

said so at the meeting. Now is that not correct, or do you want to comment on it?----As far as I remember it is not so.

The Regional Committee, as you've told us, changed from time to time.----Changed how?

Well there were different members that came (5 on.----Yes.

At one stage Curnick Ndhlovu was on the committee, Elias Kunene and Jerry Kumalo.-----Yes.

Do you remember if Charles Ndhlovu ever came on to the Regional Committee?----Yes. (10

Do you remember when that was?----If I am not mistaken it was between February and March, 1963.

And Fred Dube?----And him also I think at that time.

Now you know this meeting that we have been(15 discussing at the flat of Dr. Ngakane?----Yes.

Would Charles Ndhlovu and Fred Dube have already been on the Regional Committee then or not?----- They were on the Regional Committee.

THE COURT: At that time?----Yes. (20

MR. UNTERHALTER: Do you know for how long they continued on the committee?----As far as I remember I think Fred Dube stayed on the Regional Committee until he was arrested.

At what date?----He was arrested, I think (25 the end of June, if I am not mistaken. Last year.

And Charles Ndhlovu?----When I last saw Charles Ndhlovu he was still a member of the Regional Committee. I don't know though, then, what happened after I was arrested. (30

This information that had been conveyed so secretly to you in the flat of Dr. Ngakane, was it

subsequently/.....

subsequently made known to a wider circle of people?-----
 Yes, after that people were notified about the Mkonto
 we Sizwe.

And were other members of the various committees
 of the African National Congress in Durban told about it? (5
 -----Yes.

But the first time that the Ad Hoc Committee
 learnt about the Mkonto as being the baby of the A.N.C.
 was at the meeting in the flat of Dr. Ngakane?-----Yes.

Can you perhaps tell us why it was that a (10
 wider circle of people were told about the link between
 Mkonto and A.N.C.?-----You mean told about the link?

The link between the Mkonto and the A.N.C.,
 the fact that there was an association between them?-----
 That was the decision of the Ad Hoc Committee that those (15
 people should be notified.

And in fact were they notified?-----Yes.

Do you remember how it came about that they were
 notified?-----Yes.

Will you please tell us?----It was because (20
 of the decision of the Ad Hoc Committee and also because
 of a document from the National Executive Committee which
 was read at the Ad Hoc Committee.

Were you present when that document was
 read?----Yes. (25

Were there any members of sub committees
 present when that document was read?----At the meeting
 following that one of the Ad Hoc Committee there were.

Which sub committees?----The sub committees
 of the Ad Hoc Committee and the sub committee of the (30
 Regional Committee.

And what were the titles of these sub committees?

----The/.....

The Finance Committee.

Yes?----The Trade Union Committee, the Propaganda Committee.

THE COURT: What are you giving us now?----I'm now giving the sub committees of the Ad Hoc Committee of the African (5 National Congress.

That did what?-----Pardon?

That did what? You were asked a question there: "To whom was this information communicated?" That was the question that you were asked and you said (10 it was communicated at the next meeting of the Ad Hoc Committee and the Regional Committee. Is that correct?----- No, if I remember correctly, I said that this information was made known at the meeting that was held after the meeting of the Ad Hoc Committee. (15

Yes, well I think we are talking round in circles now. We were talking about meeting No.A8 which was held first of all at the house near Fred Dube's house and then continued at the accused's flat. You say that that was the first time you had heard that the Spear of the (20 Nation was the baby of the African National Congress; is that correct?----Yes.

And then you say that information was communicated at the next meeting. Correct?----I want to explain that. (25

Yes?----There was that meeting that was at Pascal Ngakane's. After that there was a meeting of the Ad Hoc Committee where the document was read that came from the National Executive. That document mentioned that the Mkonto we Sizwe was the baby of the African National (30 Congress and other things in that document.

Now where was this meeting held?----That was
in/.....

in the offices of N.T.Naicker in Valbro Chambers.

When?----I think in April or May, but before the members of the Ad Hoc Committee were arrested. There we decided that it would be advisable for this document to be read and discussed at the meeting of the Ad Hoc Committee together with the sub committees of the Ad Hoc Committee....(Court intervenes) (5)

Just a minute. You are going too fast. "Meeting of the Ad Hoc Committee...."? ----Together with the sub committees of the Ad Hoc Committee. (10)

Which were what?----The Finance Committee, the Propaganda Committee, the Rural Areas Committee, Secretariat, Trade Union Committee. The Regional Committee and the Regional Secretariat.

MR. UNTERHALTER: Was that meeting in fact held?----Yes. (15)

Do you know where it was held?----Yes.

Tell us please?----It was in a Wesleyan church in Lamontville, a Methodist church in Lamontville.

Who was the chairman?----It was George Mbele.

You were present, I take it?----Yes. (20)

THE COURT: When?----I think in April or May.

1963?----Yes.

MR. UNTERHALTER: And to this meeting there was then disclosed the association between the A.N.C. and Mkonto? ----Yes. (25)

Now I want to go back for a moment to the meeting in the house, in the flat of Dr. Ngakane. You have told us that members of the Ad Hoc Committee were present,----Yes.

And that the link between the two organisations(30 - the A.N.C. & Mkonto - was discussed?----Yes.

And you have told us that Solomon Mbanjwa

as/.....

as a member of the Ad Hoc Committee, was present at Dr. Ngakane's flat?----Yes.

You have no doubt about that?----Yes, I am sure.

I want to tell you that Solomon Mbanjwa gave evidence at the Ladysmith trial. I have read the record, and subject to anything that my learned friend representing the State may say, I have not found a reference in his evidence to his being present at the flat of Dr. Ngakane when the Mkonto and the A.N.C. were discussed. Now I don't know if you can comment; I'm just telling you,----I'm not sure (10 what you say. Does Solomon Mbanjwa say that he denies that that was discussed at this meeting, or does he deny being there?

No, it is just a little different. Now follow me carefully please. Solomon Mbanjwa gave evidence at (15 Ladysmith. I have read his evidence. And I have not found in the record of his evidence any reference to his being present at Dr. Ngakane's flat when Mkonto and the A.N.C. were discussed. Now it may be that I have overlooked it, and it may be drawn to the attention of the Court. (20 As far as I can see he doesn't speak about it. Now is it possible that he doesn't speak about it because in fact he wasn't there?-----He was there.

Well now I shall read to you from the evidence that Solomon Mbanjwa gave. And it starts at page 331 (25 of the record. Now I am reading to you from the record in connection with a meeting that took place before the meeting in the Methodist church. And I am reading to you in this way so that the Court and yourself should get a clear picture of what was involved. I should perhaps (30 start at the bottom of page 330, at line 30.

QUOTATION/....

QUOTATION:

"Then there was a report from George saying that there was a political statement that came from the National Executive that should be discussed."

(5)

(Top of page 331)

"Then it was agreed that that should be discussed at another meeting, and also that the sub committees of the Ad Hoc Committee, apart from the Rural Areas' sub committee, they should also be called to attend this meeting when the political statement was discussed and the Regional Secretariat members.

(10)

"They should also attend?----Yes, they should also be at the meeting.

(15)

"Was it said at this meeting why this political statement should be discussed?----At a meeting where all the sub committees, apart from the Rural Areas' sub committee were present, it was said that it was a very important document.

(20)

"Who said that?----George Mbele.

"Accused No.1. Did he produce the document, or was the document not seen at this meeting? ----No, it was not seen at that meeting.

"Now was this bigger meeting held, the one with the Ad Hoc Committee, and the Regional Committee, and the sub committees excluding the Rural Areas' Committee?----Yes. The meeting was held after that.

(25)

"How long after that?----Shortly afterwards, I don't know the exact time.

(30)

"Was it a matter of weeks or days after?-----

"I/.....

"I would say a week.

"And where was this meeting held?----It was in the Methodist church in Lamontville Location."

QUOTATION ENDS:

And then at page 332, there is a statement (5 on the people who were present. At line 10:

QUOTATION:

"Were members of the Ad Hoc Committee present?

----Yes.

"All of them?----All of them. (10

"And the Propaganda sub committee, can you remember who was present?----....."

and then the names are given.

"And the Finance sub committee?----There was Rev. Ntalabati. (15

"The Secretariat?----Do you mean the Regional Secretariat?

"No, the Ad Hoc Committee. The sub committee of the Ad Hoc Secretariat.----There was Mandhla Sithole. (20

"Yes, and Trade Unions?----There was Cleotus Mzimela and Queeneth Dhladhla...."

and then the names of the Regional Secretariat are given as well.

And at page 333 it was said that some of the (25 members of the Regional Committee were present, Curnick Ndhlovu, Charles Ndhlovu, Fred Dube, Elias Kunene, Selborne Maponya.

"Who was the chairman of this meeting did you say? ----George Mbele. (30

"And what was the business that was discussed there, can you tell the Court?----He read the

"political/....."

(Quotation continues)

"political statement that was received from the National Executive. After that they discussed it.

"Can you remember what this political statement said?----I just remember a bit about it, not all. It was a lengthy document. (5

"Yes?----It analysed the political situation that existed throughout the country and also in the Republic, and also mentioned that another (10 organisation had been formed, the Spear of the Nation, which is the military wing of the A.N.C. and formed part of the liberation movement.

"This document, this political statement, as you call it, did it say that the Mkonto we (15 Sizwe, the Spear of the Nation, was the military wing of the African National Congress?----Yes, it said so.

"Can you remember anything else that was discussed about this document?----It also said that (20 we should strengthen our organisation...."

(top of page 334)

"....so that we could face the 'impi' of the Government, to face the Government's challenge, in other words. (25

"This is meeting No.8. Was it elaborated at this meeting what this challenge was from the Government and how it was going to be faced? ----It was not explained at that stage how, but it was explained that we should strengthen (30 our organisation so that we would be able to face it.

"Was/.....

(Quotation continues)

"Was it said how you were going to face it? What was going to be done?----No, it was not said at that stage what was going to be done.

"Was anything else discussed?----It was also (5 said that the document should be translated into Zulu, and then handed to the branches so that they could study it properly and understand it properly."

QUOTATION ENDS:

Now is that substantially what happened, Mr. (10 Mtshali?----Do you mean at that meeting in the Wesleyan church?

Yes.----What I remember is that the document was read at the meeting, and it was discussed about the document. Then it was discussed as to whether it was (15 necessary that the people in the branches should be notified or not that the Mkonto was the baby of the A.N.C.

I don't want to interrupt you because I am not challenging you on this. Do you agree that the document disclosed that there was a relationship between the (20 A.N.C. and Mkonto?-----Yes.

That this took place in the Methodist Church at Lamontville?-----It was being read the second time at the Methodist Church.

But it took place at the Methodist Church?---(25 Yes.

And that the sub committees were present?---- Not all of them.

But some of them?----Yes.

Now I want to read you what appears at (30 line 17 of page 334 of the record, as spoken to by Solomon Mbanjwa.

QUOTATION/.....

QUOTATION:

"Was this Spear of the Nation, the Mkonto we sizwe, discussed at any previous meeting of the A.N.C. at which you were present, or was this the first one at which it was mentioned?----- (5
That was the first meeting at which I was present."

QUOTATION ENDS:

Now you have given evidence that Solomon Mbanjwa was at the meeting at the flat of Dr. Ngakane, which was a meeting of the Ad Hoc Committee of the A.N.C., at which (10 Mkonto was discussed. I have read to you what Solomon Mbanjwa said at the Ladysmith trial. That the first meeting at which the Mkonto was discussed was, according to him, the meeting in the Methodist Church in Lamontville.

What do you say about the difference between (15 his evidence and yours?-----I am saying what I know, and that is that he was at the meeting at which the Mkonto we Sizwe was discussed. The one that was at the flat of Ngakane, and at the offices of N.T. Naicker where there was the Ad Hoc Committee meeting. And this meeting now from the (20 Wesleyan.

So that if Solomon Mbanjwa has said at Ladysmith that the meeting at the Methodist Church at Lamontville was the first meeting at which he was present where Mkonto was discussed then Solomon Mbanjwa is not correct?-----I am (25 saying what I know, and that is that he was at that meeting.

THE COURT: Yes, the question just is that if Solomon says that the first meeting at which the Spear of the Nation was discussed, was this one at the Methodist church then he is wrong?-----Yes, as far as I know he is wrong (30 if he says he was not at that meeting.

THE WITNESS STANDS DOWN:

THE/.....

THE COURT TAKES THE LONG ADJOURNMENT.ON RESUMPTION:STEPHEN MTSHALI: (still under former oath)MR. UNTERHALTER RESUMES CROSS-EXAMINATION:

Mr. Mtshali, I am going to refer for a moment (5
to meeting No. 7 on the charge sheet; that is the one at
which there was the knocking on the door. This was the
meeting in regard to which you could give us no details as
to the business of the meeting; do you remember?-----Yes.

Now I want to tell you that Solomon Mbanjwa has(10
given evidence of this meeting, and at page 325 of the
record from line 24 it proceeds to describe what happened
and his evidence runs to page 331. Is there absolutely
nothing that you remember at that meeting, despite the
fact that his evidence takes about six pages of the (15
record?-----What Solomon Mbanjwa says is what he knows,
but I am also saying what I know.

And you can't tell us anything of what happened
there?-----As I said I have forgotten the matters.

Can you give any reason why perhaps you have(20
forgotten?-----I don't know whether there is any reason for
a person to forget, but as far as I am concerned I have just
forgotten.

You have told us in a portion of your evidence
relating to this meeting at which the knocking took (25
place that some liquor was brought out. Do you remember
saying that?-----Yes.

And do you remember saying it disappeared?-----
Yes.

Did you partake of that liquor?-----No. (30

You haven't forgotten because you drank and
became intoxicated?-----Just repeat that please?

You/.....

You haven't forgotten the details of the meeting because you drank some of that liquor and became intoxicated, and, therefore, didn't know what was going on?-----No, I said that I did not drink from the liquor.

Yes. I might have to correct myself, I put (5
it to you a little while ago that the record starts at
page 325 and went to page 331. But on looking at it again
it appears to me that the record of this meeting only goes
to page 328. But there is still a fair amount of detail
nonetheless. If the machine might be switched off for (10
a moment, I would like my learned friend to check me,
so that I am correct.

Mr. Mtshali, it seems from the record that the
meeting at which there was the knocking on the door and which
was referred to as meeting No. 7, he mentions at page (15
330 of the record. At page 330, line 18, the prosecutor
says:

"This is meeting No.7."

THE COURT: And is it clear that they are both meeting No.7?

MR. UNTERHALTER: This is meeting No.7. (20

THE COURT: This is meeting No.7 on Schedule 'A' and also
meeting No.7 at Ladysmith.

MR. UNTERHALTER: Yes, well that is fortuitous, your Worship,
It so happens the number is the same.

THE COURT: But it is the same meeting? I think we (25
should make that clear otherwise there can be a great deal
of confusion about it.

MR. UNTERHALTER: It is the same meeting, your Worship.

Now at page 335, the learned magistrate says,
at line 19: (30

QUOTATION:

"I want to ask you about this meeting No. 7,
the/.....

(QUOTATION CONTINUES)

"the one just before the one you have been speaking about now, there in the office of No.1 at Valbro Chambers. Was this meeting interrupted?-----Yes. (Solomon Mbanjwa speaking.) (5

"Tell me what happened?-----There was a knock at the door when we were having the meeting and the meeting then stopped. We thought it was the Special Branch knocking on the door. After that we went out, we went away and we didn't see anything outside." (10

QUOTATION ENDS:

Now you ^{were} present at the meeting at which there was a knock at the door?-----Yes.

And you don't know what happened at that meeting?-----I have already said what I know about what happened at that meeting. (15

You see I want to correct what I said to you earlier. I had, by mistake, put to you what appears in the record at page 325. But I should have put to you what appears at page 330. And there Solomon Mbanjwa talks about members of the Ad Hoc Committee and Regional Committee visiting the branches to go and check the progress. And he speaks about money and finance. I understood your reply to my earlier question to be well what Solomon Mbanjwa remembers he remembers, and what you remember you remember. Is that so?-----Yes. (25

Well I want to tell you something else if you can't remember anything else, Solomon Mbanjwa certainly seems to remember something else. And something very important. And you don't know. Your memory just goes to the names of the people who were there, and that is all? (30

-----I/.....

----I remember what I remember.

Well I want to tell you now what Solomon Mbanjwa talks about. He says that there was a report from George saying that there was a political statement which came from the National Executive that should be discussed. (5
Now surely a message coming from the National Executive would be something that you would remember Mr. Mtshali?----
Is it a letter, a pamphlet or a statement?

I'm not going to give you the answer. I am testing you and I want to see what your memory is like. (10
----Well as I have said what I have remembered I have already said.

All right. You see I want to put it to you that perhaps small details of visiting branches and petty matters about finance could have escaped your mind: but surely (15
not a political statement from the National Executive?
Do you want to say anything on that?----If you are referring to a political statement, I don't know whether you mean a political document.

Well now let me read it to you Mr. Mtshali. (20
At the bottom of page 330, line 30:

QUOTATION:

"... Then there was a report from George saying that there was a political statement which came from the National Executive that (25
should be discussed (top of page 331).

"Yes?----Then it was agreed that that should be discussed at another meeting, and also that the members of the sub committees of the Ad Hoc Committee, apart from the Rural (30
Areas' sub committee, they should also be called to attend this meeting when the

"political,....

(Quotation continues)

"political statement was discussed, and the Regional Secretariat members.

"They should also attend?----Yes, they should also be at the meeting." (5

QUOTATION ENDS:

You don't remember that?----No, I don't remember that.

Well the record goes on from line 10:

QUOTATION:

(10

"Was it said at this meeting why this political statement should be discussed at a meeting where all the sub committees apart from the Rural Area sub committee were present?----

It was said that it was a very important document." (15

QUOTATION ENDS:

Do you want to say anything?----As I have said I don't remember the matters discussed at that meeting but what you are saying now I remember that that was discussed(20 at an Ad Hoc Committee meeting.

Not the meeting at which there was the knocking on the door?----Yes.

What does "Yes" mean? That it was, or was not?---- I do not remember it being discussed at the meeting (25 where there was a knocking on the door.

But at another meeting?----Yes.

Now the meeting that you remember it being discussed at, was that before the meeting of the knocking on the door or after the meeting of the knocking on the door?(30 It was after that meeting.

And the meeting at which you say the document

was/.....

was discussed, was that before the meeting in the Methodist Church in Lamontville, or after the meeting in the Methodist Church in Lamontville?----It was before the meeting which was at the Methodist Church.

And at this meeting....(Court intervenes) (5

THE COURT: Which one?

MR. UNTERHALTER: This meeting that you have referred to, that is this Ad Hoc meeting, where there was no knocking, was the document read?----Yes.

And was Solomon Mbanjwa present?-----Yes. (10

And did the document refer to the relationship between Mkonto and the A.N.C.?----Yes.

So that Solomon Mbanjwa therefore had information about Mkonto being associated with the A.N.C., firstly, through the meeting in Dr. Ngakane's flat - that is the (15 accused's flat?-----Yes.

And secondly from the meeting of the Ad Hoc Committee where there was no knocking held before the meeting in the Methodist church?-----Yes.

I want to read to you further what Solomon (20 Mbanjwa says at page 331 of the record. George Mbele has just said that it was a very important document. And at line 16, the record goes on:

QUOTATION:

"Did he produce the document? Or was the (25 document not seen at this meeting?----No, it was not seen at that meeting.

"Now was this bigger meeting held, the one with the Ad Hoc Committee and the Regional Committee and the sub committees (30 excluding the Rural Areas' committee?----Yes, the meeting was held after that.

"How/.....

"How long after that?-----Shortly afterwards.
I don't know the exact time.

"Was it a matter of weeks or days after?-----
I would say a week.

"And where was this meeting held?-----It was (5
in a Methodist Church in Lamontville Location."

QUOTATION ENDS:

You heard that Mr. Mtshali?-----Yes.

I want to point out to you that according to
the evidence of Solomon Mbanjwa which I have just read to (10
you he takes the Court at Ladysmith from the meeting where
there was the knocking on the door to the meeting at the
Methodist Church at Lamontville, and he makes no reference
to an Ad Hoc Committee meeting held before the meeting in
the Methodist Church. I also want to point out to (15
you that as far as he is concerned at the meeting to which
he speaks where the document is produced the document is
not seen, which suggests that he didn't know the contents
of the document. And he certainly doesn't speak about
what the contents were. Now this evidence is (20
different from your evidence. Because your evidence
suggests that he did know about the document - did know
about the contents of the document before the meeting in
the Methodist church, and he knew about it from a meeting
that was held where there was no knocking. Now would (25
you like to comment on what I have put to you?-----What.
I remember I have placed before you, but what I don't
remember I have not placed before you.

Is that the only answer you want to give?-----
I am placing it before you as I remember it, and Solomon (30
is apparently placing it before the Court as he remembered
it.

And/.....

And if there is a conflict between the two do you suggest he is wrong or you are wrong?----I am placing it before the Court in the way that I am and he is doing it the way he is doing it.

All right, Mr. Mtshali. I want to go on now (5 to meeting No.9 on the charge sheet. This was the meeting at the home of Amos Mngoma. Did you know this man Amos Mngoma at the time of this meeting?----(INTERPRETER: Did you know the man?)

Yes?---- Yes. (10

Did he know you?-----If I am not mistaken I think he did know me.

Did he know you well?----I don't know from him, whether he knew me well or not.

I am asking you this because I put something (15 to Amos Mngoma when he gave evidence. He didn't mention your name when he spoke about those who were present at this meeting. And when I put that to him his reply was: "I did not know him, that is Mtshali, too well at that time." Can you suggest why, if he knew you, or you knew him, (20 and there was such a small number of people present at this meeting, he didn't mention your name?----I did say that I did not know whether he knew me well or not.

I am just asking you can you suggest why he didn't mention your name?-----No. (25

Even though there were just such a small number of you there?-----As I have said, no.

Now you have given an accurate description, have you, of what happened at this meeting at Amos Mngoma's house?-----I have put before you what I remember. (30

You haven't left out anything or added anything? -----I have placed before you what I remember.

Now/.....

Now you described this meeting at the Ladysmith trial too, didn't you?-----Yes.

Did you describe it with the same accuracy as you have described it in this Court?----I described it in the way in which I remembered it. (5

Now in this Court you speak to a discussion about Charles Ndhlovu's absence from the meeting. Correct? -----
Yes.

And you refer to what David Ndawonde said?-----
Yes. (10

That David Ndawonde said he had seen Charles Ndhlovu and had explained to him that a new Regional Committee had been formed, and who the members were. And Charles Ndhlovu was pleased, so David Ndawonde reports, but was unable to come to that meeting. Is that what took place (15
at the meeting in Amos Mngoma's house?----Yes.

Why did you give this evidence in this Court, about Charles Ndhlovu and David Ndawonde?----Because it is what I remember what happened at the meeting.

And you wanted to tell the Court fully what (20
happened?----Yes.

I take it at Ladysmith you also wanted to tell the Court fully what happened, didn't you?-----Yes.

Well the evidence appears - of this meeting, appears at page 197 of the record. And subject to what (25
my learned friend may say when he checks the record, there is no reference to a conversation reported by David Ndawonde concerning Charles Ndhlovu, nor to Ghalaki Selo complaining about the absence of Charles Ndhlovu. What do you say to that?----That evidence (30
that you read there, is it my evidence, in that record, is it my evidence or is it somebody else's?

This/.....

This is your evidence - Mtshali's?-----I say it is because I was not asked.

Well I want to tell you this, at line 10, the learned prosecutor put a question to you, and if I may so with respect, he put a very proper question to you. (5 He didn't suggest any answer at all. He said to you:

"Can you tell his Worship what else happened at this meeting?"

That was an open invitation to you to tell all that you knew. Now you told certain things, about Ghalaki (10 Selo's difficulty in seeing the National Executive Committee, but you didn't mention this conversation about Charles Ndhlovu.

Now I am under the impression that my learned friend behaved exactly the same way in this Court. (15 He didn't lead you in any way. He invited you to say what had happened, and on this occasion we get much more material than you gave at Ladysmith. Do you want to comment on what I have put to you?----Yes.

Will you do so please?-----It could be (20 perhaps that at the time the prosecutor asked me at Ladysmith that I had forgotten.

Yes,-----As I have told you, what I remember I am placing before you; what I do not remember I am not placing before you. (25

Now in your evidence-in-chief you go on to talk about your appointing members of the Regional Committee.----- (INTERPRETER: In this case?)

In your evidence-in-chief as given in this case?----- (Mr. Unterhalter adds) My note is as follows. (30

"We then appointed members of the Regional Committee. Pascal Ngakane, he carried on

"as/.....

"as Regional Committee chairman. He agreed to carry on. "

You said that, didn't you?----Yes.

I want to read to you what you said at the Ladysmith trial in that regard. (5

At the bottom of page 197, at line 29, it reads:

QUOTATION:

"We then arranged the Regional Committee in this way, Pascal Ngakane, he was the chairman, (10 Enoch Mhlongo, he was the secretary of the Regional Committee, David Ndawonde, he was the treasurer, Francis Dhlamini was then a member of the Regional Committee. (Top of page 198) "

QUOTATION ENDS:

(15

Now the difference between your evidence here and your evidence at Ladysmith is that here you say that Pascal Ngakane agreed to carry on and at Ladysmith you said:

"We then arranged the Regional Committee in (20 this way, Pascal Ngakane, he was the chairman."

Do you want to comment on that?----If I understand you correctly you say that in Ladysmith we arranged people in that order, Pascal Ngakane as the chairman of the Regional Committee. (25

No, Mr. Mtshali, don't misunderstand me. The only point that I am making is this, that here you say that Pascal Ngakane agreed to carry on. You didn't say that at Ladysmith.-----Did I not say that Pascal Ngakane agreed to be a chairman, at Ladysmith? (30

No.----I say then that Pascal Ngakane agreed to be the chairman, because at Ladysmith he had also agreed

to/.....

to be a chairman.

Why didn't you say so at the Ladysmith trial?
 -----Well I took it to be the same because he was there
 - because he had carried on in that position and he spoke
 to the members who were there at the meeting. (5

All right, now you went on at this trial in
 describing the meeting at Amos Mngoma's house to say that
 the meeting finished in the afternoon at about 5:00.
 You are not too sure. You say that Amos came back "while
 we were still there. The meeting was finished. I was (10
 present when Amos arrived back, and the others were
 present also." You did say that, didn't you? ----Yes.

And it is true, according to you?-----As far as
 I remember.

Well Mr. Mtshali if you wouldn't have (15
 remembered you would have said: "I don't remember",
 wouldn't you?----Yes.

You see it has become your slogan: "What
 I remember I remember, and what I don't, I don't.
 So when you said it you did remember clearly what (20
 happened, didn't you?----Yes.

I want to read to you what Amos had to say
 about this in his evidence-in-chief.

Amos says this: he describes leaving his
 room, he says: "I returned to my room after 5:00 p.m. (25
 the same day. The people were not there any more."
 And by the people he is referring to the people that
 attended the meeting at his house. Now is he wrong when
 he gives that evidence?-----I am saying what I remember
 and he is saying what he is saying. I placed before (30
 you what I remembered.

Now I want to refer to meeting No.10. in

the/.....

the flat of the daughter of one A.J. Luthuli. According to you, was the accused the chairman of that meeting?-----

Yes.

And this meeting you say took place in July?-----

Yes.

(5

You are quite certain about the date?-----Yes.

Was he the chairman of that meeting because he was the chairman of the Regional Committee at that time?-----

I will say so.

You will say so?-----I say so.

(10

That is better,-----Yes, it is better.

I ask you this question; I don't know whether you can answer it, but I must put it to you, because it is necessary in the conduct of this case. The State has furnished the accused with particulars of his offences. (15
And in paragraph (2) of these particulars, sub-paragraph (iii) the following is said: in reply to a question as to when, where and in what manner is it alleged that the accused became an office-bearer, officer, or member of the said African National Congress. And this is the (20
answer. "At the time and place specified in respect of meeting No.3... " Now that is not a meeting where you are alleged to have been present, Mr. Mtshali.

"....accused was elected and accepted the post of chairman of the aforesaid Regional Committee and served the (25
African National Congress in this capacity until the 25th June, 1963. The State does not know what position the accused occupied in the African National Congress after the 25th June 1963 but alleges that he remained a
a member until his arrest on the 22nd February 1964." (30

Now Mr. Mtshali I know it is an involved and somewhat difficult point that I have put to you, but

do/.....

do you still insist that the accused was chairman of this meeting in the flat of the daughter of A.J. Luthuli in July 1963? And that he was the chairman of the Regional Committee then. Or, and also, is there any other comment you would like to make?-----Yes. (5

Please do so. ----At the time of that meeting Pascal Ngakane was already the chairman of the Regional Committee. That being so, the State was not a member of the African National Congress. I was a member of the African National Congress on the Ad Hoc Committee. (10
I was one of the members of the Ad Hoc Committee who was nearly the last to be arrested. At the time I was arrested Pascal Ngakane was still the chairman of the Regional Committee. Just as I have showed in my evidence that Pascal Ngakane was appointed, was chosen or appointed, (15
to carry on being a chairman of the Regional Committee.

Anything you want to add?----No, I stop there.

THE WITNESS STANDS DOWN:

THE COURT ADJOURNS:

THE ACCUSED IS REMANDED TO 10.8.1964:

10.8.1964 THE COURT RESUMES:

APPEARANCES AS BEFORE:

STEPHEN MTSHALI: (sworn, states)

MR. UNTERHALTER RESUMES CROSS-EXAMINATION:

You remember my questioning you on what is described as meeting No.7 on the charge sheet? That is the meeting where there was the knocking on the door?-----

Yes.

And you remember giving the names of those who were present at the meeting?----Yes.

That/.....

That was the Ad Hoc Committee and the Regional Committee?----Yes.

You are satisfied that that is the complete list of the names?----As far as I remember.

And you do it presumably on your knowledge of (5 who the Regional Committee were? And who the Ad Hoc Committee were? ----I want to ask what do I do by knowing who was on the Ad Hoc Committee and who was on the Regional Committee?

You see, this was a joint meeting of the (10 Ad Hoc and Regional Committees: correct?-----Yes.

And then when you are asked to give the names of who were present you presumably think who are the members of the Ad Hoc Committee, then think if they were there, and then give their names: would that be correct?----- (15 Yes.

And following from that you then gave the names of George Mbele, Selborne Maponya, Solomon Mbanjwa, Stephen Dhlamini and yourself; correct?----Yes.

Then as regards the Regional Committee you (20 thought who the members of the Regional Committee were, you thought whether they were there, and then you gave their names - and you gave the names as, the accused, Fred Dube, Curnick Ndhlovu, Jerry Kumalo; correct?----- Yes. (25

And then since there was someone who came from the National Executive to talk, you gave his name as well? ----- (Mr. Unterhalter adds) And you gave that name as Milner Ntsangane?-----Yes.

Now I have tried to assist you as regards (30 the people who were present and the manner in which you remembered it. Are you now satisfied that that is the complete/.....

complete list, ^{neither} /more or less?----Yes.

Neither more nor less?----As far as I remember those are the persons who were at the meeting.

Can we assume that Charles Ndhlovu was not there?-----As far as I know he was not there. (5

I take it one of the reasons why you say that is that he wasn't actually occupying a position on the Regional Committee then?----(Mr. Unterhalter adds) He actually came in later, if I remember your evidence from last week?----I don't know what you mean, came in later (10 and came in where?

Came in as a member. I understood you to say in reply to a question I put sometime on Friday that Charles Ndhlovu was a replacement on the Regional Committee after certain arrests. Is that correct?----No. (15

Oh well I may have misunderstood you; I am talking from memory at the moment. Well my learned friend says that the note he has is that he came on to the Regional Committee February/March, 1963.----Yes.

But he wasn't at this meeting?----As far as (20 I remember he was not there.

Now you have been released from detention?----
Yes.

In April of this year?----Yes.

When you were released where did you go to?(25
----I stayed in Ladysmith.

Is that where you now have your residence?----
No.

Where is your residence?----Kwa Mashu.

For how long did you stay in Ladysmith?----(30
I would say a month.

Why did you stay in Ladysmith?-----I was

still/.....

still having a rest then.

Have you received any assistance since your release, by way of money, or a house being provided for you: anything like that?-----No.

And you haven't been in the Transvaal?----No.(5

You haven't got a home in the Transvaal?-----
No.

You have told his Worship of the part that you have played in the Mkonto. You said that you were a member of the Regional Command and you admitted being (10 involved in certain bomb incidents?-----Yes.

You have also given evidence in the Ladysmith trial?----Yes.

And you told my learned friend that you gave evidence in some other trial?----Yes. (15

Now are you sorry for the part that you played in the Mkonto?----No.

Why do you say that?-----Because I see no reason for me to be sorry over what I did in the Mkonto.

But you were engaged in violent acts against(20 innocent members of the community?-----I would like the Zulu word to be given to me for "violence."

Well it is force? Let me illustrate it for you. You told his Worship that you used dynamite. You told his....(witness intervenes)----Yes. (25

You told his Worship that you used petrol bombs against Mr. Brum's office of the Bantu Administration? -----Yes.

Now to do acts like that is to commit violence. Now I repeat my question. Having used violence against (30 innocent members of the community why do you say you have no regrets?-----Because I don't regret what I have done.
If/.....

If you had the chance would you do it again?-----

No.

Why not?----Because I don't see any necessity for me to go back again.

I don't understand this answer, of course. (5
You have your own point of view. But is it not correct that in addition to the things that I put to you in the course of my questioning you you were responsible for throwing two incendiary bombs upon a passenger train on the Durban line?-----Yes. (10

And you have no regrets for doing that either?
----No.

At the end of your examination-in-chief you told his Worship that you made a statement to the police? "A complete one of my activities in the African National (15 Congress and the people associated with it, and about my activities with the Mkonto also." Correct?----Yes.

And I seem to remember that when I questioned you about this statement you said that it took you a number of weeks to write?----Yes. (20

That they took it away and it was typed and you then signed the typed statement.----Yes.

That it was discussed with you before the Ladysmith trial? And that there was also a discussion in July of this year?-----Yes. (25

Now in the statement as you wrote it in prison during those three weeks did you refer to the accused?-----Yes.

And the month that you would have handed this completed statement to the police would have been (30 round about September of last year, is that right?---- Yes.

And/.....

And what you said in that statement is what you have referred to in your evidence in this Court?-----
Yes.

And that statement covered everything connected with your knowledge of your activities and those of your (5
political colleagues?----Yes, as I did remember it.

It covered everything as far as you could remember?-----Yes.

Isn't it correct that you didn't make one statement but that you made three statements?----Yes. (10

And that you made them not over that one period but over several periods?----Yes.

So why did you lead the Court to believe that you disclosed everything you knew in one statement over that period of three weeks?-----I made three different (15
statements.

Well why didn't you tell his Worship that?----
You did not ask me.

The Court has to rely on its evidence if it is truthful, and I specially spoke to you last week and asked (20
you if you are a careful and accurate witness. And you claimed that you were. Now you have given his Worship information in your evidence-in-chief in which you said you made a statement to the police, a complete one of your activities in the A.N.C. and the people associated with (25
it. And about your activities with Mkonto. You told his Worship very carefully how you prepared that statement, and the time that you took to prepare it. And you certainly left me with the impression that, having completed that statement, having signed it after it was (30
typed and having discussed it on the two occasions with the prosecutor, that was the whole story. You now

tell/.....

tell his Worship that you prepared three statements, at three different times, which is quite different from your evidence-in-chief....(Prosecutor intervenes)

PROSECUTOR: Your Worship I must intervene at this stage. The witness was specifically asked in examination-in-chief (5
- I was all along aware of the fact that the witness had made more than one statement, that is why I specifically asked him whether he had made a statement disclosing his connections with the African National Congress.

FURTHER DISCUSSION ENSUES BETWEEN THE PROSECUTOR, MR. (10
UNTERHALTER AND THE COURT:

THE COURT: I have no objection to your question Mr. Unterhalter.

MR. UNTERHALTER: Mr. Mtshali, you have understood my question?----I understand your question. (15

What do you want to say in reply?----I want to explain what I said. The prosecutor asked me a question whether I made a statement about all my activities in regard to the African National Congress. I agreed I said yes I did make a statement. In connection with the (20
African National Congress and the Mkonto we Sizwe. But that doesn't mean to say that by that I said that I only made one statement alone concerning the A.N.C. and the Mkonto we Sizwe. As I have said now that I have made three statements, the first statement I made was about (25
the African National Congress. And I finished that and I made a second one about the Mkonto we Sizwe. And when I had finished the one about the Mkonto we Sizwe, then I made one about the Communist Party. I think that should satisfy you. (30

Did you make one about Rivonia?----How do
you/.....

you mean Rivonia?

About Rivonia. You know what Rivonia means. Everybody in South Africa knows what Rivonia means.----In my statement about Mkonto we Sizwe I mentioned Rivonia, but I did not make a separate statement about Rivonia. (5

In which statement did you say that you referred to Rivonia?-----If I am not mistaken it is in the one of the Mkonto we Sizwe, but it is either in that or the A.N.C. that I mentioned the Rivonia.

And did you talk about what you knew (10 personally concerning Rivonia?-----I don't remember any more what I said concerning Rivonia.

Well did you have personal knowledge of Rivonia? You can remember that today?-----How do you mean, what knowledge about Rivonia? (15

Well anything that you might have seen with your own eyes?----No.

You gave evidence in a trial in Maritzburg in connection with sabotage, didn't you?----Yes.

David Ndawonde was one of the accused?----- (20 Yes.

Did you have to talk about what you knew concerning David Ndawonde?----Yes.

Did you mention at that trial that he was at the meeting in the flat of the daughter of Luthuli in (25 Beatrice Street in July of 1963?----- (Mr. Unterhalter adds) When the recruiting of volunteers for the A.N.C. was discussed?-----I was not asked about that.

These volunteers that were being recruited were actually people who in the end were going to be used (30 for Mkonto, were they not?----Yes.

So that in a sense this meeting was indirectly

concerned/.....

concerned with Mkonto affairs?-----Yes.

NO FURTHER QUESTIONS BY MR. UNTERHALTER:

THE WITNESS STANDS DOWN:

THE COURT TAKES THE SHORT ADJOURNMENT:

ON RESUMPTION:

(5

STEPHEN MTSHALI: (still under former oath)

RE-EXAMINED BY THE PROSECUTOR:

You gave evidence that you were a member of the Communist Party. What was the extent of your activities in the Communist Party?----- There was very little work (10 I did.

Did you attend meetings of the Communist Party?
-----Yes.

How many?-----Not too many.

And between the African National Congress (15 and the Communist Party, which one of those two organisations commanded your greater loyalty?----I would say the African National Congress.

And what was your reaction to the infiltration of the Communists into the African National Congress? (20 It didn't make me glad at all, that.

The fact that you came into the Ad Hoc Committee of the African National Congress from a relatively insignificant post as Assistant Secretary at Kwa Mashu, did this have any significance to you at all?----- (25 Just repeat your question again. I don't get the interpretation too well.

Yes. The fact that you came from being an Assistant Secretary at Kwa Mashu to the Ad Hoc Committee, did that have any significance to you? Did that denote (30 something important to you, in your mind?----Yes.

Yes well will you just tell his Worship what
the/.....

the significance to you was? ----To me I realised that it was the plan of the Communist Party to get all its members into the African National Congress right from the top positions down to the branches, as they had said in the document of the Communist Party that was read. (5
The document that was read^{at} our group meeting.

I just want to ask you about the Ladysmith trial; at that trial were you closely cross-examined by - about the meetings that you attended and the persons who attended? When I say closely questioned, I mean cross- (10
examined?-----Of the A.N.C.?

Yes, of the A.N.C. on the persons who attended the meetings and the circumstances surrounding each meeting? ----As far as I remember I wasn't questioned a lot at Ladysmith. (15

Is it correct that when you gave your evidence a number of the accused pleaded guilty and a separation of trials took place?-----Yes.

Is it also correct that when you were cross-examined it was only in the case where the accused had (20
pleaded guilty?----Yes.

Now you were questioned this morning about persons who attended meeting No.7. ----Yes.

And you gave in reply to a question by my learned friend, you said you knew who the members of the (25
Ad Hoc Committee and the members of the Regional Committee were?-----Yes.

Now when you gave the list of names of the persons who attended this meeting did you have to rely on your - only on your knowledge of who the officer-bearers (30
at that time were, or did you have an independent recollection of who was present at this meeting?----I mentioned those

who/.....

who were at the meeting, not because so and so had such a position, or was an office-bearer that he should have been at the meeting.

You were asked questions about your staying on at Ladysmith; do you have any family at that part of (5 Natal?----Yes, I have relations there.

And is it correct that you stayed on at Ladysmith after the Ladysmith trial was completed?-----Yes.

Who did you stay with? I don't want their names, was it your relations or not?----It was my relations. (10

Did you receive any payment, or any consideration from the Government, or from the police, or from anybody, to give evidence in these cases?----(Court intervenes)

THE COURT: Can you put the question that way? Payment is one thing, and consideration is another. (15

PROSECUTOR: Perhaps I should have said Payment or consideration.

THE COURT: Yes, if you say payment or consideration it is permissible.

PROSECUTOR: Thank you.-----No. (20

Do you expect to be paid anything?----No.

NO FURTHER QUESTIONS BY THE PROSECUTOR:

SOLOMON MBANJWA: (sworn, states) (Speaking Zulu)

BY THE PROSECUTOR: My information is that this witness in respect of counts 1 and 2 is an accomplice. I ask that the identity of this witness also not be published. The reasons are the same reasons that I gave when I asked the identify of the witnesses Mtshali and Kunene not be disclosed. In his case also I've no objections to the Press publishing particulars of his evidence that he is giving, as long as information is not given which might disclose his identity. I formally ask your Worship to make an order to that effect. (5) (10)

BY THE COURT: Any comment, Mr. Unterhalter?

BY MR. UNTERHALTER: No objections.

BY THE COURT: IT WILL BE ORDERED ACCORDINGLY. The gentlemen of the Press will then comply. Thank you, gentlemen. (15)

EXAMINED BY THE PROSECUTOR:

How old are you Solomon? ----- Thirty-five. (35)

Are you married? ----- Yes, I'm married.

How many children have you got? ----- Three now. (20)

Where do you stay? ----- I stay at Hammarsdale.

Before the banning of the African National Congress did you belong to that organisation? ----- Yes, I was a member. (25)

Can you remember when you joined the African National Congress for the first time? ----- Yes.

When? ----- 1956.

And up to the date of its banning did you become an office bearer? ----- (By the Interpreter: At the date of its banning?) (30)

Yes, up to the date of its banning. ----- Yes, I had/.....

had a position in it before it was banned.

What was your position? ----- I was a secretary of my branch.

Where was your branch? ----- Somtseu Road location. In Durban. (5)

When did you attain that position? ----- 1959.

Apart from your interest in the African National Congress, were you interested in any other political organisations? ----- Yes.

Just detail to his Worship what these organisations were? ----- There was one that was the South African Congress of Trade Unions. (10)

Without going into too much detail, will you tell his Worship what your connection with S.A.C.T.U. was? ----- I was a full-time organiser. (15)

For S.A.C.T.U.? ----- Yes.

When did you become a full-time organiser for S.A.C.T.U.? ----- After the A.N.C. was banned, I think it was 1960.

Now after the banning of the African National Congress, did you remain a member or not? ----- No, I was not a member then because it was banned. My membership ended. (20)

After the banning were you - did you have anything to do again with the banned African National Congress? ----- No, I had nothing to do with it after it was banned until 1962. (25)

I just want you to pause there for a moment. Will you tell his Worship what happened in 1962? ----- I was told by Elias Kunene.....(The Prosecutor intervenes) (30)

I'm sorry. I don't want you to give the conversation that took place between you and Elias Kunene, because/.....

because it will be inadmissible as evidence against the accused. Did you have a discussion with Elias Kunene? -----
Yes.

And as a result of the discussion what did you -
did you join any organisation? ----- Yes, I joined the (5
A.N.C. again.

Did you belong to any particular branch? -----
There was no branch at the time where I stayed.

Is that at Hammarsdale? ----- Yes.

What were your immediate activities after re- (10
joining the A.N.C. in 1962? ----- I tried to establish a
branch in the area where I stay.

And to that end did you have any meetings at
Hammarsdale? ----- Yes, I had meetings there.

Can you remember where the first meeting was (15
that you held? ----- I remember.

Tell us. ----- It was at Georgedale.

At what place at Georgedale? ----- In the house
of Meyiwa.

Is that the first meeting? ----- That was (20
the first meeting, your Worship, in trying to establish a
branch.

And the persons that attended this meeting, where
did they come from? Were they just local people from
Hammarsdale or did people from elsewhere also come? ----- (25
It was people who came from all the different areas connected
with Hammarsdale, like Georgedale, Woody Glen, Sankontje
and people from Hammarsdale.

All right. I don't want more particulars about
this meeting. After this first meeting, did any other (30
activities take place at Hammarsdale? ----- Yes, there was a
meeting. A meeting of the A.N.C.

Yes/.....

Yes, how would you describe this meeting? ----- I would say it was a regional conference.

Of? ----- Of the A.N.C.

And where was this held? ----- It was at Woody Glen.

Woody Glen. What is this place Woody Glen? Is (5 that an area or is it a store or a farm or what? ----- It is a farm there. People stay there on the farm.

Now I also don't want you to go into particulars about this conference. Now at this time when you were establishing this branch at Hammarsdale and you had this (10 conference, regional conference, at Hammarsdale, were you still doing work in the Trade Unions? ----- Yes, I was doing work for the Trade Union at that time for S.A.C.T.U.

Yes, what was your particular position? ----- (By the Interpreter: You mean in S.A.C.T.U.?) (15

Yes. ----- I was an official of S.A.C.T.U.

Did you have anything to do with the African Tea and Coffee Workers Union? ----- Yes, I was the secretary of that Union.

And the African Match and Timber Workers Union? (20 ----- I was the secretary of that also.

Now until when did you remain a member of the African National Congress, Solomon? ----- Until the time that I was arrested.

Just give his Worship the date of your arrest, (25 if you can? ----- June 26, 1963.

At the time of your arrest did you hold any high office in the African National Congress? ----- Yes.

What position did you hold? ----- I was a member of the Ad Hoc Committee. (30

And as a member were you in charge of any sub-committee of the Ad Hoc Committee? ----- Yes.

Which/.....

Which one? ----- The rural area sub-committee.

I want you to tell his Worship, Solomon, how you progressed in the African National Congress. You told us that you were establishing a branch at Hammarsdale. Now just tell his Worship briefly your development in the A.N.C., how it came about that you went to the Ad Hoc Committee? ----- (The Court intervenes) (5)

BY THE COURT: Will you please tell me first, when did you hold this meeting at Woody Glen farm? ----- No, I wasn't in charge of the meeting. (10)

When was the meeting held? ----- It was on a Saturday evening. I don't remember the day and the month.

BY THE PROSECUTOR: And the year? ----- '62.

Yes, now just tell his Worship what positions you held in the African National Congress, before you went to the Ad Hoc? ----- I had no special office in the A.N.C. until the time that I went to the Ad Hoc Committee. I was only organising membership in my area. (15)

I see. How did it come about that you went onto the Ad Hoc Committee? ----- I was appointed. (20)

Who appointed you? ----- The National Executive of the A.N.C.

And how did the appointment come to your notice? ----- First I was notified by Stephen Dhlamini. Then secondly, I was notified properly when we had the first meeting of the Ad Hoc committee. (25)

Can you remember when that first meeting was? ----- In the beginning of March.

Of? ----- 1963.

Where was this meeting held? ----- It was in the office of N.T. Naicker in Valbro Chambers. (30)

N.T. Naicker, I understand that gentleman is an attorney/.....

attorney in Durban. Is that correct? ----- That is so.

Now in which part of his office or in which particular office of his offices did this meeting take place? ----- In the office in which George Mbele worked.

Now at this meeting did you come to know the (5 other members of the Ad Hoc Committee? ----- Yes.

Were these other members present? ----- They were present.

Who were these members? ----- There was Stephen Dhlamini, Stephen Mtshali, Selbourne Maponya, George Mbele (10 and myself.

Who was the chairman? ----- It was George Mbele.

And what were the functions of the Ad Hoc Committee, Solomon? ----- The Ad Hoc Committee was in charge of the Regional Committees and it formed Regional Executives (15 in all Natal, in the whole of Natal, and to organise membership in the rural areas outside.

Now after this first meeting of the Ad Hoc Committee, and I'm not going into any particulars as to what happened there, did you afterwards attend further meetings of the (20 Ad Hoc Committee? ----- Yes.

Was there any fixed time, or date, or place where the Ad Hoc Committee used to meet? ----- No, there was no fixed time or place or date. We were always told that there would be a meeting at such and such a place at (25 such and such a time.

Did meetings sometimes take place at which members of the Regional Committee of the A.N.C. was also present? ----- Yes.

Is the meeting of the Regional Committee with the (30 Ad Hoc Committee? ----- (By the Interpreter: Was there?)

Yes. ----- Yes, there was.

Can/.....

Can you remember when the first one of those meetings was? ----- Round about March or the beginning of April.

Of what year? ----- 1963.

Where was this meeting? ----- It was in the office of N.T. Naicker. (5)

In Valbro Chambers? ----- Yes.

Will you tell his Worship about this meeting? ----- That meeting was a joint meeting of the Ad Hoc Committee and the Regional Executive. (10)

Tell his Worship who were all present? ----- There were the members of the Ad Hoc Committee...(The Prosecutor intervenes)

Were they all present? ----- They were all present. (15)

Are these the members you've mentioned earlier on in your evidence? ----- Yes.

And apart from these members who else? ----- There were members of the Regional Executive.

Yes, who were they? ----- Fred Dube, Pascal Ngakane....(The Prosecutor intervenes) (20)

Who is Pascal Ngakane? ----- There he is, the accused.

Yes? ----- Jerry Kumalo, Charles Ndhlovu, Curnick Ndhlovu, Elias Kunene. I think that's about all. (25)

Yes, what time of the day was this meeting held? ----- It was in the afternoon after six (6).

Now you say the accused was one of the members who was present? ----- Yes.

What position did the accused hold at that time? (30) ----- He was the chairman of the Regional Executive.

Do you know when and under what circumstances

accused/....

accused became - came onto the Regional Committee and became the chairman? ----- No, I don't know. Apart from that I was told that he was the chairman. I don't know how.

Now explain to his Worship what happened at this meeting you've been telling his Wership about? ----- At (5 that meeting George Mbele was the chairman. We spoke about the financial position of the A.N.C. It was also said that the members of the Regional Committee and the Ad Hoc Committee should visit the members and visit the branches and assist them in organising. (10

Yes? ----- Then they said that Selbourne Maponya would appoint the various members who would visit the branches and he was to say who would visit which branch. After that George Mbele said that there was a political statement that came from the National. (15

National what? ----- National Executive of the A.N.C.

Yes, what did he say about this political statement? ----- He said that it should be read and discussed. Then it was agreed that another meeting would be arranged (20 where it would be read and discussed, not at that meeting. After that, before we had finished, there was a knock on the door and we thought it was the Special Branch.

What time was it approximately when this knock occurred? ----- I can't say when it was. It was after (25 six (6). Perhaps 7 or half past seven.

What happened when this knocking started on the door? ----- Well the meeting was spoilt. We thought it was the police. We all stood up on our feet and tore up the papers that we had. George Mbele then phoned up (30 N.T. Naicker. I don't know what he said to him. Selbourne then took out a nip of liquor and put it on the table, so that/.....

that it would look as if we were drinking. After that we opened the door and we decided to go away in twos and threes and we found that there was nothing outside the door, but we then went away. We did not come back to the meeting again.

This meeting, can you remember whether the accused(5 took any part in the discussions that went on? ----- All of us were talking, but I can't say anymore what he spoke, what he said.

Before this occasion, had you seen the accused at any meetings of the A.N.C.? ----- No, it was a person whom (10 I did not know at all.

Was this the first meeting at which the accused was present and which you also attended? ----- Yes, that was the first meeting at which I saw him.

You mentioned that at this meeting it was discussed that members should visit the branches? ----- Yes.

You might have said it and I might have missed it, what did you say, what was the reason for visiting the branches? ----- To assist the branches where they found difficulty in organising members. (20

Organising according to what? Organising what? ----- To get new members and also in the running of the organisation, and to implement the 'M' plan.

BY THE COURT: Is this what was said at this meeting at which there was a knock on the door? ----- Yes. (25

BY THE PROSECUTOR: Anything else that you can remember at this particular meeting? ----- I also said that we discussed the financial position of the organisation because it wasn't good at all. Every meeting just about we discussed the financial standing of the organisation. (30

BY THE COURT: Organisation of what? ----- Of the A.N.C.

BY THE PROSECUTOR: Yes, anything else? ----- And then there/.....

there was the statement, the announcement from George about the political statement that came from the National Executive.

He said that a further meeting would be held to discuss that political statement? ----- Yes. (5

Was this political statement read at this meeting where there was this knocking on the door? ----- No, it was not read.

Do you know the reason why it was not read? ----- Well I think because they were going to arrange a meeting for it. The sub-committees of the Ad Hoc Committee had to be present and also the Regional Secretary. (10

Was a subsequent meeting held? ----- Yes, it was.

Where was this meeting held? ----- It was in the Methodist Church in Lamontville. (15

When?----- After the meeting on which there was the knock on the door.

Yes, how long afterwards approximately? ----- I would say a week.

Can you give the date of the meeting? ----- (20
No, I don't remember the day, but it was on a Saturday evening.

Can you remember who attended this meeting at the Methodist Church in Lamontville? ----- I still remember some of them. (25

Yes, give me the names of those you remember? ----- There was George Mbele, Stephen Dhlamini, Stephen Mtshali, Selbourne Maponya, Queeneth Dhladhla... (The Prosecutor intervenes)

Just a moment. Queeneth Dhladhla. What (30
position did this woman hold in the A.N.C.? ----- She was a member of the sub-committee of the Trade Union.

Yes/.....

Yes, of which committee was this a sub-committee? -----

The Ad Hoc Committee.

Was she on the Trade Union sub-committee of the Ad Hoc? ----- Yes.

Yes, Queeneth Dhladhla, who else? ----- Fred Dube. (5

What was he on? ----- He was a member of the Regional Executive.

Yes, go on. ----- And Charles Ndhlovu.

What was his position? ----- He was a member of the Regional. Elias Kunene. (10

What was his position? ----- He was also a member of the Regional.

Regional what? ----- Regional Executive of the A.N.C.

Go on. ----- Curnick Ndhlovu. (15

His position? ----- He was also a member of the Regional Executive of the A.N.C.

Yes? ----- A.C. Shangase.

What was his position? ----- He was a member of the Propaganda Sub-Committee of the Ad Hoc Committee. (20

Go on? ----- Johannes Mkwanzazi.

What was his position? ----- He was a member of the Regional Secretariat.

Anybody else? ----- Mandhla Sithole.

His position? ----- He was a member of the Sub-Committee of the Secretariat of the Ad Hoc Committee. (25

Would that be a member of the Secretariat Sub-Committee of the Ad Hoc? ----- Yes.

Anybody else? ----- There was Mzimela.

What's his christian name? ----- I've just forgotten. (30

What position did he hold? ----- He's a member of/....

of the Sub-Committee of the Trade Union.

This is not one of the meetings referred to in Annexure 'A' your Worship. Yes, anybody else? ----- There were others whom I didn't know their names, who came from the Regional Secretariat. (5)

And what happened at this meeting? ----- That is where the political statement was read and it was discussed.

You see the accused, from what you've said, he was not present at this meeting? ----- He was not present.

I don't want you to - I'm not asking you for (10) any more details about this meeting, you see. When did you see the accused again? ----- (The Court intervenes)

BY THE COURT: After what?

BY THE PROSECUTOR: After - I'm sorry, after the meeting of the Regional Committee and the Ad Hoc meeting that was (15) held in the office of N.T. Naicker.

BY MR. UNTERHALTER: Your Worship, with respect, shouldn't my learned friend say: 'If you saw him at all.'

BY THE PROSECUTOR: If you saw him at all. I'm sorry, your Worship, I'll put it that way. ----- I saw him when we (20) had a meeting of the Ad Hoc Committee at George Singh's place. He came there. He, the accused.

Yes, I just want a little bit more detail. You say it was an Ad Hoc Committee Meeting at the house of George Singh. Where is this house of George Singh? ----- (25) It is at Riverside in Durban. I don't remember the name of the road, what it is, street.

Yes, and what time - when...(The Court intervenes)

BY THE COURT: It was a meeting of what? ----- Of the Ad Hoc Committee. (30)

BY MR. UNTERHALTER: Your Worship I don't know if my learned friend, with respect, can lead that evidence. The charge sheet

sheet doesn't allege the accused to have been present at any meeting at the house of George Singh at Riverside, and this case has not been prepared on the basis of meeting such a charge. If it's not in the charge sheet I submit it's not relevant evidence. (5)

BY THE COURT: Mr. Prosecutor, any reply?

BY THE PROSECUTOR: Yes, your Worship. I'm not going to allege that the accused actually attended this meeting, but the evidence.....(The Court intervenes)

BY THE COURT: But now do you say you are not going to allege it or don't you allege it? (10)

BY THE PROSECUTOR: I do not allege it and I'm not going to allege it either.

BY THE COURT: Would you like the witness to go out while we discuss it? (15)

BY THE PROSECUTOR: It might be advisable.

(AT THIS STAGE WITNESS LEAVES THE COURT)

BY THE PROSECUTOR: Your Worship will remember that the witness Elias Kunene spoke or is it Mtshali - I think it's Mtshali, spoke about attending a meeting of the African National Congress that was held at the house of George Singh and he gave evidence to the effect that the accused arrived at that particular house, that he was asked to leave; it was explained to the accused that it was not a meeting at which he could be present and the accused then left without actually attending the meeting. That evidence is in support of the evidence of the witness Mtshali that I'm asking this witness about. I submit that on that ground alone it would be entirely admissible and relevant evidence. (20)

(AT THIS STAGE FURTHER ARGUMENT ENSUES) (30)

LONG ADJOURNMENT.

ON/.....

ON RESUMPTION:

R U L I N G

BY THE COURT:

In this matter the accused is before the Court on several counts. The first alleges the contravention of (5
 Act No. 44 of 1950, in that during the period between the 1st of August, 1962, and the 22nd of February, 1964, and at Durban in the Regional Division of Natal, the said accused did wrongfully and unlawfully become or continue to be an office bearer, officer or member of an unlawful (20
 organisation, to wit the African National Congress, which became unlawful on the 8th of April, 1960.

Amongst the things which the prosecution will have to prove will be, inter alia, that the accused became or continued to be an office bearer, officer or member of (15
 an unlawful organisation, to wit the African National Congress. The Prosecutor will have to prove that he was one of those things during the period between the 1st of August, 1962, and the 22nd of February, 1964, within the limits which are prescribed by the Code. The Prosecutor will have to (20
 prove that the African National Congress was an unlawful organisation which continued to exist after the date on which it was declared unlawful, and he'll also have to prove that the accused was a member of that organisation.

Now the Prosecutor was asked to furnish certain (25
 particulars in regard to count one. The third paragraph in relation to that - the fourth paragraph in relation to those particulars is worded as follows:

'(a) Does the State rely on any of the presumptions contained in Section 12(1) of the Act?'

And the answer to that is: 'Yes.'

'(b) If so on what presumption or presumptions does it rely?' 'By attending meetings of the

African/.....

African National Congress, to wit the meetings detailed in the Annexures 'A' to the charge.

'(c) Full particulars are required of the alleged conduct of the accused on which the State relies for the coming into operation of the presumption or presumptions.'

The answer given is: 'See (b) above.' In other words, by attending meetings of the African National Congress which are detailed in Annexure 'A' to the charge.

Now so far as the operation of Section 12(1) of the Act is concerned, the presumption as I understand the law relates only to the question of the accused's membership of this organisation. That is one of the things which the prosecution will have to prove and, in so far as the Prosecutor sets out to rely on Section 12 of the Act No. 44(15) of 1950 to prove the accused's membership, he will be bound by the particulars which he has given and which are contained in Schedule 'A' in so far as the accused's attendance at meetings is concerned.

I've already said that the Prosecutor is required to prove not only the accused was a member of this organisation, but that the Prosecutor will have to prove that the organisation continued to exist after it was declared unlawful.

Just before the lunch adjournment the Prosecutor (25) was leading the evidence of the witness Solomon Mbanjwa and Mbanjwa said in evidence that the next - 'I next saw the accused after the meeting at Naicker's office. The accused came to George Singh's place at Riverside, Durban. It was a meeting of the Ad Hoc Committee.' Mr. Unterhalter (30) objected to that. He said that the Prosecutor had not particularised Singh's meeting at Riverside in Schedule 'A'.

He/.....

He said that consequently the evidence relating to the accused's attendance there was irrelevant, it had not been particularised and the Prosecutor was debarred from leading that evidence. The point is not without some difficulty.

When the witness Stephen Mtshali was giving evidence, he said: 'I next saw the accused at a meeting of the African National Congress. He came to a meeting which was to be at G. Singh's place, but it transpired that it was a meeting of the Regional Committee, so he left. It was a meeting of the Ad Hoc Committee and two members from the National Executive. That was in April, 1963.' Now that witness also deposed to that meeting having been held, a meeting of the Ad Hoc Committee of the African National Congress in April, 1963, and Mr. Unterhalter has now argued - he has said that had he been, I think he used the word 'More vigilant' at the time, he would have objected. I have not noticed that Mr. Unterhalter has displayed any signs whatever of being lacking in vigilance. However that may be, it seems to me that the test here is purely one of relevancy.

Now, with respect, I quote from the book on the Outlines of South African Law by Advocate Lansdown at page 338 he says: 'Where the evidence sought to be led directly concerns any fact in issue, that is any fact which it is necessary for the Prosecution to establish, if it is to prove its case, or for the defence to prove, if it is to succeed, there can of course be no question of its relevancy, nor can the relevancy be questioned of any evidence sought to be led directly concerning a fact relevant to the issue. That is a fact from which an inference can properly be drawn as to the existence of a fact in issue.' Apart from whether the accused was a

member/.....

member of the African National Congress, the Court will have to decide whether the organisation, as it has been called, which it is alleged was extant after the 8th of April, 1960, was the African National Congress, unlawful but still living; and when a witness gives evidence and he says: 'I next saw the accused at a meeting of the African National Congress, and he gives particulars and he says it was a meeting of the Ad Hoc Committee and two members from the National Executive and the meeting was held in April, 1963, then it seems to me that that evidence, quite apart from its cogency and its probative value, is relevant and it is, therefore, admissible. So it seems to me that the answer to the question, and it is a difficult one that has been posed at this stage, is this; that in so far as the Prosecutor has to prove the accused's membership of this unlawful organisation, the field which he can traverse is circumscribed by Annexure 'A' to the charge sheet, as to the accused's attendance at meetings.

In so far as the existence of the African National Congress is concerned, he is not to that extent circumscribed by Schedule 'A' to the charge. Therefore, it seems to me that question must be answered against the defence and in favour of the Prosecution. THE OBJECTION IS, THEREFORE, OVERRULED.

(AT THIS STAGE THE WITNESS RETURNS TO COURT)

SOLOMON MBANJWA: (Warned still under oath)

EXAMINATION BY THE PROSECUTOR CONTINUED:

Will you tell his Worship what happened at this meeting - what happened at the house of George Singh?

----- We were going to a meeting of the Ad Hoc Committee.

There were two people who came from the National

Executive

Executive whom we found there.

Who were these people? ----- It was Govan Mbeki and Dan. I forget his other name.

Go on. ----- A few minutes after we arrived Pascal Ngakane arrived, the accused. Then we were all (5 given supper before we started the meeting. When we went to the meeting the accused had already gone. I think he spoke to George. George must have told him he wasn't..... (The Prosecutor intervenes)

Thank you. I don't want to know what (10 conclusions you've come to. You say the accused left? ----- Yes.

Did you hear what George Mbele said to the accused? ----- No.

Now did you have a meeting of the Ad Hoc (15 Committee then at George Singh's house? ----- Yes, there was.

Will you tell his Worship what this meeting was about? ----- Two people had come from the National Executive to meet the members of the Ad Hoc Committee. (20

Yes, you've told us it was this man Dan and Govan Mbeki? ----- Yes, that is so.

Yes, and then? ----- They wanted a report on the work which we had done.

You say: 'Which we had done.' What do you (25 mean by 'We'? ----- That has been done by our Committee.

Which committee is that? ----- The Ad Hoc Committee.

Yes, and then what happened? ----- George then gave him a brief report, and George told him that the (30 greatest handicap we had was money, shortage of money. There wasn't enough money.

Yes/.....

Yes, go on. ----- Govan Mbeki said there was no necessity for there to be a finance problem because there was the Finance Committee and that should organise all the money matters.

Yes, go on. ----- Govan Mbeki then asked how the (5 organising was going on in the outside areas.

In which - what do you mean by 'Outside areas'? ----- The rural areas. That was my work. I told him that due to the lack of money I haven't been able to go out yet into the rural areas to organise it there. He said I (10 shouldn't waste time I should hurry and get out to the rural areas, because we were in bad times at the moment.

Yes, were other matters discussed or not? I don't want to go into the details. ----- It was discussed about the money. (15

Yes, all right. Did you see the accused again after this evening, this day, I'm sorry. I might perhaps just ask you, what time of the day was this meeting held? ----- In the evening.

Did you see the accused again after this (20 meeting? ----- No, I did not see him again.

Not at all up to the time of your arrest? ----- No, I never saw him again at a meeting.

Now I want to show you a pamphlet which is in the Zulu language, which is a document which I propose (25 handing in as EXHIBIT 'EEE'. Will you just look at this please? ----- Yes, I see the exhibit.

For the record, the document which I now propose handing in will be EXHIBIT 'T'. ----- (The Court intervenes)

BY THE COURT: Yes, you asked the witness to look at (30 EXHIBIT 'E' and what you really meant was you wanted him to look at EXHIBIT 'S', didn't you?

BY/.....

BY THE PROSECUTOR: No, Sir, 'T'.

BY THE COURT: Now has Mr. Unterhalter seen this?

BY MR. UNTERHALTER: Yes.

BY THE PROSECUTOR: With your Worship's permission I also attach to EXHIBIT 'T' an English translation which I have (5 marked EXHIBIT 'U'. I ask that it go in at this stage subject to proof by the translator afterwards.

BY THE COURT: Any objection, Mr. Unterhalter?

BY MR. UNTERHALTER: No, your Worship.

BY THE PROSECUTOR: (10

Now what can you tell his Worship about the document EXHIBIT 'T'? ----- It was a leaflet which we sent out to all the Bantu chiefs in Natal who were going to have a meeting in Zululand. At that meeting we realised that they were going to discuss the subject of (15 self-rule.

What do you call it in English? ----- Bantu authorities.

Yes, Bantu authorities. And you say you then decided to issue a leaflet? ----- Yes. (20

Can you say who decided to issue a leaflet? ----- Our Committee, the Ad Hoc Committee.

Who produced the leaflet? ----- George Mbele was in charge of the propaganda. He's the one that should have written it out. (25

Yes, and I see it is roneed. Who roneed the pamphlet? ----- I asked Curnick Ndhlovu to roneo the copies out because the stencil was brought to me by Selbourne Maponya. After they had been roneed I myself put them into the addresses. I'd written the names and addresses (30 of the chiefs on envelopes and put the leaflets in the envelopes.

Now/.....

Now who brought the stencil to you? -----

Selbourne Maponya.

And do you know whether those leaflets were distributed or not? ----- Yes, I know they were distributed because the majority of them I put in the post (5 myself.

Who did you post them to? ----- To the Bantu chiefs. Before the meeting took place.

BY THE COURT: Which meeting? ----- The meeting of the Bantu chiefs which was to be in Zululand. (10

BY THE PROSECUTOR: Is that the meeting at which the Chiefs were going to discuss the Bantu authorities? ----- Yes.

What was the feeling of the Ad Hoc Committee of the A.N.C. about the law providing for Bantu authorities? ----- It was not in agreement with it, your Worship. (15

And the purpose of the leaflet? What was that? ----- It was intended to influence the Chiefs not to accept the Bantu authorities.

Apart from the African National Congress did you belong to any other organisation during the period (20 from 1962 until the date of your arrest? ----- Yes.

Which one? ----- Mkonto We Sizwe, Spear of the Nation.

When did you join that organisation? ----- In '62. (25

Before you joined the African National Congress or after that? ----- I had already joined.

The African National Congress? ----- The African National Congress.

And at the date of your arrest what position (30 did you hold in the Mkonto We Sizwe? ----- I was a platoon leader, in the Regional Command of the Mkonto in charge/.....

charge of recruiting.

Did you take part in the commission of acts of sabotage? ----- Yes.

And after your arrest were you detained by the police? ----- Yes. (5

Do you know under which law you were detained? -----
The 90 day law.

Were you questioned by the police after your detention? ----- Yes.

And did you answer questions? ----- I answered (10
questions but in the beginning I was not answering them truthfully.

What was the object in not telling - not answering truthfully? ----- I wanted to hide our activities which we had done. (15

And subsequently did you come out with your activities? ----- Yes.

Did you also make a statement to the police, a written statement? ----- I made a statement but it wasn't written by me. It was written by a policeman who was (20
taking down the statement.

What was that? ----- (Interpreter: He says: 'I made a statement but it was not written by me, it was written by the policeman taking down the statement.)

Just for the - to prevent any misunderstanding. (25
How many statements did you make? ----- I made one statement which covered all my activities.

Did you give evidence in the case at Ladysmith? -----
Yes.

Is that the trial of the State versus George (30
Mbele and others? ----- Yes.

Did you also give evidence in the trial at

Pietermaritzburg/....

Pietermaritzburg, which is known as the Sabotage trial? -----
Yes.

Now I have asked you only about a few meetings this morning. Apart from these meetings that you've given evidence about today, did you attend other meetings as well?(5
----- Yes. Quite a few.

What meetings were these? ----- They were meetings of the A.N.C. and meetings of the Mkonto as well.

I want to refer you to EXHIBIT 'J', that is a document which according to the evidence was found at a (10
place called Trevallan in the Transvaal. It's an address: Miss S. Gumede, 45 Lancers Road, Durban. Then there is written the words: 'Inside Solly.' Do you know that address? ----- I know it.

What do you know about that address? ----- (15
That was the address to which the correspondence had to be sent which came from the National Correspondent that had to come to me.

The National? ----- (Interpreter: The National Executive, I'm sorry) Of the A.N.C. (20

And for what body did you receive post here in Durban? ----- The Ad Hoc Committee of the A.N.C.

Also on the same document, the same exhibit, EXHIBIT 'J', there appears another address. Mr. K.S. Gopal, 56(a) Cross Street, Durban, and opposite it is written: (25
'For Ad Hoc Committee.' Do you know that address? -----
I do not know that address.

Also in the same, EXHIBIT 'J', there appears the address Mr. B.E. Kumalo, P.O. Box 83, Jacobs, Natal. Do you know that address? ----- No, I do not know that (30
address.

Now we have heard quite some evidence about the
National/.....

National Executive. Do you know where the National Executive of the A.N.C. was? ----- As far as I knew it was in Johannesburg.

Did you ever go there? ----- No.

NO FURTHER QUESTIONS BY THE PROSECUTOR.

(5)

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Mbanjwa, you told his Worship that before the banning of the African National Congress you were a member of it? ----- Yes.

(10)

And you were a member of it in 1959, presumably? ----- I was still a member.

Yes, and you were the Secretary of the branch? ----- Yes.

How many members were in that branch? ----- I don't remember the exact number but at that stage they were over one thousand.

(15)

What was the name of the branch? ----- The Somtseu Road location branch.

Now was the branch divided into Committees of various kinds? ----- No, there was only one Committee that was in charge of the whole branch.

(20)

Yes, how many members did that Committee consist of? ----- Nine (9).

Do you remember today who they were? ----- I don't remember them all anymore.

(25)

How many have you forgotten? ----- Nearly five.

How often did th's Committee used to meet? ----- It used to meet once a month, or unless there was some important matter, an urgent matter.

(30)

Did it always meet in the same place? ----- Yes, we had one place where we always met.

Did/.....

Did it always meet on the same day of the week?

----- We used to meet on one day in the week.

And would you say there were regular meetings during the year 1959? ----- There were meetings but not every day. (5)

Well would you say once a month there was a meeting? ----- Well the Committee, I said, used to meet once a month.

I'm referring to the Committee. ----- Yes.

If I were to ask you who had attended a meeting (10 of that Committee in November 1959, could you give an exact description of everyone who was present as well as the names? ----- No, it's a long time ago '59. I would not be able to tell you.

And that goes for any of the meetings during (15 '59? ----- Yes, I can't tell you all of them who were there in '59.

And I suppose as far as your work in S.A.C.T.U. (20 is concerned at that time, the same applies? ----- Which meetings of S.A.C.T.U. do you mean?

Well any ones that you may have attended. ----- You mean perhaps a conference of S.A.C.T.U.?

Well let me be precise. I take it S.A.C.T.U. (25 had committee meetings? ----- Yes, it had committee meetings.

And it would be difficult to remember them today, wouldn't it? ----- Well in '59 I wasn't in S.A.C.T.U. proper yet then. I was still organising the Tea and Coffee Workers Union. I started with S.A.C.T.U. in 1960.

Yes. Well you wouldn't remember much of those (30 meetings either, would you, today? ----- You mean meetings that were held by S.A.C.T.U. at that time?

Yes./.....

Yes. ----- No, I wouldn't know them all, as to how many there were.

Or the people who were there? ----- As far as the committee is concerned I know that it was only the full-time functioners that met at that time. (5

Yes. Now you say that there was a meeting after you had joined the banned A.N.C. at Woody Glen? ----- Yes.

Do you remember the people who were there? ----- I remember those whom I know the names of. Those I don't know the names of I don't know. (10

Do you want to try and tell us who you remember? ----- Stephen Dhlamini, Milner Ntsangane, Curnick Ndhlovu, Alson Kanyile, Cecil Nduli, Elias Kunene, A.C. Shangase and his wife, Mrs. Ndhlovu, Esther Gwala, Moses Molife.. (By the Interpreter: Mrs. Sorry. Witness corrects (15 the Interpreter.) Mrs. Molife. Myself also, I was there, and others also whom I don't know the names of. Some of them I saw for the first time there.

Yes, how many people would you say were there? ----- (By the Interpreter: Altogether?) (20

Yes. ----- I didn't count them.

Well can't you even hazard a guess? ----- It would be round about twenty-five (25).

That was more than two years ago? ----- What I'm speaking about now happened in 1962. (25

Yes, more than two years ago? ----- One year is finished, '63, that it has happened. This year we have now hasn't finished yet.

What month in '62 did this meeting take place? ----- I don't remember the month anymore, but it was before (30 July.

You see we're now in August of '62, so it's

more/.....

more than two years ago that this happened. ----- Yes, well if you reckon it out that way. I did not say that I knew the exact months.

You don't have difficulty in recalling things that happened two years ago? ----- Some things I do remember. (5 Other things I don't remember. I do not remember everything.

How many meetings of the A.N.C. did you attend in the year '62? ----- Only two.

The second one being where? ----- The one at (10 Meyiwa's place.

And do you remember how many people were there? ----- I did not count them.

Large number? Small number? ----- There was just a small number, not a large number. (15

Do you remember who the people were who were there? ----- I could name them.

Will you give the names please? ----- There was Meyiwa, Zulu, A.C. Shangase and his wife, Bernard Nkosi, Esther Gwala, Mrs. Ndhlovu, Mrs. Molife and Zondi. That's (20 what I remember.

And in what month did this meeting take place? ----- I don't remember the exact month anymore because we didn't write it down that the meeting was at such and such a time. (25

Also before July '62? ----- Yes, before July.

You have no difficulty in remember all these names? ----- Well those I still have in my mind.

Now during 1962 were you also doing work in S.A.C.T.U.? ----- Yes. (30

You attend committee meetings? ----- Yes, I did.

How often were committee meetings held? -----

Well/.....

Well perhaps we'd meet once a week.

Yes. ----- Or if there was any hurried matter then we'd meet again.

Yes, what was the name of the committee? -----
The South African Congress of Trade Unions. (5

Yes. And you say there were weekly meetings? -----
I say so.

Throughout 1962? ----- I wasn't present always at all the meetings because I used to go to other places, like Ladysmith. I used to go and organise there. (10

But you were present at quite a number of the S.A.C.T.U. committee meetings? ----- Yes.

And if I were to ask you to give the names of the people who attended these meetings in 1962, could you give them? ----- Yes, I know them. I would have no (15
difficulty because they are full-time functioners.

And would you remember if sometimes there was a man absent because of illness? Or some other reason? -----
Well if somebody wasn't there we'd get a report to say that he can't come, that he's ill or he's gone elsewhere. (20

I know Mr. Mbanjwa. That's not my question. Would you remember today in respect of all the S.A.C.T.U. people if certain of the full-time functionaries **was absent** at a particular meeting? ----- No, I didn't keep all that in my mind to be able to know today that so and so wasn't (25
at such and such a meeting.

So that you couldn't really say who the people were that attended each one of these S.A.C.T.U. meetings? ----- As I said the people, the only people who attended the meetings of S.A.C.T.U. were the full-time functionaries. (30
I would not be able to say who was at such a meeting and who wasn't.

Yes/.....

Yes. Now it's quite understandable Mr. Mbanjwa that you shouldn't remember all these details. People have got a limited memory. ----- Yes, that is so. I know that.

That being so, how is it that in 1962 you remember so well the people at the A.N.C. meetings, although you (5 wouldn't remember so well the people at the S.A.C.T.U. committee meetings? ----- Because of the A.N.C. there were only two meetings. S.A.C.T.U. had many meetings.

And just because of these few meetings you're certain of the details, are you? ----- Like what? (10

These two A.N.C. meetings you've spoken about? -----In 1962 there were only two meetings of the A.N.C. and those were secret meetings. That's why a meeting that happens under those circumstances you take very careful note of everything that happens. And some of the things (15 though that happened, you lose from your memory. You don't remember them all either.

You're not so confident about the A.N.C. meetings because you're testifying today in respect of A.N.C. matters? What I say your Worship is what I still remember in my (20 mind as it was.

Now Mr. Mbanjwa, let me say right at the commencement, you're aware of the responsibility that you carry when you give evidence in a Court of law under oath? ----- Yes, to speak the truth. (25

You know that when you mention a person's name you implicate that person? ----- That is so. I know that.

You are aware that you have to be careful and accurate when you tell his Worship what you know? ----- That is so. (30

Now you have given evidence about a meeting that was interrupted by knocking. ----- Yes.

You/.....

You say this was a joint meeting of the Ad Hoc Committee and the Regional Executive? ----- Yes.

Let's be clear on this. The term has been used in this trial Regional Committee, you are using the term Regional Executive. Is there any difference between the two terms? ----- It might be called different names in English, but it is one thing. (5

So what you call the Regional Executive, and what other people have called the Regional Committee, are really one and the same thing? ----- Yes, it is one and the same thing. (10

Now you know clearly the meeting to which I am referring? The one at which there was the knocking. ----- Yes.

You weren't at any other meeting which was interrupted by knocking by people? ----- No, there was only that meeting, no other meeting. (15

That was in the offices of N.T. Naicker, the lawyer? ----- Yes.

Now you gave us the members who were present, Stephen Dhlamini, Stephen Mtshali? ----- Yes. (20

Selbourne Maponya? ----- Yes.

George Mbele? ----- Yes.

And yourself? ----- Yes.

Now do you remember those names because you remember their being there, or do you remember those names because they are the members of the Ad Hoc Committee? ----- They were there. (25

You give as the members of the Regional Committee, I'm reading from your evidence-in-chief, Fred Dube? ----- Yes. (30

Pascal Ngakane, the accused? ----- Yes.

Jerry Kumalo/.....

Jerry Kumalo? ----- Yes.

Charles Ndhlovu? ----- Yes.

Curnick Ndhlovu? ----- Yes.

And Elias Kunene? ----- Yes.

Do you remember those because they are the members(5
of the Regional Committee or because they were actually
there? ----- I remember in my mind that they were at the
meeting.

You have no doubt about it? ----- In my mind they
were there. (10

Mr. Mbanjwa, Elias Kunene has given evidence in
this Court, and his attention has been directed to a meeting
such as I've described to you where there was knocking on
the door in the office of N.T. Naicker, and he has denied
being present at that meeting. ----- (Mr. Unterhalter adds) (15

Now is he wrong or are you wrong? ----- I'm not
going to say who's wrong. In my mind he was there.

And you've no doubt about it, even though I've now
informed you that Elias Kunene has denied that he was there?
----- Well I'm saying what is in my mind. I can't say (20
what was in his mind.

Now I want to tell you as well, Mr. Mbanjwa, that
Stephen Mtshali gave evidence in this Court and he doesn't
say that Elias Kunene was here - was at that meeting, and
it was put to him. Now what do you say to that? ----- (25
Well that's in their mind, your Worship. I'm saying what's
in my mind.

So are there two people who are wrong and you are
right? ----- I don't know. I know nothing about them.
I wasn't here when they spoke. I only hear it from you (30
now.

And you have my assurance that what I'm telling
you/.....

you is correct. If I say anything wrong his Worship and my learned friend will correct me. ----- Well I can just tell you what is in my memory and that is that he was there.

So according to you Mr. Mbanjwa if Elias Kunene was on trial in this Court this afternoon, on your evidence (5 he would have to be implicated. You are satisfied to implicate him? ----- Well what I say is what I still remember what is in my mind and that I must say. I must place before you what is in my memory. I can't do anything else. (10

All right. Now Charles Ndhlovu, he was there according to you? ----- That is so.

Stephen Mtshali, to whom this was put this morning, makes no mention of Charles Ndhlovu being at that meeting. ----- (Mr. Unterhalter adds) (15

What do you say about that? ----- Well that's his affair. I'm saying what's in my mind.

All right, Mr. Mbanjwa. I've given you these names. I've given you the difficulties as they arise from the evidence of other people. Are you satisfied that (20 your statement is a complete statement of the people who were there? ----- What I have told the Court is what I still have in my memory as remembering it to have been so.

There are no names that you want to take out? ----- Take it out in what way? (25

Such as Charles Ndhlovu or Elias Kunene. ----- No, I must tell the Court what I know as to how it was.

And there are no names that you want to add? ----- Only those that I have named to the Court.

That was the total attendance at the meeting? (30 ----- Yes, as far as I know in my mind. Those whom I mentioned, they are the ones who were at that meeting.

Well/.....

Well now I want to tell you something else, Mr. Mbanjwa. Stephen Mtshali has described a portion of this meeting in so far as the people present are concerned, and he has added a name that you have not mentioned. You cannot think of any other names? ----- It's only the ones (5 that I have mentioned that are in my memory. I can't go and add any others.

Well he refers to Milner Ntsangane as being there. You don't. ----- I didn't put him in.

BY COURT: What's that? ----- (Interpreter: I did not put (10 him in.)

But do you say he was there? ----- I don't remember him being there. If I had remembered that he was there I would have mentioned him.

BY MR. UNTERHALTER: Now Mr. Mbanjwa, I've questioned (15 you on your powers of memory, and you claim to have remembered the names of the people at the two meetings that you attended in 1962? ----- Yes.

I want to ask you, how is it that you don't remember the name of Milner Ntsangane? ----- It means (20 that I didn't notice him at the meeting that he was there. I did not see him.

Now Mr. Mbanjwa, you will agree that Milner Ntsangane was quite an important personality in the organisation at that time, wasn't he? ----- I know that. (25

And I want to put it to you that if there's anyone that you could be expected to remember, it would be him. ----- No, I don't remember him being there. As far as I remember he was not here in Natal at the time. He was in Johannesburg. (30

So you now take up a definite line and you say that he was not there? ----- I don't see him at all.

I'm/.....

I'm trying to picture us all, where we sat, and I can't see him sitting anywhere.

Can you tell us why Stephen Mtshali should have said that he was there? ----- I don't know. I cannot speak for him. (5)

Mr. Mbanjwa, were the matters that were discussed at this meeting important matters? ----- In my evidence-in-chief I mentioned the matters that were discussed there.

I'm asking for your opinion on them. Would you say they were important matters? ----- You can't discuss anything at a meeting that's of no importance. Everything you discuss is of some importance. (10)

Yes, but wouldn't you agree it was rather of special importance, that meeting? ----- What they discussed was important, because it was the work of the organisation. (15)

But it was specially important because you had information that a political statement had come? ----- Everything we spoke about was important and even the finance, because an organisation can't carry on without money. (20)

But you agree it was also important because mention was made of this political statement? ----- As I said, everything we discuss is important, never mind what it is.

Mr. Mbanjwa, I don't know why you don't give me an answer. Are you worried about the form of my question? ----- I'm answering your question in the way I should. How do you want me to answer? (25)

I'm not saying, suggesting to you that the other matters were not important. I'm suggesting to you that the fact there was a political - reference was made to a political statement is an additional reason for the meeting being/..... (30)

being an important meeting. ----- You're putting it in such a way as if I say that the meeting is not important. I said that every meeting was important, whatever was discussed.

I'm talking about this meeting. ----- As I said, that was also an important meeting, because nothing was (5 spoken at the meeting that was not important.

And I take it, Mr. Mbanjwa, that the members of the Ad Hoc Committee were responsible people? ----- Yes.

They were doing their jobs properly? ----- Yes.

As far as you could see were they paying (10 attention to what was going on at that meeting? ----- Yes, I believe they were paying attention.

Remember Stephen Mtshali took part in the discussion? ----- Well as I have said they were all talking, but I can't say now as to who was talking about (15 what and who said what, apart from George Mbele what he put before the meeting, because he was the chairman.

You didn't notice anyone sleeping at that meeting? ----- No, I don't remember that there was anybody that did sleep. If there was anybody that did sleep, well then I (20 don't remember it anymore.

You don't remember seeing anybody drunk? ----- No, I don't remember anybody being drunk, apart from the liquor that I saw Selbourne Maponya take out and put on the table when there was a knock on the door. (25

But the liquor was put out after the business of the meeting had proceeded for some time? ----- Yes, the liquor was taken out after some time when there was a knock on the door and it was placed on the table.

And the idea was to bluff the police, if they (30 came in, that this was a drinking party and not a political meeting? ----- Yes.

You/.....

You see I'm asking you these questions, Mr. Mbanjwa, because Stephen Mtshali is unable to remember anything whatsoever about the business of this meeting. ----- That's his affair. I can't say anything about that.

Now it was an important meeting, you said so. (5
----- It was an important meeting. As I said all meetings were important.

And as far as you could see no one was asleep at the meeting? ----- Somebody might have - could have slept at the meeting, but I don't remember seeing anybody sleeping. If there was anybody who had slept I don't remember seeing it.

And you didn't notice Stephen Mtshali sleeping? ----- There's not a single person whom I saw sleeping. If I had seen anybody sleeping then I would have said that so and so was sleeping. (15

And Stephen Mtshali, as far as you can say, was not drunk? ----- There's nobody I saw there drunk at all.

Now this meeting was interrupted by a knocking on the door, is that right? ----- Yes.

And you were all very worried? ----- Yes. (20

And papers were torn? ----- Yes.

Your Worship perhaps following the procedure that we've adopted earlier, in order to make quite sure as to what I put to the witness, he could be asked to leave the Court. I wanted some guidance on a matter. (25

(AT THIS STAGE THE WITNESS LEAVES THE COURT)

BY MR. UNTERHALTER: Your Worship the evidence-in-chief of Stephen Mtshali, dealing with meeting number seven, which is after lunch, where Stephen Mtshali's evidence commences.

BY THE COURT: Meeting number seven? (30

BY MR. UNTERHALTER: Meeting number seven. It's in chief.

BY THE COURT: He dealt with the number one meeting first.

Then/.....

Then he spoke about meeting number four, then he spoke about meeting number nine, the one at Lamontville, and then regarding seven, he said that...(AT THIS STAGE THE MACHINE IS SWITCHED OFF)

(5

(RECORDING MACHINE SWITCHED ON)

(THE WITNESS RETURNS TO COURT)

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now Mr. Mbanjwa, you describe in your own words what happened when the knocking started? For example who (10 was speaking when the knocking started? ----- I don't remember who was speaking.

But someone was speaking? ----- Yes, I remember somebody was speaking.

Did that person do anything when the knocking (15 started? ----- I don't remember what the person did, apart from the fact that we all got a fright, we thought that it was the Special Branch.

Well can you tell us what any of the other people did apart from taking fright? ----- Well we were all (20 feeling in our pockets to see whether we had any documents or so, or letters, which we didn't want to get into the hands of the police in case it was a raid.

And did you tear them up? ----- Yes, whoever had anything on him, which he decided might be dangerous for (25 him or something with addresses on, he tore it up.

Did anyone try to do anything else before tearing up the papers, in order to conceal the information on the papers? ----- I can't remember all the details as to who did what and who did what. I can only tell the Court (30 what I still remember.

Well Mr. Mbanjwa, I want to tell you what Mtshali told/.....

told his Worship. Mtshali said that George Mbele opened the meeting, and that the Speaker was Milner Ntsangane. Now don't you remember that? ----- I know George opened the meeting, because he was the Chairman, but I don't remember Milner speaking at that meeting. (5

And Mtshali says that Milner was holding papers in his hand and he was looking down at his papers while.. (Inaudible as Interpreter intervenes). And he goes on to say that when the knocking commenced Milner tore up the papers in his hand. Now isn't that sufficient to jog your (10 memory or to help you say that Stephen Mtshali is wrong? ----- I'm not going to say that he was wrong. If I had known Milner was there I would say Milner was there, but I can't say that I saw Milner do anything if I don't say that he was there. (15

Now Mtshali goes on to say that some of the members took out note-books and paper to rub out what they had written, and someone said it's no use rubbing out what was written, because the members of the Special Branch would be able to see what was written. Do you remember (20 that? ----- As I said every one of us was looking in his pockets to feel what he had that might incriminate him, and we were all standing up and this one was talking and that one was talking.

You don't remember those particular words being (25 used, about rubbing out? ----- Whoever said that, might have said **it** to the person he was speaking to, but at that stage there wasn't only one person speaking.

Now who took out the nip of liquor? ----- Selbourne. (30

Did he say anything? ----- He put it on top of the table so that if the police came they'd think it was a party/.....

party.

Why do you say 'So that if the police came'.
What leads you to say that? ----- I'm saying what Selbourne
did. He took that out, put it on the table, and if the
police came they would have thought it was a party. (5

Now do you - Oh, a party? ----- Party.
P-a-r-t-y. (Spelt out)

Now do you infer about this pretense of a party,
from what Selbourne Maponya did, or did Selbourne Maponya
say it? ----- Selbourne spoke and I was close to him (10
when he spoke that.

That you heard? ----- I heard that.

What happened to the liquor? ----- The liquor
was left there. I think it was drunk by George in the end.
He eventually had a row in the end with Selbourne over (15
it, because Selbourne said why did he drink his liquor.

You say there was a 'phone conversation? -----
Yes.

Did you overhear - you didn't overhear what was
said? ----- No, I did not hear. (20

AT THIS STAGE CASE ADJOURNED TO 11.8.1964, AT 9.15.

RESUMED ON 11.8.1964.

APPEARANCES AS BEFORE.

BY THE COURT: Gentlemen, I've received the following (25
telegram which seems as though it may have something to do
with this case. It is addressed as follows: 'Beamish, Esq.
Regional Court Magistrate, Pietermaritzburg. Restricted
to Durban Magisterial Area. Cannot attend Court as witness.
Subpoena also irregular. N.T. Naicker.' (30

BY THE PROSECUTOR: That is a gentleman that was subpoenaed
by the State as a witness, your Worship. He was due to

appear/.....

appear here this morning.

BY THE COURT: Yes, well I've just received a telegram. It was delivered to my office at 9.25 a.m. today. Now I thought I'd better mention it here because it seems to have something to do with this case, and would you like to take (5 the telegram, Mr. Prosecutor? Perhaps you would just show it to Mr. Unterhalter. I don't know anything about the matter at all.

SOLOMON MBANJWA: (Warned still under oath) (10

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now Mr. Mbanjwa, you had given us evidence yesterday in regard to a meeting you attended where there was the knocking on the door. ----- Yes.

And you referred to a political document that (15 was mentioned at that meeting. ----- Yes.

And I think you went on to say that the next meeting at which this document was discussed was at the Methodist Church. -----Yes.

And that was a meeting where the Ad Hoc Committee (20 was present, the Regional Committee was present and certain sub-committees of the Ad Hoc Committee? ----- Yes.

And this document then showed that there was a connection between the A.N.C. and Mkonto? ----- Yes.

And this was the first time you had heard of (25 that? ----- You mean hear about Mkonto?

No, the link between the A.N.C. and Mkonto. ----- Yes.

Now Mr. Mbanjwa, Stephen Mtshali has given evidence in this Court and I've already mentioned to (30 you that in his evidence he talks about being at the meeting where the knocking was on the door, but he remembers

nothing/.....

nothing of the business of the meeting. You heard that?

----- Yes.

Now he went on to give evidence about a meeting which he said was held in a house near that of one Fred Dube, in Lamontville, and he says that this was a joint (5 meeting of the Ad Hoc Committee, the Regional Committee and the Regional Secretariat, and he says that you were present at that meeting. Now I shall give you a little more detail to enable you to say whether you remember that meeting. He says that at this meeting first of all the Regional (10 Secretariat was asked to leave, and after that the Regional Committee was asked to leave, except for Curnick Ndhlovu and, according to him, the accused; and, he says, thereafter that meeting was adjourned to the flat and surgery of the accused at Ebony Shopping Centre, Lamontville, and you (15 were among those who came to the flat of the accused; and, he says, there was a discussion about the relationship between the A.N.C. and Mkonto. Now does that assist you to say whether or not you were present at such a meeting? ----- If I knew about this meeting I'd have spoken about it. (20

So is the Court to assume that as far as you are concerned you weren't at that meeting? ----- Well Mtshali is saying what he says what he remembers and so am I. If I don't remember anything I don't remember it.

Mr. Mbanjwa, you have claimed to remember in (25 some detail a fair number of meetings, including the earlier meetings of the A.N.C. when you first joined. ----- Yes.

And this meeting to which I'm referring appears to be a most important meeting in showing the relation- (30 ship between the A.N.C. and Mkonto. Now if you'd been at that meeting I take it you'd surely have remembered, particularly/.....

particularly as you are alleged to have been in the flat of the accused? ----- Well as I say if I remember it I would say so. There are many meetings that have taken place. I can't say every meeting that took place and what was discussed and where it was. (5

Do you say you were definitely not at the flat of the accused to discuss these matters? ----- I don't remember. I don't remember that meeting.

BY THE COURT: Yes, well now I wonder if you'll answer the question. Were you definitely not at the accused's flat (10 or don't you remember? ----- I don't remember.

BY MR. UNTERHALTER: Can you explain to his Worship how it is that you don't remember this meeting and yet you remember other meetings that you deposed to in such great detail? ----- I have already said there were many meetings and it's (15 impossible for one to remember every meeting, that this one took place there, that one there and this and that was discussed.

BY THE COURT: It's impossible to remember what? ----- All the meetings, as to where this one was, where that one was (20 and what was discussed at this one and what was discussed at that one. You can only talk about the ones you remember.

BY MR. UNTERHALTER: Mr. Mbanjwa, you've just told his Worship that as far as you - as far as I understand you - that you don't remember. ----- Yes, I say so. (25

My question was a different one. Can you say positively that you were not at that meeting?----- Well I thought I had explained that there were many meetings and that I don't remember all the meetings. I say I don't remember the meeting. (30

Now Mr. Mbanjwa I tried to assist you by telling you that this was a meeting at which the Mkonto was

discussed/.....

discussed. An A.N.C. meeting at which the Mkonto was discussed. Now can you say? ----- It wasn't only the A.N.C. meetings where the Mkonto was discussed. There were other meetings also at which the Mkonto was discussed.

Well I'm directing your attention to an A.N.C. (5 meeting at which the Mkont was discussed according to Stephen Mtshali. ----- Well I also say that there were other meetings also of A.N.C. where the Mkonto was discussed.

And at which you were present? ----- At which (10 I was present.

And before the meeting in the Methodist Church? ----- After.

But not before? ----- Not before.

So then if this was a meeting of the A.N.C. (15 at which Stephen Mtshali says you were present and the Mkonto was discussed, then can you say that you don't remember or can you say that he is wrong? ----- I thought I had said that I do not remember the meeting. I do not say that I have gone to every meeting. I don't remember all (20 the meetings anymore that there were.

Well in other words you persist in your attitude that it's a question of failure of recognition -- of recollection? ----- I don't remember.

You gave evidence at the trial of George Mbele (25 and others in Ladysmith, did you not? ----- Yes.

And you gave evidence about the meeting in the Methodist Church? ----- Ye .

And you said it was a meeting of the Ad Hoc Committee, Regional Committee and the Regional Secretariat?(30 Correct? And the sub-committees. ----- And the sub-committees.

Of the Ad Hoc? ----- Of the Ad Hoc.

And you said that this document was discussed? -----

Yes.

And it revealed the association between the A.N.C. and Mkonto? ----- Yes, that subject was touched on. (5)

Now Mr. Mbanjwa, I'm going to read to you from what was said at page 334, line 16, of the record. The Prosecutor asked you this question in relation to that meeting:

'Was this Spear of the Nation, the Mkonto We Sizwe, discussed at any previous meeting of the A.N.C. at which you were present, or was this the first one at which it was mentioned?' (10)

and your answer is given as follows:

'That was the first meeting at which I was present.' (15)

You did say that, didn't you? ----- Yes, that is so.

Now if on that occasion you made the definite statement that that was the first meeting at which you were present when the Spear of the Nation was discussed (20) at an A.N.C. meeting, why do you say in this Court that you don't remember? Why aren't you as definite today as you were at Ladysmith? ----- (The Court intervenes before question is put to the witness by the Interpreter)

BY THE COURT: Just a moment. Mr. Unterhalter did the (25) witness say that? Did he say that?

BY MR. UNTERHALTER: Say what, your Worship?

BY THE COURT: The answer that you read out there, as I heard it, was - just read the answer again.

BY MR. UNTERHALTER: 'That was the first meeting at which (30) I was present.'

BY THE COURT: Yes, did he say there that it was the first meeting/.....

meeting at which he was present where it was discussed?

BY MR. UNTERHALTER: Well, your Worship, let me read the question and let me read the answer.

BY THE COURT: I haven't got that record, as you know.

BY MR. UNTERHALTER: Perhaps if I read it slowly to your Worship. (5)

'Was this Spear of the Nation, the Mkonto We Sizwe, discussed at any previous meeting of the A.N.C. at which you were present, or was this the first one at which it was mentioned? (10)
----- That was the first meeting at which I was present.'

Your Worship my submission is that it is quite clear that the answer that he is giving is an answer in regard to discussions of the Mkonto at A.N.C. meetings. (15)

BY THE COURT: Well Mr. Unterhalter it may be in the context of the rest of the evidence, but I find it difficult to accept that proposition.

BY MR. UNTERHALTER: Well if the witness can leave the Court I'll read the rest to the Court. (20)

(AT THIS STAGE THE WITNESS LEAVES THE COURT)

BY MR. UNTERHALTER: Your Worship will recollect that in the cross-examination of Stephen Mtshali there was quite an extensive canvas of this particular aspect. Stephen Mtshali maintained that this document had been discussed (25) at the accused's flat, thereafter at the meeting at the office of N.T. Naicker, and for the third time at the Methodist Church, and I put it to Stephen Mtshali: 'How is it that Mbanjwa says that as far as he's concerned this was revealed to him for the first time.' and this (30) particular paragraph was read to him. Now, your Worship, I'm putting it to this witness now and the submission I

want/.....

want to make to your Worship is this, that if this witness in Ladysmith said: 'That was the first meeting at which I was present.' he can't mean it was the first meeting of the A.N.C. at which he was present, because he's given evidence in this Court and it's been read to him from the Ladysmith (5 record, he's been present at other meetings of the A.N.C., because your Worship will recollect he opens up his evidence by talking about having attended earlier meetings when he joined the A.N.C. and then he was appointed to the Ad Hoc Committee of the A.N.C., so he's been associated (10 with the A.N.C. for some period. So what is the meaning then to be attached to the phrase: 'That was the first meeting at which I was present.'

BY THE COURT: Yes, I'm not criticising your conclusion, Mr. Unterhalter. I'm merely saying that prima facie (15 I have some difficulty in placing that construction on the witness' answer in the context of what you read at the time. Now if you'll read the question that you put to him, the note that I have here of the Ladysmith trial - as I say I have not got that record before me, because it has not (20 been handed in, but you're quoting apparently from page 334 line 16, and the question there, summarised by me, is: 'Was the Spear of the Nation discussed at any previous meeting at which you were present.'

BY MR. UNTERHALTER: Previous meeting of the A.N.C. (25

BY THE COURT: Well obviously we're talking about A.N.C. meetings. 'Was the Spear of the Nation discussed at any previous meeting of the A.N.C. at which you were present.'

Answer: (Mr. Unterhalter intervenes)

BY MR. UNTERHALTER: No, your Worship, with respect: 'Or (30 was this the first one at which it was mentioned.'

BY THE COURT: Yes. Answer: 'That was the first meeting at/.....

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