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IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

CASE NO.: 163/82

DATE: 16 AUGUST 1982

THE STATE VERSUS:

BARBARA ANNE HOGAN

BEFORE:

JUDGE VAN DYK

FOR THE STATE:

ADV J A SWANEPOEL and
ADV W J J HANEKOM

FOR THE DEFENCE:

ADV G BIZOS SC and
ADV D KUNY

CHARGE:

(SEE CHARGE SHEET)

PLEA:

(SEE RECORD)

VOLUME 1: Pages 1 - 100

LUBBE Recordings
Opnames

DIE STAAT TEEN:

BARBARA ANNE HOGAN

MR SWANEPOEL: M'Lord, I appear for the State with My Learned Friend Mr Hanekom.

MR BIZOS: As your Lordship pleases. M'Lord, I appear for the accused together with My Learned Friend Mr Kuny. M'Lord, the accused has had an opportunity of reading the indictment, the request for further particulars and further particulars. It is not necessary for the documents to be read out to her. We are also pleased to inform your Lordship that a statement has been compiled by the accused in terms of Sections 112(2) and 115 of the Criminal Procedure and Evidence Act (Act 51 of 1977) and we ask for leave to hand it in, which will clarify the accused's attitude to her trial. (10

Your Lordship will see that the accused pleads guilty to the second alternative count to count 1. Your Lordship will see that that is a count of furthering the aims of the African National Congress. She also pleads guilty to count 2. Your Lordship will recall that that is a count (20 of alleging that she is a member - she was a member of the African National Congress. She pleads guilty to both those counts, that is the second alternative count to count 1 and to count 2.

I may at this stage say by way of explanation that we have applied our minds to the question of splitting, there is authority that in fact there is not a duplication of crimes to be charged in this way, but in due course we will refer your Lordship to authority that there should really be one punishment for these two offences. (30

The accused pleads not guilty to count 1, that is a
count/...

count of treason, and she pleads not guilty to the first alternative to count 1, the contravention of the provision of the Terrorism Act.

Your Lordship will recall that there are a number of acts charged in a schedule and those are dealt with by way of explanation of the pleas of guilty and not guilty. In relation to the preamble the accused admits that the African National Congress (ANC) was declared an unlawful organisation in terms of Proclamation 119 on 8 April 1960 as amended by Section 22 of Act 93 of 1963; that she was (10 at all relevant times a member and active supporter of the ANC and knew that her conduct was unlawful and as it is alleged in the preamble, the accused admits that the ANC has as one of its aims the overthrow of the Government of the Republic of South Africa by violence or means which envisage violence.

In paragraph 4 the accused does not admit and does in fact place in issue that the sole aim of the ANC is the overthrow of the Government of the RSA by means of violence or means which envisage violence and by other (10 means including the crippling or prejudicing of industries or undertakings generally in the Republic; and that she says that she associated herself with those aims of the ANC which envisage the use of violence or if such be the case, the crippling or prejudicing of industries or undertakings generally in the Republic; and she puts in issue that she conspired with the ANC in regard with the achievement of its aims and objects by means of violence or means which envisage violence, or means which included the crippling or prejudicing of industries or undertakings generally (20 in the Republic.

The accused admits that she was at all relevant times a citizen of the RSA and therefore owed it allegiance, which is and was at all relevant times a sovereign state.

We now come to the Schedule. The accused says that her pleas are made on the following bases:

The accused admits the allegations contained in paragraph 1. Your Lordship will see that in the Schedule, paragraph 1 alleges that the accused joined the ANC in Swaziland during 1977 and that in paragraph 2, that in June 1979 the accused received instructions from the ANC to take a job in a specific field, she did not receive a general instruction to work in the labour field. As far as paragraph 2 is further concerned that in January 1980 the accused received instructions to receive in the field of employment.

As far as paragraph 3 is concerned: we will submit in due course that these acts are really split up in a way in which the State was perhaps entitled to do, but that they are one real transaction, but that is for the purposes of punishment eventually M'Lord and not really for the purposes of the plea. The accused denies that (20 she established a communications network with the ANC in the manner alleged. The accused admits that she communicated with the ANC in the following manner: between January and September 1981 she made use of what is known as dead letter boxes; during the period alleged she occasionally made use of post boxes, but that the post box was used on one occasion only in September 1979, to receive an instruction to close the post boxes; during August 1980 she on one occasion made use of a courier and on one occasion during June 1981 a courier communicated with her on the (30 instructions of Marius Schoon; and that during the period 1978/...

1978 to 1980 the accused sent information to the ANC (that is various publications and documents) dealing with labour relations in South Africa.

As far as paragraph 4 is concerned that she learned a secret code to be used when communicating with the ANC, the accused admits that.

As far as paragraph 5 is concerned the communications for the purposes alleged, she says the following: the post box referred to in paragraph 5(a) was used only once by the accused. The accused admits the allegations contained (10 in paragraph 5(b), but says that this post box was never used as a post box, but merely as a dead letter box. The accused admits the allegations contained in paragraph 5(c), which your Lordship will recall, that the information was sent to the ANC via Botswana.

As far as paragraph 6 is concerned, alleging 5 visits to Botswana, the accused admits the allegation contained in this paragraph, save that the visits during July 1978 and January 1979 were unrelated to the purposes alleged, but merely social visits to Marius Schoon and his wife (20 Jeanette, as at that stage she believed her contact with the ANC to be through Swaziland.

Paragraph 7: the accused admits having compiled the documents entitled - "Problems arising in internal political work" and "Close Comrades", but denies having compiled a document entitled "Social Background of working class leadership". The accused admits having handed all three documents to Robert Adam in Johannesburg for the purpose of transmission to the ANC in Botswana.

The accused admits that the documents entitled - (30 "Social Background of working class leadership" and "Problems/...

"Problems arising in internal political work" contained information which was required by the ANC, but does not admit that the document entitled - "Close Comrades" contained information required by the ANC, but contends that she was lead to believe that it was so by the SA Police who, unbeknown to her, were monitoring her dead letter box.

As far as paragraph 8 is concerned, alleging that between June and August 1981 and in Johannesburg the accused received a document from the ANC through Colin Purkey, after she had made arrangement with him to receive it on (10 her behalf, she says the following: the accused admits the allegation contained in this paragraph, but says that Purkey did not know that the ANC was involved, nor did she know the contents of the document.

Paragraph 9 which alleges what activities she took part in in relation to her work, she says the following: the accused admits that during the periods alleged she worked in the capacities and fields set out in paragraphs 9(a), (b) and (c) but says that:

- a) Her employment by the South African Institute of Race (20 Relations in a project called Human Awareness Programme was not in any way related to her membership of the ANC, nor was it intended to further its aims;
- b) the work referred to in paragraph 9(b) and 9(c), those are JOBS and RCDT, was partly done for the purposes alleged, but only in so far as the aims and objects of the ANC corresponded with the aims and objects of JOBS and RCDT. My Lord, one of the issues in the case will be that the ANC for instance has objects other than the overthrow of the Government and in (30 so far as the two correspond did she work there.

In paragraph 10 the accused admits that in January 1981 and during May to September 1981 she carried out the activities referred to in this paragraph, those are the activities that she negotiated with the SA Allied Workers' Union. The accused denies, however, that such activities were carried out for the purpose of crippling or prejudicing industries or undertakings generally in the Republic, but says that the purpose was to strengthen the Trade Union Movement of South Africa in South Africa, by organising unemployed workers for their benefit. (10

There is an allegation that a draft constitution was drawn and the accused admits that to the end referred to in (b) she drew up the document referred to.

In paragraph 11, your Lordship will recall that paragraph 11 alleges that she worked closely with ANC members and/or supporters in the Republic in order to further the aims of the ANC, she says the following: that subject to her qualifications referred to above, that the accused did not at any time associate herself with any violence or the employment of any means which envisaged violence or which (20 envisaged the crippling or prejudicing of industries or undertakings generally in the Republic. The accused admits that she worked with certain persons in the Republic, save for Robert Adam whom she knew to be a member of the ANC, she does not know whether the persons with whom she worked were members, active supporters or sympathisers of the ANC.

Paragraph 12, that she attempted to win over individual persons, groups or organisations to the ANC, your Lordship may recall that in answer to a request for further particulars, no specific information could be given in this regard, (30 and again the accused says subject to the qualifications referred/...

referred to above relating to the aims and means of the ANC, the accused denies that she attempted to win over individual persons, groups or organisations for the ANC, in that she never incited any person to become a member of the ANC, nor did she attempt to influence any group or organisation to engage in ANC activities.

Paragraph 13, the delivery of coded messages received from the ANC to Cedric de Beer in Johannesburg, the accused admits that she received two messages from Marius Schoon which she delivered to Cedric de Beer. The accused has no (10 knowledge of the nature or content of the messages and was not aware as to whether they emanated from the ANC.

In paragraph 14, the admissions contained in this document may formally be recorded as admissions in terms of Section 220 of the Criminal Procedure Act.

That in the main deals with the second alternative to the first count and the second count to which the accused has pleaded guilty. The next two paragraphs deal with her plea of not guilty to the charge of treason and terrorism. She says in paragraph 15: the acts performed by the accused (20 do not evidence her hostile intent and she is therefore not guilty of the crime of treason.

In paragraph 16: the acts performed by the accused do not constitute acts of terrorism, nor were they performed with the necessary intent.

That is the basis of the accused's pleas and defence on the counts on which she has pleaded not guilty. I can assure your Lordship that her signature appears on the document.

MR SWANEPOEL: Your Worship, there are two typing errors (30 on the charge-sheet that I would just like to have rectified.

On/...

On the first page the 5th paragraph reads:

"And whereas the accused was at all relevant times a member and active supporter of the ANC and associated herself with the aims..." - the word "the" is not in the sentence and it should be inserted.

Then the 3rd page, the second alternative count to count 1, I have referred to the amendment of that section in the further particulars, the second last line should read:

"By committing and/or attempting to commit the acts set out in the Schedule hereto..." - so the words (10
"and/or attempting to commit" should be inserted.

Paragraph 6 of the Schedule, the 4th line:

"...received information and instructions from him..." - it has been typed f-o-r-m, it should be "from".

May I also add the name of one witness to the List of Witnesses, that is the name of Major Williamson. I have notified the Attorney for the Accused last week that I intend calling Major Williamson as a witness.

COURT: What is his address?

MR SWANEPOEL: Security Headquarters, Pretoria. (20

COURT: Mr Bizos, what is your attitude regarding the amendment?

MR BIZOS: There is no objection to that M'Lord and I do confirm that we were informed that Major Williamson will be giving evidence.

Whilst we are dotting the "i's" and crossing the "t's", may I ask your Lordship M'Lord to turn to page 5 of the request for further particulars? Subparagraph (d) on top:

"If the State relies upon an implied agreement between the accused..." - would your Lordship add - "... and (30
the ANC and/or its members and/or active supporters."

A/...

A letter was written to My Learned Friends, pointing this out, M'Lord.

And on page 7 of the request, where it says (one third of the way down):

"...ad count 2" - if your Lordship would put an "a" after "10. Paragraph 1 above is repeated mutatis mutandis" - and underneath (a), (b). Paragraph 2 is repeated mutatis mutandis.

COURT: Any objections Mr Swanepoel?

MR SWANEPOEL: M'Lord, the State accepts the plea of guilty (10 on count 2, but the State will lead evidence to prove the main count, count 1.

COURT: So the position is now that the State accepts the plea of guilty on count 2. As far as count 1 is concerned the State apparently then does not accept the plea of guilty to the alternative charge.

MR SWANEPOEL: That is correct.

COURT: I have made such a note. It may be advisable for me to deal with count 2 and the fact that the State is prepared to accept the plea of guilty, at some later stage. (20

MR SWANEPOEL: M'Lord, I call as the first witness for the State, Major Arthur Benoni Cronwright.

MR BIZOS: Before My Learned Friend does that M'Lord, I think that it is required of your Lordship to satisfy yourself that the admissions are made by putting it to the accused.

COURT TO ACCUSED: Are you still standing up? You are Mrs Hogan, is that correct?

ACCUSED: That is right.

COURT TO ACCUSED: Do you confirm the information which your Counsel has read out, contained in the document handed (30 up to me?

ACCUSED/...

ACCUSED: Yes, I do.

MR SWANEPOEL: M'Lord, may that document be marked as EXHIBIT A?

MNR SWANEPOEL ROEP:

ARTHUR BENONI CRONWRIGHT: (v.o.e.)

ONDERVRAGING DEUR MNR SWANEPOEL: U is 'n majoor in die SA Polisie, gestasioneer te John Vorster-plein en u is in bevel van die ondersoekpersoneel van die Veiligheidstak te John Vorster-plein? --- Heeltemal korrek.

Is dit korrek dat u gedurende verlede jaar observasie gehou het op 'n sekere Robert Adam en dit het u gelei na (10 'n sekere dead letter box wat u ontdek het? --- Heeltemal korrek, u Edele.

Kan u net aan die Hof verduidelik wat is 'n dead letter box? --- Dit is 'n plek van veiligheid wat deur verbode organisasies in die algemeen gebruik word vir 'n kodestelsel of vir 'n stelsel van aflewering van inligting of die ontvangs van inligting waar net gewoonlik die skrywer van die dokument van die inligting en 'n koerier van 'n verbode organisasie kennis dra van so 'n veilige plek.

COURT: Mr Bizos, is your client bilingual? (20

MR BIZOS: I haven't checked with her, I have reason to believe that she would understand.

COURT TO MR BIZOS: Will you just make sure whether she understands the evidence?

MR BIZOS: If there is any difficulty, she will ask us to explain.

GETUIE: Somtyds, so 'n veilige plek ook is ook nie aan die skrywer bekend nie, daar die brief afgegee word aan 'n betroubare persoon wie hy/sy op sy beurt die brief sal aflewer op so 'n veilige plek. Daar is vooraf ooreengekom (30 van 'n dag en tyd vir sodanige aflewering.

MNR SWANEPOEL: Bedoel u nou tussen die skrywer van die artikel en die koerier? --- Dit kan die skrywer wees, as die skrywer self die brief daar plaas of vanaf die koerier na die organisasie toe. Normaalweg met die aflewering van so 'n stuk is die DLB (dead letter box) gewoonlik skoongemaak deur die koerier wie normaalweg die stuk moet aflewer aan die organisasie binne 'n uur of 1½-uur.

Majoor, is dit korrek dat u op 29 Julie 1981 sekere dokumente uit hierdie dead letter box wat u onder observasie gehad het, gehaal het? --- Korrek. Dit is 'n DLB wat geleë (10 was by 'n lamppaal te Kleinstraat reg oorkant Joubertpark, Johannesburg.

Was een van die dokumente wat u uitgehaal het BEWYSSTUK B1? --- Dis korrek.

Sal u dit net ophandig aan die Hof, BEWYSSTUK B1? Majoor, is dit korrek, dit is 'n getikte stuk van 16 bladsye met voorop 'n briefie in handskrif? --- Dit is heeltemal korrek, u Edele.

En die titel van die getikte stuk is "Social Background of working class leadership"? --- Heeltemal reg. (20

Kan u net die handgeskrewe briefie voorop aan die Hof uitlees asseblief? --- Dit sê soos volg: "Barbara Hogan sent this report via Botswana a year ago. It covers trade unionism in general and F A S A T U in particular. It may be of interest to you. Dan is daar 'n aanhalingsteken: you can compare it with information you have received via Botswana on the same subject.

Majoor, ek sal u nie vra om die hele getikte dokument uit te lees nie, die Verdegting het lank gelede reeds afskrifte daarvan gekry. Kan ek u net dit vra, die ander dokumente (30 wat u in die dead letter box by dieselfde geleentheid gevind het/...

het, is dit korrek dat dit gebruik is in die saak waarin Robert Adam aangekla was van die oortreding van die Wet op Terrorisme? --- Korrek.

Is dit korrek dat u op 19 Augustus 1981 weer observasie gehou het by dieselfde dead letter box? --- Ja.

U het toe die dokument gemerk BEWYSSTUK B2, in die dead letter box gevind? --- Dit is heel korrek.

MNR SWANEPOEL AAN HOF: Dit is BEWYSSTUK B2, Edelagbare.

MNR SWANEPOEL: Majoor dit is n dokument, die eerste twee bladsye is handgeskrewe en begin met: "I have read the enclosed report..." Dan is daar verder n getikte stuk: "Problems arising in internal political work" van 15 bladsye. --- Heeltemal korrek. (10)

Kan u net die handgeskrewe gedeelte eers aan die Hof uitlees asseblief?

GETUIE LEES HANDGESKREWE GEDEELTE VOOR AAN HOF:

"I have read the enclosed report. Its general features are things I have already outlined to you.

1. Clumsy methods of communication.
2. No supervisory person inside the country. (20)

In most other ways the report is disappointingly unspecific. It seems that the lady still needs our assurance that we are leakproof ourselves. See page 12 of the report. I think that if we are to progress further in this investigation, we may have to grant some of the requests she makes on page 12. She is definitely withholding names and details because she is not quite sure where they will end up. We need to talk about how to gain her confidence still further. Probably the most revealing page in the report is page 13. She says here that a certain comrade sent reports/... (30)

reports to Botswana by sending them via the post to a box in Gaborone. The reports were wrapped in rolled-up newspapers. Our lady herself made use of this system once. Now the rolled-up newspaper method is used by smalltime drug smugglers to send parcels of dagga and cocaine by post. The police have known about it for years. Any magazine or newspaper not sent by a registered news agency is liable to be opened by the postal authorities. In fact, the drug smugglers accept that a certain percentage of the newspapers (10 will be opened. They cover themselves by using false sending addresses. The comrade in question has never received acknowledgement from Botswana for his reports. In fact, Botswana claim not to have received them. I am almost sure that a leak lies here. This newspaper thing is very bad. Botswana should receive advice on logistics before attempting new methods of communication. Rolled-up newspapers are an old trick that a great many people know about."

MR SWANEPOEL: Could you then read out the rest of the (20 report, that is the typed report? --- It is headed: "Problems arising in internal political work".

WITNESS READS OUT TYPED REPORT:

"I am submitting this report to try to draw your attention to the problems arising in internal political work as regards the latter's relationship with the external ring of the movement in the forward areas. In doing so I will be drawing on my experience only and those of one or two comrades. I realise that this is limited in that it does not represent the general experience (30 of other comrades working in the same ways as am I and/...

and that possibly my experience is very different to others, but this cannot be helped, for security reasons. Moreover, none of us have any clear understanding of the ways in which work is conducted in the forward areas, so that it might be that we have the wrong perceptions gleaned from the fragments of information. However, you will be in a better position to assess this report. I am submitting this report now, because I am finding it increasingly difficult to continue to operate as before. The tempo and complexity of political workers intensified to such an extent over the last 18 months that it seems to me that our present structures need re-assessment, if they are going to meet the demand. Moreover, I can see foresee possible dangers ahead which need to be avoided. Let me stress from the outset that I still remain committed to the ANC and that my purpose in raising these issues is to contribute towards the better efficiency and success of the movement. If I have to raise criticisms, it will be because I see them as indicative of the problems which have to be solved and not because I am trying to point fingers at anyone. I am speaking as a comrade and not as a dissenter.

Brief outline of my work:

Before I outline the problems, I would like to sketch out the work that I am doing so as to give you a better understanding of my position and the problems that have arisen as regards my relationship to the outside. To all intents and purposes I am a MA student at Wits, as well as a secretary to a trust which gives money to development projects that are mainly in the rural areas/...

areas. In the past I have been fairly active in the Student Movement, in labour, in research, in various bits of political work that have arisen occasionally, such as support work for boycott campaigns and political demonstrations. I have been politically active for about 6 years. As a result I have picked up bits and pieces of experience as well as a network of contacts, which has allowed me to become a fairly influential person in the left political circles that I move in.

COURT ADJOURNS FOR TEA

ON RESUMPTION:

(10

ARTHUR BENONI CRONWRIGHT: (Still under Oath)

EXAMINATION BY MR SWANEPOEL: (continued)

WITNESS CONTINUES READING FROM TYPED REPORT: U Edele, ons was laas glo ek daar by die (both Black and White):

"My main roles are that of consultant, educator, strategist, surtout a wide range of people and organisations,

I am not involved in one particular sphere of activity.

In this sense I am a background resource person for

other people's activities. The main advantage of

(20

this position is that I am able to get an overall

view of struggles in different spheres of activities

and places and can therefore read trends and initiate

responses as it becomes necessary. Presently I am

involved in the following areas of activity:

I am working with one or two SAAWU people in conceptualising

an Unemployed Workers' Movement." (This word unemployed

is evidently spelled wrong, My Lord.) "I am party to a

discussion group which is evaluating FASATU's

contradictory position (a militant shop floor and a

(30

conservative leadership under pressure from a predominantly

Congress/...

Congress platform). In order to give the left some guidelines as to how to respond to F A S A T U so as not to exaggerate the splits in the labour movement, but also to ensure that the F A S A T U is pushed more..." - the other word is not clear, I think it is also a spelling mistake M'Lord.

COURT: And more, apparently.

WITNESS: Evidently - "... a more into a progressive position.

The student left is forming a tighter and tighter alliance with the labour movement and with this in (10 mind I am working intensively with a group of students who are responsible for producing a labour leaflet, so as to sophisticate their understanding of labour and to build up a reservoir of future support activists for the labour movement. Generally I spend a lot of time with academics, journalists, etc., discussing labour issues. Now and again a union will ask me to give a talk or a seminar or to do a bit of research for them.

In the White left at the moment I am helping to formulat^e20 a blue structure for people who are still politically active but no longer on campus. This is in order to consolidate an older generation of activists, to provide them with the skills and resources necessary for their particular areas of work and to recruit new people. This is a new major development in the White left. Although not presently in the Wilson Rowntrees campaign, I am helping people to formulate the ways in which the organisational gains which have been made, can be consolidated and utilised for further (30 quasi-political work (not only boycott work).

I/...

I am also working for a group of people on an education seminar on democracy, as this issue is cropping up all the time without its content being fully understood. On a day-to-day basis I spend a lot of time discussing political issues with individuals, advising people on the work that they are doing, resolving disputes in the interest of unity and helping out in times of crisis. In doing all this work I regularly consult with a number of trusted comrades who vary, depending on the specific issue at hand. On yet another(10 level I do work for the movement, I joined the ANC in the late 1977. At that time there was some difficulty as to how to define the work that I should be doing and I was not working in a fully productive fashion. In 1978 I was transferred to another forward area to work under people who had formerly been friends of mine whilst they were still in South Africa and whom I had subsequently visited on a friendship basis on a few occasions. It was decided that I should take a job which had been offered me in the Trade Union(20 Movement. I opened a post box and was given a post box address in the forward area. My box was later closed down when it was suspected that there may be some leak. I did not take the job on my return, as there was not sufficient money to finance it. My communications system did not allow for extensive discussion and so I continued to work in the way that I saw fit until I could meet again with the comrades in the forward area about 6 months later. It was then decided that I work in unemployment. To this end I registered (30 as a MA student (doing a thesis on unemployment) and worked/...

worked as a volunteer in a voluntary employment bureau for Blacks in the hopes of launching an unemployment union from that base. I also became a secretary to a trust which gave ..." - evidently money - "... to development and this enabled me to make contact with people involved in unemployment in other areas. Towards the end of 1980 I made contact with SAAWU and had decided that they were the most appropriate organisation to work through, as they were already setting up an unemployment union and were based in labour. By this (10 stage I had already established a reputation for myself as someone who was specifically interested in the question of organising the unemployed and had set up a range of contacts and resource people who I could draw upon for further work in that field. At the same time I was still involved in a broad range of other political activities aimed, primarily at consolidating a progressive base in Jhb., so that unemployment was not my only sphere of activity. I have never been able to withdraw and specialise and work in a (20 specialist's sphere, because I am always heavily drawn upon by other peoples and organisations for assistance, guidance and work. In this sense I have been playing out two roles. The first is that of a worker in unemployment and the other as an all round political activist in a manner as I have described before. Early in 1981 a problem developed in the relationship between certain people and the White left and the forward area that I was attached to. Without knowing that I was already under discipline, I was mandated by (30 a group of people to sort out the issue with the people in/...

in the forward area. Lengthy discussions took place as regards the White left and I submitted a detailed report. Concern was raised about my security, as a group of people were now aware that I had made contact with the movement and it was muted that I should recruit a number of people and then leave the country, but this was only suggested as a possibility. My main function was to return and to iron out the differences which had arisen and to report back on my meeting. As a result of this it would appear that (10 we have been largely successful in resolving some of the problems which had arisen. My loose communications system was now altered. I operated a bi-weekly DLB using a book code which ceased to operate in June, when it was suspected that it had been infiltrated. It was felt that I ought to leave immediately, but I did not as I had good reasons to believe that it had not been infiltrated. I sent a report through two days later via another comrade system at the end of June, but I have heard nothing as yet. (20

Analysis of my relationship to the forward area and the problems that arise:

I would like to divide my relationship to outside into two phases. The first is the period when communication was fairly loose, which got up to the beginning of 1981; and the second is the period from 1981 until now when a regular DLB-system was set up on a bi-weekly basis.

The first period:

On the whole I think that it can be said that my relationship to the outside was based upon a former commitment/... (30

ment to the ANC, but that in actual practice I worked fairly independently of outside, relying for the bulk of my political guidance and activity on comrades loyal to the ANC inside South Africa, some of whom were formerly linked to the movement and others not. This situation arose because we never worked out the precise content of our mutual relationship, although at times it was decided that I work in specific areas (labour, unemployment, recruitment of White left) but it is one thing to direct a person to a specific field of activity, yet it is another thing to spell out how that activity fits in with the requirements and objectives of the forward area. In other words, I am referring to the way in which internal political work articulates with the work of the forward areas. I am trying to point out possible courses that the relationship could take. The first one is one where an area of activity is decided upon, but it is left to the activist to determine his/her activities as he/she and other comrades inside see fit. At certain intervals the activist sends a progress report, consults with outside on major policy directions, but continues to rely on comrades closely connected to him for the bulk of strategising and policy directions. On this basis the role of the forward area is predominantly an information gathering one and people are recruited for this purpose. (10

The second is when the activist relates to the forward area as his/her primary reference point when close consultation and discussion occur frequently and regularly and when the role of the forward area is an interventionist/... (20

and when the role of the forward area is an inter- (30

ventionist/...

ventionist one in so far as the bulk of political decisions are made by the forward area in consultation with the activist. There are of course variations on these two models. The forward area could be primarily an information gathering network, but could initiate certain political activity in consultation with comrades inside, so that the forward area is not a passive recipient of information, but can also initiate activity. Or the forward area could define its role as complementing internal political work by undertaking those activities (10 that are specifically underground activities, such as propaganda work, security training, literature distribution, specialist training and education, etc., etc. As I have said, there are many ways in which the relationship between a forward area and an internal activist could be defined.

Primarily these could be defined as an information gathering role, a political initiating role, a blend of these two roles or a complementary role (to internal political work) unless the basis for the relationship (20 between the internal activists and forward areas is clearly formulated, it is exceptionally difficult for the activist to know what is required of him/her and certainly this was my experience in the first period. Let me spell out a little more clearly the kind of relationship I had with the F.A. (forward area) and the problems that arose during this period in order to illustrate my point better.

As I have said, it was recommended that I undertake work in specific fields of activity, but in delineating (30 the specific field we neglected to take account of

the/...

the fact that I was already being called upon to do other kinds of political work, so that practically it was impossible for me to withdraw into only one sphere of activity. Thus I was always involved in work that had not been discussed with the forward area, hence there was a break between my work here and my defined relationship with the forward area. This is one way in which my work continued independently of my formal commitment to the ANC, but this discontinuity in my relationship was further increased by (10 a system of communication which was inappropriate to deal with my needs at the time. My main method of communication was face-to-face contact about once or twice a year when I crossed the border legally to visit my friends, who at the same time were my contacts in the forward areas. I stayed at their house, in retrospect I do not think that we had nearly enough time for me to be debriefed and for detailed discussion to take place, as I could not stay long and there were often visitors, which made talking (20 difficult. Moreover, I became increasingly worried about the security implications of this kind of open contact. In the last 4 years I have crossed the borders 11 times, which is already going to be a problem if I am interrogated. Williamson has already said to comrades in detention that the particular person I make contact with is an ANC recruiter and that anyone who goes to his house is immediately considered to be working for the ANC. My relationship with the ANC has already been exposed to one comrade, because (30 we made arrangements to visit the house at the same time/...

time together (each believing that the other was not working under instructions and only coming to realise when we were that in fact both of us were working under instructions). In the White left generally contact with that house immediately implies ANC recruitment, because quite a few people have been approached for recruitment purposes whilst visiting or staying there. As a cover I never conceal the fact that I visit my friends and because the latter are seen as recruiters by the White left, my open association with these (10 people has led some people to assume that I am connected. Once again my position was exposed when a person approached me to help him with a particular problem he had with this forward area, based on the absolute assumption that I was working for the ANC. Because I had an open relationship with these people, I tried not to give away my position, but his assumption was later confirmed when the people outside used him to send a message to me. I am now in a position when my people suspect that I have ANC contacts purely because of (20 my open association with this forward area. There are smaller problems connected to making contact in this way. Under this, I am never sure whether the house is bugged or whether it is under constant surveillance. This only serves to increase my unease. At the end of 1979 I said that I only wanted to cross the border once a year at the most. I am now of the opinion that I should never cross again on a legal basis. I raised this question this year and I was told that it is exceptionally difficult to get Whites (30 across the border and another forward area was suggested

as/..

as a future meeting place. I am unhappy about this, as it still does not overcome the problem. Because my contacts will be in the place at the same time, which is an obvious connection for the security police, the antagonisms which had welled up at the beginning of this year between certain individuals in the White left and this forward area, included criticisms of this and other methods of recruitments. Certain of the problems were sorted out, but it is still my strong feeling that perhaps we need to evaluate the system (10 of recruitment. However, I do not know whether there have been any major changes this year, so I might be misjudging the situation. On the left generally now there is considerable reluctance to openly cross borders, or to have too much open contact with forward areas. This is not to say that there is not a tremendous feeling of loyalty to the ANC, but that it is more difficult for the system to prove that you are actually working for the ANC if they cannot find concrete evidence of links to the movement. (20

Crossing the borders is one indication of definite links. Another is openly associating with the ANC people whilst in a forward area. Guy Burger's trial raises some important issues. It is not only personal considerations that have made people reluctant. To have too open a relationship with the forward areas, but also because it is feared that important work in the interest of the ANC could be jeopardised unnecessarily. No one I know says that there should not be a relationship between internal work and the forward (30 areas, but rather that this relationship should not constitute/...

constitute a weak link in a chain of political mobilisation. This seems to indicate that we ought to be sophisticating our methods.

So one aspect of my communication with a F.A. was a limited face-to-face contact which has brought with it certain problems of exposure and inadequate consultation. Further contact was made via a post box address in Botswana and a post box in South Africa. I must have communicated only about 3 times at the most through this system and received as much from the forward (10 areas. The contact was minimal, because firstly it was never clearly defined what was expected of me, as I have explained earlier on. In other words, I did not know whether it was expected that I regularly send reports, or whether I send reports and attempt to consult and strategise as regards my political work, or whether I should be doing both of the above as well as sending minutes of meetings and other such documentation, which could give people a much clearer picture of my situation. (Please note that it is (20 only in retrospect that I am beginning to see what the problems were, so I am not blaming anyone.) Thus I continued to work as best I could in consultation with comrades inside and did not keep up regular contact through correspondence.

Fears about sending uncoded reports through the post which, if they fell into the wrong hands could jeopardise other people as well as myself, underlay my resistance to communicate in this manner. At the same time there was little communication from the forward area. In (30 actual fact, the communication that did take place

went/...

went through people who were visiting the forward area, so that I did send one or two reports in this way. This meant exposing myself again. Communication from outside also came via this way which entailed further exposures. Once or twice a comrade was able to arrange for me to send through a fairly lengthy document, which was organised by the forward area, but these infrequent and haphazard forms of communication were inadequate to transform my formal commitment to the ANC into a more dynamic relationship. This disparity (10 between formal and actual contact did begin to undermine me in certain ways. Firstly I was always very confused and uncertain as to how I should be relating to the forward area. This tension became acute at times when I was about to ..." - dan is daar 'n streep deurgemaal - "...my political activity as I was not sure whether I should be consulting, but at the same time knowing that there weren't the adequate means for consultation, so there was always a tension between the area of work which had been demarcated for me and the actual (20 realities of the situation which constantly forced me out of this area. Hence I was not sure whether I was working out of discipline or not. It also meant that it was difficult for me to realistically select an area of activity, as this was contrary to what had been jointly decided some time back. Under different circumstances fears about my security added more pressures. If I am to be honest, I do not think that adequate measures were taken to ensure a tight security operation. I also became increasingly (30 alarmed when I became more and more exposed as an ANC person/...

person, particularly as I felt that my relationship to the forward area had not done much to facilitate my political work here, nor had I been able to contribute half of what I could have potentially done for the forward area. At times I thought that there was no sense in having dangerous contacts if it benefits neither side. My most important work was being done inside and even that work was potentially endangered by this haphazard relationship to the forward area. Nevertheless, I continued to keep in contact because (10 I still remain committed to co-ordinated relationship between our internal and external wings. I would like to add that I still remain very grateful for the trust and confidence which the forward area placed in me during this time. This was an important source of strength for me. The basic problematic issue at hand here is the difficulty in determining the purposes for which I was recruited, or as I have put it earlier on, in determining the content of my relationship with the forward area. Obviously I was recruited (20 to do work for the ANC. This I did by working to win over groups and organisations to an ANC position. All aspects of my political work which went much further than the particular areas I have been appointed to by the forward area, I was aided in this work by comrades who are loyal to the ANC and who act as my chief reference point for my political work. However, I would have continued to do this work regardless of whether I was formally linked to a forward area or not, but if it is felt that it is unacceptable that I promote (30 the ANC without being formally linked to a forward area/...

area, then it is necessary that my relationship to that forward area should be better defined, because in practice during this period I had very little contact with that forward area and instead relied extensively on people inside to guide and direct me in my political work. The risk of security exposure must be weighed up against the mileage that could be gained out of this loose connection to the forward area.

Second period:

From the beginning of this year I was put into a much tighter relationship with the forward area, in that I operated a bi-weekly BLB, although I was now more regularly contact, I neglected (still did not understand)..." - u Edele, ek glo daardie BLB behoort DLB te lees - "...to define the nature of the relationship (daar is weer 'n gaatjie deur daardie woord) between myself and the forward area, so that once again I was still unsure of what was required of me, even though I was now in more regular contact, let us presume that more contact actually implied that the forward area should play much more of an active role in assessing and guiding my political work in determining the work that I should be doing. Thus the role of the forward area was to be a politically initiating and directive role. In a sense this was already done by directing me to work in the White left, to recruit people and to leave (the latter was always left as a possibility). However, if one looks at the range of political work that I am involved in, this area of work goes much beyond activity in the White left. This is because I already have developed a history of involvement in certain kinds of/...

of work which would have been reckless to abandon, and also I am received in a consultant and educator role, which means that I have a wide range of contacts and influence outside of any concrete work that I am doing. Moreover, my political work varies according to the historical phase. This year a major part of my work is directed towards straight political education, the necessity for which has arisen out of the growing strength of the Congress movement and its need to clearly state its position. In relationship to other (10 groupings and to become more effective in its organising work, last year I was more involved in getting promising activists involved in political activity than in education work. This year I am also trying to cement the alliance between community and student groups in their relationship to the labour movement. I do this work in conjunction with other comrades, relying on them for the day-to-day input necessary for political work. Now the pace, intensity and complexity of politics here is such that if a forward area is going to keep (20 in touch with these developments in order to lay an effective, directive role in politics than the means whereby this co-ordinating role is going to be done, needs to be evaluated. In my experience a bi-weekly DLB was not at all sufficient to enable me to report in sufficient depth for the good understanding of my position and work.

a) It is impossible to submit a lengthy document which would be required in this case in code, already it takes me up to one day to encode a report of one (30 foolscap length. This is not only because encoding is/...

is laborious, but also because I need to find a safe place in which to do it (which alters from week-to-week). I have to retrieve a safe typewriter from a safe place (usually taking about $\frac{3}{4}$...) - $\frac{3}{4}$ -hour evidently - "...I have to carefully plan what I wish to communicate and I also have to, if necessary, continue with work scheduled for that day. Afterwards I have to return the typewriter, burn material (where I will not be noticed) and then I have to deposit the message in a safe place before putting it in a DLB the following(10 day (that activity taking at least 3 hours in itself). If I were to submit a report on the White left, it would take me plus minus 5 days alone and it is just simply impossible to spend that time, never mind the potential security risk of working all day and never producing anything to show for it.

b) The second alternative would be to send a full length uncoded document. In the past if I wanted to do so, I have requested this and this has been granted. The long time procedure, however, makes (20 this very laborious, e.g. if I were to request this facility it would take 2 weeks for me to get a reply as to how I should go about submitting this report and the follow-up can take anything up to 2 weeks thereafter. A report on the White left plus comment from outside could easily take up to plus minus a month to take place. Besides the length of time involved in sending and receiving comment on a report, there are other problems. A written report is a fairly inflexible method for discussing, evaluating and jointly strate- (30 gising. Written documents can unwittingly distort

the/...

the picture and can never be a substitute for a conversation.

c) It would obviously facilitate matters if documents relevant to the issue at hand, such as minutes, could be sent as this would enable a more detailed understanding of the issues. But with this suggestion and with the other suggestion of lengthy reports, the question of security raises its head. There are other problems involved here. I still feel very insecure about submitting lengthy reports, such as these which (10 include names and many details (which often indicate the author), because firstly I do not know how the document is in effect transmitted and secondly I do not know to what extent its content will remain confidential and free from enemy infiltration. Please do not think that I am questioning the security of your operations. They may be water-tight. All I am saying is that I am ignorant and that ignorance breeds insecurity. Obviously I would not want to know the finer details of the operation, but a general (20 understanding of the procedure would help things considerably, in that it would give guidelines as to how much information should be detailed, whether real names or codenames should be used, whether the document needs to be fingerprint free, whether it must be typed on a safe typewriter or not (this is very important as regards time), etc., etc. I also feel that if I feel insecure about a certain method, I should be able to raise my problems about it and I cannot do this unless I know something about the method. If (30 a system is going to work well, then both sides must have/...

have full confidence in it. It would seem necessary that when a communication system is set up, both parties should discuss at length the strength and weaknesses of the system, so that a trust and confidence can develop from the start. It is equally important the activist has full confidence that the contents of reports, etc. are kept confidential and free from enemy infiltration. Moreover, it would appear necessary that the information flows between forward areas become more efficient. I would like to give a few examples (10 of the problems which I have personally experienced to better illustrate these points. A comrade of mine has been submitting reports rolled in a magazine, inbetween two pages which have been stuck together and which then get sent by post. This method is also used by people to send dagga through the post, so it is likely that it will be checked at some stage or another. The comrade seldom, if ever, receives confirmation of receipt, nor does he often receive anything in return (this is a problem I will return to later). Very (20 recently I had to make use of this comrade's method to send a report on my position (there had been a general alarm and it was felt that I should leave immediately). I sent a report via this method. It is now 5 weeks later and I still have not heard anything. On another occasion I sent a report about spy rumours that were circulating at the time. I said that as far as we are concerned, there is no substance for the rumour. I also gave the name of the person involved in spreading the rumours, a fact which was known by (30 only a handful of people. I had previously discussed this/...

this issue at length with the forward area and we had come to the conclusion..." - evidently - "...that the rumours were not true and that distortions had crept into the picture. However, after sending the report I have heard that on two occasions a comrade in the forward area discussed these rumours with people from here. He mentioned the name of the person who was spreading the rumour which has allowed this person and one other to deduce that it was I that sent the report and secondly he repeated a distortion which (10 had been clarified in my meeting with them. I am referring here not only to the dangers of security leaks, but also to the dangers of inadequate information leading to the distorted impressions which have serious consequences for the work done inside if action is based on these impressions. Again, if the forward area is going to be the central point from which political initiative arises, then consideration must be given to the fact that there is a growth internally of people who are influential in determining political programmes (20 and policies, who are also loyal ANC people, e.g. in the labour field. Informal contacts between labour people play a significant role in determining policy. Although I am formally in regular contact with the forward area, I still depend on comrades inside for my political growth and development, more so than on the forward area. In this sense I would be in a schizophrenic position if the forward area were to advocate a line of action for me that was different to those advised by my comrades inside. (This has (30 already happened as regards the question of my leaving

the/...

the country.) Other comrades have also experienced the problem of different political directives coming from different forward areas. My personal feeling is that it is impracticable for the forward areas to be the central points from which political initiatives derive, mainly because of the points I have already raised. Rather we should be looking to ways in which the various strengths and weaknesses of each position be harnessed in unison for better struggle. In other words, the forward areas have certain advantages which (10 better qualify them to undertake special kinds of work, in the same way internal activists work with certain advantages which enables them to do other kinds of work. There should be less of an attempt to duplicate work and more of an attempt to harmonise work. So far I have tried to show the difficulties involved for me personally in relating to the forward area as the main spring of my political activity. This has been based on the presumption that this is how the forward area sees the situation. I spelled (20 out the implications for this perception of the relationship, because I felt that it was useful. However, I do not believe that this is how the forward area actually reads the situation. Rather as I reflect on the communication between us, it seems more probable that the forward area saw me as a contact person inside that could do bits of work for them as they required it. Thus they seem to be less concerned to direct my political work and far more concerned for me to assist them with their needs. Thus I was asked to (30 do some things for the anti-Republic
day/...

day campaign, put them in communication with the person in labour, to send messages to various people, to recruit someone to literature distribution, another person for camouflage training, to report on some issues, etc., etc. Very few of these activities are directly connected to the work I am doing in political mobilisation. Moreover, most of this work is underground work which, if discovered, could immediately expose me. This work also adds an extra load on my busy schedule as it stands. I am not saying that I should (10 not be doing work for the forward area, but we need to pay more attention to the ways in which various assignments from outside could jeopardise my and other people's work. In other words we need to separate levels and spheres of operation. If for example I should be setting up underground structures, then perhaps I should not be as openly politically active as I am (particularly if there is reason to suspect that I have ANC connections). As a political activist in the public sphere, I believe that I should have (20 a relationship to a forward area, but I am not sure that this means that I should be operating on many levels and spheres of operation outside of my political terrain. I refer once again to the question of the content of the relationship between particular activists inside and the forward areas, to sum up the problems experienced in this certain period, although I was now in more regular contact, the problem of what my role was in relationship to the forward area was still unclear. Should I be jointly strategising and consul- (30 ting with the forward area as regards my political work/...

work; should I be reporting on my activity; should I be helping to set up an underground network; or what should I be doing? These questions and others that I have raised need to be sorted out of we are to operate more efficiently in the future.

Conclusion: in this document I have tried to portray the problems of the relationship between the forward areas and inside from the vantage point of the experience of one individual, this myself. This means that I am not trying to present an overall analysis of the (10 situation which would be impossible, given that of necessity I do not know what other comrades are experiencing, nor do I know how things operate in the forward areas. Rather I have tried to show you how I experience the situation instead of saying that this is what the situation is in reality."

MNR SWANEPOEL: Dankie Majoor. Is dit korrek, sekere van daardie bladsye is nie getik nie, maar is met die hand geskryf? --- Heeltemal korrek.

Ek wil u net vra na enkele terme wat in daardie stuk (20 voorkom. Die term "under discipline", kan u aan die Hof sê wat dit beteken? --- Volgens persoonlike kennis en onder-vraging van ANC-lede en opgeleide terroriste, beteken die woord gedissiplineerd, dit is wanneer n persoon n lid word van die ANC en aanvaar word deur die ANC, daardie persoon hy of sy opdragte ontvang vanaf die ANC, vanaf soos hier in hierdie skrywe n "forward area", dit is n land net buite die RSA, of vanaf die hoofkantoor van die ANC te London. Indien so n persoon nie opdragte uitvoer nie, kan daar dissiplinêre stappe vanaf die hiërargie van die ANC toegepas (30 word op so n lid.

U/...

U het alreeds in u verduideliking verwys na n "forward area". Kan u ook net verduidelik wat u daaronder verstaan uit hoofde van u kennis en ondervinding? --- Dit is n basis normaalweg net buite ons landsgrense. Dié basis is in beheer van lede van die ANC, en/of die ander verbode organisasie, die SAKP en/of die ander verbode organisasie, die PAC. Normaalweg kom daar opdragte vanaf die hoofkantoor van die ANC of PAC of SAKP basis te London via n netwerk van kantore in die Afrika-vasteland naamlik Zambië, Tanzanië, en hierdie leiersfigure by hierdie verskeie kantore gee (10 dan die opdragte aan die "forward area" se lede. Dieselfde metode word aangewend wanneer daar inligting vanaf die RSA buite die landsgrense gestuur word, dan ontvang die "forward area" die verslag of die boodskap of berig eerste. Hierna word dit deurgevoer, gewoonlik na die kantoor te Zambië. Vandaar na London. In die onlangse tyd is daar nuwe basisse gestig, naamlik te Mosambiek en Zimbabwe.

Hoe lank het u al ondervinding van die werkwyse van die ANC? --- Sedert September 1965.

U het verwys na die SAKP, waarvoor staan dit? --- (20 Die Suid-Afrikaanse Kommunistiese Party.

Dan word daar in die stuk wat u uitgelees het, die term gebruik "Congress Movement", wat verstaan u daaronder? --- Dit is die ANC self.

Is dit korrek dat u op 9 September 1981 weer observasie gehou het by dieselfde dead letter box waarna u voorheen verwys het? --- Dis korrek.

U het toe n dokument gevind in die dead letter box waarop u beslag gelê het, en dit is BEWYSSTUK B3? --- Dit is korrek u Edele. (30

Dit is n foliobladsy waarop daar met die hand geskryf is/...

is op beide kante? --- Dis korrek.

Kan u dit net aan die Hof uitlees asseblief?

GETUIE LEES BEWYSSTUK B3 VOOR AAN HOF: Die hoofopskrif staan soos volg: "Close Comrades (as regards above and underground work). Cedric de Beer, Gavin Anderson, Auret van Heerden. Primary reference group.

All three know that I am working under discipline.

Gavin and Auret are under discipline. Cedric is not so, but does work when requested.

Fink Hayson: he has just moved to Johannesburg and (10
in the past has worked with Cedric and Auret of late. I have begun to work with him and anticipate that I will work more closely with him. He does not know that I am under discipline.

Allen Fine: work closely with him. I work with him independently of others, works under discipline and knows that I am under discipline. Advisory reference people (only above ground work).

Niel Aggett, Liz Floyd, Merle Favis, Mahomed Valli Moosa, Ismael Mamoniati, Monty Noorsam..." - dan n (20
pyltjie af - "...Monty. None of these people that know that I am under discipline, nor am I aware of any of their positions as regards our side. People who regard me as their consultant and whom I work with closely in that capacity (potential leadership). Barbara Creasy, Barbara Klugman..." - dan is hier n asterisk (*) waar daarby gesê is - "...refers to people who have either some idea that I am under discipline or know the full details of my underground work."

MNR SWANEPOEL: Daardie sterretjies is dan langs die name (30
van Cedric de Beer, Gavin Anderson, Auret van Heerden?

--- Auret/...

--- Auret van Heerden, Allan Fine, Barbara Klugman. Dan aan die anderkant is daar ook nog twee name met daardie asterisk (*): Joanne Yawitch, Maurice Smithers, Niel Coleman, Jane Barrett. Hier is 'n paar woorde bygeskryf wat nie dieselfde skrif is as die skrywer se nie, u Edele:

"People who I know fairly well are marked with a cross (x), people who I know slightly are marked with (o)."

MR BIZOS ADDRESSES COURT: For the sake of completeness of the record M'Lord, perhaps I should draw attention to the fact that two names are wrongly spelled, according to the (10 document itself, that of Dr Niel Aggett and Mr Maurice Smithers, in that there is a note on the document (the copy that we have been given) that the names have been wrongly spelled.

GETUIE: Dit is so u Edele.

MNR SWANEPOEL: Majoor, dan net enkele vrae in verband met die persone. Die eerste persoon, Cedric de Beer, is gedagvaar as 'n Staatsgetuie in die saak, is dit korrek? --- Heeltemal korrek.

Die tweede persoon daar, Gavin Anderson, wat weet u van hom op die stadium? --- Hy het die land verlaat u (20 Edele.

Auret van Heerden? --- Hy is ook gesubpoena as 'n getuie. Fink Hayson glo ek sit huidig nou in die hof, is ook gesubpoena vir die Hof. Allan Fine is reeds aangekla.

Allan Fine? --- 'n Beskuldigde in 'n soortgelyke saak, behalwe dat die hoofaanklag nie hoogverraad is nie.

En dié saak is nog hangend? --- Korrek.

Niel Aggett, dit is die persoon wat vroeër die jaar oorlede is? --- Dis korrek.

Liz Floyd? --- Ek weet nie of sy gesubpoena is as (30 'n getuie nie, maar sy was ondervra.

Merle Favis, ook n staatsgetuie? --- Ook n staatsgetuie, u Edele.

Die volgende twee, Mahomed en Ismael is nie staatsgetuies nie? --- Korrek.

Dan die naam Monty Noorsam, het dit vir u enige betekenis? --- Dit is blykbaar verwysend na n Indiërman by die naam van Monty Narsoo, Montgomery Narsoo.

En hy is op die lys van staatsgetuies? --- Korrek.

Hier onderaan is n naam, Barbara Klugman. Weet u waar sy haar tans bevind? --- Ek verstaan sy toer tans in die buiteland, sy is blykbaar in Engeland. (10

Op die volgende bladsy, die eerste twee name, Joanne Yawitch en Maurice Smithers, is hulle ook staatsgetuies? --- Korrek.

Is dit korrek dat beskuldigde gearresteer is op 22 September 1981? --- Heeltemal korrek.

Het u na haar arrestasie op enige stadium haar om n verduideliking gevra in verband met die dokumente waarop u beslag gelê het, BEWYSSTUKKE B1, B2 en B3? --- Ek het.

Wat het sy gesê? --- Sy het erken dat sy die outeur is van die drie dokumente. (20

Het sy enigiets verder daaromtrent aan u gesê? --- Verder uitgewys dat op dokument B3 van die handskrif daarop nie hare is nie.

Kan u aan die Hof aandui watter sy so aangedui het? --- Hier waar hierdie nulletjies is langs die name, asook die kruis wat ook vir n "t" gesien kan word en dan hierdie woorde waar daar geskryf is op die heel eerste bladsy, die voorkant: spelling, I thought it was N-e-i-l. En dan hier aan die agterkant die woord weer geskryf Maurice Smithers, is nie haar handskrif nie. En dan net onderkant (30

dit/...

dit: spelling, I thought it was N-e-i-l and people who I know fairly well are marked (x), people who I know slightly are marked (o).

Het sy enigiets aan u gesê oor hoe die dokumente in die dead letter box gekom het? --- Sy het aan my meegedeel dat sy dit vir 'n vorige beskuldigde in 'n saak gegee het.

Was dit Robert Adam? --- Dit was Robert Adam gewees, u Edele.

Het sy aan u gesê het wat van daardie dokumente moes word, of wat die bestemming was? --- Ja. Dit was bedoel (10 vir die hoofkantoor van die ANC te London.

Dan wil ek hê u moet net kyk na 'n stel dokumente wat ons gemerk het C1 tot C26. --- Ja u Edele.

Is dit alles afskrifte van dokumente wat onder u beheer gehou word by John Vorster-plein? --- Dit is heel korrek.

Kan u net deur dit gaan en aan die Hof uitlees wat is elke dokument, net die titel daarvan wat dit is? --- BEWYSSTUK C1: Getiteld Amandla Maatla, Newsletter of the African National Congress, volume 5, no. 1.

MNR SWANEPOEL SPREEK HOF TOE: U Edele, ek sal nie die (20 getuie vra om die goed uit te lees nie, hier is baie. Ek sal u in betoog aan die einde van die saak maar verwys na die aspekte wat in ons submitisie belangrik is.

MNR SWANEPOEL AAN GETUIE: C2 Majoor? --- "Amandla Maatla, Newsletter of the African National Congress, Volume 1, no. 1."

C3? --- "Their case is closed."

C4? --- "Strike - stay at home, and no work on May 25, 26, 27."

Dit is 'n afdruk van 'n pamflet? --- Afdruk van 'n pamflet uitgegee deur die ANC en hy is ook geëindig: "Amandla Maatla". (30

C5? --- "Under one Banner." Ook 'n pamflet deur die

ANC/...

ANC uitgebring.

Waarvan die voor- en die agterkant hier gefotostateer is? --- Dit is korrek.

C6? --- "Countrymen, workers, parents, teachers, students and youth - let us strike a mighty blow for freedom. Strike - Strike - Strike - June 16 to June 18." Dit is ook 'n pamflet uitgegee deur die ANC en weerskante is gefotostateer.

C7? --- Dis die amptelike mondstuk van die ANC bekend as die "Seshaba - official organ of the African National Congress, South Africa, volume 2, 4th quarter, 1977." (10

Dan is daar twee bladsye wat gefotostateer is uit daardie Seshaba, bladsye 2 en 3? --- Dit is korrek.

C8? --- Ook die Seshaba, van April 1980 en hier is bladsye binne-in die Seshaba gefotostateer, bladsy 11, bladsy 12, bladsy 13 en bladsy 14.

C9? --- Weer eens die Seshaba, vol 10, 3rd quarter, 1976. Gefotostateer aan die binnekant, bladsy 7, 8, 11, 12, 13, 15, 17 en 18.

C10? --- Seshaba, Desember 1980. Aan die binnekant van die Seshaba is die volgende bladsye gefotostateer: (20 bls. 17, 18 en 19.

C11? --- "All power to the people", Mayibuya. Mayibuya no. 7, 1981. "The year of the youth."

Kan u net lees wat langsaan dit staan? --- "Let us highten the offensive."

Net bo-aan, "the fortnightly journal of the African National Congress". --- Dit is korrek.

Daar is die 1ste bladsy? --- Bls. 2, 3.

Ek dink op die laaste is hier nie 'n aanduiding nie. --- Die laaste bladsy weet ek nie, hy het nie 'n bladsynommer (30 op nie.

Ek dink dit was bl. 8. En dan C12? --- Dit is die Seshaba van Maart 1981. Aan die binnekant is bls. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 en 13.

C13? --- Die Seshaba van Meimaand 1981.

Daar is die agterblad gefotostateer, dit is die "People's Republic Yes" en dan die "Freedom Charter"? --- Dit is korrek u Edele.

C14? --- Die Seshaba van Septembermaand 1981.

1980. --- Ja, 1980. Aan die binnekant is bls. 7, 8 en 9 gefotostateer. (10

C15? --- "Voice of the Women, Special Issue - a Year of the Youth - a quarterly magazine of the ANC women's section". Ook bekend as VOW.

Daar is die 1ste bladsy en bladsy 4 gefotostateer? --- Dit is korrek.

C16? --- Is 'n pamfletjie wat blykbaar op 'n roneomasjien afgerol is, getiteld: "Stop - Stop - Stop. Stop the rent increase." Heelonder: "Printed and produced in South Africa by ANC underground machinery."

C17? --- Mayibuya no. 4, 1981: Year of the Youth, (20 fortnightly journal of the African National Congress. Hier is blykbaar bladsy 1.

Dan een wat ongenommer is en dan bladsy 5? --- En dan bladsy 5.

Dan C18? --- Seshaba, Februarie 1982. Aan die binnekant is bls. 6, 7, 8, 9, 11, 12, 13, 14, 15, en dit is sy inhoud.

C19? --- Inqaba ya basebenzi - Journal of the Marxist Workers' Tennancy of the African National Congress - Januarie 1982, nommer 5. Binnekant is - die eerste bladsy het nie 'n nommer op nie, dan is dit bl. 5 en 47. (30

C20? --- Seshaba, Augustusmaand 1981. Aan die binnekant is/...

is bls. 2, 3, 4, 5, 6, 7, 8, 9, 10 en 11.

C21? --- Dis weer n Journal of the African National Congress - n Mayibuya, no. 1 1982. Die twee bladsye wat..

Ja, dit is die voorblad en nog n bladsy. --- Die voorblad en bl. 4.

Dan C22? --- Inqaba ya Basebenzi, no. 4 Oktobermaand 1981. Bl. 2, 5, 6, 7, 8, 10 en 13.

C23? --- Dit is n stuk van Seshaba, Februarie 1980, bladsy 3 - On War Resisters.

C24? --- Seshaba, Augustus 1981, bl. 1 en 2. (10

C25? --- Seshaba, Desember 1981, bl. 1 en 2.

C26? --- The African Communist, no. 86, 3rd quarter, 1981. Die bladsye is bls. 5, 6, 7, 8, 9, 10, 22, 23.

MNR SWANEPOEL SPREEK HOF TOE: U Edele, kan ek net aandui dat hierdie is fotostate gemaak van oorspronklike dokumente, indien die Verdediging dit wil insien, is dit beskikbaar.

Die laaste een is C26, dit is afskrifte uit n "African Communist", die Staat sal later getuienis aanbied dat n kleiner weergawe van daardie "African Communist", n kleiner boekie in die besit van beskuldigde gevind is. Dit is (20 dan net uit n groter formaat geneem en daarvan is sekere fotostate gemaak.

HOF VERDAAG VIR ETE

MET HERVATTING:

MNR SWANEPOEL AAN HOF: U Edele, dit het net onder my aandag gekom, hier is van die mense wat as Staatsgetuies gedagvaar is, in die hof. Kan ek net vra dat u sal gelas dat hulle buite wag? Ek weet nie of hulle wel geroep sal word of nie, maar daar is n moontlikheid.

HOF: Is u bewus van enigeen van hulle?

MNR SWANEPOEL: Ja, hier is blykbaar verskeie. Ek ken (30 nie die mense nie.

COURT: Will people who have been subpoenaed to appear as State witnesses, please leave the court.

ARTHUR BENONI CRONWRIGHT: (Nog onder Eed)

ONDERVRAGING DEUR MNR SWANEPOEL: (vervolg)

Majoor, van die dokumente wat onder u beheer is by John Vorster is een ook 'n dagboekie van die ANC? --- Dit is korrek.

U handig dit in as BEWYSSTUK D? --- Korrek.

MNR SWANEPOEL AAN HOF: U Edele, ons het nie afskrifte daarvan gemaak nie, dit is 'n hele boekie, maar ek sal net (10 na sekere dele daarin verwys.

MNR SWANEPOEL AAN GETUIE: Kan u net by die datum 8 Januarie lees of daar enige aantekening daarby verskyn? --- ANC Foundation Day. U Edele, dit is die dag wanneer die ANC in die RSA gestig was, destyds die Unie van Suid-Afrika, op 8 Januarie 1912.

Dan 5 Maart? --- Formation of SACTU, 1955.

S-A-C-T-U? --- Dit is korrek.

Weet u waarvoor staan SACTU? --- South African Congress of Trade Unions, die werkersvleuel van die ANC. (20

Dan 21 Maart? --- International day for the elimination of racism.

16 Junie? --- 1976 Soweto uprising.

26 Junie? --- 26th June, Congress of the People.

Dit is ook wanneer die Freedom Charter deur die Congress of the People, ook bekend as the Congress Alliance, aanvaar is as die bloudruk vir 'n vrye Suid-Afrika.

9 Augustus? --- South African Women's Day. Dit is 'n herdenking u Edele, in 1956 was daar 20 000 vrouens wat opgemas het na die Uniegebou in protes teen die paswette, (30 en so meer.

16 Desember? --- Dit is die stigting en die wording van die alombekende M.K. Umkhonto we Sizwe, die militêre vleuel van die ANC, ook bekend as Heroes' Day.

Dan wil ek net teruggaan na 22 September, die arrestasie van die beskuldigde. Tydens die arrestasie van beskuldigde is daar beslag gelê op dokumente wat deur 'n ander getuie ingehandig sal word? --- Dit is korrek.

Daar is ook foto's geneem van die woonstel en van sekere dinge in die woonstel? --- Ja.

Sal u net kyk na 'n foto-album, dit is gemerk BEWYSSTUK E?(10 --- Die indeks tot die foto-album, foto A is die vooraansig van Sunrayhof. Dit is die woonstelgebou waar beskuldigde gewoon het.

Dit is hier in Yeoville, Johannesburg? --- Dit is korrek, in Hunterstraat.

Foto B? --- Foto B is die ingang na die woonstel, nommer 1.

Is dit waar beskuldigde gewoon het? --- Dit is korrek.

Foto C? --- Foto C is ingangsportaal in woonstel, dit is waar beskuldigde gewoon het. (20

Foto D is waar beskuldigde se slaapkamer was, en foto E dieselfde.

Foto G? --- Foto G is plakkate teen die muur van die woonstel.

Dit lyk asof die plakkate saam bymekaargesit was toe die foto geneem is, of was hulle so op die muur? --- Hulle was so op die muur gewees.

Op twee van daardie plakkate sien ek is 'n verwysing na 9 August, SA Women's Day? --- Dit is korrek.

Bo links en dan onder tweede van regs. Foto H? -- (30
Is ook plakkate teen muur van die woonstel.

Dit/...

Dit is dus sommige van dié wat op foto G verskyn plus nog ander? --- Dit is korrek.

As u net kyk na die een heel links in die middel, kan u net uitlees wat daarop staan? --- Africa shall be free, we shall free her. June 26, South African Freedom Day.

Die tekening op daardie plakkaat, waarvan is dit? --- Ek verstaan nie nou nie?

Wat is op die plakkaat geteken, die prentjie? --- Daar is twee dames met gewere.

HOF: Twee dámes? --- Twee dames. (10)

Myne is maar net 'n afdruk majoor. Die linkerkantste een, is dit ook 'n dame? --- Dit kan 'n man wees, maar ek neem aan dit is 'n dame.

As ek kyk lyk dit vir my na 'n man, die ander een lyk vir my darem na 'n dame.

MNR SWANEPOEL: Die volgende bewysstuk, foto I? --- I is 'n plakkaat teen die muur van die woonstel.

Daar is twee plakkate in die hoek van die woonstel? --- Dit is korrek.

Is dit ook nog in beskuldigde se woonstel? --- Dit is reg u Edele. (20)

Dan foto J? --- Dit is 'n tikmasjien in die oorkantste kamer wat bewoon en gebruik was deur ene Barbara Klugman.

So dit is in dieselfde woonstel, maar dit is 'n ander kamer wat deur Barbara Klugman gebruik was? --- Dit is reg, dit is reg oorkant dié van beskuldigde se kamer.

Foto K? --- Is Barbara Klugman se kamer.

Foto L? --- Is die kombuis van die woonstel.

Is daar net een kombuis in die woonstel? --- Daar is net die een kombuis. (30)

Foto's M en N is van Barbare Klugman se kamer? --- Dit is/...

is heel korrek.

Foto O is plakkate in Barbare Klugman se kamer? --
Dit is reg.

MNR SWANEPOEL AAN HOF: Dit is BEWYSSTUK E, u Edele.

GEEN VERDERE VRAE DEUR MNR SWANEPOEL

CROSS-EXAMINATION BY MR BIZOS: I will put my questions
in English, but as usual you can answer in Afrikaans. ---
Goed u Edele.

Major, there are one or two aspects of your evidence
which is disputed by the accused, but before putting those (10
issues to you, there is one aspect that I want to deal
with you, and that is this: two of the men under your
command, Mr Prince and Mr Deetlefs were charged in a Magi-
strate's Court with assaulting the accused. --- Dit is korrek.

They were this morning acquitted by the magistrate?
--- Ek hoor nou daarvan u Edele, ek dog dit is nog hangend.

Yes, well take that assurance from me. --- Dankie
u Edele.

You gave evidence in that case? --- Dit is korrek.

You gave evidence of a fact that a certain document (20
was found in the accused's flat on 22 September 1981, when
she was detained? --- Daar was baie dokumente daar gevind,
u Edele.

Yes. No, I am not talking about the documents that
were found, we will go into that a little later Major.
What I am asking you is whether you gave evidence of a
specific document that was found in the accused's place
of residence, relating to how a person should react whilst
under detention? --- Dit is korrek.

And your evidence was that you found that document (30
in her room on 22 September 1981, when you searched the
premises/...

premises? --- As ek korrek onthou het ek nie gesê ek het dit self gevind nie, ek is bewus dat dit gevind wás.

Was it handed over to you? --- Nee.

When did you see it for the first time? --- In die kantoor.

When? --- Dieselfde dag na haar arrestasie.

On 22 or 23 September? --- Op 22 September 1981.

And you are absolutely certain of the fact that you saw this document on 22 September 1981? --- Dit is korrek u Edele. (10

Do you agree that Mr Robert Adam and accused were the two persons who were the first of a number of people detained? --- Dit is heeltemal korrek.

And that a number of people were detained after they were detained on 22 September? --- Net 'n korreksie daar, daar was mense voor hulle arrestasie alreeds gearresteer, merendeels van die persone wat toe gearresteer is, is na 14 dae se aanhouding vrygelaat. Daarna is na die arrestasie van beskuldigde nou voor Hof nog persone gearresteer.

Yes, a number of people after the 22nd? --- Dit is (20 korrek u Edele.

You gave evidence for the Defence in that assault case and I would just like you to identify the document that you said was found in the accused's premises on 22 September. --- Dit is die dokument.

Make absolutely sure please, I don't want you to make any mistake, Major. --- Dit is dieselfde tipe dokument, u Edele.

Is it the same document, the same cover, the same - you handed a document like this in to Court? --- Dit (30 is 'n fotostatiese afdruk hierdie.

Yes/..

Yes. --- Dit is nie die oorspronklike dokument nie.

Yes, but this is a photostatic copy of the original that you handed in? --- Korrek.

And your two junior officers gave evidence that it was found in the accused's flat? --- Ek sal so aanvaar, ek was nie in die hof toe hulle getuienis gegee het nie.

And the purpose of - well once you are dealing with photostatic copies, perhaps I better show you another one, was it precisely like this one? --- Dit blyk so te wees.

And the purpose of your handing in this document as (10
a Defence witness for your two junior officers was so that
- and that was your evidence - that people detained are
not really assaulted, but they get the idea from a document
such as this that was found in the accused's possession in
order to make false allegations against the security police?
--- Ek glo nie ek het daardie bewering gemaak dat hulle
nie aangerand word nie, ek glo nie dit was my strekking
van my getuienis nie.

But for what purpose did you hand in this document?
--- Ek wil net weer daar reghelp, ek het nie oorspronklik (20
die dokument ingehandig nie. Dit was deur een van die
aangeklaagdes ingehandig terwyl hý getuienis gegee het
en ek is verwys na die dokument.

I see. And the evidence of this person which you
saw on 22 September at John Vorster Square, was for the
purpose that I suggested to you, that people are influenced
by what is said in a document such as this? --- Dit is
n dokument wat raad aan persone wat aangehou word kragtens
die Veiligheidswetgewing, aan hulle gegee word.

And it was really the purpose for which it was, you (30
were asked question about it and the fact that it was handed
in/...

in was that the accused was in possession of this document on 22 September? --- Dit is korrek.

Major, it is my unhappy lot to tell you that that evidence before the Magistrate was deliberately fabricated. Have a look at the document. Will you please read the introduction on the first page aloud to his Lordship? --- Yes, on page number what?

Where it says Introduction. Just read it aloud, please. --- "After the recent spate of detentions in September 1981 and carrying over into 1982, a number of (10 talks were held in Cape Town to highlight the most important aspects of detention, the political, legal and the person as a dire need exists for this kind of information to be spread as widely as possible. It was decided to publish this manual containing these informative discussions."

Do you agree that you could not possibly have seen a document such as that one on 22 September 1981? --- Ek stem nie saam nie.

Do you say that that introduction is a false introduction, that people knew before 22 September 1981 that there would (20 be detentions after September and that they would continue until well into 1982? --- Ek gaan nie sê dat die voorwoord vals is nie, maar soos ek alreeds gesê het, voor beskuldigde gearresteer was, n tyd voor dit, het ons alreeds begin met arrestasies in hierdie wye omvang van die ondersoek.

Major, please answer my question. --- Ek het geantwoord, u Edele.

Do you suggest that the document that you say was found in the accused's possession on 22 September 1982 had this mystical power of seeing into the future that (30 there would be detentions in September, right up to the beginning/...

beginning of 1982? --- Ek het nie gesê die dokument is gekry in 1982 nie. Ek praat van 22 September 1981.

But that was a similar document which you said was found in the accused's premises and was shown to you on 22 September. I am putting to you that that document was only produced in February 1982, Major. --- Ek is daarvan onbewus, ons het n soortgelyke dokument gehad 22 September 1981.

But why should anyone have written that it was produced - why should anyone write anything into the future and (10 write in the past tense? --- Ek kan nie dit verklaar nie, ek is nie die opsteller van die geskrif nie.

There is something else I want to bring to his Lordship's attention and to yours, that there will be evidence that the requisition for the printing of this document at the University of Cape Town was on 1 February 1982. --- Daar kan so n getuie wees, ek weet nie daarvan nie.

But if that evidence is correct, then your evidence in the Magistrate's Court and the two gentlemen who are sitting here in court today who were acquitted this morning, (20 were acquitted on a false basis.

COURT: But were they acquitted? I thought they were reprimanded or - what happened?

MR BIZOS: No, they were acquitted M'Lord. I said that you could take the assurance that they were acquitted.

MR BIZOS TO WITNESS: The two gentlemen who were acquitted this morning Major, were acquitted partly on the fact that you made a very favourable impression on the Magistrate and that all the police witnesses told the Magistrate stories which were not shown to be false. Now if it is true that (30 the document speaks about the future, a date after 22

September/...

September, and there is evidence that it was written after 1 February 1982, your evidence and your junior officers' evidence must have been false. --- Ek stem nie daarmee saam nie.

Well, what other explanation is there? --- n Soortgelyke dokument is in die woonstel gevind.

But how could it? How could it have been found? --- As ek geweet het hoe die dokument daar gekom het, sou ek miskien n verduideliking kon gegee het.

No, but how could it have been found on 22 February (10 if the evidence contained in it clearly indicates that it came into being long after that Major? --- U Edele, ek kan nie verstaan as gevolg van hierdie introduction nie, maar ek is oortuig so n soortgelyke dokument is wel gevind.

Before you expressed any opinion for the use that this document was been made Major, didn't you read the document? --- Ek het nie al die dokumente bladsy-vir-bladsy gelees nie. Daar is beslag gelê op etlike duisende dokumente.

Before you held yourself out as a defence witness (20 in the case in which the accused was the complainant and you held yourself out as to the use that this document was being put, did you read it or not? --- Ek het kennis gedra van die dokument.

Did you read it? --- Nie in geheel nie.

Didn't you read the introduction? --- Nee.

Were you not interested as a major in the security police to ascertain when, where and under what circumstances this document came into being? --- Nee.

Why not? --- Die rede hiervoor was, ek was nie persoon- (30 lik gemoeid met die ondersoek van hierdie hele ondersoek nie.

COURT: Will you hand it up, so that I can have a look at the mystic document too?

MR BIZOS: I would ask your Lordship to receive it as an EXHIBIT F.

COURT: Can I just come back to what was said here under cross-examination and the reply? I have made a note - unfortunately you see I have made the notes in Afrikaans, because I am taking down the answers, and the note that I have made is that: hulle is gewaarsku en ontslaan.

MR BIZOS: They were found not guilty and discharged. (10)

COURT: Were they found nót guilty and discharged?

MR BIZOS: Nót guilty and discharged.

MR BIZOS TO WITNESS: You see Major, I am going to submit to his Lordship that that is proof absolute that you and your junior officers were untruthful to the Magistrate. --- Ek ontken dit.

Where is the list of the documents that were found in the accused's possession on 22nd? --- Daar is n lys opgestel, ek... (interrupted by Mr Bizos).

Where is it? --- Ek het geen idee waar dit op die stadium is nie. (20)

Well, perhaps My Learned Friend will make it available, M'Lord. Well why isn't the list here, Major? Why isn't such an important document here?

COURT TO MR BIZOS: Is it for the Major to decide which documents are going to be used in the trial, or is it for the prosecution?

MR BIZOS: Well M'Lord, was the...

COURT: If you can answer, you can answer, but if you cannot answer...(interrupted by Mr Bizos). (30)

MR BIZOS TO WITNESS: Was the list given to My Learned Friends for/...

for the State? --- Ek glo hulle was seker vir die Regsspan gegee, u Edele. Ek dra nie persoonlik kennis daarvan nie.

Who is the investigating officer in the case? --- Dit is kaptein Struwig, die persoon wat nou langs Adv. Swanepoel sit (aangedui).

Would there have been any reason why that list should not be in court? It is an important piece of evidence.

--- Ek kan nie dit verklaar nie u Edele, ek weet nie.

MR BIZOS TO COURT: Well perhaps M'Lord we could possibly have some clarity as to where the list is? (Pause) The (10 investigating officer is in court M'Lord, perhaps we could just have a look at the list, so that I can continue.

COURT: Perhaps the Prosecutor can tell us what the position is, if you want.

MR SWANEPOEL ADDRESSES COURT: Your Worship, I have gone through hundreds of thousands of documents, I have prepared a list of what I proposed handing in and this is all that I have with me at the moment.

COURT TO MR SWANEPOEL: Has the list been handed...?

MR SWANEPOEL: It has not been - it is a typed list of (20 about 30 documents, 34 documents, that is all that I want to use. I do not know whether there are any other lists. What I do know, there are many other documents. That is as far as I know.

COURT TO MR SWANEPOEL: Is that the list that you have compiled?

MR SWANEPOEL: Yes, I have compiled the list from the documents that I...

COURT TO MR SWANEPOEL: Containing the documents that you intend using in this trial? (30

MR SWANEPOEL: That is correct, M'Lord.

MR/...

MR BIZOS: Was a list of the documents actually found in the accused's flat made? --- Daar was so geweldig baie dokumente, eerstens een kabinet, as ek reg onthou het die kabinet 3 of 4 laaie vol dokumente, lêers vol dokumente. In so n geval wat die normale prosedure is, ons lê beslag op alles in geheel, soos die lêerkabinet word daar net n notatjie ingestek, as een geheel bewysstuk tot ons al daardie dokumente kan deurgaan. Die lêers, ons gaan dit deur by die kamer en dan lê ons beslag op die lêer in geheel. Daarna word n volledige lys van dokumente wat benodig word (10 in die verhoor met samewerking van die advokate, opgestel.

MNR SWANEPOEL SPREEK HOF TOE: Ekskuus tog Edelagbare, ek het wel hier n lys wat die ondersoekbeampte my nou gee uit die ondersoekdagboek, die oorspronklike wat ons aan My Geleerde Vriend sal gee.

HOF: Het u n lys opgestel, of was u nie die ondersoekbeampte in daardie saak nie? --- Nee, ek was net die offisier in bevel van die arrestasie en die deursoeking.

U het niks te doene gehad met n lys wat opgestel is of nie? --- Nee. (20

MR BIZOS: Usually when a document is found in the possession of an accused person or in the premises in which an accused person lives, it is the custom to initial that document by the person who found it and the date on which it was found? --- Dit is die korrekte prosedure, as dit n enkel-dokument is of as daar nie veel dokumente is nie, maar soos in die geval van beskuldigde, soos ek alreeds getuig het, was daar etlike honderde of miskien duisende dokumente en dit is dan onmoontlik om net in een dag daar te sit, elke dokument deur te lees, daar te teken en te dateer. (30

Can you please tell us Major under what circumstances
you/...

you saw EXHIBIT F on 22 September, before it came into existence according to the evidence that will be lead?

--- Van die lede wat my vergesel het soontoe, het dokumente wat hulle gereken het van waarde is, aan my getoon.

And was this one of them? Was EXHIBIT F one of them?

--- Dit is korrek.

You remember it well? --- Dit is korrek.

And you remember that just as well as you remember everything else about this case? --- Ek het belanggestel in daardie dokument om te sien wat se raad word aan diegene (10
gegee ten opsigte van aanhoudings.

Well then you must have studied it. --- Nie in breë trekke nie.

But how do you, if you considered it such an important document that you were going to make - you were interested to see what advice has been given, surely you must have studied it? --- Daar is baie tyd om so 'n dokument te studeer. Ons het 'n argief en sulke dokumente wat vir ons van waarde het, maak ons afskrifte en ons hou hulle op argiewe. Hulle is ter enige tyd ter insae van enige ondersoekbeampte vir (20
advies en om mee te deel waarmee ons te doene het.

But there can be no possibility of a mistake? You are absolutely certain that you saw this document on 22 September? --- Presies soortgelyke dokument.

Good Major. His Lordship will hear when it first came into being as it says in the document itself. Now Major, in relation to this dead letter box and the procedure, you gave evidence in the case of S v Robert Adam before his Lordship, the Judge President. --- Dit is korrek.

And in that case you gave evidence of how you kept (30
one Siphon under observation? --- Nie spesifiek hom nie.

My getuienis het gelui dat ek vir Robert Adam onder observasie gehou het, waar ek toe agtergekom het dat hy deur 'n Swartman genader word. Láter, na arrestasie het ek vasgestel meer omtrent Siphó.

I want to cut this short if I can, but do you agree that you conceded in that trial that Siphó was either a policeman or a police informer? --- Ek stem glad nie saam nie, intendeel ek het glad nie toegegee dat hy 'n polisieman of 'n beriggewer is nie.

Do you remember, it had been put to you that he was (10
seen filling up with petrol at the basement of John Vorster Square? --- Ek onthou dat dit aan my gestel was. Ek het geen kennis gedra daarvan nie en ek dra nog geen kennis daarvan nie.

But you remember the further questions that were asked of you, to the effect that because of this horizontal way in which police and underground work is being done, sometimes the left-hand does not know what the right-hand is doing? --- Dit mag so wees, maar nie in my geval van observasie nie, u Edele. (20

No, I am not talking about the observation. I am talking about the real identity of Siphó. --- Ek wil dit net regstel vir die Hof, ons soek, die hele Veiligheidstak, John Vorster-plein, soek nog steeds na Siphó. Ons het heeltemal rede om te glo dat hierdie 'n opgeleide terroris is en dat hy tans 'n voortvlugtende is.

The three documents that were produced, came to your possession before they were sent off, so to speak? Those are EXHIBITS B1, B2 and B3. --- Daardie woorde is nie reggestel nie u Edele. (30

Well, qualify it if you like. --- Dit was alreeds

versend/...

versend, dit moes net afgelewer gewees het deur die koerier toe ek dit gelig het uit die DLB uit.

And made copies? --- Nee, ek het die oorspronklikes gevat.

And sent copies on? --- Nee.

So that they never reached their destination? ---

Dit is korrek, wat hierdie afskrifte betref.

You see, I want to read to you what is recorded on page 25 of the transcript of the evidence before His Lordship and perhaps you will not be as sure as to what your evidence (10 was Major. You were being asked questions on that occasion:

"Nou u sien Majoor, die rede waarom ek al die vrae aan u stel in verband met Sipho is dit, dat Sipho deur beskuldigde 1 gesien was toe hy terug van die landdros gekom het op die 23ste by John Vorster-plein en nie as n aangehoudende of prisonier nie, wat by die brandstofpompe by John Vorster-plein wat deur die polisie gebruik is. --- Daarvan dra ek nie kennis nie, u Edele.

U sien Majoor, ek sal aan u stel dat volgens (20 die getuienis wat beskuldigde 1 gegee het, dat hy daar Sipho gesien het in n wit Cortina-motor in die geselskap van drie ander persone, rondbeweeg by John Vorster-plein, dat dit klaarblyklik is dat hy saam met die polisie gewerk het. --- Ek dra nie daarvan kennis nie, u Edele.

Wel, het Sipho saam met die polisie gewerk of nie? --- Nee, u Edele.

Wel, sê u nee op n verantwoordelike manier dat u dra kennis dat hy wel nié met die polisie gewerk het (30 nie, of sê u dat u dra geen kennis van die feit dat

hy/...

hy miskien saam met die polisie...

HOF: Hoe is dit ter sake in die saak, mnr Bizos?"

COURT: I am almost tempted to put the same question to you, Mr Bizos.

MR BIZOS: To put the same question. En die antwoord was, that it is relevant on the question of mitigation - which, if your Lordship had asked, I would have given the same answer. And then:

"Wat is u antwoord daarop? Kan u die vraag weer stel as u wil, of kan u onthou wat die vraag was? --- Ek (10
dink ken glad nie n Siphonie, ek het hom nog nooit gesien nie, ek weet nie wie die man is nie, u Edele.

Nee, maar die man wat u in die teenwoordigheid van beskuldigde 1 gesien het Majoor, is u in staat om vir sy Edele te sê of hy wel met die polisie saamgewerk het of nie? --- Hy het definitief nie saam met my gewerk nie en ek dra nie kennis dat hy saam met enige ander polisieman gewerk het nie, u Edele.

Wel, is u in staat om te ontken dat hy wel met die polisie gewerk het? --- U Edele, ek dra geen kennis (20
dat hy met enige van die polisiemane gewerk het nie.

Is dit reg dat daar is brandstofpompe by John Vorster-plein waar die polisie hulle voertuie met brandstof volmaak? --- Daar is sulke brandstofplekke daar by John Vorster-plein.

En as Siphon op die 23ste daar was in die geselskap van drie ander persone met n wit Cortina-motor op vrye voet, nie n aangehoudende nie, of n persoon nie, sou hy daar gewees het as hy nie saam met die polisie gewerk het nie? --- Ek kan dit nie antwoord (30
nie u Edele, ek was nie daar bygewees nie, en ek weet
nie/...

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