

15201.

COURT RESUMES :

ISMAIL AHMED CACHALIA, under former oath;

CROSS-EXAMINATION BY MR. TRENGOVIA CONTINUED :

The object of all these references to the liberatory struggles in the other countries, was also to warn the people of South Africa that in their liberatory struggle they had to expect a bloody conflict with the state, because the state in South Africa as in the other countries, would resort to force and arms to suppress this liberatory struggle? --- No, not at all, My Lord. 5

Mr. Cachalia, you were one of the leading figures at the first South African Peace Congress in August, 1953, you remember? --- Yes. 10

Remember Mr. Debi Singh? --- Yes.

A communist? --- Yes.

A leading member of the Natal Indian Congress? Correct? --- Yes. 15

And a leading member in the Peace Movement? --- In Durban? Possibly, yes.

Can you remember that after the Peace Congress the Peace Council published and circulated this report E. 62, Do you remember this report? --- I don't remember seeing it. I have forgotten about it, I suppose. I don't remember the contents of this now. 20

Mr. Debi Singh, he spoke on the liberatory movement and the struggle against imperialism and he said this: "There arises ..." - I am quoting from page 10, the first paragraph, the three last lines of that to get the connection with the next. "There arises our first task the Peace Movement will have to bring about friendship and understanding between colonial peoples and the peoples of imperialist countries. The immediate reaction of 25

imperialism to the movements for national liberation in the colonies has been to try and suppress them with force of arms." Is that correct? --- Yes, that is what he says.

Do you agree with that? --- Yes.

And then he says, "If the national liberation movement resists, this leads to a first class war". Do you agree with that? --- I don't know, he is generalising. 5

"People have said that if the liberation movements were more moderate there would be no bloodshed. That is a fallacy. Force of arms is always used first by imperialism. A case in point is Kenya. The fact is that long before the Mau-Mau started, the colonial government from London used violent force to crush the Kenya liberation movement." If we want peace, we must support the national liberation movements of colonial peoples. We are concerned with the prevention of war. If we can put our finger on colonialism as a definite cause of war, then it is common sense to throw in our lot to resist imperialism." Now do you agree with that statement? --- It says that the imperial powers is the cause of bloodshed. That is true. You see, they couldn't have got the colonies, they couldn't have established if they did not start with bloodshed. People didn't go and give it over to imperial powers or whatever foreign power, maybe hand it over on a plate, just take this country and keep it, you see. You see it starts from there, that is the starting point, and here it says that we want peace and the colonialism must go. That is what it amounts to, isn't it? And that is why I mentioned that that is the case. 10 15 20 25 30

Look at that state. He says, "People have

said we must be more moderate? --- That is his view -
different people's view.

I know it is his view. I am not asking
you if it is his view. Read that paragraph to yourself
starting with "People have said that we must be more 5
moderate. That is a fallacy."? --- It is the best
explanation Debi Singh can give for that. I want to
explain. The people have said that if the liberation
movements were more moderate, there would be no bloodshed.
Now you see, he will give what is in his mind, you see. 10
He says that is a fallacy. He says that you become
moderate or no moderate, the bloodshed will go on as far
as the imperial power is there. I don't know what he
means, you see. He may have something in his mind.

I am not asking you what Debi Singh had 15
in his mind. To me it is quite clear. I am not putting
that question to you. I want to know, do you agree with
that statement or don't you? --- I would say this, ...

Is there anything in that statement with
which you do not agree? --- You see, the people have said 20
that if the liberation movements were more moderate, there
would be no bloodshed.

And he says that is a fallacy? --- That is
what he thinks, it will go on, because the imperial powers
from our past experience, it won't happen so, what is what 25
he means.

BY MR. JUSTICE KENNEDY :

Do you agree with that remark? --- I
would say this that it depends what sort of struggle one
carries on. 30

Well, that is the question that Counsel
wants, do you agree or don't you? If you disagree, say so?

--- At certain places it may, and at certain places where there is a non-violent struggle going on.

BY MR. TRENGOVE :

Mr. Cachalia, could we put it like this. Would that statement be inconsistent with the nature of a struggle conducted by people on a non-violent basis? 5

--- There too you see again bloodshed comes about, somehow, somewhere in some form.

Now just on there. He goes on with the following statement, he says "The imperialist powers try to oppress the liberatory movement by force of arms, and if the people resist, that leads to a first class war" Do you agree with that statement, that the imperialist power uses force to oppress the liberatory movement, and if the oppressed people resist, that leads to a first-class war? --- You said - it says here, "The immediate reaction of imperialism to a movement of national liberation in colonies has been to try and suppress them with force of arms. If the national liberation movement resists, this leads to a first class war". It is happening now adays in Algeria, it is happening in different parts of the world. That is what he is relating to. That is what happened in fact, but it doesn't necessarily follow that it should be all over the same. If we are conducting our struggle by non-violent method, then there isn't a question of armed war, and that does not come in. 10 15 20 25

Then he goes on, and he says "People have said.." - he speaks generally. "People have said we must be more moderate, but it is a fallacy, because force is always used first by the imperialist oppressor". Do you agree with that? --- Yes, that was the starting point you see, that immediately they came to a country they came 30

with guns and they took away that country, and from then onwards, immediately you raise your head you are put down. That is how we have come to that conclusion, yes.

So that one can say that you would agree with Mr. Debi Singh's statement? --- I don't know what he had really in mind actually, but what is how I would interpret that. 5

My Lords, this Exhibit was first referred to at page 1902. Mr. Debi Singh there doesn't distinguish between a liberatory movement in which violent methods are used by the oppressed people and in which non-violent methods are used. He says wherever there is a liberatory movement the imperialist power will use force and - force of arms to oppress it and if the people resist that leads to a first class war? --- I don't know what he has in his mind. The one that is going on now adays, if that was in his mind, I don't know. 10 15

You were chairman at that meeting? --- I don't know, I don't remember.

Were you chairman at any session of that meeting? --- Possible, I don't remember, but possible quite. I don't remember. 20

You see Mr. Debi Singh's view there is also the view of the South African Peace Council, as expressed in documents which they have published, that every victory for the liberatory forces over the forces of oppression by whatever means that victory is achieved, is a victory furthering the cause of peace? --- But that doesn't apply to us here, that I must make very clear, to our congress movement. 25 30

I say the view of the South African Peace Council...? --- No, Peace Council puts the views what is

happening - you see, it is not a political organisation in this respect, they don't call in volunteers or anything whatsoever. They simply give the views of the things which happen in other countries, not necessarily their own views (?) too in so many cases. 5 5

The South African Peace Council supported the liberatory struggle in South Africa? --- Yes.

and they supported the liberatory struggle throughout the world? --- Yes.

Because they said that every victory for the forces of liberation was a victory for the forces of peace. Do you know that or don't you? --- They supported the South African movement in this country on other bases, not on their basis. They have no basis. They have supported the struggle in Algeria for instance on the Algerian liberatory movement basis, you see. The Indian Congress policy is one of non-violence, the method we have adopted is one of non-violence. 10 15

In regard to the liberatory struggle..? --- In regard to the other struggles of the other countries we wanted to clarify that. 20

Is there anything in conflict in this passage that I referred you to - in conflict with Congress policy? --- It does not apply, because this is not our policy. Our policy is one of non-violence. Wherever it is there is a clash, and it is the policy of those organisations, of the people of those countries. 25

You say this doesn't apply to the Indian Congress, this is not your view, because your policy is one of non-violence? --- That is right, yes. He is generalising. 30

and you say that that really is in conflict

with your policy? --- As far as imperialism is concerned, as far as we know, the bloodshed is always - it flows, and then it is there.

The Peace Council - the South African Peace Council held certain definite views on German rearmament, do you know? --- It may be.

What do you mean maybe? Did they or did they not? --- I don't remember so much.

The Indian Congress held views on German rearmament? --- That they should not be rearmed, because we do not want another conflict in this world, another thirdworld war, I suppose, yes.

Do you know what the reason was why they were against German rearmament? --- Yes, you see, the first world war started from Germany, the second world war started from Germany, and we wanted to see that no third war comes about from Germany again, if they start rearming them.

But aren't free people entitled to rearm them? --- Yes, but you see they created two wars, and unless the problems of the world are not solved, in these colonies and all these sorts of things are not solved, if Germany started arming Germany and there it is supported by all the powers, what would one expect from the past history? Another third world war, perhaps, and that we don't want to see anymore.

Why didn't you tell England and Russia to abolish arms? --- It is none of our concern. Germany started the war. What we know, is that that is the place where the war starts from, twice it happened, and it gripped the whole world.

You were against the rearmament of Germany

because it was the bulwark of the West against Russian aggression in Europe? --- That we are not so much interested, you see.

You are not much interested? --- No.

You were against the North Atlantic Treaty Organisation? --- Yes.

You were against the South East Asia Treaty Organisation? --- Yes.

Were you against any form of military alliance between the countries of the West? --- Well, as far as we are concerned or I am concerned, our policy is one of non-alliance, we are not interested in Russian arms, we are not even interested in Western arms. 10

Do you know if Russia had any defence pacts with any countries? --- I don't know about the military so much. 15

You know very well about the West? --- I don't know so much. I know this where we have experience, yes, it is we know, we know that because England was the great power and India was dominated by England, so we know that. But if you ask me so much about France imperialism I will know very little. 20

The Indian Congress and the Peace Council both held the view that on the international scene the world was divided into two camps, the warmongering imperialist group led by the United States of America, and the camp of peace led by the U.S.S.R. Is that correct? You held that view? --- I don't know so much, but you see that is the feeling of all the colonial power people. That is how the feeling is, because the history was such that we were subjected to that. 25 30

And that Russia was the champion of peace

and freedom? --- They did not as far as we are concerned, they did not go and declare war on any countries or take any country. We have no experience of that.

Did you regard them as the champion of peace? --- I don't say that. 5

Your organisation? --- I don't know that. I know this that they did not go and invade any country and take the country away.

Do you regard America as the leader of the warmongering imperialists? --- Well, they interfere. 10 Today things have changed, but immediately after the war, - My Lord, since that Hiroshima, the whole of Asia believes that China must be recognised at the United Nations and America is the stumbling block on this question. Therefore you see the people formed the view about it. 15

But the fact that America doesn't recognise China, does that make America a warmongering imperialist? --- Yes, and as a result of that the Korean War started, then people also believed that in Vietnam America was playing some part, directly or indirectly, 20 that is how the people felt. And that was felt by a lot of countries in Asia.

You can't give evidence on how people felt in countries in Asia. You can give evidence on what you believed people felt and what your organisation felt. 25 I want to put it to you that you felt like that because this World Peace Council was feeding you on that type of propaganda? --- No. We make our own judgments.

Did I understand you correctly on Friday that you didn't know anything about the World Federation 30 of Democratic Youth? --- That is correct, I know very little about it. I just heard that there is some organisation,

where it is situated I don't know.

Have you ever heard of Colonial Youth Day? --- In this country? I don't know.

Any country? --- I may have, it is quite possible, I don't know. 55

Have you heard of Colonial Youth Day in South Africa? --- I don't know - I know the youth celebrated some youth day, I don't know whether it is Colonial Youth Day or what Youth Day I don't know.

At this first Transvaal Peace Conference 10 that you attended in 1951, this document E. 550, where the Transvaal Peace Council was elected, you remember? --- Possible, yes.

You were one of the members elected there? --- Quite possible. 15

Certain resolutions were taken, and Resolution No. 12 states : "This Transvaal Peace Conference representing the earnest desire of the overwhelming majority of the peoples of the Transvaal for peace, greets the decision of the World Federation of Democratic Youth 20 and the International Union of Students to convene the Third World Festival of Youth and Students for peace in Berlin", and it gives the date of the meeting. And then it says, "Realising that the forces of reaction the world over are engaged to plunge the world into a blood-25 bath, this conference is confident that at the Berlin Festival, the youth of the world will strike a determined blow for peace." And then some other matters are referred to. Does that refresh your memory in any way? --- I know that this resolution must have been passed, 30 and I may have been there, but I have completely forgotten all about it.

But now I have refreshed your memory?

--- Then I think this resolution may have been passed.

Do you remember now? --- Quite possible, yes. I don't know who moved it and what circumstances I don't remember, but it is quite possible that it must 5 have been passed.

Weren't you interested in what this World Federation of Democratic Youth was? --- Not so much.

You see, subsequently there was correspondence between the Peace Council and this movement, the 10 World Federation of Democratic Youth? --- Possible, I may not have seen that.

Do you know about it? --- I don't recall it so much, it may have been, but I don't recall it so much. 15

I can't understand why you can't remember anything about this? --- I told you at the beginning that I was not working in the peace movement heart and soul, and so on. I used to be there, I liked the Peace Movement for certain reasons, and I used to be there. Now I was 20 not taking a very active part in it. I did not check up on the details, and that is how it is.

When you organised your first Peace Convention in 1953, do you remember that you got fraternal greetings from the World Federation of Democratic Youth? 25 --- It is possible. You see, these things I don't remember. You take up South African Indian Congress Agenda book and I may be very active in that, at that stage perhaps, and you ask me whether there was some messages, and I won't remember all that. 30

I take it you would have asked the World Federation of Democratic Youth to send a fraternal greeting?

--- I did not do any secretarial work in this movement.
I attended some meetings.

You were the chairman? --- I was not the
chairman, I attended - I presided over one or two meetings,
as far as I remember. Reverend Thompson was the chairman 5
all along, in his absence I must have presided at one or
two meetings you see. He was chairman throughout.

Even that doesn't refresh your memory as
to what...? --- Not the details.

Do you remember that in 1950, and maybe 10
on other dates, if you attended a meeting of Colonial
Youth Day? --- I don't remember that.

In 1951, February 1951, in Johannesburg?
--- I don't remember that.

Did you ever attend any colonial Youth 15
Day rallies? --- I don't remember, unless some special
instance is pointed out, and I can remember, I don't know.

You never heard how Colonial Youth Day
came into being? --- No, I don't know that.

Is it that you have forgotten? --- I 20
don't know.

The Colonial Youth Day, Mr. Cachalia, was
organised by the African National Congress and the Transvaal
Indian Youth Congress, and it was held every year on the
21st February, and it was a big rally attended by people 25
from the African National Congress and the Indian Congresses,
but you say you never attended one? --- I don't remember,
unless you show me some specific instances.

I am trying to test your own memory.
Kathrada was one of the leading speakers and the leading 30
organiser of this Colonial Youth Day? --- I don't know.

Have you ever seen this bulletin, World

Youth Affairs, issued by the Transvaal Indian Youth Congress, E. 140? --- I don't remember seeing this document.

Do you know that box number in Johannesburg? --- No. 5

You were not - were you not at one stage elected Vice-President of the Transvaal Indian Youth Congress? --- I don't remember.

Is it possible? --- Quite possible. I don't remember at all. 10

Could you have forgotten? --- I have no recollection whatsoever that I was appointed Vice-President of the Youth Congress.

I just want you to get some - I just want to get you to identify some of the people who were elected to the Transvaal Peace Council. Now you have spoken about the Reverend Thompson. Now the Vice-Presidents included Mr. J. B. Marks, President of the African National Congress. Do you know him? --- Yes. 15

He was also a communist? --- Yes. 20

Also elected as a Vice-President was Mr. T.NW Naidoo? --- Yes.

Was he a communist? --- No.

Amongst the members that were elected was Mr. G. T. Sibande. Do you know him? --- I know one Mr. Sibande here as an Accused. 25

Do you remember whether he was one of the people elected? --- Possible.

Is he G.T. Sibande? --- I know know, I know him as Sibande. 30

Do you know Il Mtwana? --- Yes.

Was she a prominent member of the African

National Congress? --- Yes.

Is it also correct that Dr. Y. M. Dadoo was also one of the founders of the Peace Movement in South Africa? --- I don't know; I haven't seen him in the Peace Movement at all. 5

That is what the Indian Congress documents say? --- As far as the Peace Movement is concerned and as far as my association with the Peace Movement is concerned, I haven't seen Dr. Dadoo there, and even J.B. Marks, he was appointed, but I haven't seen them anywhere while I 10 was there.

Do you know that other - amongst the other days that used to be celebrated by the Congress Movement was the 7th November, it was a day that used to be celebrated by the people in the Congress Movement. Do you know 15 that date, the 7th November every year? You don't know that as the day that marks the founding of the Soviet Union? --- No. We have nothing to do with that, the Congress.

Didn't you attend the celebrations? --- 20 I don't remember attending any celebrations.

And the 1st of October, do you know that date? --- No.

It is the day on which the People's Republic of China was founded? --- I think there was some 25 meetings, but that was after I was banned from meetings that I heard about it.

You see, I put it to you that your Congress held up these two countries as the two shining examples of countries where exploitation of man by man 30 had been abolished? --- Russia we don't - but these meetings about China, I think they were held, and *wherever*

there is no exploitation you see, we uphold them. We hold meetings about Indian, Indian independence and all that. Every now and then we used to hold it, I think Congress still holds the meetings, when I was there we used to hold them annually.

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The Congress movement was in favour of establishing what one could call a People's Democracy in South Africa? --- True democracy, where everybody would have franchise and rights, yes.

Is a People's Democracy the same as a true democracy? --- That is what true democracy means, that we want full franchise and all the rights should be enjoyed by all the people. That is true democracy.

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And what does a People's Democracy mean? --- You call it a People's Democracy if you like, you call it a true democracy, whatever one may like to call it. But that is what we want here.

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The Indian Congress used to refer to a People's Democracy? --- If somebody said People's Democracy, then it may be People's Democracy. It depends, these are the words which may be used.

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Give examples of People's Democracies in the world? --- India, for instance, that is a democracy and everybody is entitled to franchise and all the rights, you see.

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Would you call India a People's Democracy? --- They call it in Indian language, you see, Janatha means people, and it is People's Democracy they say.

Do you in your speeches and documents refer to India as a people's democracy? --- Yes, why not? Any democracy which is true democracy and where people have rights, they would call it. In India themselves they

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call it Janatha, janatha means people you see, a People's Democracy.

I am not concerned with what the people in India do. In the - When the Indian Congress refers to India in its documents and speeches, do they refer to it as a People's Democracy? --- They may have, why not? It is a phrase you see that we use. 5

I want you to produce me a single speech and any document showing that the Indian Congress regarded India as a People's Democracy and called it such? --- I'll have to go into it. If I have access I may find out. It must have been used quite a number of times. 10

Any other examples of People's Democracies? That the Indian Congress regarded as People's Democracies? --- Where the people have full rights, they will call them People's Democracy. 15

Mr. Cachalia, don't hedge, don't try and get away from it. You know that certain countries were regarded as People's Democracies by the Congress and held up...? --- No, Congress would say that these are People's Democracies where the people have full rights. 20

Now which countries...? --- Wherever they have, where it wasn't before and where they achieved it afterwards, we would call that a People's Democracy.

Mention a few? --- I would say India for instance. 25

Any other? --- Any country you see, it depends...

BY MR. JUSTICE RUMPF :

The question is whether in the Indian Congress documents or speeches any particular country by name is mentioned or referred to as a People's 30

Democracy? --- My Lord, I don't know, but when we talk about People's Democracy, you see we mean where the people have the full franchise rights.

That you have said at least four times. Counsel asks you whether you can give an example by name of such a country? --- When a specific question is put, then I would be able to know. 5

Counsel wants to know from you? --- I don't remember, you see, but it is the phrase, My Lord which is being used. 10

Apart from Indian Congress documents, in your opinion which countries would be people's democracies? --- Today?

Today? --- For instance, if you go to Asia you see, you take Malaya for instance, you go to Burma, they have full rights there, and you go on like that, you see. They are always called People's Democracies. You come to Africa, where there are full rights and full votes are extended to all the people in the colonial countries have they got their independence, we will call them People's democracies. 15 20

BY MR. TRENKOVIC :

Why are you afraid to say that the satellite countries of Soviet Russia, Hungary, Poland, Czechoslovakia, why are you afraid to say...? --- What is there to be afraid of, if they are also called People's Democracy, according to them, what is there to hide about it. 25

That is what I want to know? --- Nothing, I am not hiding. I am saying in our country how we use people's democracy, that is what I mean. 30

In India, has the land been divided amongst the people? --- Yes.

Has the land been divided amongst the people who work it in India? --- Yes, that is right, that is what is happening now.

Has there been an equitable distribution of land amongst all the people that work the land? --- 5
That is right, that is what they are doing now.

Has it happened? --- It happened, yes. Our own land, you see, which we had, you see, and we were styled as - there are two sorts of land in India, one held by samindars, big tracts and villages which was owned 10 by samindars, now that is eliminated and the who used to live in the villages are distributed - that land is distributed amongst those people. Then there were other people who own land themselves, and they used to - the agricultural work was done by the labourers, and 15 there you see those who were not tilling the land, they called it absentee landlords who lived three miles from that sort of land, his land is taken away and redivided amongst the peasants there who are living there. So now the position is that the whole Indian land throughout 20 India is all divided amongst the peasants who are working there at present.

BY MR. JUSTICE KENNEDY :

Yes, on this point, I think you said one of your reasons for making a trip before you went to 25 Bandung, was to call in and see about certain land that you and others owned? --- That is right.

I think you said if I remember correctly that you were going to sell it? -- Yes, that is right, we have got to sell it. 30

Did you sell it? --- You see, by law by a certain date you see, if the people don't sell

themselves, then the person who is tilling the land, it is taken over by him, it would be registered in his name, a tribunal is set up who will fix the price and that price will be paid to the original owner.

BY MR. TRENGOVE :

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I want to put certain propositions to you and you can tell me whether that was the view of the Indian Congress or not. I want to put it to you that it was the view. The Indian Congress held the view that the world was divided into capitalists on the one side, and the working class on the other? --- I don't know that, but I know this that the world is definitely divided into two camps, the one is the Russian - the Socialist camp and the other is the Western democratic camp. 10

And that in the Western democratic camp, the capitalists exploit the working class? --- The colonialist system and all this we know, that is correct. But you see the other question is that the Indian people would like the Western system or the Eastern system is another matter, My Lords. 15 20

I put it to you that you wanted the system which existed in Soviet Russia and the other People's Democracies? --- No, we don't agree with that.

I want to put it to you that the Indian Congress held the view that capitalism developed, became imperialism and that imperialism resulted ultimately in fascism? --- That is correct, that is an historical fact, you see. 25

and that capitalism was really fascism gone mad? --- It happened so, world war was waged on the earth and these are facts you see. 30

and that a fascist state was always in

danger of being overthrown by the oppressed people? ---
When you talk about a general fascist state like Germany
and Italy and so on, well you see their method is such
you see they fight and they use military and eventually
you see they are overthrown. That is what happened in 5
Japan and Germany and Italy and so on.

And the Congress held the view that South
Africa was a fascist state and was faced with that very
same danger? --- No, not from that point of view.

I put it to you that that is what the 10
Congress movement preached? --- No, they talk, you see.
Different people talk in different terms, but the point
is that in South Africa - what do you mean by overthrowing
the state here? There is no question of overthrowing the
state. Here you see we are waging a struggle, a struggle 15
for our rights, the rights of franchise and all sorts of
things and there you see we want that by - through faith(?)
you see, which we discussed last week.

That was to be achieved by a process of
negotiation? --- Negotiation and struggles and so on. 20

A gradual process? --- Yes, that is what
we are carrying on...

Small reforms resulting...? --- No, not
small reforms, big reforms or instead of reforms we are
going right back at this stage. There are no reforms 25
coming at all for the last few years, and yet we are
carrying on. For the last ten years we don't see any
reforms, we see more oppression everytime you see, and
yet we carry on.

Were you striving - whether you succeeded 30
or not - were you striving to get it by a gradual process
of reforms? --- That is what we are trying, and if we can

get it tomorrow we will be very happy.

I put it to you that the Congress movement was propagating exactly the opposite view? --- No, there is a misunderstanding somehow.

And that the Congress was propagating 5
the view that in order to achieve free democracy in this country, the whole economic and political setup of this country would have to be smashed? --- No, don't agree with that.

And that what Congress was aiming at was 10
a new type of state, differing radically and fundamentally from the present type of state? --- Not at all, with this exception that all people you see, a state which will be something like a multi-racial state. That is the difference you see what we visualise, not something else. 15

Your Congress propagated the view that there can only be true freedom if the present economic structure in addition to the political structure was changed fundamentally in South Africa? --- That means economically to be given land and so on, the right to own 20
land and buy land and so on, which we are totally debarred from.

That the land would have to be divided amongst the people who work it? --- That is possible you see, but that is an ideal you see, that would come about 25
or not, once you get the franchise right, immediately you get the franchise right you have a say, and then you see we visualise things which may come about or which may not, it may suit something else you see according to circumstances. 30

And that big monopolies had to be destroyed and the mines and the industries had to become

the property of the people? --- Quite possible, like the Nationalist Party had a programme in their 1948 manifesto, that the mines must be nationalised. You see now if the Congresses say that mines must be nationalised, what is wrong in that? If that is the position, and if 5 that is how the people would take it, I think...

Mr. Cachalia, you mustn't be afraid, I am not suggesting anything was wrong. I am just putting to you what your view was? --- That is possible yes, but I don't know. 10

The mines, the banks and the big industries have to be transferred to the ownership of the people? --- I don't know about the big industries if it comes to that. Monopoly, yes, I don't know, but there are some big industries I will be the first to fight these 15 people, those who do that sort of thing, after we get our rights.

Mr. Cachalia, I also put it to you that the Congress propagated the view that these things would never be achieved through parliament? --- No. It must 20 come through the process of parliament, you see, that is the essence of our struggle.

Can you show us one instance or quote one document to support you, in which the Indian Congress held the view that these things would come ultimately 25 through parliament? --- We are asking for franchise, full franchise for a number of years, you see and that is how we wanted to see that it comes through parliament. It can't come otherwise.

The only other alternative if it doesn't 30 come through parliament is to get it by force, is that correct? --- The Indian Congress is not prepared to take

the other alternative in that policy.

Do you accept that proposition? --- We will never accept that. The Indian Congress will never accept that proposition.

Do you accept the position that either 5
it comes through parliament or you have got to get it by
force? --- The Indian Party will never be party to that.

That is not what I am asking you. It has either got to come through parliament, or you get it by force? --- No, we don't get it by force. Why must we 10
get it by force?

You know that in 1953 a new call went out for freedom volunteers by Chief Luthuli? --- Yes, I think so.

The volunteers were required - 50,000 15
volunteers were being recruited in connection with the
campaign against the removal of the people in the Western
Areas? --- This call was made, I remember that, and this
Western Areas Removal too, I vaguely remember a little
bit of that. 20

Don't you know, Mr. Cachalia, that that call was made in connection with the Western Areas Removal Scheme? --- I think it was made to educate volunteers - volunteers were called to educate the people generally I suppose and also work in the Western Areas. I don't 25
remember whether it was specifically for - that I don't
know, but a call for fifty thousand was made, that I know.

You don't know what they were called?
--- Volunteers were required in the movement as such, to explain and to work amongst the people and so on, yes! 30

If that is your answer and if that is your knowledge, you know nothing about Congress affairs?

--- I don't know, what I know I have told you.

You know that these volunteers were called for a specific purpose in connection with the Western Areas Removal Scheme and in connection with the Congress of the People Campaign which was going to be started? --- That is right. There are two things now. 5

You remember that now? --- A call was made, but unfortunately you see I did not take much part in any of these two campaigns, and then I left.

You left a good while before the thing was first mooted - after? --- I did not take part in it, because I don't know - was this in 1953? 10

Do you know an organisation called the National Action Council for the Congress of the People?

BY ACCUSED KATHRADA : 15

My Lords, I think the evidence is that the call was made in 1954 by Chief Luthuli, not 1953.

BY MR. TRENGOVE :

I am sorry My Lords, I stand corrected. Do you know anybody called the National Action Council of the Congress of the People? --- I think I had left by then you see, and I was not in it. 20

You never, as part of your Congress activities knew of that body, the National Action Council of the Congress of the People? --- I don't remember. There must have been, but I don't remember. I did not serve on it. 25

Let us take the Transvaal Action Council of the Congress of the people, do you know that? --- It must have been, but I did not take any part then. The Congress of the People, the activities started, I did not take part, I just remember it very vaguely, and then I 30

left you see, so I don't remember much about it.

The National Action Council and the Transvaal Action Council, they were plans - the establishment of these bodies, the plans for them, were made early in 1954, were they not? --- Quite possible. 5

You know nothing about them? --- I remember, but I did not take any part and then I think I left.

In March, 1954? --- In March. You see, I'll tell you something which the other day we were confusing about my banning, about the date, and I said it was April or something like that. Now last night I was thinking about it, and it reminded me that in April I resigned, before the banning notice was served on me, and I sent my resignation to the Congress on the 16th of April if I remember correctly now. 10 15

Resigned from what? --- The Indian Congress, the Transvaal Indian Congress. And then some of the leaders wanted me to withdraw the resignation and so on and so forth, and eventually it remained like that, and then I got the banning notice and that concluded the whole thing, so actually my activities stopped by then. 20

Why did you resign? --- For some personal reasons, nothing to do with any politics or anything, completely and purely my personal matter.

And did you also resign from the Peace Council? --- I wanted to get out from everything. 25

Were the communists getting the upperhand in the organisation? --- No, My Lord, I don't look at things like that, it has nothing to do with politics or anything like that, it was purely for personal reasons. 30

At the time you resigned, the initial plans for the removal of the Western Areas Scheme had

already been made? --- Yes, that is correct.

I want to put it to you that during the time that you were giving evidence on Indian Congress policy, that there is no statement of policy in any Constitution of the Indian Congress or the provincial Congress movements, in which you say that you will not resort to violence? -- My Lord, we don't even say that we will only resort to non-violence, we don't even say that. But you see, your historical background, your past background, you past actions and your resolutions which have proved consistently that you are working on a non-violent basis, and that is the only basis that we have ever accepted.

So that for the Congress policy as to non-violence over this period, we would be entitled to look - according to you there is no specific resolution, one would be entitled to look at the resolutions, the reports and the speeches made by Congress members? --- You see, our policy is one of non-violence, and when we take ascertain decision, what we do, when we take a certain decision to act to take action under the Passive Resistance, then we form a committee, the Passive Resistance Council or some action committee or something, and through that you see we carry on the movement. That was also done by Mahatma Gandhi too, at the beginning of the struggle, My Lords, that the Transvaal British Indian Association did not conduct the passive resistance movement as such. The Transvaal Passive Resistance Council or something which conducted the movement, and the mere fact that we only believe in this line and that is what we carry on - you won't find that in the Congress you see, you will find the resolution in Congress that a

committee be established and that it will carry on the struggle, you see.

I want to put it to you Mr. Cachalia that you in the Congress movement realised that you would have to place the government in a position where they would 5 either have to submit or use force against the liberatory movement in order to maintain a state of peace and security in the country? --- No, not that way. You see, we want to negotiate with the government, it is a question of negotiation, consultation with the government. That is the 10 basis on which we are fighting.

I put it to you that even the Defiance Campaign of 1952, apart from the other campaigns that came later, that even that you realised was endangering the safety and the security of the state? --- No, this is 15 the method of struggle which was being carried on all along, you see, and through that we wanted to negotiate and bring about agreements.

COURT ADJOURNS.

COURT RESUMES :

ISMAIL AHMED CACHALIA, under former oath;

CROSS-EXAMINATION BY MR. FRANGOVE CONTINUED :

Mr. Cachalia, did you know that Kathrada was the Volunteer in Chief of the of the Indian volunteers which were being recruited from about 1954? --- Not the Defiance one.

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

I just want to put it again, because I find it very difficult to understand, you referred to certain Agenda books, I have also consulted other Agenda Books, where messages were received from world organisations

overseas, like the World Federation of Democratic Youth, the World Federation of Trade Unions, the Women's International Democratic Federation, did you not know what those bodies were and what they were standing for? ---
No. 5

And you didn't know that they were regularly supporting your policies and your conferences? --- I say that we asked every organisation, every country, every member, in most cases Members of Parliament and so on for messages, and we get messages. We don't get in 10
so many cases, in so many cases we do get messages.

You see, because in this one document we - you refer to the Natal Indian Congress Agenda Book of June, 1947, on the front page, the first two fraternal greetings, the one comes from the Women's International 15
Democratic Federation, and the other from the World Federation of Democratic Youth? --- Quite possible.

And that appears in many other documents, and you didn't know of that? --- Messages we have seen.

Just in connection with the policy of the 20
Congress, this Agenda Book, July, 1954. Exhibit A. 83, it refers to the fact here that since Gandhi left South Africa and up to about 1945 when the Dadoo group took over in the Transvaal and the Naicker group in Natal, there was a change of policy from that date, was there 25
not? --- That is correct.

Now between the time that Gandhi left and that date, I want to put it to you that according to your documents, the Indian Congress subsequently held the view that the spirit of resistance of the Indian 30
people was dampened by opportunistic leaders who misled the community in accepting dishonourable compromises? ---

That is correct.

Mr. Cachalia, there are just a few positions of people in the Peace Council that I want to put to you. Moretsele, Accused No. 12, you knew him as a member of the Transvaal Peace Council? --- Yes. 5

And also as an Executive member of the South African Peace Council? --- It is possible, yes.

And Nkadameng, Accused No. 15, you knew him as a member of the Transvaal Peace Council Executive? --- I think so, yes. 10

Paul Joseph, you knew him as a member of the Secretariat of the Peace Council? --- I don't remember very well whether he was in the Secretariat, but he was a member.

That was the Paul Joseph who was at the Preparatory Examination an Accused? --- It is possible. 15

T. X. Makiwane, do you know him? --- Yes. He was an accused at the Preparatory Examination? --- Yes.

He was a member of the Transvaal Peace Council too? --- Yes. 20

H. G. Makgothi, you remember him? You don't know that he was a member of the Peace Council Executive? --- I don't know the name, if I see the face I may be able to recognise him. 25

Dr. H.M. Moosa, who was an Accused at the Preparatory Examination, do you remember that he was a member of the Peace Council Executive? --- Quite possible.

Do you know Stephen Dhlamini of Natal? --- No, My Lord. 30

Seedat, he was a member of the Peace Council, D.A. Seedat? --- Maybe in Natal.

Leslie Masina, Accused No. 8, he was a member of the Transvaal Peace Council? --- Quite possible.

I am sorry, he is Accused No. 7? --- I know him.

And Moosa Moolla, Accused No. 11, he was a member of the Peace Council? --- Quite possible. 5

You said the other day that Kathrada was in the fulltime employ of the Congress - the Indian Congress movement? --- He works fulltime, he is not paid wages. 10

Yes, for the Congress Movement? --- Yes, and maybe something else too, we don't know, but he does Congress work.

Do you keep people there in charge of your office doing administrative work and that kind of thing? --- Yes. 15

Was he one of the people? --- Originally the Secretaries are the people who have got the keys who look after the office, and they have some more people who have more time, who would come and work there. 20

And was Faried Adams also one of those people? --- Yes.

And Moosa Moolla? - - I don't know, he used to work more or less for some firms and so on.

The Passive Resistance Council that was established in 1947, I see that according to this report that you handed in that was referred to, the Natal Report, that that Passive Resistance Council in its campaign also had the support of the Communist Party? --- Quite possible, yes. 25 30

NO FURTHER QUESTIONS BY MR. TRENKOVE.:

BY ACCUSED KATHRADA :

My Lords, I will have a certain amount of re-examination directed to this witness, but unfortunately I am not ready, My Lords.

BY MR. JUSTICE RUMPF :

Why can't you start?

BY ACCUSED KATHRADA :

My Lord, I had worked on the basis of information that was given to us by the Crown that they will finish with this witness on Tuesday.

BY MR. JUSTICE RUMPF :

You are entitled to re-examine the witness on the evidence which he has given under cross-examination.

BY ACCUSED KATHRADA :

My Lords, I am not in possession of the record, I have a certain amount of notes, but not sufficient to begin the re-examination. I would be ready tomorrow morning.

BY MR. JUSTICE RUMPF :

Well we will let the witness stand down until tomorrow morning. Have you any other witnesses?

BY ACCUSED KATHRADA :

My Lord, I have another witness, but I am afraid the same position applies.

BY MR. JUSTICE RUMPF :

You must have him available.

BY ACCUSED KATHRADA :

As I have explained to Your Lordships, I worked on the basis that we would only be beginning tomorrow with the re-examination and our next witness, and I just could not get him ready.

BY MR. JUSTICE RUMPF :

You had the whole weekend.

BY ACCUSED KATHRADA :

I was working the whole weekend, My Lord. And I'll be ready with him tomorrow as well. The witness is here, but unfortunately my notes and other documents are not with me at present.

BY MR. JUSTICE RUMPFER :

This sort of thing can't go on. We will just go on. You must be ready, you have had plenty of time to prepare your re-examination.

BY ACCUSED KATHRADA :

My Lord, we have been working under very difficult conditions, and we have tried our best...

BY MR. JUSTICE RUMPFER :

His cross-examination hasn't been very long and you had the whole weekend.

BY ACCUSED KATHRADA :

My Lord, I was working on my next weekend, and I thought I would complete the re-examination this evening, of this witness.

BY MR. JUSTICE RUMPFER :

Do you propose to give evidence yourself?

BY ACCUSED KATHRADA :

I don't propose to give evidence, My Lord.

BY MR. JUSTICE BEKKER :

Did you advise the Accused Kathrada that you would finish tomorrow, Mr. Trengove?

BY MR. TRENGOVE :

My Lords, I was asked on either Thursday afternoon or Friday morning when I thought I would conclude with this witness, and I said well, I am not sure, but probably on Tuesday. My Lords, that was done merely

to assist the Defence and the excuse, My Lords, raised every time that they haven't got the record, we haven't got the record, My Lord. We must proceed with our examination on time, and we were advised a week ago that the next witness was being called, that witness is in Court, he is available to give evidence, and if the re-examination has to stand down, My Lords, I would urge very strongly, My Lords, that no reasonable excuse was made out for not proceeding with the case.

BY MR. JUSTICE RUMPF :

You have been taking down the evidence of the witness, you needn't have the record. If you took down the evidence, even in note form, then you can re-examine. If there is any difficulty that you want to clear up, then you can re-examine after his cross-examination.

BY ACCUSED KATHRADA :

My Lords, Mr. Trengove has referred to some documents et cetera, I just haven't had time to look through references to the record which he has made.

BY MR. JUSTICE RUMPF :

But you have taken those down.

BY ACCUSED KATHRADA :

I haven't consulted the references to the record, My Lord, the previous references that Mr. Trengove made.

BY MR. JUSTICE RUMPF :

Did you come down on Saturday morning, or can't you?

BY ACCUSED KATHRADA :

I was busy at the gaol, the whole of Saturday and Sunday, in the gaol library.

15234.

BY MR. JUSTICE RUMPF :

Well, you and the other Accused must know that if for some reason or other it is not possible to continue with the re-examination or any part of the case, then we must carry on with the next witness and so on. We can't stop everytime this happens. I may say that we will adjourn now, but in future if one accused is not ready with his witness, the next one must be. We will just carry on and go down the line. Everyone must keep up to date, we can't have this sort of thing, and we will certainly not allow it to happen again, we will just go on, and the Accused who want to call witnesses must prepare themselves and their evidence in advance. If anything happens, the next witness must step in. We just can't sit and wait. I am not suggesting that the others are not ready, I am just issuing a warning, that in case one witness can't continue, then the others must have their evidence ready.

CASE REMANDED TO THE 28TH JUNE, 1960.

COURT ADJOURNS.

28/6/1960

MR. CACHALIA

15235

ISMAIL AHMID CACHALIS (Contd. under former oath)

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RE XD. BY MR. KATHRADA:

Mouvie Cachalia, you were asked by the Crown whether you conducted your business in English or Urdu, and your reply was that you conducted it in English. In which of these two languages are you more proficient?-- In the Indian language.

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You were also asked to explain why Communists were elected as the first volunteers during the Defiance Campaign of 1952 and your answer was that Mr. J.B. Marks was President of the African National Congress, Transvaal; Dr. Dadoo was President of the S.A.I.C and the rest of them were leading members of the Congress Movement. Now, was the Suppression of Communism Act one of the unjust laws against which the Defiance Campaign was conducted?-- That is so.

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Do you know who the first victims of the Suppression of Communism Act were; who were the first people to be banned?-- The first people who defied . . .

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The first people who were banned under the Suppression of Communism?-- Those who defied.

Oh, were they the first people to be banned?--Yes.

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In other words, the leaders whom you have named?-- That's right.

Do you know when the Suppression of Communism Act was first applied against Congress leaders? Other Congress leaders?-- In 1952. As far as I remember it was after the case where leaders were arrested under the Suppression of Communism Act.

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Was it before the start of the Defiance Campaign or after?-- After.

You were also asked by the Crown about Communism

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- about Communists who served on the Executive Committees of the Transvaal Indian Congress, the Natal Indian Congress, and the South African Indian Congress. Now do you know how many Communists there were on the Executive Committee of the Transvaal Indian Congress?-- My lords, the Communists among the Indian people in the Transvaal who were members of the Congress, as far as I can remember - the working committee that was composed of 80 members who were elected in the general meeting - - there were three Communists on that committee who were elected, and apart from that there were two Communists, as far as I remember, in Pretoria; and apart from that there was another gentleman who was a Communist, and a member of the Communist Party; then there was a doctor who was a Communist Party member, who left this country but he did not take any part whatsoever. This man and the other Patel whom I've referred to have taken no part since 1952. And apart from those there may have been one or two Communists whom I may not know; but apart from that the entire Indian Community, the entire Indian membership of the Indian Congress - - there were no more Communists than those few I have mentioned.

You were also asked by the Crown as to why the Congresses failed to call off the Defiance Campaign when there were disturbances in Port Elizabeth; you remember there was some reference to riots in Port Elizabeth and East London. Now did these riots have anything to do with the Defiance Campaign?-- No, not to my knowledge.

You were also referred to the publication "Fighting Talk" of March, 1954, which it was alleged was an independent monthly edited by supporters of the Congress

Movement. You were asked by his lordship, the Presiding Judge, whether to your own knowledge the South African Indian Congress ever repudiated the statement that the "Fighting Talk" was edited by supporters of the Congress Movement, by a Committee of supporters of the Congress Movement. Now to your own knowledge . . .

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5

RUMPF J: Was that what I asked him?

MR. KATHRADA: As far as I can remember, my lord.

RUMPF J: Whether the Indian Congress repudiated that "Fighting Talk" was edited by representatives of the Congress Movement?

10

MR. KATHRADA: My lord, perhaps I should refer to what appeared in "Fighting Talk" itself, of March, 1954. You will remember . . .

RUMPF J: I think I may have asked him whether the Congress repudiated the statement that "Fighting Talk" was the mouthpiece of the Congress Movement.

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MR. KATHRADA: That's what appears on the March, 1954 issue, my lord.

RUMPF J: Yes.

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MR. KATHRADA: I was just about to put that to the witness, my lord.

RUMPF J: Yes.

MR. KATHRADA: Now, did the S.A.I.C - was the statement that "Fighting Talk" was the mouthpiece of the Congress Movement; was such a statement ever discussed by the South African Indian Congress?-- Not to my knowledge.

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Now, under cross examination you told their lordships that during the last World War you asked people

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to read the paper "Die Transvaaler" because it opposed the War. You further told the Court that you met the Editor of Die Transvaaler, or something to that effect?-- Yes, that is correct. 1

Do you remember who the Editor was at the time?-- Yes, the Hon. the Prime Minister was the Editor at the time. 5

Now, with regard to the South African Peace Council; do you know of your own knowledge whether the South African Peace Council ever suggest directly or indirectly that the South African Indian Congress should change its policy from one of non-violence to violence?-- No, not at all. 10

I have no further questions, my lords.

RUMPF J: Yes, thank you.

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STANLEY BASIL LOLLAN S.S:

RUMPF J: Mr. Lollan, I think I have to tell you that as an accused person you are not obliged to give evidence under oath. 20

MR. LOLLAN: I prefer to do so, my lord.

XD. BY MR. KATHRADA: Mr. Lollan, are you an accused in this case?-- I am.

When were you born?-- I was born on the 5th July, 1925. 25

Where?-- In Johannesburg.

What school did you attend?-- I went to the Plantation Coloured School up to Standard VI, from there I went to the Eur-African Training Centre which is the only high school for Coloured people in the Transvaal 30

and did Standard VII.

1

Did you leave after Standard VII?-- I left at the end of that year.

Is there any particular reason why you left school after Std. VII?-- The school was a Government school and we had no fees to pay, but my parents were not in a position to keep me any longer at school because we still had to buy our own books and there were traveling expenses to and from school.

5

What did you do after you left school?-- I went and worked as a clerk at a Vulcanising firm for about a year. I was then about sixteen.

10

And after that?-- I went and worked at Pharmaceutical Laboratory.

Now while you were working at this chemical firm did you join any Trade Union?-- At about 1945 or 1946 I joined the Chemical Workers Union.

15

Did you become an official of this Union?-- At about 1947 - round about 1947, I became the Chairman of the Coloured section of this Union.

What was the purpose of this Trade Union?-- To organise workers in the Chemical industry, to fight for improvement in conditions, and for higher wages.

20

Did you represent this Trade Union on the Industrial Council?-- The Industrial Council was formed shortly after I became the Chairman of the Union and I became the Union's representative on the Industrial Council.

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Now, did you change jobs again after that?-- At about 1951 I left the Chemical industry.

And what did you do thereafter?-- I obtained

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employment with the Industrial Council for the Clothing Industry .

1

Were you employed by this Council at the time of your arrest?-- I was.

Where did you spend most of your life, Mr. Lollan?-- We lived in a suburb of Johannesburg, a suburb called Ophirton, which was a mixed suburb of Europeans, Coloureds Indians and Africans, and Chinese.

5

Subsequently did you move to Kliptown?-- At about 1947 we moved to Kliptown.

Was there any particular reason for your moving to Kliptown?-- There was a serious shortage of houses for Coloured people in Johannesburg. Many Coloured people were being put out of their homes because the old buildings were being demolished, to make way for factories, and the two Coloured townships, Noordgezicht and Cononationville, had waiting lists for the last five or seven years.

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What sections of the people lived in Kliptown?--- Kliptown itself - there were all sections of the non-European population, and across the road, which is Nancefield, were Europeans.

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Did the Coloured people have the right to own and occupy land, property, in Kliptown?-- They had, yes.

Since when was this?-- Since round about 1920 or just before that Coloured people were given the right to purchase property in Kliptown.

25

Did they in fact own property there?-- They did.

At about the time when you moved to Kliptown, were there large numbers of people moving to Kliptown?-- There were large numbers of people who were forced to move out of Town because there was no accommodation in

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