mr. Modeve wat in hierdie brief geskryf is? -----Ek kan nie sê dat dit niks daarmee te doen het nie.

Kan jy sê dat hierdie verwysing na Mnr. Modeve is verwysing na die Elias Modeve waaroor jy in die hof gepraat het? ----- Wel, ek sal nie enige grond hê om dit te sê nie. Alhoewel, ek het persoonlik rede om dit te glo.

Ek is nie geïnteresseerd in jou persoonlike rede, maar daar is niks in hierdie brief om te bewys dat dit verwys na Elias Modeve? ----- Ek het nie gesê daar is bewys nie, Edelagbare.

Jy stem saam met my? ----- Ek stem saam.

Hou, die gebruik van die woord 'Son of the Soil.' Jy het eers hieroor begin lees toe jy in die Veiligheids Afdeling gekom het in 1963? ----- Ja, vandat ek begin werk het met P.A.C. lede, Edelagbare, en dit was reg van die eerste dag af.

Van wanneer presies was jy in die Veiligheids Afdeling? ----- Vanaf die 21ste Maart 1963.

En is meeste van jou werk in verband met die P.A.C.)? ----- Ek mag net aan die Hof noem, Edelagbare, dat ek een van 'n span speurders was wat spesiaal afgesonder was om alle P.A.C., A.N.C. aangeleenthede te ondersoek.

Sodat jy dra soveel kennis van die A.N.C. as jy dra van die P.A.C.? ----- Wel, ek reken so.

En dra jy enige kennis van die politieke partye in Basoetoland? ----- Ek weet van hulle.

Weet jy wat hulle name is? ----- Ja, Edelagbare.

Wat is hulle name? -----Die vraag het bietjie skielik gekom, ek sal eers moet bietjie dink daaroor. Dit is in elk geval nie iets wat ek noodwendig hoef aandag te gee in die aard van my werk nie, wat ek wel geïnteresseerd in is, laat ek dit so aan die Hof stel, is ons mense wat in Basoetoland is.....

Antwoord my vraag, Mnr. van Niekerk. Dra jy kennis

van die politieke partye....-----Ek weet dat daar verakele politieke partye is, wat die name is kan ek nie op die oomblik vir u sê nie.

Maar dit is nie baie veel belang vir jou nie? ----Nee, dit raak my eintlik nie.

En die politieke partye in Bechuanaland, weet jy wat hulle name is? ---- Ek glo nie ek weet nie.

Jy weet net dat daar is politieke partye in Bechuanaland? ----- Wel, ek kan eintlik nie sien dat dit ter sake is nie, Edelaagbare.

Ja. Ek sal daarna kom in 'n oomblik. En in Swaziland? Swaziland dra jy enige kennis van die politieke partye daar? ----- Ek dra kennis van hulle.

Wat is hulle name? ----- Ek kan nie sê nie, ek weet net dat Koning Joshua se mense daar in bewind is. Dit is 'n klomp name, en dit raak my eintlik nie.

En weet jy wat die staanpunte van enige van die partye in hierdie drie lande is? ----- Edelaagbare, ek kan nie sien wat het dit met die.....

Weet jy of weet jy nie? ---- Ek moet my eintlik nie soveel daaroor nie.

As jy nie die name van hierdie partye weet nie of wat hulle standpunte is, jy kan nie weet hoe die een man aan die ander man praat as hy met hom praat of as hy 'n brief aan hom skrywe? ----- As hy?

As 'n lid van 'n party, laat ons sê in Bechuanaland, as hy 'n brief aan 'n vriend skrywe, jy weet nie watter soort titel hy sal gebruik of watter soort vorm van adres hy sal gebruik in sy brief? ----- Nee, ek weet nie.

En jy weet ook nie of enige van die partye in Bechuanaland gebruik die titel 'Son of the Soil' as hulle 'n brief aan 'n ander lid in Bechuanaland skrywe.? ---- Nee, ek sal nie weet nie, Edelaagbare.

En sal dit jou verbaas om te hoor dat dit 'n politieke

vorm van adres is in die Bechuanaland - in Bechuanaland om die titel 'Son of the Soil' te gebruik? ----- Ek het reeds gesê ek dra nie kennis daarvan nie, Edelagbare.

En jy weet nie hoeveel organisasies gebruik die titel 'Son of the Soil.'? ---- Sover my kennis strek gebruik net die P.A.C. dit, daar mag anderwees wat dit ook gebruik.

Maar jy het nie so 'n groot kennis oor ander organisasies of politieke....----- Ek het kennis oor ander organisasies en politieke partye in die Republiek, Edelagbare.

Ja, maar nie buite die Republiek nie, Basoetieland of Swasiland of Bechuanaland nie? ----- Nee, Edelagbare, dit gaan my nie aan nie.

Ja. Nou jy het ook gesê dat as mense die titel 'Iswoleto' gebruik, en as hulle P.A.C. lede is dan gebruik hulle die woord 'Iswoleto' met die woorde 'u Afrika', dit staan nie alleen nie? ----- Dit kan alleen staan.

Maar as ek jou getuienis verstaan het, het jy gesê hulle gebruik die woord 'Iswoleto u Afrika.'? -----Dit is so, Edelagbare.

En het jy dokumente wat deur die P.A.C. uitgereik is wat ná die titel 'Iswoleto' gebruik? ---- Dit mag wees, Edelagbare, ek kan maar net in die verband sê dat ek het deur honderde dokumente gelees, wat geskryf sou gewees het deur P.A.C. Lede.

U kan nie sê nie of hulle net die woord "iswoleto" gebruik? ----- Dit sal uit die aard van die saak vir my onmoontlik wees om te onthou.

Nou weet jy wat die woord 'Iswoleto' beteken in Engels of Afrikaans? ---- Soos ek sê dit is eintlik 'n slagspreuk, dit beteken 'Ons land.'

Nou jy ken nie 'n man met die naam van De Nys in die Veiligheids Afdeling nie? ----- Nee, Edelagbare.

En weet jy of daar 'n Veiligheids Afdeling is in Bechuanaland? -----Nie van die Republiek nie.

Nee, maar in Bechuanaland self? ----- Ek weet nie hoe hulle polisie werk nie, Edelagbare.

En is dit moontlik dat hulle 'n veiligheids afdeling het?
 ----Dit is moontlik.

Dit is moontlik dat as mense oor daardie Veiligheids Afdeling praat in briewe sal hulle ook die kort vorm gebruik van S.B.? ---- Dit is moontlik.

Maar S.B. kan vir ander dinge staan, anders as Special Branch? ----- Dit spreek vir dit self.

Ja, maar S.B. kan staan vir Special Branch of vir enige iets...----- Of vir enige iets anders.

Nou die gebruik van hierdie term 'the struggle', dit is ook 'n woord wat gebruik is deur die A.N.C.? ----- Ja.

In hulle dokumente? ---- Ja.

En dit was ook 'n term wat gebruik was deur die Congress of Democrats? ----- Korrek.

En dis ook reg om te sê dat enige politieke organisasie sal die term 'the struggle' gebruik, as hulle praat oor wat hulle probeer om te doen? ---- Mees waarskynlik, Edelagbare.

En jy het gesê dat die P.A.C. se plan is om al die nie-blankes in die land te probeer bind, en dan oor te neem? -----Ja, Edelagbare.

Maar is dit nie reg, volgens die konstitusie en die dokumente van die P.A.C. dat hulle wil nie al die nie-blankes in die P.A.C. hê, hulle wil net die Bantoes daarin hê, en hulle wil nie die....----- Net Bantoes. Ja, wat ek bedoel het daar met nie-blankes, dis eintlik net Bantoes, nie enige ander nie-blankes nie.

Dit was 'n fout dan. ----- Ek is jammer daarvoor, Edelagbare, ek moes eintlik gesê het net Bantoes.

Hierdie plek Epeleng Village, was jy ooit daar by Epeleng Village? ----- Nee, Edelagbare.

En wat jy oor Epeleng Village weet, is dit net wat ander mense aan jou gesê het? ----- Ja, Edelagbare.

En die feit dat die Modeve in groot slagoffer in die P.A.C. is, is net wat ander mense aan jou gesê het? ---- En wat ek uit dokumente.....

En wat jy in dokumente gelees het? ----- Dit is so, Edelagbare, en in koerante.

En die feit dat hy in Dar-Es-Salaam is, is net wat jy in dokumente gelees het? ----- Ja, Edelagbare.

En die feit dat hy het 'n kantoor en hy stuur mense na Ethiopië toe, dit is net wat ander mense aan jou gesê het, jy was n ooit daar..... Ek was self nooit daar nie, Edelagbare.

Nou hierdie man Elias Nodeve, waaroor jy gepraat het, weet jy waar hy gebore was? ----Ek meen hy was in Pretoria gebore.

Jy is nie seker nie. Is dit moontlik dat hy in Bechuana-land gebore was? ----- Dit kan so wees.

En is dit moontlik dat hy uit die land gestuur is omdat hy hier geen reg gehad het om hier te wees, omdat hy 'n buitelandse man was? ----- Nee, Edelagbare.

MNR. SCHWARTZHAL: GEEN VERDERE VRAE.

HER-VERHOOR DEUR STAATSAANKLAER:

GETUIE: Verskoon net, Edelagbare, wat ek bedoel het met my antwoord nee, hy is nie uit die land uitgestuur nie, hy het gevlug uit die land uit.

HER-VERHOOR DEUR STAATSAANKLAER: Mnr. van Niekerk, alhoewel u nou nie weet of ander politieke instansies, protektorate buitekant die Republiek, hierdie spreekwyse gebruik nie, is jy seker van die een aspek en dat hierdie spreekwyse 'son of the soil', 'Iswoleto', 'struggle', ken jy in verband met die P.A.C.? ----- Edelagbare, nog nie 'n brief gesien wat deur die P.A.C. geskryf is en ek ek het/honderde van hulle gesien wat nie daardie slagspreek het nie. Dit is een van die maklikste maniere om 'n P.A.C. brief te identifiseer en dit is deur die begin 'Dear son of the Soil'. As hy nie daarmee begin nie dan is hy net in die tweede reël, maar hulle het hom almal. Of sal ek sê 99.9 van hulle.

Ja. 'Iswoleto' en 'struggle', dit is bekendes.....

MR. SCHWARTZHAL: This is no way to examine the witness, your Worship.

STAATSAANKLAER: Edelagbare, ek bevestig net wat die getuie klaar gesê het. Hy het nou klaar my geantwoord, ek stel dit net vir hom.

DEUR DIE HOF: Ek dink u moet dit miskien net weer oorra dat die getuie dit in sy eie woorde sê.

HER-VERHOOR DEUR STAATSAANKLAER (VERVOLG) Hierdie slagsprek, soos ons nou alreeds hier aan die Hof vertel het, 'son of the soil', 'iswaleto' en 'the struggle', het hulle by u 'n bekendheid? ----- Ja, Edelaagbare.

In watter sin? ---- Ek het gedurende ondersoek van politieke misdade met honderde dokumente te doen gekry wat geskryf sou gewees het deur P.A.C. lede, en in die meeste van die gevalle begin die briewe 'Dear Sons of the Soil', 'Dear Son of the Soil', soos in die geval voor die Hof. Dis hulle manier van mekaar te groet.

Ja, Mnr. van Niekerk, aan watter organisasie sou u sê dat hierdie spreke bekend is? ----- Aan die P.A.C., Edelaagbare.

STAATSAANKLAER: GREN VERDERE VRAE.

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BAMAKANE PHILLIP MOHLABE, (b.v.)

VERHOOR DEUR STAATSAANKLAER: Ek sal jou Phillip noem. Ken jy die beskuldigde? ---- Ek ken die beskuldigde.

Ja, in watter verband ken jy die beskuldigde? Van wanneer af? ----- Ek ken hom vanaf toe ek saam met hom by Dube Hostel gebly het.

Waar is hierdie Dube Hostel? ----- Dit is in die rigting van die Orlândo.

Is dit in Meadowlands geleë? -?---- Dit is na aan Meadowlands.

In die distrik van Johannesburg? ----- Ja, Edelaagbare.

Van wanneer af het jy saam met die beskuldigde in Dube Hostel gebly? ----- Vanaf 1957.

Tot wanneer? ----- 1963.

Begin van 1963, of die einde of die middel? ----- Ons is uitmekaar gedurende die maand Maart.

Wie is toe weg van die hostel af, jy of die beskuldigde? ----

Beskuldigde is daar weg en ek het aangebly.

Hoever was jy en die beskuldigde se kamers geleë in hierdie hostel of het julle in dieselfde kamer gebly? ----- Dit is een gebou wel, en daar was 'n kombuis gewees tussen die plek waar beskuldigde gebly het en waar ek gebly het.

Nou het jy en die beskuldigde met mekaar gepraat gedurende daardie tyd wat julle daar gebly het of nie? ---- Ja, ons het met mekaar gepraat.

Ja, waaroor het die beskuldigde met jou gepraat in besonder? ----- In die begin was dit maar 'n persoon wat sommer oor enige ding gesels het.

Ja, en later het hierdie gesprekke later in 'n sekere rigting begin plaasvind? ----- Later het ek gesien dat ons gesprekke nie meer dieselfde is nie, dat daar bietjie 'n verandering gekom het.

Wat was die verandering? ---- Dit was in 'n ander rigting in gewees.

Ja. Het enige iemand ooit met jou politiek gepraat? ---- Die beskuldigde het politiek met my gepraat.

Kan jy vir die Hof sê wanneer dit was? ----- Ek sal nie die maand kan noem nie, dit was gedurende die jaar 1961. Ek kan nie die maande noem nie.

Ja, wat het die beskuldigde gesê? ---- Hy het baie gepraat oor die Congress.

Wat het jy hom by die Congress verstaan? ----- Ek was nie baie geïnteresseerd nie, maar hy het gevra vir die aansluiting.

Wat het hy gevra? ---- To join.

Het hy jou gevra om aan te sluit? ----- Hy het vir my gevra om aan te sluit.

Waarby? ----- Ek het gewaier om aan te sluit.

Haa, maar waarby? ----- Die Congress wat die beskuldigde van gepraat het.

Watter Congress was dit? ---- P.A.C.

Het beskuldigde jou net eenkeer gevra om aan te sluit? ----

'n Hele paar keer het hy my gevra om aan te sluit.

Wat het hy gesê toe jy weier? ----- Toe die beskuldigde sien dat ek nie wil aansluit, dat ek weier om aan te sluit, toe sê hy hy sien dat ek 'n 'sell out' is.

Gaan voort. Het hy toe enige iets verder gedoen of gesê toe jy weier om aan te sluit? ----- Na die het die beskuldigde toe gesê as die P.A.C. in bewind kom van hierdie land, dat ons soort heel eerste sal gevang word en ons sal gesny word.

Julle sal ontman, is dit wat jy bedoel? ----- Ontman.

Verstaan ek jou dan reg dat hy jou met ontmanning gedreig het as jy nie aansluit by die P.A.C. nie? ----- Hy het gesê dat wie nie aansluit nie, dat wanneer hulle oorneem hierdie land, dan sal ons ontman word. Ons wat nie aansluit nie.

Met ander woorde, hy het jou gedreig? ----- Nee, hy het net gesê ons moet aansluit, nie gedreig nie.

Het die beskuldigde aan jou verduidelik wat jy sou baat as jy aansluit by die P.A.C.? ----- Ons het maar gedink dat hierdie land ons sin sal wees.

Nee, maar het hy aan jou verduidelik wat jy sou baat daarby om aan te sluit by die P.A.C.? ----- Hy het net gesê dat ons verlossing sal kry.

In watter opsig? ----- Dat ons nie meer sal passe dra nie.

Enige iets verder? ----- Dit is al wat ek van weet, dit is al sprake wat daarvan was.

Toe jy vir die eerste keer die beskuldigde in 1957 ontmoet het, hoe was sy temperament? Was hy stil van geaardheid, was hy opvlieënd van geaardheid? ----- Nee, hy was baie opgeruimd gewees, daar was niks fout met hom nie, elke dag was hy maar dieselfde.

Het hierdie temperament van hom so gebly totdat hy weg is van die Dube hostel aff? ----- Die beskuldigde was latyd opgeruimd gewees, maar gedurende die jaar 1961 het ek agtergekom dat daar 'n verandering in sy houding is.

Hoe was die verandering? ----- Gesien dat hy nie meer daar saam met ons sit nie, sy gesprek is ook nie meer saam met ons sin 'r

Is dit toe by jou begin probeer oorsed het om aan te sluit by die P.A.C.? ----- Dit is so.

Weet jy of daar enige lede van die P.A.C. in daardie Dube Hostel gewoon het destyds? ----- Ek sal nie kan sê nie, ek het hulle nie geken nie.

Wat het jy afgelei uit die gesprekke van wat die beskuldigde gesê het ten opsigte van sy gesindheid, van sy politieke gesindheid? --- Ek het gesien dat dit politiek is.

Ja, maar wat het jy afgelei van sy politieke gesindhied? Kon jy aflei of hy aan enige organisasie behoort of nie? ----- Hy het verduidelik.

Wat het hy verduidelik? ----- Hy het verduidelik en gesê dat hy P.A.C. is.

Het hy gesê dat hy 'n lid is van die P.A.C.? ----- Hy het gesê hy is ook daar.

Ja, het hy gesê dat hy 'n lid is van die P.A.C.? ----- Ja, Edelagbare.

STAATSAANKLAAR: GEEN VERDERE VRAE.

CROSS-EXAMINATION BY MR. SCHWARTZAL: Phillip, where do you live at the moment? ----- I'm living at Tsaneen at the moment.

And when did you leave Johannesburg? ----- Last year.

Now, when were you asked to make a statement in connection with this case? ----- I reckon it is during the month March, last year.

March, 1964? ---- That is so, your Worship.

And the discussions which you had with the accused took place during 1961? ----- I made a mistake, your Worship, it is 1963.

When in 1963? ----- If I'm not mistaken it was the month March.

And after you made a statement in connection with this case in March, 1963, over two years ago, you haven't directed your mind to this case again, have you? ----- I still remember about the case, your Worship.

Yes, but after March, 1963, you had nothing more to do

with this case until you were asked to come and give evidence today? ----- That is so, your Worship.

And when were you approached to give evidence in this case? ---Yesterday.

Was that the first time that you were approached about giving evidence in this case? ----- That is so, your Worship.

And your evidence today is what you remember of what was said to you in 1961. Is that correct? ----- When I made a statement in 1963.....

The events that you are now telling the Court about are the events that happened in 1961? ----Yes, that is correct, your Worship, when I was still living with the accused.

And there is no particular reason for you to remember the discussions that you had with the accused? ----I remember these incidents, your Worship, because I still made a statement.

And you remember as clearly today what you and the accused discussed some four years ago? ----- I remember the incidents, because I lived with the accused.

Yes, but you remember as clearly today as when he spoke to you? ---- Yes, your Worship.

Now, did he use the word to you 'I am a member of the P.A.C.'? ----- Yes, your Worship.

Now, when did he use those words, 'I am a member of the P.A.C.'? ----- In 1961, when he changed. That's when he started talking about these....

When in 1961, did he tell you that he was a member of the P.A.C.? ----I can't say the month, I did not write the month down so as to remember the month in particular.

And you didn't write down the words that he used either? --- After he mentioned those words to me I registered in my head.

And what other words did you register in your head that the accused said to you? ----- What I've put down in my statement is what the accused told me.

I am not asking you what you put down in your statement, you refer to your head being the place where you record things, tell me what the accused said to you in 1961? ----- I didn't write it down, but it remained in my head.

Yes well, tell me the words that the accused used to you? --- He said to me that he is a P.A.C., and we must join.

Now, can you remember any other words he said to you? ---- Yes.

Right, give me the words that the accused used? ----- He said, if we did not join, when they take this country over we will be the first people to be castrated.

Those are the only words of the accused that you remember? ---- Accused then told me that when they take over the country, all the white people will be chased away.

Now, where did you have these discussions with the accused? ----- Well, we lived in the hostel.

Where in the hostel did you have these discussions? ----- Sometimes we were there in the kitchen busy eating when he spoke about these things.

And where else did you have these discussions? ----- At no other place barring the hostel.

And did you ever discuss it in your room, or was it only in the kitchen? ----- Kitchen.

And is it just the two of you who were having these discussions? ----No, he said it in public, we were all sitting together eating.

How many of you were sitting there eating? ----- I didn't count the people that were sitting around there. I didn't know anything would happen in the future.

What earthly reason have you got to try and remember what he said, if you didn't think that anything was going to happen? ---- I remember these things, because he didn't tell that to me one day, only once.

Yes, but look, if what was told to you has stuck in your

mind, can't you remember who was there and who many people were there? -----There were people there, but I can't count them out and point at them and say, one, two, three, four.

Yes, but about how many people were there? Ten, twelve? ----- There were people there. I can't tell you how many.

And do you know who these people were who were there? ---- I knew the people there, your Worship. You must know some of them can't pay for their beds, and if they can't pay for their beds then they've got to go.

Yes, but do you know the names of any of the people who were there at the time when these discussions took place? ----- I can't say who was present on such and such a date, but there were people present.

Yes, but tell me some of the people who were there during some of these discussions? ----- James Motele.

Yes, one. Anybody else? ----- Johannes Deno.

Anybody else? ----- I don't remember. If I had to mention any names now I would be telling lies, I can't remember.

Who were the other men who shared these rooms in the hostel with you and shared this kitchen with you? ----- As I've already explained, this room, there is a kitchen between the two rooms, one side of this kitchen there are eight people living on the other side there are another eight.....

I'm asking you to give me the names of people who lived there? --- It wasn't my duty to go and ask me their names there.

Answer my question. Give me the names of the people who were living in this room with you up to 1963? -----You must now remember from 1961 to 1963 there were people who were there who had left already.

Will you answer my question and give me some of the names of some of the people who were there over that period? -----I can't give you say six names, but there are some people there who didn't pay for their beds so they had to go away.

Don't you want to give me the names of people there, or

don't you remember the names? ----- You mustn't say from 1961, you are going to mix me up then.

BY THE COURT: Look, the question is quite clear. It all goes about 1961, and he has asked, can you give any names of the people who were staying there in 1961, at this time we're talking about, can you give the names or don't you want to give the names? ----- I have already given the Defence two names, your Worship.

You have given two names. Now the question - can you give anymore? Can you remember anymore? ----- They lived and left there, your Worship, they were in and out.

Now, just answer the question. Can you remember their names, can you give the names? ----- Only the two names, which I have already given to the Defence, which I can remember, your Worship.

CROSS-EXAMINATION BY MR. SCHWARTZHAL (CONTD.) So your memory for names isn't that good? ----- How many names do you want, which names do you want from me?

You can't remember names, that is correct, apart from the two that you've mentioned to the Court? ----- It is not my buddy and it is no concern of mine to ask them their names. They come and go. Then they are in the kitchen then they are here and then they are there.

Yes, but it is no concern or duty of yours to remember conversations that take place between you? ---- I said it is so, because the accused spoke to me and told you to join.

He spoke to you only? ---- I said that he spoke to us in the kitchen.

Who is 'us'? ----- I've already given you two names of the people who were with you.

Is this a meeting? ---- No, while we were busy eating.

And these two people whom you've just mentioned to the Court, whom you remember being there, have you seen them since you have left the hostel? ----- No, your Worship, I was transferred to Tsaneen, where would I see them again.

Do you see them here today, James Motele and Johannes Lino? ---- I saw them today.

Yes, and did that remind you that they were people who were there as well? ---- I don't remember, I know them.

Yes, but before you saw them again, had you remembered and knew their names that they had been at these discussions? ----- May I just get the question again, please?

Before seeing them again today, had you remembered their names and knew that they were present at these discussions? ----- Why I remember them, your Worship, what makes me remember them, the one I remember was the younger brother of the accused.

And the other one, Johannes Lino? ----- This Johannes, every time he was off duty, he didn't go anywhere else he came there to that place.

Now, you say you made a statement in March, 1963? ---- That is so, your Worship.

Now, when you were asked to make a statement, were other people there also asked to make statements? ---- They came to me and then I had to go to Grays Building.

Yes, but apart from coming to you, did the police come to other people who were in your room, and asked them to come along as well to make statements? ----- They first fetched me, thereafter they fetched James.

And Johannes? ----- And Johannes.

And did they fetch others? ----- No.

Just the three of you were asked to make statements? ----- Just the three of us. I only know about the three, I don't know if there perhaps are any others.

* COURT ADJOURNS *

ON RESUMPTION OF COURT:

MABAKANE PHILLIP MORLABE, (s.u.o.)

CROSS-EXAMINATION BY MR. SCHWARTZAL (CONTD.) Now, Phillip, do you know the difference between the Pan Africanist Congress and the African Nationalist Congress? ----- I have heard these differ-

names, but I don't know what the difference is.

Do you know what they stand for? ----- No.

And did you know what he was asking you to join when he spoke to you? -----I only knew it was a Congress and I had to join a Congress.

Yes, but it could have been that of a burial society? ---- Well, I didn't want to have anything to do with this, so he didn't interest me.

Why didn't you want to have anything to do with it? ----- I didn't like it, that's why, and if I don't like a thing, I'm not interested.

But you didn't know what this thing was? ----- Well, I was told these different names, but what the object of these different names was I do not know.

And you weren't interested at all? ---- I wasn't interested.

And the accused didn't tell you either? ----- The accused did not explain the activities for instance, of these different names, he just asked me to join.

And you didn't know what he was talking about? ----- Well, the accused told me that it was Pan African, but what the functions were of the Pan African, I do not know.

And you never bothered to ask him? ----- Well, the accused told me it was the ^{Pan}/Africanist, and he asked me to join. The accused told me that it was an organisation called the Pan Africanist.

Yes, but you didn't ask him what it did? ----- No, if I was interested in it I would have asked him to explain what the good or the bad was of this organisation.

And the other people there didn't ask either, who were present at these discussions? ----- I didn't hear anybody ask.

Yes, but you were present when these discussions were taking place? ----- I was present.

And if somebody had asked, you would have heard what they said? ----- Yes, I would have heard if anybody had spoken to the accused about this.

Did you hear James Monutle speaking at these discussions that you had? ----- James Monutle did not say anything.

And Johannes Lino? ----- He did not say anything either.

And in fact there couldn't have been a discussion about this, because apparently all that happened was that the accused said you must join the Pan Africanist Congress, and you said you are not interested? ----- The accused did address us, but

But his address was, won't you join the Pan Africanist Congress, and you refused, and that was the end of the discussion? ----- We were eating at the time when the accused was talking about all this.

And you were more interested in your eating than listening to what was being said? ----- Well, you know, if you listen to somebody, it would be only in a matter you like and you are interested.

Yes, but you weren't listening to what the accused was saying, because you weren't interested? ----- The accused did not only talk about this once, he spoke to me about this on different occasions.

Yes, but you weren't interested in listening to it on any of the occasions? --- I was not interested in this at all, but the accused mentioned it on several occasions.

Now, how many of you would sit there eating at the same time? ----- You are repeating your questions, I've already answered that. I had nothing to do with that, I didn't count the people eating.

How many chairs are there for people to sit down and eat at the same time? ----- There were actually two benches. There was a table and on both sides of the table there was a bench.

For how many people was there room to sit at these benches? ----- I don't know, I didn't measure these benches, I can't say.

Look don't try and waste time, you lived in this hostel for years? ----- You've heard me, I told you that I didn't measure it.

I know you didn't measure, but when people were eating there, how many people could sit down on those two benches and eat? ----- I didn't take notice of that. I can't say how many people could sit on these different benches. I just sat down, that was all.

And you don't know how many people ever sat down with you at a meal there? ---- I don't know how many people came and sat down on these benches, sir. But people came and they sat down.

So you don't want to answer?

BY THE COURT: No. I can't say that. This is the second time. I mean you have previously asked him to give a reply, and he couldn't give a reply. I can't see how you can expect him, this happened so many years ago. He says it happened on several occasions. It is not reasonable that he can remember how many people there were. He has done his best to reply to the question, I don't think it is fair.....

MR. SCHWARTZHAL: Well, I'm trying to get an answer to a simple question, because he knows this table and he knows how much room there is for people there.

WITNESS: That is a matter for the municipality. That is not my table. The municipality.....

BY THE COURT: Yes, but whether it is the municipality or not, can you say how many people can there sit at a time, when all the seats are full, the benches are full how many people more or less can be seated? ----- Well, I don't want to tell lies, sir, I don't know.

Can you make an estimate? ----- Seven or eight on each bench, but I'm not sure.

CROSS-EXAMINATION BY MR. SCHWARTZHAL (CONTD.) Now, over what period did the accused speak to you about this congress? ----- I've already told you that I don't know the months.

I'm not asking you the months. You've already told us that it was during 1961, when he started. ----- Yes.

Now, did he only speak about this during one month or did he speak about it over two months, three months or what? ----- It was during 1961, and it could be from 1961 to 1963, whilst I was living with the accused.

But you can't recollect on about how many occasions this happened? ----- No.

Or when it stopped? ----- It stopped in 1963, I then no longer saw the accused after that.

Were you and the accused on good terms? ----- Before the accused joined the Pan Africanist Congress, your Worship, we were on good terms, but after the accused joined, I noticed that he was no longer friendly with us as before. Feelings were not the same after he had joined.

And this was from 1961, when you say you noticed a change in the accused? ----- Yes, and up to the time he disappeared.

He didn't want to have anything to do with you people? ----- Well, during the whole period of 1961 up to 1963, the accused kept on saying, 'join, join, you must join'.

But he wouldn't speak to you about anything else or have anything else to do with you? ----- Well, the accused said the time would come that we would take this country. The accused further said, that if you refuse to join, and after we have taken possession of this country, those that did not join, I've already told you this, that they would be castrated.

Well, look I'm not asking you to repeat what you have already told us, I'm asking you whether apart from asking you about this Pan Africanist Congress, the accused had nothing else to do with you and the others there? ----- Well, I don't know what else you want from me, but the accused did not discuss any other matters.

BY THE COURT: The main issue now being canvassed is whether you remained on friendly terms with the accused. And it is put to you that after he mentioned this to you about the joining that he did not want to have anything further to do with you. Is that so or is that not so? ----- No, the main issue was that we had to join.

The accused asked us to join and that was the subject.

Yes, that is right. But now, did he then out of his own, when you didn't want to join, wanted nothing further to do with you? ---- From 1961, your Worship, until 1963, the accused continuously asked us to join, but in 1963 he disappeared and that was the end of the accused.

CROSS-EXAMINATION BY MR. SCHWARTZHAL (CONFD.) And as you said in your evidence-in-chief, that during 1961 there was a change in him, and it is correct that he no longer sat with you and he did not speak with you anymore?

BY THE COURT: No, he didn't say that. He said that there was a change in him.

STATE PROSECUTOR: The version given by the witness was, that the accused was a very pleasant fellow up to 1963, and then he changed.

BY THE COURT: Yes, that is what I recollect. I don't think that he said that he didn't speak to them or sit with them anymore..

MR. SCHWARTZHAL: It is my notes, your Worship, I might have taken it down incorrectly.

CROSS-EXAMINATION BY MR. SCHWARTZHAL (CONFD.) And it is also correct that from 1961 the accused no longer sat with you and was not prepared to speak to you? ----- I can only say that the accused was not the same anymore. The way he spoke to us.

Do you know where the accused was working whilst he was staying with you at the hostel? ----- I know that the accused was working in a building near the Carlton Hotel. African Caterers, I think.

And after that, do you know where he worked? ----- He went to Auckland Park, somewhere in that vicinity, after the accused left this firm, where he worked exactly, I don't know.

Do you know when he left this firm, African Caterers? ---- No.

And do you know when he started working for this firm in Auckland Park? ----- I don't know when the accused started his work in Auckland Park with this firm, but I know when he left this

firm he went and worked there, that is Auckland Park.

Now you said the accused started talking politics to you at some stage, what politics were you discussing? ---- I never said he spoke about politics.

Now, have you got any interest at all in the affairs that are going on around you in this country? ----- I am not concerned about the affairs of this country, I am only interested if I have no worries and I have enough food and I eat and carry on, I'm not interested in the rest.

Did you never discuss with anybody what happens in Parliament or what happens in the Transkei? ---- To tell you the truth, I don't even know what Parliament means.

And you are not interested in the laws that are made in this country? ----- I just obey the law if the law is passed, and I keep up with that law. I abide by the law.

And when there was the state of emergency in 1960, did you discuss that with anybody? ---- These are the type of things I do not want to know, because they have got nothing to do with me.

And when Mandella had his case, were you interested in what was going on there? ----- No, that had nothing to do with me.

And you never ever discussed any of these things with anybody at all? -----No.

I want to put it to you, that whilst you and the accused were staying at the Dube Hostel, just in the ordinary course of events, the two of you would discuss daily affairs? ----- I deny that.

Do you read the newspaper? ----- Sometimes, yes.

Sometimes the accused would read the newspaper? ----- Sometimes I see him with the paper, in possession of the paper.

And I want to put it to you that the two of you from time to time with others, would discuss what was written in the newspaper? ----No, I deny it, sir.

What did you use to talk about then? ---- You are asking me about things that happened long ago, I don't know what to say to you

You can't remember what you discussed then? ----- Sometimes, for instance, we could have discussed women, your Worship.

Yes, and apart from women? ----- And other matters.

Such as what is happening in the country?----- That was not a matter concerning me, things that were happening in this country.

When people got shot at Sharperville, you didn't discuss that with anybody? -----I did not speak to anybody about Sharperville matters.

And I want to put it to you that during these discussions with the accused, you would speak about current affairs, and what was going on in the country, and that was all? ---- It is not so, sir.

And I further want to put it to you, that the accused never ever asked you to join the Pan Africanist Congress? ---- The accused asked me and others on many occasions to join. Myself and others.

And I want to put it to you that after a lapse of many years you are unable to recollect anything that the accused and you discussed when you were living together at the hostel? ---- Well, I didn't suggest things, but I remember that the accused wanted me to join the Pan Africanist Congress.

It couldn't have been any other organisation that he was talking about? --- I don't know, but he said it was Pan African.....

Are you sure he used the words Pan Africanist? ----- I am.

And I also want to put it to you that the accused never ever said to you that he belonged to the Pan Africanist Congress? ----- I say he did, because the accused asked me to join

Is that the only reason why you say he belonged, because he asked you to join? ----- The accused told me himself that he had joined, when he asked me to join, he said, I want you to join, because I have joined.

Apart from the accused, did you hear any other people

saying that they had joined the Pan Africanist Congress? ----- No.

And did you hear anybody else talking about it, apart from the accused? ---- Not a single one.

Not at the hostel or at your place of work? ---- I was always alone, I had nothing to do with anybody else.

Until this day, you don't know what the Pan Africanist Congress means? ---- All I know about the Pan Africanist Congress, is that I realised that this was an unlawful organisation, because the police were conducting raids around about 12 o'clock at night. The police have been to me, for instance, and told me that they were looking - the police came along for instance and woke us up inside the house, and asked for Monnie. And they used to come there about every second day. They would come there 12 or 1 o'clock at night.

MR. SCHWARTZHAL: NO FURTHER QUESTIONS.

HER-VERHOOR DEUR STAATSAANKLAER: Toe die beskuldigde jou gevra het om aante sluit by die P.A.C., het jy toe alreeds besef dat dit dalk 'n verbode organisasie is, dat dit onwettig was om aan hierdie organisasie te behoort? ----- Ek het toe nog nie geweet dat dit 'n onwettige organisasie was nie, Edelagbare, maar dit het my nie geïnteresseer nie.

Jy het eers agterna uitgevind? ----- Ek het besef dat iets verkeerd was toe die mense in die nag gesoek was. Wou opgespoor word.

Was dit nadat die beskuldigde weggegaan het van Dube Hostel? ----- Ja.

As jy sê die beskuldigde het die woorde gebruik "I am a member of the P.A.C.", bedoel jy daarmee dat dit sy presiese woorde was, of dat dit die strekking van sy woorde was?---- Het die beskuldigde dit in Engels gesê.

Ja wel, die advokaat vir die Verdediging het jou gevra of jy gehoor het die beskuldigde sê, "I am a member of the P.A.C.". ----- The accused said, I am a Pan African, and I want you to join the Pan African.

Ja, maar wat ek bedoel, as jy so sê, bedoel jy daarmee dat dit die presiese woorde was wat hy gebruik het, of bedoel jy daarby dat dit die strekking was van wat hy gesê het? ----- Dit was die strekking van die woorde. Die beskuldigde het gesê hy is 'n Pan African, en jy moet ook by die Pan African aansluit.

Nou, jy het gesê dat gedurende 1961 toe die beskuldigde jou begin vra het om aan te sluit by die F.A.C., toe het sy houding begin verander, sy geartheid het begin verander. Nou, het sy houding begin verander voordat hy jou gevra het om aan te sluit by die F.A.C. of nadat hy jou gevra het en jy het geweier? --- Beskuldigde het my gevra om aan te sluit vanaf 1961 tot 1963.

Ja, maar al wat ek wil weet, het sy houding teenoor jou verander voordat hy jou gevra het of nadat hy jou gevra het en jy geweier het? -----Dit was na die beskuldigde my gevra het om aan te sluit wat sy houding verander het.

Watter indruk het jy gekry, het die beskuldigde jou kwalik geneem omdat jy nie wou aansluit nie, of was hy doodtevrede daarmee dat jy nie wou aansluit nie? ----- Ons was op 'good terms' gewees, maar na ek nie wou aansluit nie, toe het die beskuldigde se houding verander.

Jy het ook gesê dat die beskuldigde jou op verskeie geleenthede gevra het om aan te sluit. Nou op daardie geleenthede, was julle almal dieselfde groepie persone bymekaar of was julle verskillende persone op verskillende geleenthede? ----- Dit was altyd dieselfde groepie mense wat in daardie huis daar was.

Toe jy jou verklaring aan die polisie gemaak het in 1963, was dit dieselfde verklaring wat jy vandag hier in die Hof gegee het? ---- Ek dink dit is dieselfde, ek vertrou dat dit dieselfde verklaring is.

So dit is nie die eerste keer dat jy hierdie storie vertel nie? Jy het dit eers aan die polisie vertel. ----- Ja, ek het dit eers aan die polisie vertel, en ek herhaal nou die storie.

Ja, in 1963, was die gebeure varser in jou geheue as wat dit nou is nie? ----- Ja.

JAMES MOLAHLELI MONUTLE (b.v.)

VERHOOR DEUR STAATSAANKLAER: James, is dit korrek dat jy die broer van die beskuldigde is? ----- Ja.

En het jy en die beskuldigde op een stadium saam gewoon? ---- Ja.

Waar? ----- Dube.

As jy sê Dube, bedoel jy die Dube hostel? ---- Ja, die hostel, ek woon nou nog daar.

En van wanneer tot wanneer het die beskuldigde daar gewoon saam met jou? ---- Ek weet nie wanneer my broer daar gekom het nie, maar toe ek daar gekom het by die hostel was hy reeds daar.

Wanneer het jy daar gekom? ---- 1959.

En wanneer is die beskuldigde daar weg? ---- 1962.

Begin van 1962 of die einde van 1962? ---- By die begin van 1962.

1962? ---- Ja.

Hoelank is hy nou al weg van die hostel? --- Hy is vanaf die hostel weg van 1963.

Is hy 1963 by die hostel weg? ----- Ja.

Kyk, terwyl julle daar gebly het, het jy enige iets uitgevind omtrent enige - of jou broer deelneem aan enige organisasies? ---- Nee, ek het nie notisie geneem daarvan nie.

Het die beskuldigde met jou gepraat oor politiek of politieke aangeleenthede? ----- Hy het.

Wanneer? --- Toe ons van die huis afgekome het.

Wanneer het julle van die huis afgekome? ---- Kersfees 1962.

Het julle gaan kuier by die huis? --- Ja, ons gaan as 'n reël altyd huistoe, elke jaar.

Goed. Wat het jou broer vir jou gesê toe julle van die huis afgekome het, Kersfees 1962? ---- Hy het my uitgenooi, beskuldigde het my uitgenooi, Edelagbare, my broer.

Om wat te doen? ----- Hy het my uitgenooi en gevra ek moet aansluit by hierdie besigheid wat jy nou van praat.

Ja, waarby moes jy aansluit? ----- Die beskuldigde het gevra ek moet aansluit by hierdie organisasie waarvoor hy nou hier voor ons is in die hof.

Ja, wat is die organisasie se naam, James? Ons weet dit is jou broer teen wie jy getuig, maar ongelukkig kan ons dit nie help nie? --- Dit is P.A.C.

Waarvoor staan P.A.C.? ----- Organisation, sir.

Waarvoor staan PAC, staan dit vir P.A.C.? ----- Ja.

Ja, en wat het jy toe gesê? ----- Ek het geweier om aan te sluit.

En wat het die beskuldigde gesê toe jy weier? ---- Die beskuldigde het gesê dat hy sou my verplig om aan te sluit.

Hoe sou hy jou verplig? ----Hy het gesê hy sal my 'n om maak as ek nie aansluit nie.

Ja, hy sou jou ontman, is dit wat hy bedoel? ---Ja.

Weet jy of die beskuldigde destyds aan een of ander politieke organisasie behoort het? ----- Nee, ek het hom nie uitgevra omtrent hierdie tipe van dinge nie, Edelaagbare.

So jy weet nie of hy lid was van een of ander organisasie nie? --- U meen heeltemal 'n ander organisasie?

Nee, enige organisasie? ----- Ek het reeds PAC genoem, Edelaagbare.

Bedoel jy daarmee dat jy weet dat hy lid was van die P.A.C.? ---- Wel, hy het gesê ek moet aansluit.

Ja, maar het hy iets gesê ten opsigte van homself? Sover dit lidmaatskap aanbetref? ---- Die beskuldigde het net vir my gesê ek moet aansluit, maar hy het nie vir my gesê wat se amp hy reeds beklee nie.

Het hy vir jou gesê of hy 'n lid is van die P.A.C.? ---- Beskuldigde het net gesê ek moet saam met hulle aansluit.

Saam met hulle aansluit? ----- Hy het gesê met hom aansluit. By hom aansluit.

O, by hom aansluit. Het hy nou gesê jy moet by hom aansluit as lid van die P.A.C.? ---- Hy het gesê ons moet saam daaraan

behoort.

Het hy vir jou gesê of hy alreeds 'n lid was? ----- Ek weet nie wat om nou te sê nie.

Man, het jou broer vir jou gesê hy is 'n lid van die P.A.C. of nie? --- Hy het.

Hy het wat? ----- Hy het gesê ek moet saam met hulle ingaan in hierdie ERC, Edelagbare.

Dis mos nou nie my vraag nie. James, luister.

MNR. SCHWARTZHAL: Jy kan hom nie kruis-ondervra nie.

DEUR DIE HOF: Ja, ek dink die Hof het baie toegelaat hierso. Jy is werklik besig om die getuie onder kruis-ondervraging te neem.

STAATSAANKLAER: Ja, ek moet my natuurlik daarop beroep dat uit die aard van die omstandighede dit uiters moeilik is om hierdie getuie te lei.

DEUR DIE HOF: Ja, dit is so, maar dit kan natuurlik nie die reël....

STAATSAANKLAER: Ja.

DEUR DIE HOF: Breking van die reël.

VERHOOR DEUR STAATSAANKLAER: In 1962, toe julle van die huis af kos, was dit die eerste keer wat die beskuldigde vir jou gevra het om aan te sluit by die P.A.C.? ---- Dit was nie die eerste keer nie.

Goed. Wanneer het hy jou voorheen gevra? ----- Voor dit.

Wanneer? ----- In 1961.

Ja. Hoeveel keer het hy jou gevra? ----- Ek het nie getel nie.

Het hy jou een keer of twee keer of verskeie kere gevra?

MR. SCHWARTZHAL: Your Worship, I object to the whole manner of this examination.

STAATSAANKLAER: Edelagbare, ek kruis ondervra nie die getuie nie.

DEUR DIE HOF: Nee, maar dit is jou eie getuie, jy moet nie so 'n houding teenoor hom aanneem nie. 'n Dreigende houding. Laat hy sy getuie gee vir jou.

STAATSAANKLAER: Seersekerlik, Edelagbare, ek is geregtig om die getuie vree te vra.

DEUR DIE HOF: Ja, maar die Hof kan die houding dat jy nou die vree

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