

PREPARATORY EXAMINATION

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF JOHANNESBURG
HELD IN JOHANNESBURG

IN DIE MAGISTRAATSHOF VIR DIE AFDELING VAN JOHANNESBURG GE-
HOU TE JOHANNESBURG

BEFORE MR. : F.C.A. WESSEL.
VOOR MNR. :

REGINA VERSUS: FARRID ADAMS AND OTHERS.
KONINGING TEEN:

CHARGE: HIGH TREASON
AANKLAG:

FOR THE CROWN: MR. J.C. VAN NIEKERK.
VIR DIE KROON: MR. LIEBENBERG

FOR THE DEFENCE: Mr. V.C. BERRANGE
VIR DIE VERDEDIGING: Mr. COAKER
Mr. WEINBERG
Mr. ROSENBERG Q.C.
Mr. MAISELS Q.C.
Mr. ZWARENSTEIN.

INTERPRETER:

TOLK: -----

V O L U M E. — 41.

PAGES:

7948 — 8172.

COURT RESUMES 17/1/1958:

MR. COAKER ADDRESSES COURT:

All Accused present with the exception of George Peake, Accused No. 93; two medical certificates handed in.

LEAVE GRANTED FOR PROCEEDINGS TO CONTINUE:

BY THE P.P. (MR. VAN NIEKERK): May it please Your Worship: The Defence is prepared to admit that on 5th December, 1956, documents TT.89 to TT.107, were taken from the Accused T. Tshume, No. 123,

BY MR. BERRANGE: My learned friend is perfectly correct, the Defence is prepared to admit that, subject to the Defence being given the opportunity at this stage to read into the record certain extracts from two of those exhibits. And as the witness who seized the documents is not here, and that is the reason for the Crown asking the Defence to make this admission, I understand that this witness is ill, perhaps the best way of reading it into the record would be for me to read it out, or read out those portions which I want read into the record.

BY MR. COAKER: I should mention, Sir, that the precise terms of the admission made are that these documents TT.89 to TT.107 were taken by Sgt. A.H. Bower, S.A.Police, on the 5th December, 1956, at 155 Simca Street, New Brighton, which is the residence of Accused 123, in the presence of the Accused, and that the documents mentioned have been initialled by me.

BY MR. BERRANGE: As Your Worship Pleases: TT.107 is the document to which I refer when I stated that I desired to have portions of the contents read into the record, and TT.107 consists of three documents, one is in manuscript dated 16th September, 1956, apparently signed by Tshume, and stating: "Dear Comrades, This is a statement by the

A.N.C. Youth League, re banishment. Before it is released for Press it must be finally approved by the President or Secretary. After approval please put the copies in envelopes and address them to the Editor, Evening Post, Eastern Province Herald, and send same personally to the editors for publication." TT.107 is an envelope, that is the second portion of the same exhibit, and it is addressed to W.F. Make, 40 Yokwe Street, New Brighton, and the third portion of the exhibit TT.107 is headed "Press Statement, Office Copy, African Leaders Banishment." I don't propose to read the whole of this document. All I desire to indicate, Sir, is that this document deals with the proposed banishment of certain individuals from the location, and on page 2, the following is to be found: "Addressing the Housing Conference in Johannesburg some weeks ago, Mr. Schauder joined his colleagues of Port Elizabeth by making statements labelling New Brighton as a place of lawlessness and that conditions were very difficult. He said that schools and shops were boycotted and because of that law-abiding Africans were threatened and victimised. The journalists sent specially from Johannesburg as a result to investigate this serious situation existing in New Brighton caused by the A.N.C. leaders, as statements reveal, will be surprised to find that the A.N.C. prosecutes all its campaigns in a democratic and peaceful manner. The statements made by those in authority are due to the fact that 'cowards die many times before their deaths,' as predicted by Caesar and stated by Antonius, the evil that men do lives after them." And the last page of this document, Sir, contains a resolution by the A.N.C. Youth League and reads as follows: "By our faith and non-violent deeds shall we back the stand of

the mother body, the A.N.C., in defence of the progressive African leaders threatened to be exiled by the City Fathers, who seem to be part and parcel of apartheid ideology. Needless to mention, of course, peace and freedom loving people, men and women should only desert their families and homes at a point of a gun." And this resolution follows upon this statement, complaining of the fact that it is the police who always provoke disturbances and incidents and open fire on innocent people without provocation. Then there is TT.102, which is a circular letter under the letter-head of the African National Congress, 38 Market Street, Johannesburg, the signature appearing at the bottom of that is A. Hutchinson, for D. Nokwe, and the only portion that I desire to have read into the record is the last paragraph thereof, which reads as follows: "It is clear that there are many similar cases throughout the country. The African National Congress has not given sufficient attention to the matter. The Provincial branches are hereby directed not only to protest vigorously against these unjust measures, but to seek all methods, political and legal, to bring this issue to the attention of the South African Public. This is an issue in which the alliance of the businessmen and trade unions should be sought."

JOHANNES JORDAAN, duly sworn.

EXAMINED BY P.P.:

Are you a detective head constable, S.A. Police, stationed at Port Elizabeth?-- Yes.

On 6th December, 1956, did you search the premises at 9 Court Chambers, Port Elizabeth?-- I did.

Who was the occupant of those chambers?-- It is the general office of the African National Congress, and of the African Textile Workers Union.

Do you know a person by the name of W. Mkwayi ?--
Yes, I do.

Does he occupy a portion of that office ?-- Yes,
quite right.

Can you identify him ?-- Yes, I can.

Is he one of the Accused ?-- Yes. (Witness leaves
box and identifies Accused No. 117.)

Did you there seize certain documents under the
authority of a search warrant ?-- I did.

The first document you seized is WM.40, a roneod
document entitled "A Syllabus." ?-- Yes, this is the docu-
ment.

Where did you find that ?-- I found this in a draw-
er of a desk in this particular room.

Whose desk was it ?-- As far as I know, it is the
desk Accused No. 117 used to sit at, the desk occupied by
him.

The next WM.41, is a circular letter of the Trans-
vaal Consultative Committee, dated 2nd July, 1956, appar-
ently signed by F. Adams for Transvaal Consultative Com-
mittee and addressed to the Secretary, Port Elizabeth Con-
sultative Committee.

Next WM.42, a letter to Dear Comrade from Building
Workers Trade Union, M. Boroshof, Chairman, an appeal to
the building workers of all countries from the delegates
to the previous session of the Constructive Workers Trades
Union of the Soviet Union on Disarmanent, which is a trans-
lation of what appears to be something in Russian ?-- Yes,
that is correct.

The next is WM.43, "Counter Attack" of October, 1956,
and WM. 44 "Counter Attack" of November 1956. ?-- Yes.

The next is WM.45, Constitution of the S.A. Congress

of Trade Unions ?-- Yes.

WM.46, presidential address to the first annual conference of the S.A. Congress of Trade Unions, held in Cape Town on 1st, 2nd and 3rd March, 1956, and WM.47, 3 notices, one in triplicate, of a meeting about subscriptions of the S.A. Congress of Trade Unions, signed by S. Damons, secretary. ?-- Yes. These documents, WM.45, and 46, were found on the table, on the desk, and WM.47 was found in one of the drawers of the same desk.

And on 6th December, 1956, did you under the authority of a search warrant, search the premises at No. 7, Court Chambers, Port Elizabeth ?-- Yes, that is quite right.

And what offices are those ?-- That is the office occupied by a person named Mbeki.

Who is this Mbeki ?-- From general knowledge.....

Forget about general knowledge; what do you know about him specifically ?-- I know that he is the reporter for "New Age" for the Port Elizabeth area and Eastern Cape.

Do you know any other position that he holds on "New Age," is he merely a reporter ?-- No, I think that is all I can say about him, as far as "New Age" is concerned.

Do you know anything else about this person ?-- I know that he is a member of the African National Congress.

How do you know that he is a reporter of "New Age" ?-- From documents which have come into my possession. Documents that I have seen. I was present when he was searched by Det. Sgt. Strydom of Port Elizabeth, and on his person were found certain documents which I also read, and from the information obtained from those documents I can say that he is a reporter for "New Age" in Port Elizabeth and Eastern Cape Area.

Those documents will be handed in.

BY MR. BERRANGE: I'm suggesting that they be handed in now.

BY THE P.P.: Mr. Strydom is not here. But I have got them here.

BY MR. BERRANGE: I am suggesting that they be handed in now, because otherwise it might mean recalling this witness.

EXAMINATION BY P.P. CONTD.:

You say you were also present when the person of Mbeki was searched by Det. Sgt. Strydom ?-- That is right.

And certain documents were taken from him ?-- From Mbeki.

Did you have a look at these documents ?-- Yes, I had a look at them.

Will you be able to identify them ?-- Yes. (Handed to witness.)

Are those the documents ?-- Yes, these are the documents.

They are number NA.164 to NA.175 ?-- Yes.

Will you just refer to NA.164 ?-- NA.164 is the membership card in favour of G.A. Mbeki.

Membership card of what ?-- African National Congress, New Brighton Branch.

Does it appear to be signed by anybody ?-- It was signed by "Mqota" as the secretary.

Do you know T. Mqota ?-- No, I don't know him.

Will you refer to two further documents, with the heading "New Age" and give the numbers to the Court please ?-- The document NA.173.....

What does that say ?-- It says "To whom it may concern: This is to certify that Mr. G.A. Mbeki has been appointed the Port Elizabeth and Eastern Province representative and reporter for New Age. He is authorised to send

Press Collect telegrams on our account. We shall be grateful for any assistance rendered to him in the above capacity." Signed, F. Carneson.

And the other one ?-- The other one is NA.174, "To Whom it May Concern, This is to certify that Mr. Goldwyn Mbeki is authorised to send Press Collect telegrams to New Age newspaper, telegraphic address Nuag, Cape Town." It is also signed by F. Carneson, Manager.

Are those both on "New Age" letterheads ?-- Both "New Age" letterheads,

Now, did you then seize the following documents: NA.149 to NA.163: from this person Mbeki ?-- Yes.

It is mostly correspondence signed by various other persons ?-- Yes, these documents were seized in Room 7, Court Chambers.

(No further questions.)

CROSS-EXAMINATION RESERVED:

CHARLES ESSEX BOWEN, duly sworn.

EXAMINED BY P.P.:

Are you a detective Head Constable, S.A.Police, stationed at Queenstown ?-- I am.

And on 21st March, 1955, did you receive a certain box of documents, pamphlets, books and circulars from Det. Sgt. Hugo ?-- I did.

Were these documents taken over by you ?-- They were.

Where was this ?-- At Queenstown.

And did a certain person enquire about these documents later on ?-- Yes.

Who is that person ?-- T.E. Tshunungwa.

Can you identify him ?-- Yes. (Witness leaves box and identifies Accused No. 124)

And what did he want about these documents ?-- He wanted certain postal orders and postal stamps, that he said were amongst the documents. I then asked him whether he acknowledged responsibility for these documents in his capacity as Provincial Secretary of the A.N.C., and he said "Yes."

Can you recollect what documents these were, or do you recollect any of the documents that were in that box ?-- There were postage stamps and postal orders.

And what else ?-- There was a document headed "The Analysis."

And other documents too ?-- Yes, there were a number of documents.

Did he make any other remarks about these documents ?-- No.

And do you know "The Analysis" which has already been handed in as an exhibit here ?-- I do know that.

Did you attend the African National Congress Conference, Cape Conference, held on 1st June, 1957 ?-- Yes.

Where was that held ?-- That was held in the St. Andrews Hall, Queenstown.

Do you know of anybody who was elected there to executive positions ?-- The same Accused was nominated and elected to the Cape Provincial Executive of the A.N.C.

In his absence ?-- Yes, in his absence.

(No further questions)

CROSS-EXAMINED BY MR. BERRANGE:

You will agree with me, won't you, that the policy of organisations and bodies changes as the years go by ?-- Yes.

It maybe one thing in 1950, it may be another thing in 1960 ?-- Yes.

Are you able to tell us whether there has been any change in policy in the African National Congress over the last five years, or don't you know?-- No.

You don't know?-- No.

So a policy for which an individual would be responsible by virtue of his executive post during one year, might change during another year, and you would agree that he would not be responsible for such a policy in a later year, when he is no longer an executive member?-- If he is not an executive member he couldn't be responsible.....

BY THE COURT: I doubt whether you ought to put that question to the witness, Mr. Berrange. It is a matter on which the Court will have to come to a decision.

BY MR. BERRANGE: The witness can surely say, Sir, whether he knows whether policy does change and whether it has changed.

BY THE COURT: It must depend upon the circumstances.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Now, these documents that came from Tshunungwa, did you make a note of them?-- Yes.

Did you read them?-- Yes.

Study them?-- I didn't study them.

Did you mark them?-- Yes, I placed marks of identity on them.

BY THE COURT: I understood that these documents had been handed in, is that right, Mr. Prosecutor?

BY THE P.P.: These documents were handed in by consent at the beginning.....

BY THE COURT: What numbers.

BY THE P.P.: TET.69, I think.

(No further questions)

MR. COAKER & MR. SLOVO: NO QUESTIONS:

NO RE-EXAMINATION:

JOHANNES JORDAAN, recalled, still under oath:

CROSS-EXAMINED BY MR. COAKER:

You gave evidence that the office of the African Textile Workers is at 9 Court Chambers, Court Elizabeth, is that right?-- Yes.

And that you took some documents out of a desk there on 6th December, 1956?-- That is right.

How did you open the desk?-- Some of the drawers were opened.

How did you open the locked drawers?-- I had some keys with me.

Skeleton keys?-- No, my own keys. And one of those keys fitted.....

Just happened to fit the desk?-- Yes, that's right.

Very lucky, wasn't it? Now, how often have you been to that office?-- Quite a number of times.

How often?-- I can't actually say how many times but I do go to those offices quite frequently.

Have you been there 50 times, or six times?-- I don't know, say about 20 times, or perhaps fifteen, or perhaps 25, I just can't say.

Why do you say that that is the office of the African National Congress?-- Well, we know that it is the general office where members of the African National Congress usually go to, the office that they occupy.

How do you know that?-- I know it, I know it for a fact.

How do you know it, tell us what you have seen there?-- I have seen on the walls, placards, resembling, or placards referring to the African National Congress, documents were found there, documents seized, documents referring to the African National Congress, one or two pamphlets issued by the African National Congress.

Is that the only office of the African National Congress in Port Elizabeth?-- Well, that is the only one that I know of, the general office of the African National Congress.

This particular room?-- Room No. 9, Court Chambers.

Then what is the Textile Workers Union doing there?-- Well, I know that the national organiser of the African Textile Workers Union occupies that same office.

It seems to me that all the documents you handed in today have to do with trade unions, nothing to do with the African National Congress?-- That is possible. That, as I say, is a general office.

Well, what do you mean by that, who else occupies it, apart from the African National Congress and the Textile Workers; is it occupied by the garment workers?-- No. Members of these various organisations usually frequent the office, that is where one usually finds them, that is where they usually come together. We have been so many times to this office, and we found that members of these various organisations go to that office, and that is where they come together.

You mean that you don't really know whose office it is, but you found numerous members of various organisations there?-- That is the position.

You don't know who is the lessee of the office?--
No.

Do you know who pays the rent?-- No.

How often have you been to No. 7 Court Chambers?-- That was only on a few occasions, three or four times, perhaps.

And on those three or four times, on how many occasions did you find Mr. Mbeki in that office?-- Well, I would say about every occasion.

When were those occasions ?-- Well, I don't know, it was just in the ordinary course of visiting his office.

For what purpose ?-- Social, just paying visits to those offices.

You wanted to have a friendly chat with any members of the organisations you might find there ?-- That happened.

And for what other purpose did you go to No. 7, Court Chambers ?-- For no purpose at all. We go to that office, just pay a visit, just have a look at them and we go out again.

Social visit, would you say ?-- Well, let's call it social visit.

Do you know whether that particular office belongs to Mr. Mbeki and whether he pays the rent ?-- No, I don't know. I don't know who pays the rent for any of those offices.

Do you know whether anybody else habitually occupies that office, No. 7, Court Chambers ?-- Not as far as I know. There is only one that I have seen there.

Have you never seen any other person in that office ?-- I haven't seen anybody there.

Are you quite sure ?-- Yes.

So you suggest that because you have seen Mr. Mbeki there on some occasions it is his office ?-- Well, I don't know. As far as I know every time we have visited these offices, he was the person that was there.

Did you ever see him in this general office, No. 9 ?-- Yes.

On a number of occasions ?-- Yes, on a few occasions. Quite a number of occasions.

BY THE COURT: What did you see him do there ?-- As I say, in this general office, they usually come together there,

that is why it appeared to me

No, I mean Mbeki's office, No. 7 Court Chambers; what did you see him do?-- He was sitting behind the desk, writing. On this particular occasion when this office was searched, I asked him, and it was also asked by Det. Sgt. Strydom, whether he was the occupier of that office, and he said 'Yes.'

CROSS-EXAMINATION BY MR. COAKER CONTD.:

You didn't say that in your evidence in chief, did you?-- No, I didn't.

Why not?-- That's why I say, that is why I said that I knew he was the occupier of this particular office.

I asked you a little while ago how you knew he was the occupier and you replied it was because you had seen him there on four or five occasions?-- No, well, that was only the last time when we went there for the purpose of searching this office, when he was asked whether he was the occupier of that office, and he said 'Yes.'

Why didn't you give me that perfectly simple answer when I asked you how you knew he was the occupier of that office?-- Well, I didn't say so but

Why not?-- I don't know.

Isn't it the obvious thing to have said, if it is true?-- Well, that is the position, and I only give my evidence as frankly and as I know it.

Didn't you know it when I first asked you?-- Perhaps I didn't put it that way, but.....

No, you didn't, but did you know it when I first asked you?-- If I knew what?

That Mbeki admitted to you and Strydom that he was the occupant of the office?-- No, I only thought of it now, I didn't.....

You only thought of it; that's what I thought.

(No further questions)

MR. SLOVO: NO QUESTIONS:

NO RE-EXAMINATION:

DENNIS JOHN EARP, duly sworn,

EXAMINED BY P.P.:

Are you a lieutenant, S.A. Air Force, at Central Flying School, Dunottar?-- I am.

And during May 1951, were you a member of the No. 2 Squadron, S.A. Air Force, sent to Korea to join the United Nations Forces in South Korea?-- I was.

What was going on in Korea at the time?-- Well, at the time there was the United Nations Action in Korea. No. 2 Squadron, S.A. Air Force, was at the time part of the United Nations Forces which were fighting Communist aggression in North Korea. The object was to stop the North Korean aggression.

And what were you actually doing?-- We were forming part of an American Fighter Bomber Wing on ground attack.

And when you arrived in Korea, whereabouts were the United Nations Forces?-- The ground line was stabilised at that stage, roughly about the 38th parallel.

For how long were you engaged in fighting operations?-- Do you mean myself?

Yes?-- From May, the end of May, 1951, until 27th September, 1951.

What happened on the 27th September 1951?-- I was shot down by anti-aircraft fire.

Yes, and then?-- I was then taken prisoner by the Chinese people, the Volunteers, with the Chinese ground forces engaged in the Korean War.

Then what happened to you ?-- I spent some time with the Chinese, and after passing through a Chinese interrogation centre I was handed over to the North Koreans, and sent to a North Korean interrogation centre.

About when was that ?-- That was about the middle of October, 1951.

And what happened to you whilst you were prisoners ?-- During the time that I was a prisoner, we were, at any rate for the first part, compelled to attend political indoctrination courses, and of course constant military interrogation.

What do you mean by these political indoctrination courses ?-- Well, we were compelled to listen to lectures and statements on Communism, and at the end of each lecture we were compelled what the Communists called a "cognition" of what went on.

Were you given any literature ?-- Yes, we were given literature and quite often in the indoctrination classes, passages were read out from books.

What literature was handed to you ?-- Well, among others, "The Twilight of World Capitalism." "A Short History of the Communist Party," "Das Kapital" by Marx. There were several other books on similar lines.

You say you attended classes; did you attend these classes voluntarily ?-- No. Their statement was that the classes were voluntary, but we had to attend. We had to listen and we could not make any derogatory remarks, but they nevertheless insisted that they were voluntary.

Did you observe anything about troops, North Korean, Chinese troops whilst you were a prisoner of war ?-- Well, I used to see them undergo, every morning that we were able to observe them, very similar, discussions and indoctrination

lectures, to the lectures that we did.

I didn't quite catch that ?-- The Chinese and Korean troops had to attend very similar lectures to the ones that we had.

Do you know how many South Africans took part in this campaign ?-- No, I wouldn't like to try and guess.

Now, against whom was the actual fighting ?-- The original United Nations intervention was against the North Korean Forces. But once the conflict had started the Chinese then entered the war as well.

(No further questions).

CROSS-EXAMINATION BY MR. BERRANGE:

Mr. Earp, how old are you ?-- 27.

Where were you educated ?-- Grey College in Bloemfontein.

How long have you been in the Air Force ?-- Well, I've been in the armed forces since 1948, but in the Air Force since 1950.

You did not participate in the last war ?-- No, I didn't.

And what scholastic qualifications have you ?-- Matriculation.

Nothing more ?-- No, that is all.

Have you, other than the political education that you received after you were taken prisoner, received any other political education ?-- I have never received any political education, as you say received it. I have been interested in reading books.

What sort of books ?-- All sorts of books.

Well we're all interested in reading books, I see there is a book lying on the table here called "Film Loves," or something of that sort, but I am really dealing with political books ?-- Well, I wouldn't say that I go out of

my way to read only political books, but I have a fairly wide interest.

In ?-- In all sorts of reading.

Such as ?-- Well, when I say I have a wide interest let's say it covers everything except the penny horrible class.

Yes, well what sort of reading is your reading ?--

(No reply)

Let's start off first, detective stories ?-- Occasionally yes.

The English classics ?-- Yes.

Such as ?-- Dickens, Shakespeare.

What else; what other English classics ?-- Well, what would you define as a classic?

Don't you know what is meant by the English classics ?-- Well, there are those that some people consider classics and there are more modern books that perhaps wouldn't be considered classics.

What does your English literature reading consist of ?-- The normal.

Give us the names of authors and the names of books ?-- Well, most of the books by Dickens. Quite a few of Shakespeare, George Bernard Shaw, a little bit of Spencer, some of the anthologies of poetry.

I don't need you to be exhaustive, but if that more or less covers the English literature, we can go on to the next point ?-- Yes, there were, of course, other books as well.

And history ?-- Historical novels, mainly, with a touch of history, especially South African History.

What historical novels -- "Gone with the Wind" -- I don't say that as a joke ?-- Yes, "Gone with the Wind,"

I'm afraid I'm not very good at recalling titles; several on the Spanish-English war.

Any on the Spanish Revolution ?-- Yes, but I would not say they were strictly historical novels, they would be more fiction based on historical periods.

Let's get down to the political works, what political works have you acquainted yourself with ?-- I've read a fair amount of the odd political works on Communism.

Written by ?-- Marx.

What have you read of Marx's ?-- "Das Kapital." Foster.

You understood it ?-- I think generally speaking yes, most of it.

Tell us what the labour theory of value was ?-- The labour theory?

Of value, or don't you know that expression ?-- I've heard it.

Do you know what it means ?-- I think that they referred to the question of supply and demand.

Do you know what it means ?-- The labour theory of value?

Yes, the labour theory of value ?-- As a technical term, no.

But you have understood "Das Kapital" ?-- I say generally speaking, yes. I know what is being got at.

Being got at ?-- What they are trying to put across.

Apart from Marx's "Das Kapital," what else ?-- Foster, William Foster. He wrote a book called "The Twilight of World Capitalism," I think was the title.

Both those books, of course, were given to you by the Chinese ?-- Yes, by the Chinese. There was a book called, I think "A short history of the Communist party

in the U.S.S.R." which he wrote.

You're wrong, as a matter of fact, but it doesn't matter. Who is that by?-- I think that that was by Lenin.

You are also wrong, it doesn't matter though. ?-- Then there were various pamphlets

Excuse me, Mr. Earp, I am not asking you now what political books you read as a result of the lectures that were given to you whilst you were a prisoner. I am asking you what political studies made of your own accord?-- I would not say I made any political studies.

Is this the first time that you were ever given anything of a political nature to read or to study?-- Of a political nature in so far as Communism versus Capitalism, yes, at that time I had paid no attention to it whatever.

You didn't know anything about it?-- What I knew was sort of on general terms only.

You mean what you read in the newspapers?-- Yes, I knew that among other things.

Have you read any other books?-- Other books like what, do you mean?

Anything other than what you read in the newspapers -- before you were taken prisoner?-- I couldn't say with certainty, I should imagine I must have.

You, of course, were not in Korea when the conflict started?-- No, I wasn't.

And you had no knowledge what triggered off this conflict?-- Yes, I have knowledge.

Of your own knowledge?-- No, I didn't see it happen, if that is what you mean.

All you know is what has been told to you?-- Yes.

What you were indoctrinated with?-- No, I wouldn't say that.

And you believed, of course, what was told to you ?--
I did not believe everything, but must be justified by a
bit of logic, or there must be something to back it up.

Well, I am asking you whether you believed what you
were told as to how the conflict started ?-- Yes, I believed
then, and I am now confirmed in that belief.

Although you weren't there ?-- Although I was not
there.

Have you ever heard of Monica Felton ?-- Yes.

Who is she ?-- She is the woman who visited some of
the camps or conducted tours, and put forward some of what
I considered to be the biggest lies ever propagated.

You, of course, weren't with her ?-- No, I was not.

You, of course, don't know of your own knowledge
whether it was true or false ?-- I know it was most posit-
ively false.

How do you know, if you weren't there ?-- I was in
a camp. She spoke of our camp

BY THE COURT: Which camp are you referring to now ?--
Prisoner-of-war camp.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Did you meet her ?-- No, I did not.

Did you see her ?-- No. I remember some things she
put out in public statements, she spoke about conditions of
United Nations Prisoners of War. Those were false.

Was she alone in this investigation ?-- I saw words
attributed only to her.

Do you not know that she headed a commission ?--
There were several commissions at various times.

I am talking about her commission ?-- No, I could
not say.

You don't know ?-- No.

Never read it ?-- I read a report that was given out

by Mrs. Monica Felton.

Did you not read in that report that she headed a commission ?-- No.

Would you be surprised to find that she did ?-- No.

Would you be surprised to find that the members of that Commission were some of the best known people in England ?-- If it is the same commission which I am thinking of, there was a commission, people, I think, like Mr. Jack Gaster, I think he was an English lawyer, was on the commission.

Yes, you've also got the name wrong, still, go on ?-- And there were several supposedly prominent lawyers and businessmen.....

And scientists ?-- Possibly no, I wouldn't know.

Well, at a later stage, I shall give you chapter and verse, and I shall ask you how much you do know, Mr. Earp.

Were you present at the lectures that were given to the Chinese and Korean troops ?-- It was not part of the lectures, but we were sitting on a hillside, and they were sitting below us.

And did you hear what was happening ?-- Yes, we could hear clearly.

You heard the lectures that were being given ?--Yes.

You were, if I understand you correctly, bomber squadron were you ?-- No, fighter bomber squadron.

Strafing ground forces ?-- That was our primary drive, yes.

Did you use napalm ?-- Yes.

Did you ever see the effect of napalm ?-- Yes.

Pretty horrible, isn't it ?-- It was.

FURTHER CROSS-EXAMINATION RESERVED:

MR. COAKER: CROSS-EXAMINATION RESERVED:

by Mrs. Monica Felton.

Did you not read in that report that she headed a commission ?-- No.

Would you be surprised to find that she did ?-- No.

Would you be surprised to find that the members of that Commission were some of the best known people in England ?-- If it is the same commission which I am thinking of, there was a commission, people, I think, like Mr. Jack Gaster, I think he was an English lawyer, was on the commission.

Yes, you've also got the name wrong, still, go on ?-- And there were several supposedly prominent lawyers and businessmen.....

And scientists ?-- Possibly no, I wouldn't know.

Well, at a later stage, I shall give you chapter and verse, and I shall ask you how much you do know, Mr. Earp.

Were you present at the lectures that were given to the Chinese and Korean troops ?-- It was not part of the lectures, but we were sitting on a hillside, and they were sitting below us.

And did you hear what was happening ?-- Yes, we could hear clearly.

You heard the lectures that were being given ?--Yes.

You were, if I understand you correctly, bomber squadron were you ?-- No, fighter bomber squadron.

Strafing ground forces ?-- That was our primary drive, yes.

Did you use napalm ?-- Yes.

Did you ever see the effect of napalm ?-- Yes.

Pretty horrible, isn't it ?-- It was.

FURTHER CROSS-EXAMINATION RESERVED:

MR. COAKER: CROSS-EXAMINATION RESERVED:

MR. SLOVO: CROSS-EXAMINATION RESERVED:

BY THE P.P.: The next evidence I am going to call is in regard to the positions of the Accused in the Transvaal who have been discharged. It is short. I omitted this when I questioned the witnesses who gave evidence originally, so I will just recall a few of them to give in short the positions of the Accused who have been discharged in the Transvaal.

BY MR. BERRANGE: Might we know, Sir, how this becomes relevant, to prove the positions of persons who have been before the Court and who have now been discharged. I don't want needlessly to raise objections, but if my learned friend could indicate how this becomes relevant, I could consider my position, as to whether I would or would not object.

BY THE COURT: I think you have in mind the position of the discharged Accused in relation to the various organisations?

BY THE P.P.: That is so.

BY THE COURT: And can you indicate then in what way this evidence will be relevant?

BY THE P.P.: If these persons are attached to the organisations, and numerous documents have been taken and have been handed in, and it has been established that they took part in the organisations, then the documents that have been found in their possession will be evidence against all the Accused in that particular organisation. That is in terms of Section 331 of the Code.

BY THE COURT: I don't know the exact implication of Section 381; I don't know whether you are aware of the provisions of Section 381.

BY MR. BERRANGE: Very much so, Your Worship.

BY THE COURT: Apparently the Crown is relying on that.

BY MR. BERRANGE: I would be interested to ascertain that.

DOUGLAS NDABA, duly sworn, (Inte preter: J. Mkuhlane)

EXAMINED BY P.P.:

Now, you have given evidence in this case ?-- Yes.

Do you know a person by the name of Elman Malele
?-- I do.

Do you know whether or not he was one of the original Accused ?-- I do. (No. 30).

What do you know about that person specifically ?--
I know that he comes up to Congress meetings, and he addresses meetings, and he generally attends Congress meetings.

Do you know any other person by that name who takes part in Congress meetings ?-- No.

What Congress are you referring to ?-- I mean the African National Congress.

Do you know a person by the name of July Mashaba
?-- I do.

Do you know whether or not he was one of the original Accused ?-- I do. (No. 35.)

What do you know about that person ?-- He generally attends Congress meetings, but I have never heard him speak.

Are you referring to the African National Congress
?-- Yes, I mean the meetings of the African National Congress; he attends those meetings but I have never heard him speak.

Do you know whether or not he attended the C.O.P. Conference at Kliptown ?-- Yes.

Do you know any other person by the name of July Mashaba who takes part or attends meetings of the A.N.C.
?-- No.

Do you know a person by the name of Lawrence Nkosi
?-- I do. (No. 55)

Do you know whether or not he was one of the original

nal Accused ?-- Yes.

What do you know about him ?-- I know that he attends meetings of Congress and he addresses meetings.

What Congress ?-- Of the African National Congress.

Do you know any other person by that name who addresses and attends African National Congress Meetings ?-- No.

Do you know Jacob Poo ?-- I do.

Do you know whether or not he was one of the original Accused ?-- Yes. (No. 59)

Do you know anything about him ?-- Yes. He attends meetings of the African National Congress, he addresses meetings, and he is a chief volunteer out in Moroko.

How do you know that ?-- That is generally announced when he is going to address a meeting that he is the chief volunteer.

Do you know any other person by that name who is active in the Congress ?-- No.

Do you know a person by the name of Mary Rantha ?-- Yes.

Do you know whether or not she was one of the original Accused ?-- Yes. (No. 62.)

What do you know about her ?-- She attends Congress meetings, addresses meetings, and that she is also a secretary of the Women's League.

How do you know that ?-- That is announced in meetings where she speaks.

What Women's League are you referring to ?-- African National Congress Women's League.

Do you know any other person by that name who takes part in the activities of the Women's League ?-- No.

Do you know a person by the name of Marx William Shope ?-- I do.

Do you know whether or not he was one of the original Accused ?-- He was one of them. (No. 68)

What do you know about him ?-- I know that he attends Congress Meetings, addresses meetings, and that he is also a chairman of the Laundry Workers Union.

How do you know that ?-- That is announced at meetings where he is addressing.

Do you know anybody else bearing that name who is active in Congress ?-- No.

Do you know a person by the name of Oliver Tambo ?-- Yes.

Do you know whether or not he was one of the original Accused ?-- I do. (No. 74.)

What do you know about him ?-- I know that he is a member of the Congress; he attends meetings and he also addresses the Conference.

What Congress are you referring to ?-- The African National Congress.

Do you know anybody else by that name who takes part in the activities of this organisation ?-- No.
(No further questions)

NO CROSS-EXAMINATION:

SOLOMON DUNGA, duly sworn.

EXAMINED BY P.P.:

You gave evidence in this case yesterday ?-- I gave evidence on Thursday.

Do you know a person by the name of Sam Masimula ?-- Yes.

Do you know whether he was one of the original Accused ?-- Yes, he was one of the original Accused (No.33.)

What do you know about him ?-- He was an active member of the African National Congress and at one time he was the chairman of the Alexandra Branch of the African National Congress Youth League. He addressed several meetings at Alexandra Township.

How do you know he was the chairman of the Youth League at Alexandra ?-- Because at one time at a meeting they referred to him as the chairman of the Youth League. I think I gave evidence of that meeting.

Do you know any other person by that name who takes part in the activities of the African National Congress or the Youth League ?-- No, I don't know of any other person by that name.

Do you know a person by the name of J. Hadebe ?-- Yes, I know him.

Do you know whether or not he was one of the original Accused ?-- Yes, he was one of the original Accused(61).

What do you know about him ?-- I know him as an active member of the African National Congress, he addressed several meetings at Alexandra Township.

Meetings of what organisation ?-- Of the African National Congress.

Do you know any other person by that name who takes part in the activities of Congress ?-- No.

(No further questions)

NO CROSS-EXAMINATION:

MOTSEKE MASELELE, duly sworn. (Interpreter, J. Mkuhlane)

EXAMINED BY P.P.:

You gave evidence in this case yesterday ?-- Yes.

Do you know a person by the name of J.S.A. Mavuso ?-- Yes.

What do you know about him ?-- When I first knew

this person in Alexandra, I knew him as the secretary of the A.N.C., Alexandra Branch.

How do you know that ?-- I know.

How ?-- I know that, he used to write letters and he used to conduct the business of the branch, and all the people knew him as the branch secretary.

Do you know whether or not he was one of the original Accused ?-- Yes, he was. (No. 39)

Do you know any other person by that name who takes part in the activities of the organisation of the African National Congress at Alexandra ?-- No, he is the only person I know.

Do you know a person by the name of Peter Selepe ?-- I do.

Do you know whether or not he was one of the original Accused ?-- I know he was one of the Accused.
(No further questions)

NO CROSS-EXAMINATION:

ISAAC SHARP, duly sworn,

EXAMINED BY P.P.:

You have already given evidence ?-- Yes.

Do you know a person by the name of Lionel Morrison ?-- Yes.

Do you know whether or not he was one of the original Accused ?-- He was. (No. 89)

What do you know about this man ?-- He is an active member of the S.A. Coloured Peoples Organisation, and he takes an active part in the Congresses.

How do you know that ?-- I have seen him attending meetings, and I have already given his name of meetings he attended.

Do you know any other person by that name who takes

an active part in the Congress movement ?-- No.

(No further questions)

JEFFREY MABALANE, duly sworn. (Interpreter, J. Mkuhlane)

EXAMINED BY P.P.:

Are you a detective constable, S.A. Police, stationed at Krugersdorp ?-- Correct.

Are you attached to the Security Branch ?-- Yes.

How long have you been stationed at Krugersdorp ?-- Six years.

And in the course of your duties did you attend meetings of the African National Congress and other Congresses ?-- Yes.

Do you know a person by the name Motsemai Mpo ?-- I do.

Do you know whether or not he was originally one of the Accused in this case ?-- He was one of the Accused, (No. 48).

What do you know about this person ?-- He was the secretary of the African National Congress at Roodepoort.

How do you know that ?-- I know because I joined through him.

When was that ?-- In 1955.

Do you know any other person by that name who takes part in the activities of the African National Congress at Roodepoort ?-- No.

(No further questions)

CROSS-EXAMINED BY MR. COAKER:

Are you still a member of the African National Congress ?-- No, I am no more.

How long were you a member ?-- I was a member for just one year.

Did you pay your own subscription ?-- I paid once.

Was it refunded to you ?-- No.

(No further questions)

CROSS-EXAMINED BY MR. SLOVO:

Did you just join or were you told to join ?-- I just joined.

Did you agree with its policies ?-- Yes, I agreed with their policy.

How long have you been in the police force ?-- Six years.

(No further questions)

NO RE-EXAMINATION:

GERHARDUS PAULUS VON PAPENDORF, duly sworn,

EXAMINED BY P.P.:

You are a detective head constable S.A.Police, stationed at Johannesburg ?-- I am.

And attached to the Security Branch, at Johannesburg ?-- Yes.

Since when ?-- Since 1st November, 1951.

Is it part of your duties to attend meetings, and to carry out observation duty at meetings of various organisations, in the Transvaal and especially on the Witwatersrand ?-- Yes.

Do you know a person by the name of Farrid Adams ?-- I do.

Can you identify him ?-- Yes. It is Accused No. 1.

What do you know specifically about this person, about any position he holds, or anything about his activities, of your own knowledge ?-- I have seen this Accused attending Indian Congress meetings, African National Congress meetings, Peace Council meetings, S.A. Society for Peace and Friendship, and the Congress of the People.

For what period did you see him attending these meetings ?-- Approximately the past three years.

Do you know anybody else of that name who takes part in the activities of these Conferences and the Congress movement generally ?-- I know of no other name of a similar name taking part in the activities of these organisations.

Do you know a person by the name of Yettah Barenblatt ?-- I do.

Do you know whether or not she was one of the original Accused ?-- She was one of the original Accused. (No.3)

What do you know about that person ?-- I know Mrs. Barenblatt as having been the national secretary of the S.A. Congress of Democrats.

How do you know that ?-- I did search the offices of the Congress of Democrats, Mrs. Barenblatt was in charge of the offices, and she also admitted to me that she was the national secretary.

Do you know anything else about her -- have you seen her at any meetings ?-- I have seen her at meetings of the Peace Council, S.A. Society for Peace and Friendship with the Soviet Union, Congress of the People, S.A. Congress of Democrats.

Did she speak at any of these meetings ?-- No, I never saw her addressing any meetings.

Did you see her do anything at these meetings ?-- Distributing literature.

Do you know anybody else by that name who takes part in the activities of these organisations ?-- There is no other person with a similar name taking part in these organisations.

Do you know a person by the name of Hymie Barsel ?-- I do.

Do you know whether he is amongst the Accused ?-- He is.

Can you identify him ?-- I can. (Witness leaves box and identifies Accused No. 4)

What do you know about that person ?-- I know Mr. Barsel as being the secretary for the S.A. Society for Peace and Friendship with the Soviet Union.

How do you know that ?-- Some time ago the offices of the S.A. Society for Peace and Friendship were searched, and property and documents seized from those offices were then afterwards handed back to Mr. Barsel in his capacity as secretary for the S.A. Society for Peace and Friendship with the Soviet Union.

Did you hand this property back ?-- Yes.

Did he accept it as secretary ?-- Yes.

Do you know anything else about this person ?-- Mr. Barsel, I regularly observed him at S.A. Society for Peace and Friendship meetings, meetings of the S.A. Congress of Democrats, and Congress of the People, and Mr. Barsel regularly distributed literature at these meetings. He also attended Peace Council meetings.

Did you attend those meetings where he was present ?-- I did.

Did you attend the Kliptown Conference ?-- I did.

Do you know whether or not he was there ?-- Mr. Barsel was there, he distributed a booklet, South Africans in the Soviet Union. I purchased one from Mr. Barsel.

Do you know of any other person by that name who takes part in the activities of these organisations?-- There is no other person with a similar name taking part in the activities of these organisations.

Do you know a person by the name of Lionel Bernstein

?-- I do.

Can you identify him ?-- I can. (Witness leaves box and identifies Accused No. 5.)

What do you know about him ?-- I know Mr. Bernstein as being one of the foundation members of the S.A. Congress of Democrats. When the S.A. Congress of Democrats was formed in 1953, before the name was changed to S.A. Congress of Democrats, the name was S.A. Peoples' Congress. Mr. Bernstein regularly attended these meetings, and he always stood at the door checking credentials, and receiving people, and he decided whether people were allowed to enter or not.

Anything else ?-- I know Mr. Bernstein has been an executive member of the Springbok Legion.

But anything else ?-- I saw him at Peace Council meetings and S.A. Congress of Democrat meetings.

Do you know any other person by that name who takes part in the activities of the Congress of Democrats or the Peace Council ?-- There is no other person with the same name taking part in these organisations.

Do you know P.A. Beyleveld ?-- I do.

Can you identify him ?-- I can. (Witness leaves box and identifies Accused No. 6.)

What do you know about him ?-- I know Mr. Beyleveld as the President of the S.A. Congress of Democrats.

How do you know that ?-- It was announced at meetings and he on various occasions acted as chairman at meetings.

What meetings, what organisations ?-- Of various organisations, various meetings, such as the Congress of Democrats, the Peace Council and S.A. Congress of Trade Unions, and also of the Congress of the People at Kliptown.

Was he chairman at one of the sessions there ?--Yes.

Do you know any other person by that name who takes part in the activities of these organisations ?-- There is no other person by the name of Petrus Arnoldus Beyleveld taking part in these organisations.

Do you know a person by the name of Suliman Esakjee ?-- I do.

Do you know whether he was one of the original Accused ?-- Yes, he was one of the original Accused. (No. 9)

What do you know about him ?-- I know Suliman Esakjee to have taken an active part in the activities of the Transvaal Indian Congress and the Indian Youth Congress, the Peace Council, both the Transvaal and S.African Peace Councils, and the S.A. Society for Peace and Friendship with the Soviet Union, and the Congress of the People, and I have also seen Suliman Esakjee at African National Congress Meetings.

What was he doing at these meetings -- or did he do anything at these meetings ?-- I never heard him addressing any meeting, but I saw him distributing literature.

Do you know any other person by the name of Suliman Esakjee taking part in the activities of these organisations ?-- He is the only person by that name known to me taking an active part in the activities of these organisations.

Do you know Alfred Hutchinson ?-- I do;

Can you identify him ?-- I can.

Please do so ?-- (Witness leaves box and identifies Accused No. 11.)

What do you know about this person ?-- I know Alfred Hutchinson as a person taking an active part in the activities of the African National Congress, and the African National Congress Youth League.

Why do you say that ?-- Observing him at these meet-

ings and attending and addressing these meetings.

Any other organisations ?-- He also took an active part in the activities of the S.A. Society for Peace and Friendship with the Soviet Union. He addressed these meetings, and the Peace Councils, and the Congress of the People. It is known to me that Hutchinson proceeded overseas and visited various Communist controlled countries, and he addressed meetings on that aspect after he returned to the Union. I attended these meetings.

Do you know any other person by that name who takes part in the activities of these organisations ?-- There is no other person by the same name taking any part in the activities of these organisations.

Do you know P.J. Hodgson ?-- I do.

Can you identify him ?-- I can. (Witness leaves box and identifies Accused No. 12.)

What do you know about this person ?-- I know Mr. Hodgson as having been a member of the Springbok Legion. He was an executive member, and I know Mr. Hodgson as being one of the foundation members of the S.A. Congress of Democrats.

How do you know that ?-- I saw him attending these meetings.

Yes ?-- After Mr. Hodgson was banned from taking part in the activities of the S.A. Congress of Democrats, he occupied a room at the offices, or in the same street, as the S.A. Congress of Democrats, and it was in October 1955 that I went to return a typewriter to Mrs. Barenblatt that was seized on the 27th September, 1955, that I found Mr. Hodgson sitting at one of the desks, inside the offices of the S.A. Congress of Democrats.

Just sitting there ?-- He had some papers in front of him.

Do you know any other person by that name who takes part in the activities of any of these organisations ?-- He is the only person by that name, or the name of Percy John, also known as Jack Hodgson, taking an active part in the activities of these organisations.

Do you know Helen Joseph ?-- I do.

Can you identify her ?-- I can. (Witness leaves box and identifies Accused No. 13.)

What do you know about her ?-- I know Mrs. Helen Joseph as the person taking an active part in the activities of the S.A. Congress of Democrats, the Federation of S.A. Women, and the Congress of the People. Mrs. Joseph, she frequently attended meetings, attended and addressed meetings, I also saw Mrs. Joseph at African National Congress meetings, frequently, at Sophiatown especially.

Were you at Kliptown ?-- Mrs. Joseph was at Kliptown. She addressed the C.O.P. Conference at Kliptown.

Do you know any other person by that name who takes part in the activities of Congress ?-- She is the only person by that name, or by the name of Helen Beatrice May, or generally known as Helen Josephs, taking an active part in the activities of these organisations.

Do you know Paul Joseph ?-- I do.

Can you identify him ?-- Yes. (Witness leaves box and identifies Accused No. 14.)

What do you know about him ?-- I know Paul Joseph as a person taking an active part in the activities of the Transvaal Indian Congress, the Transvaal Indian Congress Youth League, the S.A. Society for Peace and Friendship with the Soviet Union, the Peace Councils, the Congress of the People, and African National Congress. On several occasions I saw him distributing literature issued by these organisa-

tions, and he also addressed meetings. It is also known to me that he proceeded overseas, and visited Communist and Communist controlled countries, and on his return addressed meetings on that aspect. I attended these meetings.

Do you know what literature he distributed at meetings?-- Mainly a publication named "Liberation" and a publication "Fighting Talk."

Do you know any other person by that name who takes part in the activities of the organisation?-- He is the only person by that name, with the name of Paul Joseph Joseph, or Paul Nadarath Moonsamy, generally known as Paul Joseph, taking part an active part in these organisations.

Do you know A.M. Kathradra?-- I do.

Can you identify him?-- I can. (Witness leaves box and identifies Accused No.18.)

What do you know about him?-- I know A.M. Kathradra as a person taking an active part in the activities of the Transvaal Indian Congress, and the Transvaal Indian Congress Youth League, and the S.A. Society for Peace and Friendship with the Soviet Union, and the Peace Councils.

Why do you say he takes an active part?-- He distributed literature, he attended meetings, and addressed meetings of these organisations.

What literature did he distribute?-- "Liberation" -- I personally purchased it from him, and various other leaflets, like pamphlets, and also "Fighting Talk."

What else were you going to say about him?-- After Kathradra was banned from taking part in the activities of these organisations I on frequent occasions observed him conveying people to meetings, and remaining just outside the hall where these meetings were held, especially those of the Indian Congress. There was one occasion where I had to warn

Kathrada that steps would have to be taken against him if he wouldn't withdraw from that meeting.

Do you know any other person by that name who takes part in the activities of the organisation?--He is the only person by that name taking an active part in these organisations.

Do you know a person by the name of Leon Levy?-- I do.

Can you identify him?-- Yes. (Witness leaves box and identifies Accused No. 20.

What do you know about him?-- Mr. Leon Levy is known to me as the secretary of the Transvaal Peace Council.

How do you know that?-- It was announced at meetings, and I observed that in bulletins issued by this organisation. He is also known to me as a person taking an active part in the activities of the S.A. Congress of Democrats, by attending these meetings, also of the S.A. Society for Peace and Friendship with the Soviet Union, the S.A. Congress of Trade Unions, and the Congress of the People. He addressed one session of the Congress of the People at Kliptown, in 1955, on behalf of the Peace Council's organisation in South Africa.

Did you search at one time the offices of the Peace Council?-- I did search the Peace Council offices.

Who was in charge of these offices?-- Mr. Levy was in charge of these offices, Mr. Leon Levy.

Do you know any other person by that name who takes part in the activities of these organisations?-- There is no other person by that particular name taking an active part in the activities of these organisations. There is Mr. Norman Levy, a brother of this Accused. That is the nearest name I can think of.

Do you know Mr. Norman Levy?-- I know him, yes.

Do you know whether he was one of the original Accused ?-- He was one of the original Accused (No. 21.) .

What do you know about him ?-- I know Mr. Norman Levy to have been a person taking an active part in the activities of the S.A. Congress of Democrats, and I know that he had to do with the publication of "Fighting Talk."

How do you know that he was concerned with the Congress of Democrats ?-- I saw him at meetings, and also at the Congress of the People.

And why do you say that he had something to do with "Fighting Talk" ?-- When I was searching the offices I came across..... the offices at the S.A. Congress of Democrats... I discovered some documents.....

With his name on ?-- Yes, Mr. Norman Levy's name appeared on it.

Do you know any other person by the name of Norman Levy taking part in the activities of the Congress of Democrats ?-- No, I do not know any other person by that name.

Do you know Dr. Press ?-- I do.

Can you identify him ?-- (Witness leaves box and identifies Accused No. 97, B. Turok.) I did make a mistake.

BY MR. COAKER: I would ask Your Worship not to allow the witness to enlarge upon that. He says he made a mistake, it is now over, it is finished.

BY THE P.P.: I wonder now whether my learned friend was asking me to ask the witness to try again, because I was not intending to do so.

BY THE COURT: Well, I don't know, the witness is entitled to have another try, if he wants to. He says he has made a mistake.

BY MR. COAKER: Yes, no sooner had Your Worship told him that he pointed out the wrong person when he said he had made a mistake.

BY THE COURT: That is obvious.

BY THE P.P.: I think we had better leave it there.

EXAMINATION BY P.P. CONTD.:

Do you know Sydney Shall ?-- Yes.

Can you identify him ?-- I can.

Please do so ?-- (Witness leaves box and identifies Accused No. 67.)

What do you know about this person ?-- I know Sydney Shall as the person taking part in the activities of the S.A. Congress of Democrats, S.A. Society for Peace and Friendship with the Soviet Union, the Peace Councils, and the Congress of the People.

Why do you say that ?-- Attending meetings, distributing literature.

Do you know any other person by that name who takes part in the activities of the organisation ?-- He is the only person by that name taking part in the activities of these organisations.

Do you know Joseph Slovo ?-- I do.

Can you identify him ?-- I can.

Will you please do so ?-- (Witness leaves box and identifies Accused No. 72.)

What do you know about him ?-- I know this Accused as being a person taking an active part in the activities of the S.A. Congress of Democrats, and the Peace Council organisations, and he took part in organising the Congress of the People.

Why do you say he takes part in the activities of the Congress of Democrats ?-- He attended these meetings.

And you said something about the Peace Council, why do you say he was active in the Peace Council ?-- Also on account of attending meetings. I have never seen Mr. Slovo

addressing these meetings.

You said something about organising the Congress of the People ?-- Yes.

Why do you say that ?-- Mr. Slovo addressed the first conference of the Congress of the People that was held in the Transvaal in the Trades Hall. It was on 27th July, 1954.

Have you given evidence on that meeting ?-- No, I didn't.

Do you know whether anybody has given evidence on that meeting ?-- Yes.

Do you know anybody else by the name of Joseph Slovo who takes part in the activities of any organisation ?-- The Accused is the only person by that name taking an active part in the activities of these organisations.

Do you know Ruth Slovo ?-- I do.

By what name do you know her ?-- At first I knew her by the name of Ruth First.

Can you identify her ?-- I can.

Please do so ?-- (Witness leaves box and identifies Accused No. 73.)

What do you know about her ?-- I know Mrs. Slovo as being a person taking an active part in the activities of the S.A. Congress of Democrats, the S.A. Society for Peace and Friendship with the Soviet Union, the Transvaal and S.A. Peace Councils.

Why do you say that ?-- Mrs. Slovo on various occasions addressed meetings of these organisations, and I also know that she was connected with the "Fighting Talk" committee.

How do you know that ?-- I have seen that in publications, "Fighting Talk" publications.

Were they handed in to Court ?-- They were handed in to Court.

Do you know anything else about her, do you know what she was doing at the time she was arrested, what her occupation was?-- She was also the representative for the newspaper "Advance" and "New Age" in Johannesburg.

How do you know that?-- I assisted in searching these offices, and also proceeded to the offices on an enquiry and Miss First, Mrs. Slovo, was then in charge of these offices.

Do you know any other person by that name who takes part in the activities of these organisations?-- The only person by the name Ruth First, or Ruth Slovo, taking an active part in the activities of these organisations, is this Accused.

Do you know the Rev. Thompson?-- I do.

Can you identify him?-- I can.

Please do so?-- (Witness leaves box and identifies Accused No. 78.)

What do you know about the Rev. Thompson?-- Rev. Thompson is known to me as the chairman of the S.A. Peace Council and the chairman of the S.A. Society for Peace and Friendship with the Soviet Union.

How do you know that he is the chairman of these two organisations?-- It was announced at various meetings, during speeches it was announced, and the Rev. Thompson was referred to as the chairman of these organisations, and it is known to me that the Rev. Thompson proceeded to Budapest to a conference, he attended a world peace conference there, and on his return he addressed meetings on that aspect and I attended these meetings. Rev. Thompson, I also observed him at the Congress of the People, at Kliptown, in 1955. The Rev. Thompson also addressed various Peace Councils and the S.A. Society for Peace and Friendship with the Soviet Union meetings.

Do you know any other person of that name who takes part in any of the various organisations you have mentioned ?-- Rev. Thompson is the only person by that name, or by the name Douglas Chadwick Thompson, or D.C. Thompson, taking an active part in the activities of these organisations.

(No further questions)

CROSS-EXAMINED BY MR. COAKER:

You have given evidence of various meetings you have attended at which you have seen and heard people speak, and these I take, were public meetings ?-- Yes, public meetings.

When you refer to people having attended meetings, you are referring to public meetings, is that right ?-- I am referring to public meetings.

Are those the meetings which you yourself also attended ?-- Yes.

Can you today without reference to your notes remember the dates and the places and the times of all the meetings to which you have referred this afternoon in passing ?-- The meetings I was referring to I gave evidence on.

You are referring only to meetings on which you have given evidence in these proceedings ?-- Yes.

And in respect of which, I take it, your notes have been handed in ?-- That is correct.

Tell me, a number of the persons to whom you have referred have at various times been banned under the Suppression of Communism Act, have they not ?-- That is correct.

And ordered to resign from the organisations to which you have referred. ?-- Correct.

And prohibited from taking any further part in the activities of those organisations ?-- That is correct.

So far as you are aware, none of the persons to whom you have referred have been convicted on a charge of breaking

such ban ?-- No, not any of the persons I have been referring to.

I suppose there are persons who have been convicted on such charges, are there ?-- Yes.

But none of the people to whom you have referred this afternoon ?-- No.

And in fact, if you for example became aware that a person was acting in breach of his ban, of his banning order, you would take proceedings against him, or you would report the fact to the proper authorities ?-- That is correct.

And the normal consequence would be that proceedings would be instituted ?-- Yes.

If you or any other member of the police observed such person acting in breach of his order ?-- That is correct.

You don't know today all the dates on which these persons were banned from their organisations, do you ?-- No, I will have to check that up. It is impossible to remember off-hand exactly the date.

Some sooner, some later, I take it ?-- It was on various dates. They were banned on various dates.

Some I take it were banned as early as 1952 or 1953 ?-- Yes, that is correct.

And others quite recently ?-- Correct.

Now, when you talk of persons distributing literature, do you mean that they were offering for sale various publications ?-- Not always offering for sale, sometimes it was offered for sale, and sometimes handed out.

Have you ever seen people handing out free things like "Fighting Talk" ?-- No, not publications such as "Fighting Talk" "Liberation."

"New Age" ?-- No, that is always sold.

Well now, that is what we might refer to perhaps as

literature; what else do you include in the category of literature?-- Pamphlets, mainly Peace Council pamphlets. There were from time to time various Peace Council pamphlets which were issued and distributed.

Were they sold or dished out?-- Pamphlets are usually distributed, they were handed out to the audience.

Sometimes were they sold?-- Yes.

I imagine so, because a number of the pamphlets have the price printed on them?-- Yes, that is possible.

So for instance sometimes were they sold?-- I know "Fighting Talk" and "Liberation" usually have a price printed on them.

I take it that you can't today without referring to your notes inform us about the dates on which it was announced that particular persons held particular offices to which you have testified?-- No, I cannot.

I think your evidence is, if I am correct, that your notes relating to those matters have already been handed in?-- That is correct.

So if we don't find the notes in your handwriting, saying that it was announced at this meeting that "X" was such and such an office bearer, then we can take it that no such announcement was made at that meeting?-- I never attended any meeting at which any person was elected into a certain position.....

No well, put it this way, the person was introduced, if they said "This is Mr. X., who is the chairman of such and such a body," then we can take it that you made a note of it; is that right?-- Well, perhaps it is not in my own notes of that. But I did not give evidence on a particular meeting, perhaps another witness could have given evidence on that particular meeting.

Are you now changing your evidence, you now say that you are referring to meetings other than those about which you gave evidence ?-- No.

Then what are you saying ?-- I will try and make it clear. Take the first C.O.P. Conference at the Trades Hall, I did not give evidence on that particular conference, but that was properly covered by means of shorthand.....

Leave aside meetings on which shorthand evidence has been given. In the case where you were the man who made notes and attended it, if we don't find in your notes that X was introduced as such and such an office bearer, can we take it that no such introduction was made ?-- No, I cannot say that. People were not always introduced as an office bearer of a particular organisation.

I think you are not following me, Sergeant. If it happened at such a meeting, that somebody was so introduced, you would have noted it, it was part of your job, isn't that correct, you went to the meeting to make notes ?-- I am supposed to have noted that.

And you did note it whenever it happened in your presence ?-- Especially lately, I definitely would have noted it.

So if it is not there, then it wasn't said ?--

BY THE COURT: What do you say about especially lately ?-- Afterwards, from about the middle of 1954, from then onwards, I didn't always make it my business to note exactly.....

You made a point of noting it ?-- I made a point of noting it, but before that time.....

CROSS-EXAMINATION BY MR. COAKER CONTD.:

So from the middle of 1954 onwards, if it is not stated in your notes, that the person was introduced as holding a certain office, then we can assume that it was not

stated ?-- Yes.

(No further questions)

MR. SLOVO: NO QUESTIONS:

NO RE-EXAMINATION:

BY THE P.P.: I would ask Your Worship to adjourn at this stage so that we may try to get other matters in order, and try to fix them up. So far we have failed to do so.

BY MR. COAKER: Before Your Worship adjourns the Court, I would be grateful if Your Worship would request the Accused to remain in Court until I have had an opportunity of discussing a certain matter with them.

BY MR. SLOVO: Before Your Worship adjourns, I would like if the Crown is prepared to give an indication at this stage, for the Crown to indicate to Your Worship and to the Accused approximately the length of time it expects its case to last. Mr. Van Niekerk did indicate to me privately, but I think it would be just as well for the Accused who have plans to make for sick leave, or for other defence counsel, to be given some idea, which obviously one can't hold the Crown to with any preciseness, but to give some idea as to how long the Crown evidence will still last.

BY THE P.P.: I cannot give an exact time, but I am trying to finish the Crown case by Thursday next.

BY THE COURT: Will the Accused then remain in their seats after the adjournment.

COURT ADJOURNS.

COURT RESUMES 20/1/1958:

APPEARANCES AS BEFORE:

MR. COAKER ADDRESSES COURT:

Accused No. 93, George Peake, absent;
Accused No.131, G. Hurbans, absent.

LEAVE GRANTED FOR PROCEEDINGS TO CONTINUE:

BY THE P.P.: Your Worship, at this stage I think it is convenient to deal with the admissions which were considered last week. The Defence are prepared to make the admissions which are set out in the document which is now being presented to the Court, it has been checked both by my learned friend, Mr. Coaker and myself. (Handed in G.1187) When checking the exhibits, it was found that a number of exhibits in the E. Group were duplicated.

(G.1187 reads as follows:)

"The Defence admits that the Accused mentioned in Column 1 signed the documents mentioned on Column 2 appearing against their names.

<u>1.</u>	<u>2.</u>
1. Farrid ADAMS (Accd. 1)	B. 63, 208, 209, 212, 214, 216, 244, C.404, 422, 444, JM.1-17 NA. 161.
2. H. BARSEL (Accd. 4)	B. 150, 165, 182, C.479, 480. E. 368, NA. 131, 132 (Two signatures) DCT. 115.
3. P. BEYLEVELD (Accd. 6)	A.129 (5 copies) C.802, 807, 806, 808, 809, 810, 811, 812, 813, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 924, 925, 926, 929, 930, 931, 940, 941, 942, 944, 936, 937, 938, 939, 856 (Receipt dated 5/12/56) 853, 860, 862, 484, RF.55
4. Andries Chamile (Accd.8)	AAC. 5(7)
5. B. Hlapane (Accd.10)	G.1159, MWS.31 (pages 1,4,5,7,9, 11, 14, 16, 18, 20, 24, 27 and 28
6. A. Hutchinson (Accd.11)	ZKM.54(b) TET.15, TET.20, WL.11, A.150, 296, C.405, 407, EPM.77 PDN.81, SB.46, A.123, AH.3, AEL.30, 44, A.156(26), TT.102.

(G.1187 contd.)

8. Helen Joseph (Acc.13) : A.193, B.102, 112, 186, HJ.54, 123, F.17, MM.95, E.174, HJ.118. (Receipts dd. 27/9/55 & 5/12/56)
9. A.M. Kathrada (Accd. 18) : C.445, 446, RR.53, MM.139 (Minutes dd. 21/9/54.)
10. Leon Levy (Accd.20) : E.73, C.118 (Cheques dd.15/10/54, 15/10/54, 15/10/54, 15/10/54, 15/10/54, 15/10/54, 20/10/54, 13/9/54, 13/9/54, 5/11/54, 16/11/54, 10/11/54, 10/11/54, 3/2/55, 12/12/54, 30/11/54, 5/11/54, 29/10/54, 4/2/55. DCT.163, 203, E.256, B.111(1) B.146, D.80, (Receipt dd. 28/9/55) NA.162, 163, A.263(1) NA.160, 163, 162.
11. S. Lollan (Accd. 22) : SL.13 (2)
12. A. Mahlangu (Accd. 24) AM.12, 13.
13. T.X. Makiwana (Accd.27) A.217, G.1165, MR.21, 23, B.152, 153 (Receipt undated) TM.68, (Minutes dd. 17/11/55)
14. H.G. Makgothi (Accd.29) G.1163, ORT.98, JMK.17 (Receipt dd. 5/12/56)
15. L. Masina (Accd. 34) A. 179, B.158, CS.6, FB.20, D.72, AM.76, 104, 115, 117, 118, LLM.84, NA.149, 151.
16. B. Mashaba (Accd. 36) TM. 96.
17. P. Mathole (Accd. 37) A.296, F.15, TM.81, TM.83, TM.85, JTM.18, LLM.153, JM.28, EM.32.
18. J. Matlou (Accd. 38) B.57 (J)
19. J. Molefi (Accd. 43) MA.14 page (4) (7)
20. Moosa Moolla (Accd.44) A.110, 120, 122, NIC.29, 28, 16, B.168, 188, 240, 241, C.374 A.127, NIC.55, 34, 53, 62, MM.111, NIC. 123, TET.2, 18, 5, 4, 3, B.197.
21. Dr. H.M. Moossa (Accd. 45) D.97, GH.65, C.519.
22. E.P. Moretsele (Accd.46) C.209, PPN.15, C.376, A.189, A.132, 213.
23. O. MOTSABI (Accd. 47) A.103 (7) AM.17, B.57(J), MM.139.
24. J. Nkadimeng (Accd.54) JN.4, A.160, 268, 286, 56.

Collection: 1956 Treason Trial
Collection number: AD1812

PUBLISHER:

Publisher:- Historical Papers, The Library, University of the Witwatersrand

Location:- Johannesburg

©2011

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.