

year, but one of the past years.

Didn't I understand you to say he worked for building contractors last year? -- That is why I say I am not sure which year it was.

Now you are not so sure. Did you see him last year? -- Early last year I saw him.

When, beginning or the middle or the end? -- The beginning.

How did you know then that he was working for building contractors if you just saw him, did you speak to him? -- It was then that I spoke to him and that he in fact told me.

Now where was this exactly? -- At the time when we used to go to our meetings.

That was in the morning that you saw him when he told you that it was building contractors, now you say it was at a meeting at night, what do you mean? -- No, I am afraid, I did not say in the morning.

Right, tell us what you mean? -- I saw him at the beginning that is early in the year.

1964? -- '64, when he told me that he was employed by some building contractors.

And you saw him where? -- I don't exactly know where it was, but it must have been or rather on our way to work.

COURT AND DEFENCE DISCUSS REPLY OF WITNESS.

What is this business that now you are telling the Court that you saw him in the morning, is this when you had your meeting? -- Then I must be more explicit, I do not remember whether it was on the occasion of a meeting or one morning on my way to work.

And he told you that he was working with these building Contractors? You have been at his house many times before that? -- No, I was not in the habit of often going to his house.

Did you meet his wife? -- I have seen his wife.

Do you know her name? -- No.

COURT: What was the last question?

DEFENCE: He doesn't know the wife's name.

No doubt you can describe her to the Court then?

Yes, she has a dark complexion, she is stout.

Tall or short? -- I should say average height,  
neither tall nor short.

--  
②'s  
wife

And apart from that you can't tell the Court anything else about her? -- No, I can't recall anything specific about her that I can say.

What would you say is the chief characteristic about No. 2 accused himself? -- In what respect, can you be a little more explicit?

You were trying to describe him to the Court, if he wasn't in Court how would you describe him? -- I'd say he is short, he has got a reddish beard, that's what I would say.

What about No. ③ accused, do you know him very well?  
-- I know him too, yes.

What's his clanname? -- Xhamela.

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With your permission, I'd like to come back and just ask the same question for No. 2, what's his clanname? -- Mqocota.

And No. ③, how would you describe him to the Court? Don't look at him. -- Dark complexion, one of his eyes is defective, apparently it must have been hurt at some or other stage.

Just defective, is it? -- It looks like it, it doesn't function.

All right. Yes, one defective eye, dark complexion, what else? -- He is not a tall man, he is of average height.

What about his wife, describe her? -- She's also got a dark complexion, she had a fleck in her one eye, that's the left eye.

And stout or thin? -- She has a nice build, she is not thin.

What do they know you by? Dennis Mali for example what does he call you? -- We are in the habit of knowing each



other by our clannames, mine is Banqo.

And you call him what? -- Mpinga and another name Skenjana.

COURT: Are you referring to Dennis Mali now?

DEFENCE: Dennis Mali.

COURT: You say you call him? -- Mpinga or by his other name Skenjana.

DEFENCE: When did you last see Dennis Mali? -- On Sunday.

That's just past? -- Yes.

COURT: Yesterday? -- Yesterday morning.

DEFENCE: Where was this? -- He was behind his house, I was at my house when I saw him.

Do you live next door to each other? -- He is behind me, there is one street between us.

Did you talk to each other from your gardens? -- No, I only saw him.

Did't you even greet each other? -- It is some distance away, I greeted by hand, I did not call out.

COURT: You waved? -- That is so.

DEFENCE: Did he wave back at you? -- Yes.

When were you told to come and give evidence in this case? -- I was told yesterday, but I had previously been told at Somerset East that I may again be required at some or other time.

You know where No. (3) lives? How far is that from No. 2 accused's house? -- Not very far.

What do you mean by very far? -- Close by.

Well, what does that mean, interpreting in terms of yards or streets or something? -- I don't know what a yard is.

Or, all right streets then? -- I find some difficulty here, I can't give the Court an idea by pointing out not being familiar with the surroundings.

Right, let me help you here, you had spent a certain amount of time this morning in the police station across the road? -- Yes.

You know how far that is from this Court then? How far in relation to that does No. 2 live from No. 3, is it almost the same distance or is it further or nearer? -- I'd say between two and three times the distance between here and the opposite, the back of the charge office.

My learned friend agrees that it is approximately 50 yards from here to the police station.

COURT: About 150 yards.

DEFENCE: That is, so.

How many streets would you say can you remember how many streets there are between the houses of No. 2 and No. 3? Is it on one street? -- The one resides in the back street and the other one in the other street.

Well, how many streets apart are they, surely that's not too difficult for your intelligence? -- One.

Why so much trouble in answering that question? -- I don't know what you mean, would you be a little more explicit?

Look, your job is to answer questions not to put questions to me. Why did you have difficulty in answering that question?

PROSECUTOR: With respect I don't think the witness really had such difficulty as my learned friend is trying to make out?

COURT AND DEFENCE DISCUSS THE WITNESS.

DEFENCE: Right. What about the distance between No. 1 and No. 2? -- The distance is far, a big distance.

How many streets would you say on this occasion?

COURT AND DEFENCE DISCUSS MATTER HOW QUESTION IS PUT TO WITNESS.

COURT: How far, you have given the Court an indication that you appreciate the distance between the police station and this Courtroom, now how many times would you multiply that distance to try and tell the Court how far No. 1 lives from No. 2? -- It is very far, he stays at the beginning of the commencement of the houses.

COURT: Now who is that? No. 1 or 2? -- No. 2.



At the beginning of the commencement of the houses near one of the open spaces that you refer to? -- He is close to one of the open spaces. A little further along there is an open space and he is not very far from there.

That is No. 2 now? And No. 1? -- They don't reside in the same street.

DEFENCE: Yes, all right, let us leave that point. You remember the 26th of June, 1961? -- Yes, I remember.

What do you remember about it? -- I remember that it was the day of mourning.

Yes, what did you do on that day? -- You mean at my house? I do know on that day we did not use the bus.

COURT: Did you go to work on that day or did you stay at home? -- I went to work.

How? -- On foot.

Was that normal for you? -- No, I usually use the bus.

DEFENCE: Didn't you try and picket the bus stops? -- If I see anybody wanting to board then I do, but nobody endeavoured to.

Did you not have an organised zone which on that day made any attempt to picket the bus stops? -- No, organising of a zone doesn't necessarily imply that they organised the picketing of buses, this is done collectively by all the zones.

All right. Do I understand that you got up that morning and simply walked out of your house straight on to work? -- That is correct.

And the zone itself made no concerted effort to picket any bus stop, is that correct? -- I wouldn't say they did or not, I didn't see them.

Wasn't it arranged amongst you people, you went, you had a meeting the previous night, didn't you, when you got your pamphlet? -- If you saw anybody beginning to board the bus, then you must prevent him from doing so.

COURT: In other words you did not agree at your meetings that, say for instance, Magebula and you would go to a certain bus

stop to do picket work or that Komete and Komanisi would go to another one? -- No, no such arrangements.

No such arrangements.

COURT ADJOURNS.

COURT RESUMES.

DEFENCE: That was the position on the 26th of June, 1961. Did the same position prevail in '62 or was it actually discussed the picketing of the bus stops? -- The position in 1962 was the same as in 1961.

So you took no part in either of those years of any assaults on anybody, you personally? -- Yes, well, I didn't, I didn't see anybody attempting to board the bus.

Yes, so either coming home or going to work? -- Either way.

Consider the next aspect, the pamphlet distribution? -- I think in this respect I have covered that portion? With respect, your Worship, I think that has been covered.

I would like to go on to this meeting in 1960, do you remember whose house it was held at? -- Mggala Mali's house.

Now before that and the time that the African Congress had become banned, was there any meeting at all or any gathering that you attended? -- That period, that is the banning and the meeting of November of 1960, that period was dormant. This was the first meeting.

How did you hear that the organisation was banned? -- I heard it as well as read it.

I see, it was quite common knowledge everywhere, everybody knew about it? -- Yes.

Who told you to come to this meeting in November? -- Mggala Mali, asked me to come.

And you can remember what he said at that first meeting? -- Yes.

What was the gist of it? -- He told us of this new plan, by which we would be working seeing that the organisation



had been banned, that was the gist of the speech.

He started off by saying "you will remember" didn't he? You will remember the banned organisation, is banned? -- He said "Comrades, you remember or recall that the organisation had been banned."

And continued on saying what? -- That the organisation was however not prepared to cease activities but would continue therewith. The organisation would go underground.

Yes, anything else? -- He then told us that we were all appointed to cell stewards.

Yes? -- He told us about there would no longer be any public meetings, that the meetings would in future be held on a rotatory basis in our houses on Thursday evenings.

Yes? -- And that our work was to recruit new members, the paying of subscriptions, attending of tea parties, concerts of the ANC, distribution of A.N.C. leaflets.

I see, and was that all he told you or was there anything else? -- A change would take place in regard to the old system of membership cards whereby the subscription fees then of 25c per annum were paid, this would now be 20c per month.

Is that all? -- He said a receipt would be issued to the person who subscribes that is the 20c per month. All the figures on the receipt would be the number of the house of the member and the date and the amount of 20c. And at the bottom would be the impression of this bird, the A.N.C. bird, the emblem of the A.N.C. That is to show that it was issued by the A.N.C.

Did you pay your money that night or did you wait for another meeting? -- That same night we paid our subscriptions, the first person was the Chief Steward himself.

And that was that was that meeting? -- He said that he will bring us further news of anything that might crop up or things that he wants to tell us.

When did he bring this further news? -- He brought us further news in 1961.

No, no, you said he would bring us further news, do you mean at the next meeting or anything to that effect? -- He didn't specify when.

And is that all then? Nothing else he said that night? -- That is all he said that night.

Quite sure? -- I don't remember anything else.

Yes. How many recruits did you get into the organisation? -- I can't count how many, there were a lot.

In your zone, how many did you bring into your zone? I am talking after the banning, after this November meeting? -- I recruited accused No. 1.

After that November meeting? -- After this meeting.

And anyone else? -- No, no one else that I can remember.

So you have only recruited one man in three years' work with the A.N.C.? -- I only remember him, I don't say that he was the only one that I recruited.

COURT: What did you do? -- I recruited him, accused No. 1, I don't say that he was the only one that I recruited.

DEFENCE: Why, were there so many that you recruited that you have difficulty in recalling? -- There weren't many.

Well, then certainly you wouldn't have difficulty in remembering? -- I can't.

There are other things you remembered with great clarity? -- Correct.

How many people did you recruit, please try and remember it? After November 1960?

COURT: Do you know what recruits mean? -- Yes. I don't remember anybody else.

Pardon? -- I don't remember anybody else.

You don't remember anybody else. Just tell us how did you recruit him? -- Well, I recruited him, he is from the same area that I come from, he was known to me.

And then? -- Well, he became a member after I spoke to him.



When about was that? -- In 1960.

Before or after this November meeting?

DEFENCE: He said after this meeting.

COURT: How long after it? -- A week after.

Was he not at that meeting? -- I am sorry I am making a mistake, he was already at the meeting.

How could you recruit him then? -- He used to come to me always to my place of residence and I took him with to the meeting.

You mean the first meeting or are you referring to the one a week after that, the first one? -- The November meeting.

DEFENCE: So, when did Mgqala Malicome and tell you about this meeting in November? -- The day before.

Where did he tell you this, at home or at work? -- At my house.

At night? -- After my return from work that evening.

When did you see No. 1 accused then? To tell him about the meeting? -- He came there the same evening.

What did you say to him? -- I said he must come with me to the meeting.

Had Mgqala Mali told you that you were to bring any one you like along with you? -- No, he did not tell me to bring anybody with me, I took one myself.

Why did you take it upon yourself? -- Well, Mgqala had told me that there would be a meeting, so I took this one boy along with me.

You knew it was secret, you knew it was a banned meeting, you knew it was a dangerous thing to do? -- I thought that perhaps the ban had been uplifted.

Oh, what made you think the organisation ban had been uplifted? -- Because some of the persons that had been arrested, had been released.

Now are you trying to say to the Court that when Mgqala Mali came along that evening the day before the meeting, that he didn't impress upon you the need for secrecy? -- No,

he said nothing he said I must come to his house to the meeting.

For what purpose? -- He said it was an A.N.C. meeting, he explained no purpose.

And you weren't told to keep it quiet? -- No.

Now when was No. 1 recruited into the organisation as such? -- Round about that time - 1960.

Yes, let's be more precise though, before that meeting or after that meeting or at that meeting of November 1960 that you described to the Court? -- He became a member at that meeting.

At that meeting that you described? -- Yes, at the November 1960 meeting.

Was he inducted in some particular manner into the meeting? -- I just said who he was and that I knew him.

And Mgqala Mali probably said No. 1 is now a member, isn't that right? -- No, he went on to explain what I had related.

I didn't catch that? -- He went on to explain what I had already related about the meeting.

But didn't Mgqala Mali say No. 1 is now a member? -- I don't remember that, but we all paid our subscriptions that night.

Did you know all the others that night at the meeting? -- Yes, I knew them.

You had known them from previous A.N.C. meetings? -- Yes.

Now that's very interesting. When was Jantjies recruited into the organisation? -- 1961.

Who recruited him? -- I don't remember who it was.

What month in 1961? -- I can't say what month it was.

Well, at the beginning or the middle of the year or the end of the year? -- Round about March.

Now what makes that so clear in your mind that Jantjies was recruited round about March 1961? -- I know that he was



present on the occasion of this meeting of 1961 that I described.

What meeting was it? -- The one that was held in the house of accused No. 2.

When was that? -- June '61.

Now what made you remember so clearly Jantjies being recruited in March '61?

PROSECUTOR: With respect he said round about March, he didn't say March as a fact?

DEFENCE: What makes you remember so clearly that he had been recruited a couple of months before this meeting? In June '61? -- It was during the beginning of the year.

Yes, did anything take place at that meeting? When Jantjies was inducted? -- His first meeting was June 1961.

Yes, did anything happen at that meeting which can bring it to mind or was it just an ordinary weekly meeting?

-- There is something whereby I remember this meeting.

Hm? -- Because here the speaker Mali announced that we would resort to violence.

COURT: Are you referring to which meeting now? -- The June '61 meeting.

COURT: I want the Advocate to answer here?

DEFENCE: I am asking the witness about the meeting in which Jantjies was recruited if anything particular happened at that meeting?

COURT: Was that just an ordinary meeting? -- I have already said his first meeting was in June '61.

DEFENCE: Jantjies' first meeting was in June 1961? -- That's right.

He hadn't been to a meeting before that in June 1961? -- No.

How did you know he was recruited round about March then? -- I know it was the beginning of the year about the third month.

How do you know that? -- I know it.

What makes it stick in your mind? -- I just know

it, the occasion of the meetings.

Let us get this quite clear, Jantjies you say came to his very first meeting in June 1961, before that he had never been to a meeting before? -- Well, he wasn't a member prior to 1961.

Prior to June '61? -- He didn't attend any meetings prior to June '61.

Now how was he recruited into the organisation at the beginning of '61? -- He did go to meetings prior to the meeting of June 1961.

Just now you told his Worship after a lengthy cross-examination that he had not been to a meeting before June '61, do you deny that? -- I am sorry I am making a mistake I am under the impression that we were now still on the November 1960 meeting.

Very good. Tell me, is it quite clear in your mind now what I am after? -- Yes.

Jantjies' first meeting was at the beginning of '61? -- Yes, round about March.

Right. Did anything happen at that meeting other than Jantjies' recruitment which brings the point home to your mind? -- No, I don't remember there being anything.

You say it was an ordinary meeting, so you were wrong when you said Jantjies' first meeting was in June '61? -- Yes, he attended meetings prior to June 1961.

You were wrong? -- Yes.

How many other recruits did you get into the fold of zone 15 from the time it started in November till the time it came to an end?

COURT: He personally or the group? You say you, do you say it in singular or plural?

DEFENCE: It was meant collectively, the group. -- There were persons recruited, I can't say how many these were.

Did you have so many recruits in zone 15? -- I don't remember there being many new members.



Probably no more than five or less than five? -- I can't remember how many there were.

Here was an exclusive little group, a secret organisation and you don't recall who was in it? -- I know Jantjies was a new one.

Answer the question, you can't remember how many people were into the secret organisation? -- I don't.

How many members did you have in your zone altogether? What was the approximate number? -- There were a lot of us.

Well, let's have numbers, ten? -- More than ten.

Twenty? -- No, less than 20.

Fifteen? -- Round about 14, 15.

Fourteen or fifteen, well that's not many people to remember? How many of those people at the end at the last meeting that you described, November 1963, how many people were at that meeting? -- Eleven.

Eleven members. Who were they?

COURT: November 1963?

DEFENCE: Yes. -- The 3 accused, Mgqala Mali, Jantjies, Ngoza, Dennis Mali, Magebula, Dondashe, Komanisi, Komeni and myself.

COURT: Now you have mentioned 12, you say there were 11? -- There was only one person absent on the occasion of this last meeting of this group.

DEFENCE: Who was that? -- Ngoza.

But you said Ngoza was there, you have just given his name? -- No, he was not at the last meeting.

You have just given the Court his name, you made another mistake? Have you made another mistake? -- I don't remember there were so many of these people. X

You won't even admit you have made a mistake? -- I was under the impression that I had not named him.

COURT: Ngoza? -- Ngoza.

DEFENCE: Right. So that means all these people that you have mentioned now at your November meeting were all people who were at your November 1960 meeting?

COURT: And Jantjies?

DEFENCE: Except Jantjies, that is correct, except Jantjies?

-- Yes, Yes, except Jantjies.

Except Jantjies, yes, and of course Ngoza was at the November 1960 meeting? -- Yes, he was.

Now you haven't mentioned apart from Jantjies, any one of those people who were recruited, what happened to all your recruits? -- I saw no recruits, although we were told to recruit.

COURT: What was your reply, just repeat it please? -- I saw no recruits although we were told to recruit.

So there were no recruits at that November 1963 meeting? -- No, Jantjies was there.

Apart from Jantjies? What had happened to those people that you had recruited apart from Jantjies between November 1960 and November 1963? Where had they disappeared to? -- The only person who joined the ranks was Jantjies.

So, you made another mistake, there were no other recruits apart from Jantjies? -- I don't recall any persons.

Why didn't you give a direct answer initially? Why didn't you give a direct answer initially when I put it to you how many recruits and you said there weren't many? -- Well, one person was in fact recruited by myself.

COURT: Well, why didn't you say one only, why did you say not many or just a few or I can't remember, why not just say one only? -- (No reply).

DEFENCE: At this meeting in 1961, who was your principal speaker? -- Mgqala Mali.

COURT: June 1961?

DEFENCE: June 1961, yes. Who was there at this meeting? -- Mgqala, Ngoza, Jantjies.

COURT: What's the next one? -- Ngoza, Jantjies.

I am afraid I missed somebody?

DEFENCE: He mentioned three, Mgqala, Ngoza and Jantjies, up to now. -- Magebula, Dennis Mali, Dondashe, Komanisi, Komeni and



myself. Those are the one's that I still can remember.

Were there or weren't there any others? -- There were others, yes.

COURT: Who were they? -- I can't remember at the moment who they were.

DEFENCE: Perhaps you will think about it ~~later?~~ <sup>June 61</sup> What was said at that meeting? -- Here it was said that the Government wouldn't listen to what was being said and violence would now be resorted to.

Yes, anything else? -- We often spoke to the Government but they won't listen.

Yes? -- That from now even if a policeman should come into where we were holding a meeting, we should kill him. Even if we should come across one whilst distributing leaflets, we must kill him.

Yes? -- In fact after this meeting I heard that a policeman had been killed by volunteers when distributing leaflets

Yes, and what else did Mggqala tell you? -- I don't remember anything else.

Nothing else? -- I don't say there was nothing else.

Nothing of importance? -- I can't remember.

Can I jog your memory, nothing about arms? -- I don't recall it being said at that meeting.

COURT: Was something about that said at the other meeting? -- I have already said that we should carry arms when attending meetings. It took place in the June 1961 meeting.

My question was, was arms discussed at any other meeting? -- At the June '61 meeting as I had already previously related I mention that we were told to carry arms, that is we must arm ourselves when attending meetings. Any form of arm, axe, spear, whatever it may be.

DEFENCE: Yes, you see you didn't tell us about carrying arms when you were telling this under cross-examination? What does he say to that? -- I am under the impression I had said so

right from the beginning.

COURT: You say you said it this morning when the Prosecutor (Prosecutor intervenes).

PROSECUTOR: If I may just get this clear, I have an idea I heard the Interpreter mentioning the name of the Prosecutor?

COURT: That's this morning?

PROSECUTOR: Yes. But the question was in cross-examination, examination in chief and cross-examination are two different things.

INTERPRETER: That's correct, I am making a distinction between the two for him so that he can differentiate between cross-examination and evidence in chief.

COURT: Yes, but the Advocate was telling you a minute ago when he asked you to relate what was said at the June '61 meeting, you did not mention anything about weapons or arms as you say? Is it correct that you have mentioned it to the attorney? -- I don't recall not having mentioned it under cross-examination.

Have you forgotten it? -- In fact if I did not mention it then obviously I have forgotten it.

An important thing though, isn't it? -- It was an important thing.

Yes. What sort of weapons were you to get? -- We had to carry any form of knife, spear.

You were told this actually when you were in the meeting, or is this what you thought? -- This was told us in the '61 meeting.

Yes, you were told to carry a knife, were you? -- It was said whatever arm you possess such as a knife, a spear or whatever it may be. Even a revolver if you had it.

Were you given any idea where you were to get these revolvers from? -- No.

Yes. Whose house was that in? -- Accused No. 2.



Did you ever have any other speaker at your meetings apart from Mqgala Mali? -- Throughout this period he was the only speaker.

People like Ngoyi never came to you? -- No.

You have heard of Ngoyi, haven't you? -- Yes.

Did you fall under him when you were prime steward?

-- No, he was already arrested.

You were made prime steward when? -- The end of the last, the end of 1963.

May 1962 meeting, what was the purpose of that meeting itself? -- That was also an A.N.C. meeting.

Yes, what was the purpose? -- To convey to us the new branch of the A.N.C., Umkhonto Wesizwe.

Who was the speaker? Mali? -- Yes, Mali.

At whose house? -- Mine.

And what were you told to get at that meeting, what were you told to get? -- At this meeting the speaker Mqgala said the African National Congress has a new branch known as the Umkhonto Wesizwe. An endeavour must be made to collect money, that this money was required by the National Executive for the purchase of arms and bombs. The bombs would be used for destruction of Government buildings, for the obtaining of saws and other material cutting lines and wires, such as saws for the cutting of railway lines and cutters for cutting telephone wires.

Yes? -- Then he told us about the two members that we shall not be seeing often amongst us and he then told us about the two members whom would not often be seen amongst us. Then he mentioned their names, accused No. 1 and Ngoza.

Anything else? -- I don't recall anything else.

Yes. Now were you told actually bring saws for the railway lines and cutters for telephone wires or this money you were looking for? -- No, that was not said. It was said that money was obtained for the purpose of purchasing these

things, we weren't told to bring them.

Were you ever asked to be a member of this new movement, Umkhonto? -- No.

Did they call for volunteers at this meeting to go to Umkhonto or did it work out that they said you and you will go? -- Volunteers were not asked for.

How did Ngoza and No. 1 take this? -- They were merely told, or rather we were rather told that they will be going to the new branch.

Then they were absent? -- They weren't told to go that night.

Oh, they stayed at the meeting, that day to the end of the meeting? -- Yes.

COURT: How did they take it?

DEFENCE: He doesn't say.

COURT: How did they take it, how did they take it to the spot? -- I don't know how they took it, I didn't observe anything.

DEFENCE: At that meeting, did you have everybody present again? Or was anybody absent? -- Yes, all of the ones that I have already names were present.

Was there anyone absent, is the question? -- I don't remember anybody being absent, I said they were all present.

Now this November 1963 meeting, who was present at that?

COURT: Oh, you will repeat it here, we have got it already.

DEFENCE: Oh, we have, I beg your pardon?

PROSECUTOR: That is quite correct.

DEFENCE: I beg your pardon, yes, I was confusing, yes, coming back to this May 1962 meeting, this is the one I want you to explain. When you gave your evidence in chief you said Ngoza wasn't there, now do you remember that? -- I didn't say so.

PROSECUTOR: If I may just (Defence intervenes).

DEFENCE: I withdraw that, I withdraw that. -- I mentioned the '63 meeting as him not being present.



Now I am talking about the distribution of pamphlets, pamphlet E, May '63, who helped you to distribute those pamphlets? -- Myself, the three accused, Mgqala.

COURT: Which one, Mgqala? -- Mgqala Mali.

Mali? -- Yes. Ngoza, Jantjies, Magebula, Kommanisi, Dondashe, Komeni, myself.

DEFENCE: Yes, you said yourself. Anyone else? -- I don't remember anyone else.

Perhaps you can remember why Ngoza was there? What makes you so certain Ngoza was there at this distribution? -- I know he was present when these were distributed.

You see you told the Court initially that he wasn't there on that occasion and after a while you changed it, why did you make a mistake? -- Perhaps I did say so, but I did say that he was in fact there though.

Yes, obviously you must have, something must have clicked in your mind to make you change your mind, how do you recall that he was there? -- I was confusing the holding of the meetings and the distribution of the pamphlets. He wasn't there on the occasion of the meeting, but he was there with the distribution.

Which meeting wasn't he there? -- November '63.

Six months difference? -- Yes.

And you were confusing this period? -- I was confusing the two incidents not the period.

Well, they are completely different, the meeting and the distribution of pamphlets? -- I have already given an explanation, right from the word go.

Yes. I don't know whether we are satisfied with that explanation. -- In what respect?

Don't ask me, that's why we are asking you?

PROSECUTOR: With respect it is for the Court to say? -- I had right under word in evidence in chief said that he was not at the meeting?

DEFENCE: I am trying to ask you why you can recall did anything else apart from this meeting, this confusion of the meeting with the pamphlet remind you that Ngoza was at the pamphlet distribution? -- I had already given an explanation there too, I told you that he was not at the meeting because he was arrested.

Look, just answer the question, please, did anything happen at that pamphlet distribution? I don't know whether I must put this proportionately, Mr. Interpreter, or shall I give it to you in one whole sentence? One whole sentence?

INTERPRETER: Yes.

DEFENCE: Did anything happen at the pamphlet distribution to make you recall Dondashe's presence, what's this chap's name? -- Ngoza.

Did anything, you want me to do that again? -- Yes.

Did anything happen at that pamphlet distribution in May '63 to make you recall Ngoza was present? -- Nothing peculiar happened.

Nothing? That's all I want to know. Yet in your evidence it is completely clear that you say he was present? -- He was present on the occasion of the distribution of this 1963 leaflet.

Yes. Do you know when Ngoza was arrested? -- I had heard that he was arrested.

Do you know when?

COURT: When did you hear it? -- I heard it in 1963.

Pardon? -- I heard this in 1963.

When about? -- No, I can't say what month it was.

DEFENCE: The end of the year, the beginning of the year? -- I am not sure, May or June.

Who told you about it? -- I heard this from his wife, after all I used to go and see him at his house.

And that's why he wasn't at the November meeting? -- Yes.



Did you have everybody else apart from him at that November meeting? -- Yes.

No other absentees? -- I don't recall there being anybody else.

NO FURTHER QUESTIONS.

RE-EXAMINATION BY PROSECUTOR: Now, you have referred to meetings as first, second and third meetings, is that correct? -- Yes.

Now, which meeting did Jantjies go to? -- He first attended the meetings of 1961.

I see. And as far as you are concerned the one meeting that you can remember or that you have described is the June 1961 meeting, is that correct? -- That is so.

So that is the first meeting you remember? -- Yes, it's the first meeting that I can describe, but we did attend meetings before that.

That is correct. Prior to the banning of the A.N.C. were you required to recruit members for the organisation? -- No, I have never heard of that before the banning.

How did people become members of the organisation before the banning? -- He was recruited, yes, but publicly.

Before the banning you never recruited anybody? -- Not prior to the banning.

So had you recruited people after the banning?

COURT: It may be advisable to use other words, to bring new members?

PROSECUTOR: So I will put it to you this way then: Did you yourself bring new members to the organisation after the banning? -- Yes, accused No. 1.

Is that the only one or did you bring more new members? -- He is the only one.

Now you indicated to the Court that you in fact recruited others, is that correct? -- I can't remember saying so.

Well, do you know what the word "recruit" really

means? -- Yes, get people to join.

I see. And do you understand that the same as bringing new members to the meeting? -- The same thing.

I see. Now, could you then explain to the Court what you meant when you said that there were others that you can't remember? -- I am only making that comment in regard to the possibility of other members such as myself.

I am afraid I don't understand? -- Recruited by other members, members of the cell.

Yes? -- I was merely saying that I personally had recruited one. I related the fact that I had personally recruited one person, accused No. 1. I don't know who the other persons were recruited by the others.

But were the other persons in fact recruited? -- I do recall Jantjies was.

I am trying to find out were there other new members besides Jantjies? -- I only recall these two.

Do you recall a person by the name of Mko?

DEFENCE: With respect this is something that has been conducted in?

PROSECUTOR: With respect, it has. My learned friend was trying to get names of persons - I am trying to re-examine on that point.

DEFENCE: This particular name that my learned friend has put to the witness, was not brought up in cross-examination and with a special purpose. My learned friend who endeavours to lead this person's name in, would be quite out of order with my submission.

PROSECUTOR: If I may just reply to my learned friend, my learned friend has been trying to get the witness to enumerate name after name and asked whether there were any other members, so that entitles me to re-examination, should he be able to give the Court any indication if this person was a member or otherwise.

DEFENCE: With respect, my learned friend is perfectly right when he says he can re-examine as to any other name, but he is not entitled to put leading questions as to whether this



particular person and bringing out this name, was there or not?

That would be a leading question?

COURT AND DEFENCE DISCUSS MATTER RE LEADING QUESTION.

PROSECUTOR: Have you heard the name of Mko? -- Yes.

In relation to what? -- He was connected to the organisation at one stage.

COURT: He was? -- Connected with the organisation at one stage.

PROSECUTOR: Which organisation? -- The A.N.C.

Which zone? -- Zone 15.

Can you indicate if he attended any meetings or helped to distribute pamphlets?

COURT: When did he appear on the scene, when did he come into the zone? -- He has been connected with the organisation for a very long time.

Can you tell the Court whether he was at the first meeting or was he not or can't you remember or what? -- I remember now, he was.

Why did you not mention it? -- I did say these are the persons that I can remember having been there.

You mean you forgot his name? -- I'd forgotten his name.

NO FURTHER QUESTIONS BY PROSECUTOR.

DEFENCE: I am sorry, I just wanted to point out that I have forgotten to put to this man, this witness that No. 2 and No. 3 don't know him at all, I don't know whether this would be an opportune moment?

COURT: Yes, what do you reply to that? -- They know me.

Can you remember the meetings that you described as 1, 2 and 3, November '60, June '61, May '62, November '63? -- Yes.

Did any of the accused miss any of these meetings? -- They were present on the occasion of these meetings that I have described.

And the pamphlets, did they miss any distribution of

the pamphlets? -- They were present, on the occasion of distribution as well.

Now when you took accused No. 1 to this meeting, to this first meeting, what impression did you gain, was he a stranger to the others or did some people seem to know him? -- The majority knew him.

I must ask you something of the man Mko. You say you think he was present at the first meeting? -- Yes, he was.

Can you think of any of the four important meetings that he missed? -- I don't recall such an incident of these four meetings, as having been absent.

And at the pamphlets, do you think he missed any distribution? -- I don't recall him being absent from any of the distributions.

How long did you continue with your zone, when did you cease its activities, or did you not? -- I never again took part since my release from gaol.

Yes, now, when you were arrested, was the zone still functioning? -- It was, yes.

Who did you leave behind in the zone? -- The three accused and the other persons, that is five that were tried at Somerset East.

Now you told us that Ngoza was arrested prior to you? -- Yes.

Was he the first one to be arrested? -- He was the first.

The second? -- It was myself.

COURT ADJOURNS.

COURT RESUMES ON 21.9.65.

DENNIS MALI: s.s.

EXAMINATION BY PROSECUTOR: Do you know the organisation known as the African National Congress or A.N.C.? -- Yes, I know the organisation, I joined in 1958.

I see. And do you know that this organisation was



banned? -- Yes, I do.

Do you know when? -- April 1960.

Do you know whether this organisation ceased its activities? -- No, it did not.

Now, why do you say it did not cease its activities?  
-- Well meetings of the A.N.C. were held after the banning.

When was the first meeting after the banning? -- I recall the first meeting was held in November 1960.

Now can you remember when this meeting was held?  
-- Yes.

Where? -- This meeting was held at the house of Mgqala Mali.

Can you remember what was said at this meeting? -- I can.

Yes? -- Mgqala Mali was the spokesman, the speaker.

Yes? -- He said that the organisation had been banned by the Government and that now we would work secretly underground.

Yes, anything else? -- He said there would no longer be any public meetings, these would now be held in houses secretly, that is the houses of the members of the A.N.C.

Now, can you remember who was present at this meeting, November 1960? -- Yes, I can.

Yes? -- It was the following: Pindani, Majoni, Magwayi, Mgqala Mali, Ngoza, Magebula, Mtloko, Dondashe, Komanisi, Paul Komeni, Mko and myself. Those are the persons I recall as having been there on this occasion.

Now, can you remember any subsequent meetings to that? -- There were many meetings held.

COURT: How often? -- These were held Thursday evenings each week.

PROSECUTOR: Can you remember any outstanding meetings or specific meetings thereafter? -- Yes, I do recall.

Yes, when was that? -- I recall one that was held in June of 1961.

Yes? Where was it held? -- This was held in the house of Pindani, accused No. 2.

Who was the speaker?

COURT: Those, the three accused were they amongst those people at the first meeting? -- Yes, I have named the accused already.

What are their names? -- That's accused No. 1 is Magwayi.

Yes? -- No. 2 is Pindani and Majoni.

PROSECUTOR: Now, you say the second meeting you remember now in June 1961 was at the house of accused No. 2, Pindani? -- That is correct.

Who was the speaker? -- Mgqala Mali was the speaker.

And what was said at this meeting? -- I recall that on the occasion of this meeting it was the first time that I heard violence being mentioned.

Yes, in what respect did you hear that? -- He said that should a policeman enter and disturb us whilst we are having a meeting, we should kill him.

Now who all were present at that meeting? -- The persons whom I have already mentioned and one Jantjies.

Can you remember any further meetings? -- As I have said there are many meetings that were held, actually.

Yes, but perhaps, can you remember any further meetings which you can specifically remember? -- Yes, there is a meeting that I can describe which was held in the house of Mtloko in May 1962.

Who was the speaker there? -- It was Mgqala Mali again.

And can you remember what was said at this meeting? -- Here he mentioned the fact that the A.N.C. was going forward as it had another branch which would do the fighting, known as Umkhonto Wesizwe, the Spear of the Nation.

Yes, anything else you can remember about this meeting?



-- All our efforts must be made to collect moneys because this was required by the National Executive, Johannesburg and that the money was required by the National Executive for the purpose of purchasing arms.

Who all were there? -- The same persons whom I have mentioned previously, were present on this occasion.

Do you remember any further meetings? -- Yes, I recall another one that was held during November of 1963. This was held in the house of Simon Dondashe.

Yes, who was the speaker there? -- The same person, Mggala Mali.

And what was said at this meeting? -- He said "Comrades, you have seen the work of the A.N.C. Government buildings have been destroyed, buildings such as Government buildings; we have cut telephone wires as well as railway lines." He said "You people must be careful, arrests are being made, beware of the police as well as informers amongst yourselves."

Yes, now who all were present at that meeting? -- There was one member who was not present on this occasion and this person was Ngoza, all the others were present.

What other activities did you people carry on besides the meetings? -- We were read articles, articles were read to us about other countries that obtained their freedom.

Was this at meetings? -- This was at meetings.

Now, I am talking besides the meetings you held, did you people do other work on behalf of the A.N.C.? -- Well, I don't know, the distribution of leaflets that was something else we did.

Yes, anything else? -- Attending of A.N.C. tea parties and concerts.

Yes? -- Those are the things that I remember as having been done by us.

Now, did you people in fact distribute leaflets? --

Oh, yes, many leaflets were distributed.

Can you read? -- I can read Xosa and a little English.

Now, I show Exhibit A, will you have a look at the contents thereof? -- Yes, I recognise the contents.

Now have you seen a leaflet like that before? With those contents? -- Yes, I have, but this paper, the texture is different as well as the print, it looks faded.

Yes. Have you seen that pamphlet before - the contents? -- Yes.

Where did you see that pamphlet? -- In 1961 at Kwazakele.

Who gave you this pamphlet? -- We got it from Mqgala Mali.

I see. And what did you people do with this pamphlet? -- We distributed these in our zone.

I see. Who all distributed this pamphlet? -- The members whom I have already mentioned.

All of them, every one you have mentioned? -- Oh, yes, all of them.

Including the accused? -- Oh, yes.

Now, by what do you recognise that pamphlet? -- I recognise it by the words "Remember the day of June, that is the day of Freedom". Actually the day of mourning, I beg your pardon.

Yes, anything else? -- And the words here, the two roads one leads to Verwoerd, hell, and the other to freedom, heaven.

I show you a further pamphlet, Exhibit C? -- I recall this one too. I give the same explanation in respect of this as in respect of the first one that is the texture of the paper and the print, but this was distributed in June of 1962.

Who distributed them? -- We did.

Meaning? -- Myself and the members whom I have already mentioned, by name.



Including the accused? -- Yes.

By what do you recognise this pamphlet by? -- This again speaks about the 26th of June being the day of mourning and at the bottom the, it speaks or mentions what papers must be boycotted, Elethu Mirror, Imvo Zabantsundu, Bona and Zonk.

I see. Where were Exhibits A and C distributed?

-- In our zone.

I show you a further pamphlet, Exhibit E, have you seen that pamphlet before? -- Yes. I remember I distributed a pamphlet such as this, but that particular pamphlet was printed on one sheet.

And when was it distributed? -- May 1963.

Who distributed it? -- It was us again, the same members of the zone.

Is that including the accused? -- Yes.

By what do you recognise this pamphlet? -- By the words Umkhonto Wesizwe and at the bottom it reads Amandla Ngawethu and the reverse side about Leballo.

I see. This was also distributed in your zone?

-- Yes.

Now, you indicated that you people attended concerts and tea parties, what is the purpose of attending these meetings? -- The object of the tea parties and concerts were for the raising of funds and these were to be sent to the National Executive in Johannesburg for the purpose of purchasing arms.

I see. Were those the only moneys which were collected? -- No, we used to subscribe, we had monthly subscriptions that we paid.

I see. To whom were these subscriptions paid? -- This was handed to the Chief Steward Mggala Mali.

I see. Who all paid these subscriptions? -- I don't know whether you mean when did we commence paying, but we all subscribed.

No, what I am trying to find out who of you members

paid? -- All of us members that I have already mentioned by name subscribed.

And have you seen every one paid the subscriptions?

-- Yes, I saw them.

The accused in this case, have you seen them pay their subscriptions? -- Yes, I saw them, subscribe, they went up to the table and handed the money to Mgqala Mali.

I see. Now the meetings which you have spoken about, you have mentioned that certain of them were held at certain houses? Now apart from those houses which you have mentioned were meetings held at other houses? -- Yes, meetings were held in the houses of the other members as well on an rotatory basis.

I see. The accused in this case were meetings held in each of their houses or not? -- Yes, except one of the three accused, meetings were not held in his house because he resides with his parents.

Which one? -- Accused No. 1.

By the way, what zone did you belong to and the persons here mentioned? -- Zone 15.

COURT: Where was that? -- Kwazakele, Port Elizabeth.

NO FURTHER QUESTIONS.

COURT ADJOURNS.

COURT RESUMES.

CROSS-EXAMINATION BY DEFENCE: Dennis Mali, how old are you?

-- 38 Years.

Standard of education? -- Standard 3.

Do you speak English? -- A little, yes.

COURT: Pardon? -- A little.

DEFENCE: Where do you work? -- Eveready Battery Co., Port Elizabeth.

Doing what? -- A labourer.

Have you been working there long? -- I have been there now for three years.



Have you got your reference book on you? -- No, it is with my employers at the moment for their signature.

Have you been arrested for your A.N.C. activities?

-- The police, this was a report made to me by my wife, that the Special Branch had called and enquired about me. I then went and reported to them to enquire what it is they wanted from me.

When was that? -- July 1964.

What did they want you for? -- They informed me that they are arresting me because of my activities of the A.N.C.

So you were arrested? -- They informed me that they were arresting me because of my activities with the A.N.C. and then they related to me what I had done. I then made a statement.

Then what happened after you had made that statement?

-- I was released by the police after I had made my statement and informed that I may again be required.

How long after you had made a statement were you released? -- I wasn't detained at all.

Well, what time did you get to the police station? -- No, I can't tell you what the time was, but it was before the sun had set.

All right. -- I get home, or rather I knock off work around about 4 in the afternoon.

All right. So you got to the police station just after the sun had set, when were you released that same night or the next day or when? -- Before the sun had set.

Before, I am sorry, before the sun had set? -- The sun hadn't set yet when I was told I could go.

So you were there probably no more than an hour? -- No, I am unable to say what time I spent there.

Any way it was a very short while? -- No, it wasn't that short, but I cannot tell you actually how long it took, in time, that is.

All right. And you say you made a statement to the police, why did you make this statement? -- I decided to make

the statement after I was informed by the police of the activities I partook in, namely attending of meetings, distribution of pamphlets and even to tell me what zone I was connected with.

Who was I then to deny such things? What could I hide?

Was any pressure brought to bear upon you by the police to the effect for example if you tell everything we will let you go? -- No, definitely not.

No inducement, no pressure, no force? -- Not at all.

So you made this freely and voluntarily? -- Yes, no pressure was brought about to bear, I made this voluntarily after I was told what I had done.

Haven't you made an oath to the A.N.C. that you would be silent? -- I took an oath, yes.

When did you take your oath? -- In 1958.

To keep silent and yet you were prepared to talk?

COURT: Just describe that a bit, just some more details about that, about the oath, the nature thereof? What he undertook?

DEFENCE: You took this oath in 1958, you say one of these things was to keep silent, is that right? -- I took the oath that I shall not talk.

Anything else? -- I can't recall anything else.

Nothing to the effect that you would do everything that was asked of you? -- Yes, I did, but bear in mind the fact that my leaders also took a similar oath and they made statements.

Look, just confine yourself to the question? Did you have, is part of the oath to the effect that you would do what you were told to do? -- Yes.

That you wouldn't question motives or question instructions? -- No questions asked.

COURT: What? -- No questions asked.

DEFENCE: Yes. And what form of oath, how did you swear this oath? -- I didn't swear in the name of anybody, I just undertook.

You undertook, it was something which was binding on your own conscience? -- Yes.



And you were prepared to break this oath subsequently?

-- Correct, but the example was set by my leaders, they saw fit to break the oath, who was I not to?

Which of the leaders of yours had broken the oath before this? -- Mandela and others that were arrested.

Who were others? -- No, I just can't recall their names.

What did Mandela say? -- He admitted all that which he had done in connection with the A.N.C. such as I had described.

Where did you hear about this? -- This appeared in the press.

Which press did you see it in? -- The Evening Post.

You bought the Evening Post, did you? -- There were times when I bought the Evening Post.

Right. So you went back home after having made your statement? -- That is correct.

Had anybody else been arrested at that time in your zone? -- I remember that Ngoza was arrested.

Nobody else or anybody else? -- He is the one that I recall as having been arrested at that stage.

So, did you decide to let anybody in the zone know that everything had been uncovered? -- No, I did not tell them.

Didn't you have any loyalty towards your old colleagues? -- No, I did have a loyalty but I was also partly complying with the oath I had taken, because many arrests were being made.

What oath had you taken at the police station? -- That's the A.N.C. oath.

I don't follow your answer, perhaps you can explain? Why didn't you, you say you had loyalty towards your old colleagues, why didn't you go and tell them that everything had now been exposed? -- I was still abiding, I kept silence I did not tell them because of the oath that I had taken, that is the A.N.C. oath.

Oh, as far as your own colleagues are concerned you are prepared to abide by the A.N.C. oath and not to say a word, but as far as the police are concerned, you are prepared to tell everything? -- These is a difference. I was told what I had done by the police and I confirmed it.

Are you asking his Worship to accept that this is the reason you didn't tell your ex-colleagues because the A.N.C. had asked you to keep silence? -- I can easily expect the Court to believe that, yes, all my leaders did the same thing.

And you were prepared to testify against your old colleagues without any feeling of loyalty to them? -- Yes.

Are you so, are you completely lacking in feeling for your old friends? -- Are you now merely confining yourself to the three accused before Court bearing in mind that there were others besides them?

All right. Did you ever make any attempt to resuscitate the A.N.C. in another form? Or to start up another zone after your arrest? -- You mean to resuscitate another organisation?

No, another zone or another organisation? -- No.

So, since you have been, since you have been arrested have you taken part in any form of political activities? -- Your Worship I was only arrested last year and in 1963 our Chief Steward informed us that people were being arrested. Ever since my arrest I had done nothing. He warned us then, that is the Chief Steward, that we ought to be careful.

Since making your statement last year have you ever had an opportunity looking at it again?

COURT: Just before you put that question I just want to know about something.

After you made your statement did you go back to your zone? -- Yes, I returned there.

Did you carry on with meetings after you have made a statement or did you cease functioning? -- I did not take an



active part after my arrest last year when I said I returned to my zone. After all I reside in that area, my house is there.

You returned home? -- I returned home.

Did you have any further meetings or any further activities after the statement? -- No, I can't recall having gone to any meetings after this instance.

Can you recall by that time that you went to the police, by that time were you still active or had you already come to a stop or what was the position? -- We were still continuing at that stage.

Did you personally stop further activities? -- After my release from the police, that's after I had made the statement, we were not all together either, we carried on but at times it was very, very difficult.

DEFENCE: So, once you have made this statement your zone still continued to function with A.N.C. activities as zone 15, are we quite clear on that? -- It carried on under very difficult circumstances.

And you went to meetings after your release? -- I did, yes, but we did not continue as we had done before.

What does that mean? How did it differ? -- What I mean by that is that the meetings were not held as regular.

Oh, I see. -- Because of the arrests that were taking place.

You see, perhaps you can explain to his Worship when I put that question to you initially, you said you had not warned, you had not discussed it with any of your old colleagues because your oath to the A.N.C. had made you keep silent, and yet with the police you had broken it, do you remember that? -- Yes, I recall that.

You also said that you took no further part in political activities after your arrest, now you tell his Worship that after your release you did go and you did hold more meetings of the A.N.C. in zone 15? -- What I meant by that I did not as

regular. The point I want to make is that I didn't take an active part as regularly as I have done previously.

All right. How regular were your meetings from November 1963 to July 1964 when you went to the police? -- Well, these meetings were then held during that period on the Thursday nights each week.

You certainly had meetings every Thursday, didn't you? -- I said so, yes.

From November 1963 till the time of your arrest? -- That's what I said.

COURT: I just want to point out to you clearly what that period was, that was from the time of your last meeting which you described? The time when it was pointed out to you that you have to be careful for the police or the informers, from that time until the time when you went to the police, did you still have your meetings regularly Thursday nights? -- No, I beg your pardon, they were not they were not held regularly each week in view of what the Chief Steward had informed us. He said that from now on we shall not have them as we had them in the past.

Did he say that at the meeting? -- Yes.

DEFENCE: Well, how often did you have them? -- We used to skip one or two weeks.

Now after you had been released after your statement had been made, when was the last meeting that you at zone 15 had? -- November 1963.

No, perhaps you don't understand me? You were arrested if you remember or did go to the police in July 1964, last year? When was the last meeting after that? -- No, I can't remember when that was, it was not important, that's why I can't remember it.

COURT: It was not important? -- Yes, the meeting was not important, I can't recall when this was.

Or let me put it to you this way, after your statement to the police how long did your zone still carry on? -- It wasn't a long time.



About? -- Perhaps one month.

DEFENCE: Were all these people that you have mentioned present at the last meeting the zone had? -- Yes, they were all there except Ngoza.

That certainly goes for accused No. 1, No. 2 and No. 3? There would be no doubt on that in your mind? -- Yes.

COURT: In other words they carried on till the end? -- Yes.

DEFENCE: And you carried on too? -- Yes.

Despite having made a statement to the police? Weren't you aware? -- Yes.

Weren't you made aware that with your meeting with the police that this was an unlawful thing to do? -- Yes, they didn't tell me so. They merely afterwards told me that I might be required.

Did you not know it was an unlawful thing? -- We were aware of that, yes, but we weren't prepared to cease.

Even after you knew the police have known everything, you were still prepared to go on? -- I was prepared to.

Right. Have you seen your statement since you made it? -- No, I don't recall having seen it. The only time when I remember is when I made it.

Since then you have never seen it? -- No, I don't recall ever having seen it again.

How many members did zone 15 have? -- There were a lot.

Approximately 10, 20? -- Between 20 and 30. I beg your pardon, between 12 and 13. I beg your pardon, I made an error, 12 and 13.

I see, it's now an interpretation? -- I misunderstood.

How many people did you start off with? In November? -- All of the ones I have mentioned excluding Jantjies.

Was he the only new member in zone 15 from the time it started till the time it came to an end? -- No, there was a new member on the scene on the occasion of the November 1960 meeting.

That was the first time you'd ever had a meeting, wasn't it? -- Yes, that is correct.

Yes, zone 15 didn't exist, zone 15 didn't exist until the November meeting? -- The zone did exist.

Oh, that's an interesting thing, how long has it been in existence for? -- Ever since my entry in the organisation. I was told that area in which you reside is known as zone 15.

1958 When was that? -- 1958, Yes.

I see. Who was this new member at this November meeting? -- Magwayi.

Oh, Magwayi. Have you seen him before that meeting? -- He was a person whom I had known prior to the meeting.

How did he come into the zone? -- Mtloko brought him.

Apart from Magwayi and Jantjies there were no other recruits, the only new members? -- Those are the only two that I remember.

Well, you shouldn't have any difficulty in remembering the names of your zone? You have been together since 1958? -- The ones that I have supplied the names of are the persons I used to see.

Yes. The others used to come to the meetings as well? -- The persons I have named are the persons that attended the meetings that I described.

Right, would you give us those names?

COURT: Which names are these now?

DEFENCE: Members of zone 15.

COURT: At all times all members?

DEFENCE: Yes, at all times? -- The names of the members of the zone are as follows? I don't know in what order I am actually required to give these because Jantjies only came into the picture during 1961.

COURT: I would like you to give the names of all your members from the time you started till you stopped functioning whether it was at the first meeting or at the second meeting, it doesn't



matter, everybody that happened to be a member of zone 15? --  
They are the following: Pindani, Majoni, Magwayi, (Court  
intervenes).

Those are the three accused? -- Yes. Mgqala Mali,  
Ngoza, Jantjies, Magebula, Mtloko, Dondashe, Komanisi, Komeni,  
Mko and myself.

DEFENCE: Does the name Komete mean nothing to you? -- I have  
mentioned that name.

Komeni and Komanisi you have mentioned? -- I have  
mentioned Komeni, of course I have.

Yes, you have mentioned those two, but I am asking  
you, Komete?

COURT: Are there two persons, one Komete and one Komeni? --  
Komanisi and Komeni.

Yes, and in addition to those two is there still a  
third person Komete? -- Possibly it is an incorrect spelling.

DEFENCE: Is there any person Kometi, K O M E T I? -- No.

All right. And those are all the names of the,  
zone 15 at all times? -- Yes.

When did Jantjies join your zone? -- January 1961.

How do you recall that? -- Well, I remember he was  
a new member on the occasion of the June 1961 meeting.

Yes, the actual first meeting that Jantjies joined  
do you remember any specific incident? Which will stick it in  
your mind that it was January '61? -- No, there is nothing  
specific I recall in regard to the meeting that he first  
attended but he was accompanied on that occasion by one of the  
members of the zone.

Who was that? -- No, I can't remember who it was.

COURT: You mean somebody brought him? -- Yes, he was brought  
by another member of the zone. It wasn't one of these  
important meetings though that I had described.

DEFENCE: Do you remember at whose house it was? -- No, I  
can't recall.

All right. We understand from other evidence that has been led in this Court that you have been given evidence in other Courts? -- Yes, I have.

How many times altogether have you given evidence?

-- Today is the second occasion if I am not mistaken.

When was the first time? -- The first time was in Somerset East.

Who were the accused? -- Mgqala Mali, Paul Komeni, Magebula, Komanisi and Dondashe.

Do you know who else gave evidence in that case? -- I saw no one else.

Mtloko lives fairly close to you, doesn't he? -- He doesn't stay far from me, no.

Just across the way? -- Two streets away.

Oh, two streets. Did he and you talk about your past activities with zone 15 or giving evidence in Court? -- No.

Don't you even pay each other visits these days? -- There has been occasions that I have been to his house.

Since, say this year? -- This year, yes.

And you haven't spoken about your past activities? -- No.

You haven't spoken about going to Court? -- No.

Never spoken about how lucky you are that you are not arrested? -- No.

Just to complete you have forgotten about the past?

-- It is not a question of forgetting the past, it is a question of we didn't discuss it.

Why, isn't it customary, wouldn't it have been usual to talk? About these things? -- Yes, but we did not discuss anything.

When did you last see Mtloko? -- I saw him yesterday morning behind his house in the location.

What time would that be? -- Early morning.

Did you wave to each other? -- Yes.



Yesterday, are you sure about yesterday? -- Yesterday morning.

COURT: What day of the week?

DEFENCE: Today is Tuesday? -- Monday, yesterday was Monday.

COURT: Was it on Monday that you waved to him? -- Yes.

How would you describe zone 15, what demarcates the area of zone 15? -- I can describe it if you want me to, yes.

Please do? -- The one side is bounded by a tarred street. The other side is a street that is untarred, in between these two you find houses. At the end of the houses is an open space as well as at the other end. There is also an open space above the untarred road. There are in addition to those small vacant plots, bits of ground in the zone itself.

Do you know Ngoza quite well? -- Yes.

What sort of a person is he if you would try to describe him to the Court, how would you describe him? -- He is taller than I. He's got a biggish face, he grows a beard but there are patches in between, dark complexion, has rather big eyes.

When did you last see him? -- I think it was last year.

When? -- I think it was February last year.

On what occasion? -- He was passing by in another street. It was on no occasion.

COURT: Did you first say last Thursday?

DEFENCE: February? -- February.

COURT: Last February? -- February last year.

DEFENCE: You had an occasion to meet each other or to speak to each other? -- I greeted him. He did not acknowledge my greeting, possibly he did not see me.

You knew he had been arrested, did you? -- I had heard that he was arrested.

You know when he was arrested? -- I don't know exactly when he was arrested, but it was during 1963. Furthermore he was not present on the occasion of the last meeting that

I described.

Who told you that he had been arrested, do you remember? -- I recall, yes, the Chief Steward informed me.

What did you call Ngoza by? -- In terms of native custom there are many names that we can call ourselves by.

COURT: But the question is what did you call him? -- Ngoza or Nkomo.

Nkomo? -- Yes.

DEFENCE: What did he call you? -- Mali, Dennis, Skenjana.

COURT: What is the other one? -- Skenjana.

Skenjana or Mali? -- Mali, yes, or Dennis.

DEFENCE: How well do you know No. ② accused? Don't look at him? -- I know him.

Without looking at him, please describe him? -- Approximately my build, light complexion, possibly he may be a bit smaller than I, reddish beard.

Have you been to his house? -- Yes.

Do you know where he lives? -- The mother.

Number? -- We didn't concern ourselves remembering numbers, if you knew the house.

You know his wife? -- I did see her on one occasion.

Do you remember what she was like? -- She has a dark complexion, she is shortish, neither fat nor thin.

Nice figure? -- Nice figure, yes. She is shortish she is not tall.

You don't remember her name, do you? -- No, I don't.

No. ③ accused?

COURT: What about him?

DEFENCE: Yes, sorry. Do you know him quite well? -- Yes, I know him.

Can you describe him? -- A thinnish man, dark complexion, he has a moustache and a bit of a beard, one eye is sightless.

COURT: What about the eye? -- Sightless.



DEFENCE: Yes, anything else? -- That's what I recall about him.

And his wife did you know her at all? -- I recall I have seen her on one occasion.

What, stoutish woman? -- She is a thinnish person.

Name of the wife? -- No, I don't remember the wife's name.

And I don't suppose you know the number of the house that he lives in? -- I already said you don't concern yourself with the number of the house if you are acquainted with them.

That's right, we expected it. No. 1 accused, have you ever been to his house at all? -- No.

What do you know about No. 1 though, do you know where he works? -- I do remember that he used to work at the Metal Box Co.

When was that? -- If I am not mistaken, last year.

Do you know the clannames of these three accused? -- Yes, of course I do. Of course I do.

Well, let's have them? -- Mqocota in respect of No.1.

COURT: Mqocota? -- Yes.

Will you spell it, please? -- M q o c o t w a.

Mgcima, M g c i m a, I beg your pardon, Mgcima is accused No. 3 and accused No. 1 and No. 2 are Mqocota. I didn't look back nor point out because I was told by the Advocate not to look at them.

DEFENCE: All right, let's start again. No. 1 - look at them, what's his clanname? -- Mqocota.

No. 2? -- Same clanname.

Same clanname. And No. 3? -- Mgcima.

What do you call John Mtloko? -- Banqo, is one of his names and of course the name Mtloko.

Yes, let's get down to the meetings. Right. Let's take the June 1961 meeting first of all. This was held at

which house? -- In the house of Pindani, accused No. 2.

And this is the first time that you heard about violence, is that right? -- Yes.

Was there anything in particular that you remember apart from this violence? -- Yes, there is something.

Tell us? -- Shortly after this meeting I recall that the Commandant of Police was killed by volunteers when they distributed leaflets.

Yes, but at this meeting, what else did you hear, that is the point that I am trying to get at? -- Well, besides that, we were told that if we again come to meetings we must come armed.

And what type of arms were you supposed to have? -- We were told, swords, revolvers.

COURT: Swords? -- Swords, swaard. Revolvers, any sharp instrument like a sharpened wire, knives and so forth.

The wire, the sharpened wire was actually mentioned, wasn't it? -- Yes.

Did you ever have Ngoyi come to speak to you at any of your meetings? -- No.

You are quite sure? -- Quite sure.

You remember the time you were distributing the leaflets for the bus boycott? -- Yes.

Do you remember which was the first one that you distributed for the bus boycott? -- June.

Which year? -- 1961.

Where did you people assemble? For the pamphlet distribution? -- At the house of the Chief Steward.

And when did you actually distribute these things? -- No, I don't remember the date but it was before the 26th day of June.

A few days before or one day before? -- A few days before.

And you distributed them on that particular night, didn't you, that you got them? -- Yes.



COURT: How do I understand you now, did you receive them a few days before? -- We got them before the 26th day.

DEFENCE: A few days before you said? -- Yes.

COURT: And then? When did you distribute them actually? -- We distributed them on the same day or night when having received them.

When you received them? -- Yes.

DEFENCE: Did you do the distribution at night or day? -- In the night time.

Was it planned at all to boycott or picket the bus stops, I am talking about your zone as such? -- There was an arrangement to the effect that should you see people endeavour to board buses that these be assaulted.

And you as a zone, did you people go down to the bus stops and arrange this together? -- No, you don't go as a group as a zone group to go and picket bus stops, you go your way, he goes his way on your way to work. You might meet up with others who are volunteers, you may not know.

So, you never went to a bus stop to see if anybody was getting on to a bus? -- I passed by a bus stop to see whether anybody was boarding the bus and I saw no one boarding.

So you never assaulted anybody? -- I did not.

How well distributed were your leaflets, were they in some streets only or were they in all streets or what? -- In all, we distributed these in all streets of our zone.

And were they lying around in hundreds or thousands or what? -- No. You mean the next day I presume?

That's right? -- I didn't see them lying around in their thousands and hundreds the next day.

Weren't they lying around at all then? Weren't there any pamphlets in the streets? -- I saw none lying around in the streets. The custom was not to sow these in the street but to distribute them in the various houses.

If they had been in the streets, you no doubt would have seen them? -- I would have, yes.

What about June 1962 when you distributed these pamphlets again? What was the procedure then? -- We distributed these as we have done previously.

How many days did you get them before the 26th of June? -- A few days before the 26th as in the previous case.

And did you distribute them as soon as you had got them as well? -- That is the custom when you receive the pamphlets you automatically distribute them the same night.

In other words you get rid of them as quickly as you can? -- That is correct.

And once again the next morning after you distributed them you saw none in the streets? -- No, in my zone streets that I must walk in I didn't see any, but there were occasions when I did see outside my zone.

Yes, all right. You know how far No. 2 lives away from 3 accused? -- They are not far apart.

What does that mean - not far apart?

COURT: No. 1 and 2?

DEFENCE: 2 and 3? -- Well, I mean they are separated by one street.

May 1962 meeting, you remember at whose house that was? -- Yes, I do, at the house of Mtloko.

COURT: Whose house? -- Mtloko.

What was so memorable about that meeting that brings it to your mind? -- Umkhonto Wesizwe is what is so memorable about it.

I see. When you were told to get your moneys for cutters for railways? -- This was told in this manner that we must endeavour to collect moneys as this was required by the National Executive for the purchase of arms and these cutters and saws.

At the November 1960 meeting, was anything said there apart from the fact that the A.N.C. was now going underground? -- Yes.



What? -- Here we were told that the public meetings would no longer be held, that meetings would now be held in the houses of the members on a rotatory basis; that the organisation would go secretly underground; subscriptions were discussed, the distribution of pamphlets.

What was discussed about subscriptions? -- We were told that now you will subscribe monthly and that upon having subscribed we will be issued with a receipt and that the amount of the individual would be 20c. The number of the house where the member resides will be reflected on the receipt plus the amount paid. The emblem of the A.N.C. would be reflected at the bottom of the receipt.

You said articles were read to you in some meetings?

-- Yes.

About countries who had obtained their freedom? Who would read these articles? Who would do this? -- The Chief Steward.

Always the Chief Steward? -- Always the Chief Steward.

No. (2) and No. (3) don't know you at all? -- That's strange and possibly they are mistaken.

Yes, and No. (1) has merely seen you in his garden when he has been to Mtloko's place? He doesn't know you and he has never spoken to you? -- I am not mistaken by them, they are members who were with me in zone 15.

NO FURTHER QUESTIONS.

COURT ADJOURNS.

COURT RESUMES.

RE-EXAMINATION BY PROSECUTOR: Now, if the police had not confronted you with what you had done in your, in this organisation, would you have told them anything about your activities and that of your zone? -- No.

And the things that you were telling them there, did they know all about it or not? -- Yes, they knew everything about it.

Now, you say that you know that Ngoza was arrested?

-- Yes.

Do you know whether Mtloko was arrested? -- Yes.

Can you remember when he was arrested? -- Yes, I do,  
March last year.

Do you remember when he was released?

COURT: That's Mtloko?

PROSECUTOR: Yes. -- No, I do not know when he was released,  
I can't remember.

So from the time of his arrest, I take it, he couldn't  
attend meetings?

After his arrest did he attend any meetings? -- He  
did yes, but he didn't attend regularly.

Do you know when that was? -- Yes.

Yes, when? -- Last year.

When? -- Round about July.

And if he was only released in October? -- I wouldn't  
deny that.

Well, that is what I am trying to find out? -- I  
can't be certain.

Now, Exhibit A and Exhibit E, when you received those  
two pamphlets for distribution, you say it was not on the 26th?  
-- That is correct.

Can you remember exactly when it was? -- Yes, I  
remember, yes.

Yes, but when? -- Exhibit A, June '61.

Yes, but more specific? -- No, I can't be more  
specific, I do not remember the date when we received these.

Could it have been distributed the day before? -- We  
do distribute them before this date.

COURT: Let's put it the day before, the 25th? -- Well, if we  
did in fact get them the day before we would have distributed  
them the day before.

Yes, but we don't know, we want to know it from you?  
-- We actually got them the night before the 26th and then  
distributed them that same night.



NO FURTHER QUESTIONS.

PROSECUTOR ADDRESSES COURT ON MATTER RE SIGNS MADE BY BANTU  
DETECTIVE TO WITNESS.

COURT, PROSECUTOR AND DEFENCE IN DISCUSSION RE SIGNS MADE.

ARCHIBALD JACKSON BOQWANA: s.s.

EXAMINATION BY PROSECUTOR: You are a Bantu Detective Constable employed at the South African Police Station at Port Elizabeth?  
-- Correct.

Are you termed in any way an Investigating Officer of this particular case? -- Correct.

COURT: You did assist in the investigation of this case?  
-- That's right.

PROSECUTOR: Now on the 20th of September during the morning were you sitting on the non-European side of the Court, the present Court? -- I did.

How far back were you sitting? -- Behind the dock I was sitting on the second bench.

Now as the accused are arranged or were arranged on that day, are they in the same position as today? -- Ja.

That is to say they are on the European side of the Court in the accused bench? -- That's right.

Is it correct that in between the European and the non-European side there is a partition? -- There is.

Have the persons in the accused box a clear view then of what happened behind on the non-European side where you were sitting? -- They are not, it is very impossible.

If accused No. 1 should say he saw you making signs could he have done so without getting up and peering right around? -- He wouldn't.

Now, the witness, Mtloko, when he was giving evidence, you were seated as you have indicated to the Court? -- Yes.

Did you in fact make any signs or attempt to attract his attention in any way? -- I did not.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY DEFENCE: How long have you been in the police, Boqwana? -- 11 Years service.

You have given evidence in Court on many occasions?  
-- Yes.

You remember when the adjournment occurred after this allegation had been made? Yesterday? -- I do.

You remember after the Court has adjourned how you and Sgt. Pretorius endeavour to reconstruct your seating positions?  
-- Ja, I do remember when I (Defence intervenes).

You do recall? You do recall Sgt. Pretorius standing in a position where accused No. 1 is sitting? -- With the Advocate.

Pardon? -- When I was called in by the Defence Counsel into the Court.

COURT: Why was Counsel present? -- Defence Counsel called me in to the Court after the adjournment.

DEFENCE: And I was with Sgt. Pretorius who was sitting in the position where No. 1 was, is that right? -- Correct.

You were told to go over where you were sitting? -- I did.

And you will recall that you went immediately and you sat on the first bench behind the dock? -- On the second bench.

No, no? -- On the second bench.

No, no? You sat on the first bench behind the dock in the reconstruction? -- That was on the second bench, I swear where the Bantu Detective Sergeant is sitting now in Court.

Do you recall that you said to me it is impossible to see and I said if you lean forward No. 1 can see you quite easily? Do you remember that? -- Yes, I remember the argument we had.

And I am suggesting to you that it was the first bench -- It was the second bench.

And you agree that where you were sitting when you lean forward and Sgt. Pretorius leant forward, you could see each



other. You agree? -- Not in the position where the accused No. 1 is now sitting.

You deny that? -- I deny it.

You deny on that reconstruction seeing each other?

-- I deny it.

NO FURTHER QUESTIONS.

COURT: In other words you deny that you and Sgt. Pretorius could see each other when both of you leaned forward? -- Ja, on the position where accused No. 1 is sitting, it was very impossible, it was difficult.

Was it impossible or was it difficult? -- It was difficult, unless he had to stand up.

The question was - by just leaning forward or leaning forward you could see one another? -- Yes.

Now what do you say to that? -- It was very difficult.

Tell me whilst Mtloko was giving evidence were you sitting all by yourself? -- I was together with Bantu Detective Sergeant Mfopi now sitting in Court.

What's his name? -- Bantu Detective Sergeant Mfopi.

How do you spell that? -- M f o p i.

Did you ever notice any of the accused looking backwards? -- No, I haven't seen one.

Pardon? -- No.

How do they usually sit? -- They usually sit as they are now in Court.

That is facing the bench? -- Correct.

Now what do you say are they looking upwards or downwards or straight ahead or what? -- I would say they are looking forward.

Pardon? -- They are looking forward.

Looking straight ahead? -- Yes.

What was your observations as far as Mtloko was concerned - where did he usually look when he gave evidence? -- The time when he gave evidence he was facing in the direction of the bench.

JOHAN MARTIN BARKHUIZEN: v.o.e.

ONDERVRAGING DEUR AANKLAER: U is Konstabel in die Suid-Afrikaanse Polisie gestasioneer te Port Elizabeth? -- Dit is reg.

Op die 20ste September 1965, gister, was u in bevel van die prisoniere nou in die beskuldigde bank? -- Ek was.

Terwyl hulle in die beskuldigde bank is, waar neem u stelling in? -- Reg agter hulle op die sitplek.

Wat is die doel daarvan? -- My werk is om te sien dat hulle nie uit bewaring ontsnap nie en dus moet ek so na as moontlik by hulle sit.

En moet u hulle dophou? -- Ten alle tye.

En het u dit gister gedoen? -- Ek het dit gister gedoen.

Kan u vir die Hof sê, het u enigsins gesien of enige van die beskuldigdes probeer opkyk of probeer om die skerm of die verdeling van die Hof tussen blank en nie-blank probeer omkyk? -- Nee, die enigste een wat na sy linkerkant toe gekyk het, na die nie-blanke kant toe, was beskuldigde nr. 2, maar sover ek kon sien, sover ek weet het hy nie probeer om om die skerm te sien as daar mense is of enigiets anders nie. Dit wil sê hy het nie vorentoe geleun nie, hy het net sy kop gedraai na die linkerkant toe.

Is dit na die linkerkant toe of heeltemal om? -- Nee, ek sal sê hy het sy kop gedraai na beskuldigde nr. 3 se rigting.

En sover dit beskuldigde 1 betref, het hy enigsins probeer om om die skerm te kyk? -- Geensins nie.

GEEN VERDERE VRAE NIE.

KRUISONDERVRAGING DEUR VERDEDIGING: Konstabel, u het gesê dat nr. 2 het partykeer na die linkerkant gekyk, aan die linkerkant gekyk? Doen hy dit altyd of partykeer of wat? -- Ek het nie gesê hy het partykeer gekyk nie, ek het gesê hy het dit gister gedoen.

Hoeveel keer? -- Dit was baie, baie min.



~~Maar dit mag meer wees?~~ Baie? -- Min, dat hy dit gedoen het.

Baie min, meer as een? -- Ek sal sê twee keer.

So ver as u kan onthou? -- Ek onthou korrek, dit was twee keer, nie meer nie.

Maar dit mag meer wees? -- Ek glo nie.

Ja, maar hulle is nie in die oog al die tyd? -- Soos uself kan sien, ek het niks te doen in die Hof nie, my enigste werk is om agter die prisoniers te kyk, so ek sal weet of dit nou meer as een keer was.

But you deny that you sometimes look on the ground during the course of the proceedings? -- Even if I am sitting behind them and even if I am looking at that wall, they will still be in my eye.

Yes? -- I will still see them.

Sure, but do you deny that occasionally you look down on the ground? -- No, I do not deny that.

No. Well, isn't it possible that when you are looking down on the ground sometimes they might have turned their heads? -- It is a possibility, yes.

NO FURTHER QUESTIONS.

EDWIN RUDOLF HEIN: v.o.e.

ONDERVRAGING DEUR AANKLAER: Nou, mnr. Hein, u het opgetree as Tolk?

HOF: Ek wil net op rekord plaas dat die Tolk van die Landdros-hof die twee nou omruil as Tolk, Joshua Matodlana.

AANKLAER: Nou, mnr. Hein, gister die 20ste September 1965 het u opgetree as Tolk in hierdie Hof waar ons tans besig is? -- Dit is korrek.

En waarin die huidige beskuldigdes verskyn? -- Dit is korrek.

Nou toe die getuie Mtloko getuienis gegee het, welke posisie het u ingeneem? Met die vertolking van sy getuienis? -- Die rigting waar ek in gewys het?

Ja? -- Na die Aanklaer toe, die persoon wat die vrae gestel het.

Ek sien.

HOF: Van uself of van hom? -- Van myself.

AANKLAER: En van die posisie waar u gestaan het, val u oog op die gedeelte van die Hof waar beweer is die Bantoespeurders gesit het in die Hof? -- Dit is korrek, omtrent min of meer in een lyn.

Daar is 'n vraag aan hierdie getuie Mtloko gestel in verband met 'n sekere pamflet bewysstuk E wat deur hulle sou versprei gewees het en hy het daar aangedui dat 'n sekere persoon nie teenwoordig was nie, kan u daardie insident onthou? -- Ek onthou die.

Kan u onthou dat hy eers aangedui het dat hierdie besondere persoon nie daar teenwoordig was nie? -- Dit is korrek.

Kan u vir die Hof sê wat daarna gebeur het? -- Toe die vraag aan hom gevra was op daardie moment was sy oog op die Aanklaer gewees, toe gee hy antwoord en gesê dat die persoon nie by was nie, met dieselfde het hy onmiddellik sy kop laat sak en 'n snaakse geluid gemaak en gesê nee, ek maak 'n fout die persoon was by.

Nou indien enige beweging of teken deur enige van hierdie Bantoespeurders agter die Hof sou gegee gewees het, sou u daarvan bewus gewees het? -- Op daardie tydstip, ja.

En het u enigsins gesien dat enige van die Bantoespeurders enige teken gegee het? -- Nee, ek het nie.

Nou van waar u gestaan het, kon u ook sien waar die betrokke speurder wat beweer is so 'n teken sou gegee het, waar hy gesit het? -- Ek het, ja.

Kan u vir die Hof sê daar is banke agter, watter bank het hy gesit? -- Dit was die tweede bank voor.

Dit is met ander woorde die tweede bank van die beskuldigde bank? -- Dis korrek, ja.

GEEN VERDERE VRAE NIE.

CROSS-EXAMINATION BY DEFENCE: Mr. Hein, may I cross-examine you in English? -- Certainly.



Mr. Hein, when the accused, the witness rather, has been led in evidence, which way did you notice him looking most of the time? -- Direct in front of him in the direction of the Prosecutor and the Council for the Defence.

Yes. That was the position he stood most of the time? -- That is correct.

And the occasion when he was asked about the presence of Ngoza, I think it was? -- That is correct, yet.

When he said he wasn't there, isn't it correct that there was a false, there was a material period of time that had lapsed when he said no that he had been mistaken I change my mind? -- That is correct, during that pause it was when he made this queer sound.

Now you didn't notice any movement or any sign from the policemen at the back of the Court? -- At that stage, no.

But you probably weren't even expecting it, were you? -- Any signs?

Yes? -- No. I was not.

No. So it is possible that you may not have noticed it if there was a sign? -- No, I am positive that during when the question was asked and when he gave a negative answer, and when he changed that to a positive one I saw no sign.

Yes? -- Because my eyes were fixed in that direction.

Will you say your eyes had been fixed in that direction all the time? -- During that period I can comment on. I found it odd when he made this sound that I concentrated in that direction.

It couldn't possibly be that you had simply glanced down for a moment? -- No, at that stage definitely not.

Because quite as far as I can recall quite some time had lapsed? -- That is correct.

And you are quite sure that you? -- I am positive.

You also say it was the second bench? -- It definitely was the second from the front.

How did you notice that Mr. Hein did you make a particular note? -- I made particular note.

When did you make particular note of that? -- During the course of the morning.

But there was no occasion for you to have noticed it? -- No.

That is beforehand? -- But from my position here I cannot see the back, the rest of the first one, but can the second one.

And you remember making that observation before the point cropped up? -- Before the point cropped up.

Because if you remember the point only cropped up after the adjournment? -- That is correct.

So how, that was some 15 minutes after the event had occurred? -- The observation?

No, no the objection was only taken about 15 minutes after the incident had occurred? -- Yes, I don't know what time lapsed between when it actually occurred and the objection.

Yes, in a few minutes there was an adjournment after that because it was during the adjournment that the accused brought it to my notice? -- That is quite correct.

You remember it? -- That is quite correct.

And there was some 15 or even longer possibly? -- Possibly, yes.

And before the, before I had mentioned it, you had not even bothered about where anybody was sitting whether it was the first bench or the second bench, isn't that so, Mr. Hein? -- That is correct other than the explanation I have given. I did notice where they sat.

Yes, but I mean you couldn't tell the Court for example where the European Constable was sitting at that period whether it was the first bench or the second bench? -- He sat in the first.

You quite sure on that? -- Quite sure.

It seems strange that you should have made a particular



note Mr. Hein when there was no real reason as to where he was sitting? -- It might appear odd.

Yes. Where was Sgt. Pretorius, was he sitting next to the Prosecutor or facing the Prosecutor? -- I think at that stage he was facing, his back was towards the witness.

Are you sure on that point? -- I can state I am almost positive.

Not completely sure? -- Not completely.

No. Is it not possible, Mr. Hein that the policemen in the Bantu section were sitting in the first bench? -- No, definitely not, I am absolutely positive on that.

You couldn't perhaps be making a mistake? -- No, no, definitely not.

NO FURTHER QUESTIONS.

PROSECUTOR ADDRESSES THE COURT RE CALLING BACK OF WITNESS.

ARCHIBALD JACKSON BOQWANA: s.s.

EXAMINATION BY PROSECUTOR: Now, in cross-examination by the Advocate for the Defence, you indicated that you had sat on the second bench from the front? -- Correct.

Now, did you in fact when there was this reconstruction sit in the first bench? -- Correct.

Who gave you those instructions? -- Those were instructions from Sgt. Pretorius.

I see. But the place where you indicated you had in fact sat was where? -- On the second bench.

On the second bench.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY DEFENCE: You concede then that I was correct when I said you had sat on the first bench and you did deny it emphatically and said it was the second, this was in the reconstruction? -- Yes, during the course of the reconstruction I sat on the front bench.

Yes, and when I put it to you you denied that earlier on? -- That was a misunderstanding.

You misunderstood me? -- Yes.

I see.

PROSECUTOR ADDRESSES COURT RE REMAND.

CASE REMANDED.

COURT RESUMES.

HARRY GLADILE: S.S.

EXAMINATION BY PROSECUTOR: You are a Bantu Detective Sergeant employed by the South African Police at Port Elizabeth? -- Yes.

Now during 1961 to a present date were you stationed at Port Elizabeth? -- Yes.

During '61 where were you in fact stationed? -- Kwazakele.

Were you on duty on the night of the 25th-26th June 1961? -- Yes.

Up till what time? -- To 10 p.m.

COURT: When? -- On the 25th of June, 1961.

PROSECUTOR: Up to 10 p.m.

COURT: On the 24th? -- ~~24th.~~ 25th.

Yes, up to? -- 10 p.m.

PROSECUTOR: Were you doing patrol duty? -- Yes.

While on duty did you see any pamphlets of any description in the streets? -- No.

On the morning of the 26th of June, 1961, did you resume duty at what time? -- 6 a.m.

And what did you find when you resumed duty? -- I saw pamphlets, I picked up pamphlets.

I show you Exhibit A? -- This is a photostatic copy of a pamphlet similar to one I picked up during June, 26th 1961.

And was that when you resumed duty at 6 a.m.? -- Yes.

And where did you find it? -- I found them in streets, lanes and bus stops.

The pamphlet in what language is it printed? -- It is in Xhosa.

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

Did you prepare a translation of Exhibit A? -- Yes.



Is this ~~the translation~~ now before Court - Exhibit B?

-- Yes, it is.

Will you just read out the translation?

WITNESS READS TRANSLATION.

24th? -- Yes.

Oh. Do you adhere to that report and hand that in as Exhibit B? -- Yes.

Now I will show you a further pamphlet, Exhibit C, what can you tell the Court about that pamphlet? -- This is a photostatic copy of pamphlets similar to pamphlets I picked up on the 26th June, 1962.

Where? -- At New Brighton, Kwazakele Location, Port Elizabeth.

Where precisely? -- In the streets, lanes and at the bus stops. 26th of June, 1962.

And were you also on duty the same as in the previous pamphlet, Exhibit A? -- Yes.

And were they also only discovered on the morning of the 26th of June, 1962? -- Yes.

Did you also prepare a translation of Exhibit C? -- Yes.

Is this the translation now before Court? Exhibit D? -- Yes, this is the one.

Will you just read out your translation?

WITNESS READS OUT TRANSLATION.

Not Exhibit C, was that also in Xhosa? -- Yes.

And this translation of yours Exhibit D, do you adhere to that and hand it in? -- Yes.

Now those two pamphlets could you give the Court an indication as to how wide was the distribution of those two pamphlets? -- Beg your pardon?

How wide was the distribution, in other words was it distributed right through the locations or not? -- Yes, it was distributed right through the locations.

COURT: Which locations? -- Kwazakele and New Brighton

locations, Port Elizabeth.

Only the two? -- Where I found these leaflets.

Oh, you found them there?

PROSECUTOR: And were only a few found or can you give the Court an indication? -- There were numbers.

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

Where did you find it? -- In New Brighton, Kwazakele and other locations, Port Elizabeth.

And where precisely? -- Streets, lanes and bus stops.

That pamphlet is in English? -- Yes.

COURT: Just repeat your question?

PROSECUTOR: That pamphlet is printed in English? -- Yes.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY DEFENCE: Gladile, the pamphlet A you picked up on the 26th of June '61, have you seen that pamphlet before that particular morning on the 26th of June? -- Before that particular morning?

That was the first time you had ever seen it, is that right? -- Yes.

And similarly with Exhibit C? -- Yes.

That was the first time you had ever seen it on the 26th of June, 1962? -- Yes.

What was the precise date of Exhibit E, do you remember. The one in English? -- Oh, no, I don't remember the day.

You don't remember the day? -- No.

And just one point, in your translation that you read out to the Court of Exhibit C, there was a statement in the opening paragraph that 80 people were killed in 1950, is that the correct translation? -- 80 African people, yes.

In 1950, that's what you read out? -- Yes, in 1950.

Does that appear in the original? -- Yes.

1950? -- 1950, yes.



NO FURTHER QUESTIONS.

COURT: Sergeant are you positive that on the evenings of the 25th of June '61 and the 25th of June '62 there were no pamphlets in the streets? -- There were no pamphlets.

JONATHAN DU PREEZ: v.o.e.

ONDERVRAGING DEUR AANKLAER: Sersant, u is 'n Speurder-sersant in diens van die Suid-Afrikaanse Polisie gestasioneer te Port Elizabeth? -- Dis korrek.

Sedert welke tyd was u gestasioneer te Port Elizabeth?  
-- In Port Elizabeth gestasioneer sedert 1952.

HOF: 1952? -- 1952, in the lokasies Korsten en New Brighton en Kwazakele sedert 1958. In 1960 sedert 1960 het ek gehelp met die ondersoek van sabotasiesake. Sedert 1963 is ek in bevel van die ondersoek van sabotasie.

AANKLAER: Sersant, ek toon aan u bewysstuk A, kan u vir die Hof enige inligting in verband met bewysstuk A gee? -- Hierdie is 'n fotostatiese afdruk van 'n pamflet in my teenwoordigheid gemaak, waarvan soortgelyke pamflette in Junie 1961 in die lokasies versprei was, Kwazakele, New Brighton, Veeplaas ens.

Sersant, wat was die uitwerking van bewysstuk A op die bevolking van die Kwazakele lokasie? -- In 1961 was die uitwerking nie groot nie. Daardie nag is 'n polisieman, maj. Kjelvie vermoor toe hy 'n klomp Bantoes wou stop en as gevolg is oor 'n honderd volonteers van die A.N.C. gearresteer.

En sover as die Bantoes wat busse wou gebruik betref?  
-- In 1961 soos ek sê was dit nie op groot skaal 'n sukses gewees nie. Busse het geloop, mense het die busse nie gebruik nie, maar op 'n kleiner skaal as in die volgende jaar, 1962.

Ek sien. Nou Sersant, toe die Polisie Majoor vermoor is? Wat se polisie aksie is toe geneem, was daar meer as gewoonlik? Laat ek dit so stel, aktiwiteit deur die polisie in die lokasie? -- O, ja. Die polisie het die stratepatrolleer, Saracens was gebruik.

En nou u sê dat die bevolking van die betrokke lokasies almal bewus daarvan sou gewees het? -- O, ja. Arrestasies



was deur die dag uitgevoer en klopjagte was uitgevoer oor die hele lokasie, dit was die dag van die 26ste Junie.

HOF: Is dit nog '61? -- Nog altyd '61 wat ek van praat.

AANKLAER: Nou ek toon aan u bewysstuk C, wat kan u die Hof daar in verband meedeel? -- Hierdie is ook 'n fotostatiese afdruk van 'n pamflet waarvan soortgelyke pamflette in groot getalle in Junie 1962 opgetel was?

HOF: Is dit ook in u teenwoordigheid gemaak? -- Ja, in my teenwoordigheid.

En die uitwerking van daardie pamflet op die bevolking spesiaal in Kwazakele? -- Hierdie een het chaos veroorsaak.

In welke opsig? -- Die busdiens was nie gebruik nie, mense het nie na die werk gegaan nie, wat wel gegaan het en busse wou gebruik was aangerand. Daar was sowat 12 klagtes van aanranding wat ek persoonlik mee gedeel het. Persone is vermoor in hierdie aanrandings en 'n busdrywer is doodgeskiet.

Sersant, nou u het aangedui dat pamflette A en C het u persoonlik in die lokasies aangetref? -- Ja.

Kan u vir die Hof sê in welke getalle? -- Baie, ek kan nie 'n getal gee nie, honderde is opgetel.

En so ver as die verspreiding van hierdie pamflette aangaan, sover as die Kwazakele lokasie aangaan, kan u die Hof daar 'n idee gee? -- Ja, daar was baie pamflette aangetref op bus stoppe en in die straat rond soos die wind dit gewaai het teen die heinings vas. Ek sal nie sê in elke straat nie.

Ek sien. -- Talle mense het gekom en gesê en pamflette aan die polisie oorhandig met die rapport dat hulle dit in hulle huise gekry het, aan my persoonlik oorhandig.

Sersant, ek toon aan u 'n verdere bewysstuk, bewysstuk E, kan u die Hof daar inlig? -- Ja, hierdie pamflet is versprei die eerste week in Mei 1963. Dit is ook 'n fotostatiese afdruk in my teenwoordigheid gemaak van soortgelyke pamflette wat versprei was, in al die lokasies in Port Elizabeth.

Is dit insluitende Kwazakele? --



Insluitende Kwazakele, ja.

Nou Sersant, u het aangedui dat u behulpsaam gewees het met die ondersoek van sabotasieklagtes in die Port Elizabeth area? -- Dis korrek.

Kan u die Hof inlig van die getal sabotasiegevalle?  
-- 61, na Junie 1962, en 9 gevalle voor 1962. 'n Totaal van 70 dus.

Sersant, in bewysstuk E is ek korrek, dat daar aangedui word welke artikels of dinge aangeval moet word? -- Dit is so, ja.

En as u dit vergelyk met die sabotasiegevalle wat wel gepleeg is, wat sal u sê die tekens was? -- Ja. Dit kom heelttemal ooreen.

Dit kom ooreen.

GEEN VERDERE VRAE NIE.

KRUISONDERVRAGING DEUR VERDEDIGING: Dit is nie heelttemal duidelik aan my, die persoon wat verhoor was, die polisieman was dit in '61 of in '62? -- In '61.

Is dit die tyd dat 100 volonteers was gearresteer?  
-- Dis reg, ja.

Was dit gedurende die verspreiding van die pamflette of daardie aand van die 25ste Junie? -- Dit is korrek.

In Kwazakele of New Brighton? -- Kwazakele. Daar is pamflette in New Brighton ook versprei, maar hierdie voorval het gebeur in Kwazakele, by Daku Square.

HOF: By? -- By Daku Square.

Hoe spel u dit? -- D a k u Square.

VERDEDIGING: Nou is dit die tyd toe die Saracens daar in die township gekom het, Kwazakele township? -- Ja.

In '61? -- '61.

HOF: Die volgende dag of die nag? -- Die volgende dag.

Op die 26ste? -- Op die 26ste.

Hoeveel Saracens was daar, totaal? -- Nee, ek weet nie, maar ek sal aanneem ongeveer 10.

Is dit New Brighton en Kwazakele? -- Ja.

Het u enige idee hoeveel polisiemanne daar op diens was daardie dag in die lokasie? -- Nee, ek het geen idee nie, ek kan wel sê dat daar baie was.

Baie? 100 of amper 100? -- Ek kan glad nie 'n getal gee nie, enigiets van 50 na 100.

Jy sê dat al die persone wat daar woon sal bewus wees daarvan, is dit reg? -- Die persone wat in die lokasie was?

Ja? -- Ja, hulle moet bewus wees daarvan.

Hoe kan u dit sê dat hulle moet bewus wees daarvan? -- Enige persoon moes opgemerk het, enige persoon in die lokasie moes opgemerk het hoe die Saracens in die strate rond ry en troop carriers.

Nou hoeveel troop carriers was daar? -- Ek het nie 'n idee nie.

Hoe groot is hierdie Kwazakele - New Brighton in area? -- Nee, ek het geen idee nie.

Is hulle groot? -- Ek sou sê ongeveer (Verdediging kom tussenbei).

Wat is die populasie daar? -- 'n Paar honderdduisend. Die area beslaan omtrent 8 myl by 4 myl.

Elke kant? -- Nee, die hele lokasie saam. Dit is Kwazakele en New Brighton hulle is aanmekaar.

En die populasie vir die twee lokasies? -- Is 'n paar honderdduisend.

HOF: Wat is die oppervlakte Sersant? -- Ekskuus?

Kwazakele en New Brighton is aanmekaar, jy sê die oppervlakte is ongeveer...? -- 8 myl by 4 myl.

VERDEDIGING: En die populasie van die twee lokasies is omtrent 'n paar honderdduisend? -- Dis korrek, ja.

Ja. Volgens die pamflette wat versprei was gedurende '61, Exhibit C, dit was '62? -- Ja.

U het gesê dat die busdiens was nie gebruik nie? -- Nee.

Is dit reg? -- Dit is korrek.



Totaal, daar was geen bus gebruik? -- Daar was mense wat wel busse gebruik het, maar die groot gros het hom nie gebruik nie, ek sê 95% van die populasie het hom nie gebruik nie.

Ja, dis wat ek wil weet. Hulle het, 'n paar mense het die busse gebruik? -- Dis reg.

Ja. Dit was nie 'n totaal? -- Dit was nie 'n totale sukses nie. Die busse het wel geloop.

Ja. En verder het u, ek het jou getuienis verstaan, u het gesê dat mense het nie werk toe gegaan nie, is dit reg? -- Dit is reg, ja.

Ook nie 'n totale sukses nie? -- Nee, baie het werk toe gegaan, hulle het gestap.

Ja. Jy het ook gesê dat people vermoor was en 'n bus driver was doodgeskiet? -- Dit is so.

Hoeveel persone was vermoor? In daardie tyd? -- Nee, ek het nie 'n idee op die oomblik nie.

Meer as een? -- Nee, ek dink ongeveer drie persone is vermoor. Drie persone was vermoor wat op busstoppe aangerand was en een busdrywer is doodgeskiet, in 'n bus, dit is 'n totaal van 4.

HOF: As u sê hulle is vermoor dan bedoel u hulle is dood as gevolg van aanrandings op die bushaltes? -- Dis reg.

GEEN VERDERE VRAE NIE.

HERONDERVRAGING DEUR AANKLAER: Sersant, u het aangedui dat die mense in die lokasie wel moet geweet het van wat die polisie aangevang het in die Kawzakele lokasie gedurende 1961. Nou behalwe die feit dat die Saracens daar in was en die troop carriers, so ver as die strate wat gelei het na en van die lokasie, was daar enigsins daar enigiets gedoen? -- Daar was polisiepatrollies te voet.

Ek sien. En die paaië as sulks, kon persone heen en weer gaan soos hulle wil? -- Hulle kon, ja.

Was daar nie blokkades nie.

HOF: Jy sê daar was patrollies te voet op die paaië van en na die lokasies? -- Ja.

En wat is die volgende vraag? -- Blokkades wat daar was, is nie opgestel deur die polisie nie, dit was opgestel deur die inwoners van New Brighton, dromme, groot klippe ens. wat in die strate ingerol was en spykers was daar gegooi deur die inwoners van New Brighton. As ek sê die inwoners van New Brighton dan bedoel ek Kwazakele ook, ek noem nou maar net New Brighton omdat hy die bekendste lokasie is.

GEEN VERDERE VRAE NIE.

HOF: Wat sou die oogmerk hiermee gewees het, sersant? -- Om die polisie te verhinder om te patroleer, en die busse om te loop. Ek sal iets wil byvoeg. Gepaard met hierdie dinge was daar sabotasie gepleeg, telefoondrade was afgeknip ens., ook in 1962.

1962? -- 1962.

Ek lei dan hiervan af dat dinge was absoluut abnormaal in die lokasies? -- Beslis.

Is dit wat u ondervinding was daar? -- Dis my ondervinding persoonlik daar en daarmee gemoeid.

En u sê dit was in '62 heeltemal anders as dan in '61, 'n baie groot verskil? -- Dit het die hoogtepunt bereik in 1962.

En daarna, Sersant, wat het toe gebeur? -- In 1963 vanaf die 10de Mei is so wat bykans 800 Bantoes gearresteer.

Vanaf 10 Mei watter jaar? -- 1963, is tot op hede ongeveer 800 Bantoes gearresteer en voor die Howe gekom en dit is tans stil in die lokasie. In '63 en '64 en in '65 Junie, was daar geen moeilikheid nie.

AANKLAER SPREEK HOF TOE INSAKE GETUIE WAT GEROEP MOET WORD.

DEFENDANT: Whilst appreciating my learned friend's dilemma, I would like to place it formally on record that the State has had ample of opportunity to collate their evidence that they wish to present in this Court and the accused are being unnecessarily prejudiced by this delay. No. 1 accused for example has been in custody since the 8th of February, No. 2



since 1st November, 1964 and No. 3 May '65. It would appear that this is going to necessitate another month and I would urge upon your Worship that this would be the last possible extension of time the State are permitted to have in connection with this case.

COURT DISCUSSES MATTER RE POSTPONEMENT.

CASE REMANDED TO 15.11.65.

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C E R T I F I C A T E

I, the undersigned, hereby certify that the foregoing is a correct transcription of the mechanical recording in this case.



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