

By whom?—By the machinery set up, when the people of this country run this country.

The provisional revolutionary Government?—
You can call it that.

When did you hear that for the first time?—
Well, I've heard that phrase for many, many years.

Where?—I've heard of the provisional revolutionary Government of Angola, I've heard of the provisional revolutionary Government of the Algeria, I've heard of many provisional Governments. 10

And the provisional revolutionary Government of South Africa?—The provisional revolutionary Government of South Africa? I don't know when I heard it. I think I heard it for the first time in this case!

That you also heard for the first time in this case?—I think so.

Never heard it before?—I don't think I've ever heard it before.

Never?—No.

Well let's not diverse from what you're going to do with traitors. Were you going to wait then until your people take over, that's the National Liberation Movement, and then you're going to try these gentlemen, who you regard as traitors?—I hope that will be done. 20

But wouldn't you take steps to deal with them before that?—I don't think there's any necessity to deal with them.

Were there any traitors amongst your own people, the Indian people?—I suppose there are. There are traitors amongst all people, Indians, Jews, South Africans, Afrikaners, the lot. 30

And what were you going to do with the traitors, let's deal just with your people, the Indian

know what "Combat" is?—While I want to make clear that I was always associated with the Congress after my banning, that there were internal details which I'm not always aware of.

Well, I'll read to you. This is a document which has not yet been put in. "Combat. The official organ of the Transvaal Indian Youth Congress".

MR. BERRANGE(?) TO DR. YUTAR: What exhibit please?—

I said this has not been put in yet. I said that.

I didn't hear you, sorry.—If you want to know, it was found in third bedroom at Rivonia, but I haven't put it in yet. Sixty copies of it. 10

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

This is the official organ of the Transvaal Indian Youth Congress?—Did I hear Doctor say that 60 copies of these were found in Rivonia?

At least this copy was found at Rivonia!—
At least one copy?

At least one copy. Do you deny that?—No, no, I deny that 60 copies were found. 20

Oh, but you admit one was?—Could I see it here? (Handed to witness).

And this is issued by the Transvaal Indian Youth Congress, P.O. Box 10120, Johannesburg. The postal address which you conceded yesterday you were using for your Africa Publications?—Africa Publications.

"A warning to the Indian people, do not be stabbed in the back", and this is what the document says "One fact that stood out clearly and unmistakably from the strike, is that while the vast majority of Indian people closed their shops and refrained from work and school, certain people in our community were stabbing the Indian people in the back". What were they referring to there?—I don't know, if you could read the whole circular 30

people?—My lord, when it comes to traitors, they are traitors.

What were you going to do with them?—Of whatever colour they are, they are traitors. I hope they'll all be dealt with similarly.

Is that by trial? A fair trial?—Whatever the machinery that is set into motion, by the people of this country.

Would you deal with them before, by taking revenge on them?—I don't think it's necessary. 10

You wouldn't do what the A.N.C. circulars are supposed to have said, according to the evidence of Warrant Officer Card?—What are they supposed to have said?

That certain people who are against the movement, who are pro-Government must be got out of the way, must be dealt with!—I don't know what that means!

Well, you heard the result that two of them, were attacked. One was found stabbed in the back!—I don't know if that's as a result of the A.N.C. 20

You don't know?—I don't know.

But according to Card, these two men were mentioned in the A.N.C. circular by name, and shortly thereafter, they were done to death. You don't know about that?—I don't know about that.

Do you know a document called "The Combat"?—
Combat?

Yes!—I knew that there was some such..I think there was some such thing brought out by the Indian Youth Congress. 30

Why are you hesitating about it? You were associated with the Indian Youth Congress?—I was.

So why do you hesitate, when I ask you do you

know what "Combat" is?—While I want to make clear that I was always associated with the Congress after my banning, that there were internal details which I'm not always aware of.

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I might be able to comment on it.

I don't want to burden the record.---Where were you reading from?

You start from the beginning. I missed out the paragraph. Just read the first paragraph.---(Witness is reading through document). I have read it.

Do you know what they're referring to?---To the May Strike.

What year?---1961.

Is that the strike for the three days?---The 10 anti-Republican strike.

You saw this document before, surely!---I must have seen it before.

Surely! There is no doubt. I'll carry on where I stopped. "One fact that stood out clearly and unmistakably from the strike is that while the vast majority of Indian people closed their....refrained from work and school, certain Indian people in our community were stabbing the Indian people in the back". I read up to there. Do you remember his lordship made a sugges- 20 tion to you in regard to the strike. Is it not a fact that some of the Bantu wanted to go to work, but they were prevented. Do you remember that?---I remember his lordship making the suggestion about the strike generally.

Stay at home strike, now the same sort of thing is happening amongst the Indian people!---I beg to differ.

Don't you agree with this?---I think it's possible....

Yes, "People in our community were stabbing 30 the Indian people in the back"?---Yes, they were.

They were not prepared to follow the lead of the Indians!---Oh no, we never had 100% response.

You don't believe in picketing, do you?—
I don't say I don't believe in picketing.

Was that done...?—There might be times when
picketing becomes necessary.

Was that done as far as the Bantu was concerned?
—To the best of my knowledge, no.

Was that done as far as the Indians were
concerned?—Not at the instance of the organisers of
the strike.

Was that done as far as the Indians were con- 10
cerned?—To the best of my knowledge, no.

Then I'll read to you from the same document.
Page 2...?—My lord, there might have been some picketing
at Indian schools, but to the best of my knowledge, this
is not done at the instance of the organisers of the
strike.

Let me read this to you "A few shop people
of the people
have defied the will of the majority/and have kept their
shops open. When asked to close by pickets, they re-
sponded with abuse and insults".—That's quite likely. 20

Quite likely?—Yes.

"Let these individuals remember that they
deal with the oppressed people and they have no sympathy
with the struggle of the people from whom they make their
living, then the people will have no sympathy for them.
We are informed that certain shops are being boycotted
because they opened when others closed. We asked the
people to take effective measures to counter-act strike
breakers. At this crucial time we cannot afford dis-
unity in our ranks." What effective measure did you 30
propose to take against what you called the counter...
to counter-act the strike breakers?—In the first place,
I did not write that.

I don't suggest you did!—I don't know why you say "what you call" effective measures.

Yes?—I don't know what they had in mind.

You don't know?—But it's possible that they had in mind a boycott of their shops.

Right, now I must complete the third paragraph of this document. "Fortunately these individuals are few and far between to split the community, but their danger cannot be under-estimated, particularly now that the Government is desperately looking for stool pigeons, 10 informers and good boys to carry out it's policy." Did you subscribe to that view that the Government was looking for stool pigeons, informers and good boys?— That's the only type of people they'll get to co-operate with them, that is stool pigeons and good boys.

"Let us be warned of these dangers and take effective steps to deal with them". How were you going to deal with those?—I did not write that, but if I were to deal with them, a lot of their types have already been dealt with. They've been completely ostracised 20 from the community.

Yes, some of them have been brutally murdered, shot in the back!—Who for instance?

(Somebody talking very softly in the background). I doubt my learned friend has given me the answer, I'm not going to trouble you to repeat the answer. I'll read on "The future of the Indian people lies with the African and Coloured people in the struggle for full freedom democracy. Any talk of compromise is a stab in the back for the Indian people".—Quite right. 30

"We have reached..", I'm not reading, everything, so let me not be accused of misleading the Court. "We have reached the position in South Africa where no man can afford to sit on the bench(?) fence(?)". Is that

right?—That is right.

So then you have now reached the stage, where you know that the Indian people, part of the National Liberation Movement, is up against a stone wall!—That's right.

And there was no turning back?—There is no turning back.

And then follows sabotage?—Well, is that in the circular?

I'm suggesting that to you?—Well, sabotage 10 has taken place in this country

AT THIS STAGE THE COURT ADJOURNS FOR THE TEABREAK.

ON RESUMING:

62(E)

AHMED MAHOMED KATHIRADA, still under oath

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

I would like to deal with certain people who are here named as enemies of the Indian cause. H.M. Essop of Pretoria?—I know the name.

Was he regarded as not a friend of the Indian cause?—That is right. 20

J.G. Vanbiar likewise?—J.G. Vanbiar likewise.

Essop Norsake of Bank?—I don't know very much about the gentleman, but I think he is the man that attended the Republican celebrations.

That's right?—If that's him, then he's regarded likewise.

And A.I. Kajee of Durban?—A.I. Kajee is dead. A.S. Kajee it may be.

It's most probably a misprint here?—Yes, he's the man that...yes. 30

What were you going to say?—He's a man who also attended the Republican celebrations.

In fact, this paragraph deals with the people

who had been invited to attend a Presidential inauguration and this document goes on to say that they are no friends of the people?—I was just going to say my Lord, in connection with A.S. Kajee, that in fact, this morning's newspaper, 500 Indians in Natal refused to hear him and asked him to leave. That's how the Indian community look upon him, and I think that's how they are being dealt with. Very satisfactorily.

Let me tell you what this document says how these traitors must be eradicated, in fact, they deal with it, there's an article here entitled "Traitors..." look what this document says here — "We accuse Abdul Raman Mia of Avenue Road, Fordsburg", is he also not a friend?—I don't know much about him. 10

"Mr. M.S. Laher, 12th Street, Vredehoek"?— I don't know much about him either.

They say "We accuse these two as informers and of conniving with the Special Branch to secure ... and preserve their own interests. We accuse these spineless individuals as traitors to the cause". If what is said there, is true about them, I agree. 20

"And we wish to state that this exposure is not intended as a campaign of vilification against these individuals, but is meant as a note of warning to our people". Let me read what the note of warning is, on the last page. "Finally, we warn informers and would-be informers that they will be exposed by us". Is that in accordance with the policy of the Indian Congress? —There's nothing wrong with that.

I'm asking you is that in accordance with the policy? I'm not asking you whether it's wrong or not! —I don't know if the Indian Congress has got a policy of exposing people. It happens in the course of political struggles that these things ...people get exposed. 30

Is it in keeping with the practice followed by the Indian Congress? To expose...?—My Lord, this is a Transvaal Indian Youth Congress Publication.

Yes, that's right!—I can't remember when the Indian Congress specifically went on a campaign against any individual, unless you can remind me.

"And if they think that their nefarious activities will bring them personal gain such as passports licences, permits, etc., then they're far mistaken. Their fate would be similar to the Jews who betrayed their people".—That is very, very, correct. 10

You were bemoaning the fate of these Jews at Auschwitz yesterday?—Yes! What happened to the Jews of Auschwitz, will happen to the Indians of South Africa, in the hands of the Nationalist Government.

And do you know what happened to Mr. Kajee, for example? Do you know what happened to him?—I know what happened to his office.

Yes! His office! Dynamite was placed outside his office! On the 9th of December 1962! The office of A.S. Kajee 26 Allen Street, Durban! Item 122. That's what happened to him! Do you approve of that?—I don't disapprove that at all. 20

That's enough for my purpose! Let me just complete the list. Harold Strachan, when did you meet him for the first time?—I have never met Mr. Strachan.

You don't know him?—I've heard of him.

When?—I must have heard of him a few years ago.

As what?—As a member of the Congress of Democrats. 30

He was a lecturer wasn't he, at the Technical College in Port Elizabeth?—So I believe.

Did you know that he specialised in explosives,

in the manufacture and the use of explosives?—I know that he was convicted.

Yes. Did you know that he was training Bantu in order to teach them how to make and use explosives?—I've heard that in this case.

For the first time?—For the first time.

Oliver Tambo?—I know Mr. Tambo very well.

Where did you meet him?—I met him in the course of my congress work.

He was?—He was also a co-accused in the Treason Trial. 10

And a leading member of the A.N.C.?—At one stage he was Secretary-General, at one stage he was Deputy President-General of the African National Congress.

And now where is he?—I believe he is on the external mission of the African National Congress.

Together with Tennison Makawane, Neshwa and Radebe and others and Nokwe too?—That is right.

Benjamin Turok, when did you meet him for the first time?—I met Mr. Turok in the fifties I think, 20

Where? First of all, who is he?—Mr. Turok is the or was rather, the secretary of the Congress of Democrats.

When did you meet him for the first time?—I said I think in the fifties.

Under what circumstances?—He was connected with the Modern Youth of Cape Town, I was connected with the Indian Youth Congress as you know, and in the course of our Youth work, I met him.

And you were associated with him politically? 30
—I was.

Do you know what Benjamin Turok did? According to the evidence in this case?—Yes.

What?—He is alleged to have planted a bomb somewhere.

Yes, inside the drawer of the desk of the Commissioner of the Rissik Street, Post Office Building.
—I know the...

Yes. Do you approve of that?—I have given in chief my lord, what my attitude to acts of sabotage is. I would like to give it again, if you would allow me.

Do you approve of it?—Well, I'll answer it this way. I don't condemn acts of sabotage, on principle, 10 but I have said that my reservation about acts of sabotage, is individual acts of sabotage do not serve our struggle.

But you did say in chief yesterday, and I'll quote to you what you said presently, that you regard it as justified!—I regard acts of sabotage as justified.

Under what basis can you justify the placing of a bomb in the desk of a man who occupies the position as a semi-judge a judge. A man who sits to hear the debate of divorce cases? On what basis do you justify that?—I take it that that is a Government building. 20

Yes!—And it's in line with Umkonto's policy to damage Government buildings.

Right. Why put it then in the drawer of his desk?—I did not put it there in the drawer of his desk.

Why do you approve of this act of sabotage?—
I don't...

You don't disapprove of it?—I don't disapprove of it.

Do you think that is right?—If it brought any danger to the individual concerned, I would have dis- 30 approved of it.

So what did you expect it would bring?—I don't know. I don't know what....I know the result of it was that he didn't ...it didn't explode at all.

Yes, but that wasn't through the good offices of Benjamin Turok. That was just an accident, an act of God?—I'm not prepared to speculate on what the motives of Mr. Turok were.

Yes, and you know the Post Office in Rissik Street, it's an old building made mainly of wood!—That doesn't recall the Hendrik Verwoerd Post Office.

I didn't ask you that!—Well, you asked me whether I know it!

You know the Post office?—I know it. 10

Made of wood?—I don't know if it's made of wood. I know it's made of stone as far as I can remember.

Look, there's a lot of woodwork inside. The staircases, the panelling, the offices - woodwork?—That's what one generally finds in the post offices.

What would have been the effect of a bomb exploding in such a building, the possibility of loss of life to people working in the building?—It all depends on when it explodes, I suppose.

Yes, and it all depends who is walking by! 20

—It all depends on that.

And innocent man posting a letter over there, an innocent child, maybe even a young Indian girl! Or a little Indian child!—I don't know why the Indian comes into it.

I said may be?—Maybe, it may be a Jewish child too.

Yes! And finally, Cecil George Williams?—I know Mr. Williams.

And?—I knew him as a member of the Congress 30 of Democrats.

How long did you know him?—I knew Mr. Williams in the fifties I suppose, or even earlier.

And you've met him often socially?—I have met him socially, I wouldn't say very often.

To the public he was a figure in the theatrical world?—I believe he was a very capable man in that field.

I never asked you that. I just asked you whether he was a figure in the theatrical world?—I believe so.

But to your knowledge he was a member of the Congress of Democrats, associating with you and the likes of you politically?—Yes, I was very privileged to.

Yes, I never asked you that either, and he is the gentleman according to one of the exhibits, who instructed the payment of \$10,000 to the account of a certain firm of attorneys, one of whom is Wolpe?—I've heard that.

What was that money to be used for?—I really don't know.

He was a Communist?—So I believe.

Now let's deal where we left off yesterday afternoon. Do you remember you made a bitter attack on the British Government yesterday?—I stated what I considered to be the facts.

Yes. I asked you do you know about the sufferings of your people in India, and you laid the responsibility therefore, at the doors of the British Government?—I did and I still do.

In the same way as you're laying the sufferings on the people in this country, at the doors of the South African Government?—It's a matter of history that the British ruled India for many, many years, and since that time came the people of India were

fact that countless millions of

your people are suffering and living in conditions far worse than the Indian population in this country?— That could be so.

By comparison Indians in this country are living in a state of luxury by comparison?—I don't know about that. I don't know about that at all.

You have raised objections against the 90 day no detention law not so?—I have, as one who has suffered under the 90 day detention law, I have the strongest objection. 10

I beg your pardon?—As one who has suffered under the 90 days detention law, I have the strongest objection.

You object to that strongly?—I do.

Do you remember the document that I put in, I'll find it presently, where the author of the document said that members of the Liberation Movement must make a nuisance of themselves and publicise the effect of the 90 days as much as possible?—I don't remember any document saying the members of the Liberation Movement must make a nuisance of themselves. 20

I refer now to Exhibit T.42 my lord, page 97, the part I want to refer to. Now here's the original, or rather the document as it was found at Rivonia. Now that's a document issued on the 10th of July 1963, it's a directive to all Regions and Branches, and it's dated the day before the Police raid.—That is so.

Now just look at the last page under the heading "The 90 Detainees - what to do".—Yes.

By the way, do you know of any similar provision 30 in any other countries in the world, by detention without trial?—Remind me, I might be able to confirm it. Off-hand I don't.

"All Regions and Branches are asked to keep a Register of detainees, also find out how many dependents they have and what their financial circumstances are." Have you got that part?—I've got that.

Now look under paragraph 2. "The police want to smash the resistance of those they detain by keeping them in solitary confinement....(a) By getting...detainees to pester the police with demands to see them to take them clothes and food". That was in fact, done not so, Kathrada? The police were pestered?—I won't be surprised if they were. 10

"By organising meetings of....to go to the Chief Magistrate and demand the release of their men and women".—It could have been done.

Irrespective of what they were supposed to have done, those that were detained under 90 days?—Quite likely.

"(c) By holding protest meetings". Right?—Yes.

And "(d) Use all means to keep the minds of the public thinking about these unjust events. This will strengthen those inside".—Right. 20

And just by the way, let me just complete the document.—The nuisance part of it.

Which nuisance part?—You put the question to me that directives went out to people to make nuisances of themselves.

Yes, well that was an understatement, the police speaks of pestering the police. "Renew the campaign amongst our people not to talk when they are arrested by the police. This is very important. At all our small meetings the word must be passed down "Don't talk when you are arrested"". According to Caswell, that 30

is exactly what Solomon Looksmart Ngundhle said "don't talk". "In our last directive we asked you to send us a list of...please send us what you have collected so far". Kathrada, do you know that India has a three year detention no trial law?—It's quite likely.

Did you ever^{voice any}/protest against that along the same lines, as you do against the 90 day detention no trial law in South Africa?—I have not.

You have not?—I live in South Africa, I suffer from the laws in South Africa, and my objection 10 is what goes on to me and my people.

Had you attended conferences overseas?—Yes.

You visited Soviet countries, Socialist countries? —I visited Auschwitz.

I heard you yesterday.—Yes.

And you directed attention against your country of birth?—Yes.

But not your mother country?—My mother country is South Africa.

Right, the country then as you said yesterday, 20 had cultural ties?—That's right.

Not a word of protest against that?—Not a word of protest against that.

You were trying to get assistance from Ghana. Do you know that Ghana has a five year detention no trial law?—That is correct.

Have you ever spurned the system from Ghana?—Never.

Never?—I'll get assistance from the devil.

Yes!—Provided it is for my people in this 30 country, and the freedom of my people.

But you choose to attack the country of your birth!—I choose to attack it and I will go on attacking it, till things are put right.

As you see it!—The way my people see it.

Are you prepared to tell me who Gaganini is?

—I don't know.

You don't know?—No, I've heard in Court who he is supposed to be, but even if I knew I would not tell you.

And Cammella?—You heard in Court who he is.

Who is he?—You heard.

Who is he?—Mr. Sisulu.

And are you sometimes referred to as "K"?—

10

I am not referred to as "K".

Never?—I don't no of anybody refers to me as "K".

Do you know anybody else who goes under the initial of "K"?—Yes.

Who?—Mr. Kroestchef.

Was Mr. Kroestchef in Durban?—I don't know.

Was Mr. Kroestchef in Johannesburg?—Not that I know of.

So you were just trying to be funny at my expense?—I wasn't. You asked me if I know of any Mr. "K" and I told you.

20

Yes, do you know of any other "K"s?—I know of one other person who is referred to as "K".

In South Africa?—In South Africa.

Who?—He is the organiser of the Natal Indian Congress.

Who is he?—Caswell Moonsamy.

In Johannesburg?—I don't.

I'd like to read to you from the diary of Man-
dela, Exhibit H.17. Page 204 my lord. This is a diary
and it starts from January Wednesday the 3rd, and I'm
reading now from the events of Tuesday the 9th January

30

1962. Now that follows immediately after Mandela saw Luthuli, who he reports was in high spirits, who approved of his trip, that's to Africa, and would suggest a consultation on the new operations. Then he goes on to say this, Mandela does, on Tuesday the 9th "Leave D for J at 7 a.m. and arrive in Joh. 3.45". I think you'll help me and agree when I say that he left Durban for Johannesburg at 7 a.m. and arrived in Johannesburg at 3.45?—That's your interpretation.

You're not prepared to agree to that?—I'm 10
not prepared to agree to that.

"I sent for Gaganini". You don't know who he is?—I don't know who he is.

"Cammella", who we know is Sisulu?—Yes.

"and K". I want to suggest that "K" is Kathrada, not Kroestchef?—It might be that he wrote it down that way.

"I had discussion with Gaganini but K fails to turn up. He was reported to be boozing". Do you drink?—I do. 20

Were you boozing, to use the word of Mandela, on that day?—I don't know. I don't make a note in my diary of when I take a drink. The 9th of January 1961 or 1962, I don't know what I was doing.

Yes.—It's very likely that I might have been having a drink.

Yes, but this is not just having a drink. He used a strong term "boozing". Well perhaps we might recount the events of the next day. "I spent the ^{day at the} home of the former typist D". Do you know who D is?—I don't. 30

"And then I leave for home." Wednesday the 10th. "I return to home of former typist I see Madeba". Do you know who Madeba is?—I don't.

"Later I see Zami".---Yes.

"I see Gaganini who reports the arrest of Kalele".---Yes.

And wasn't Sisulu arrested round about that time?---Mr. Sisulu has been arrested so many times by the police, I can't remember.

"Later I meet K who tries to find excuse for the failure to turn up the previous day, on the ground that it had been previously arranged that I sleep at W.C." "We have a brief tiff and later we cool down and we pat each other".~~///~~Is that correct?---My lord, I don't remember that at all. 10

You don't remember having a tiff?---Not at all.

"And we cool down and we pat each other". Has that never happened with you with Mandela?---I've had arguments with Mr. Mandela.

You have, and now look at the next day. "I leave for Lob." You won't of course, agree that it is Lobatsi?---It could be.

"At 12 and arrive there 3.30. I ascertain that the flight had been cancelled from Dar. I sleep at Fisher's house". (Some discussion about the name). 20
---May I have the original please?

Yes surely! (Handed to witness). Yes they've got here "I sleep at Fish K's house". Whose that Fish K?---I suppose that's another K, I don't know. It's not me.

Is it Ketse?---I don't know.

Ever heard of such a man?---There was a Ketsing in the Treason Trial with us. 30

Yes, and where is he now?---I believe he is in Bechuanaland.

"At midnight I received the report that A.M. had been arrested for driving under the influence. I

refer to it as an amazing irresponsibility and a betrayal". Who is that A.M.?---I don't know who that A.M. is.

Ahmed Kajee?---I don't know.

"I meet Mr...". You wouldn't know that. You never heard of A.M.?---A.M.?

Yes.---I'm A.M. Kathrada myself.

You're A.M.?---A.M. Kathrada, yes.

Had you been arrested for driving whilst under the influence of liquor?---I was never. 10

That's why I excluded you, and I'm suggesting it's A.M. Kajee who stayed with you in the flat.---I don't know. Many people stayed with me at the flat.

Was he ever arrested for driving under the influence of liquor?---I don't know of that.

Do you remember you said you went overseas, and you visited a lot of countries?---That is so.

What was the purpose of your visiting?---I told the Court that I was sent over to attend the World Youth Festival of Youth and Students. 20

Yes?---I then attended a Conference of the International Union of Students.

Yes?---I then spent some months at the headquarters of the World Federation of Democratic Leaders, in Budapest.

Any other of the Iron countries? Iron curtain countries?---Talking of the Socialist countries, I did visit Czechoslovakia.

For what purpose?---In transit.

Yes, did you stay there?---I did spend about ten days there. 30

What did you do?---Visited this country.

Locked around.

When was this?—During that period.

What period is this?—During the period of my stay abroad.

What was the year?—1951/1952.

What other iron curtain countries did you visit?
—The Socialist countries that I visited was Eastern Germany.

Yes?—Poland.

Yes?—Checkoslovakia.

Yes?—And Hungary.

10

And Russia?—No, I did not.

Why not?—Unfortunately not.

China?—Unfortunately not.

Now remember you told his lordship when I was dealing with "Combat", that you had now reached the stage where you could not sit on the fence any longer?—That is right.

Now there were two opposing forces lined up against each other?—That is so.

On the one hand, according to the document, we've already put in "Speaker's notes", or is it the outline and the Syllabus. On the one hand we've got Verwoerd's Nationalist Government and the white supporters of the policy of white supremacy.—All the supporters of white supremacy, Matanzima as well.

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63(B)

And on the other side, we've got according to that list over there, the African National Congress, the South African Indian Congress, and the Coloured people's conference isn't it? Is that right?—Well, I don't know what document you're referring to, but if you ask me who the constituents of the Congress Alliance were, I confirm that those were.

30

Those were? The four?—The African National

Congress, the Indian Congress, the Coloured People's Congress and the Congress of Trade Unions as well as the Congress of Democrats.

That's the Congress Alliance?—That is the Congress Alliance.

That National Liberation Movement?—Well, the National Liberation Movement is a very broad movement.

Consisting of?—Of everybody who aspires for freedom in this country. I say they are in the National Liberation Movement.

10

Who are they?—All these. Non-European people of South Africa, besides the few followers of Matanzima, I say are in the National Liberation movement. The movement.

Let's get this quite clear. First of all I'm referring to Exhibit R.46.—I don't know it. May I have it.

Yes, we'll give it to you. I can't give you my notes, because I've got a copy of it. I'll read it to you. That is the outlines of a syllabus for a brief course on the training of organisers. You know we've referred to that document so often?—Yes.

20

"On the alignment of forces. What are the opposing forces. On the one hand are (1) Verwoerd's Nationalist Government and (2) Supporters of the policy of white supremacy". There it is. Let me find the place for you.—You'll find it at page 3 in the middle. —Yes, I've got it.

"On the other are the African National Congress, the South African Communist Party, the South African Indian Congress and the Coloured People's Congress". Right?—Yes.

30

Is that correct?—Yes, those are amongst the

organisations in the National Liberation Movement.

And the National Liberation Movement was formed for the first time, when?—A movement is not formed.

Well, when did these forces come together, as the National Liberation Movement?—I say the moment oppression started in this country, the movement for Liberation started.

And when did they act as a unified?—The supporting of these organisations.

Yes?—Oh well that's different. The African National Congress and the South African Indian Congress, are signed what are called the Doctor pact. Dr. Kuma, Dr. Naicker and Dr. Dadoo signed a pact of unity in 1947.

That's the African National Congress and the Indian Congress?—And the Indian Congress.

And these four organisations worked together? —My lord until the banning of the Communist Party in 1950, it did co-operate with the South African Indian Congress and the African National Congress, in various campaigns.

20

And the banning really had no effect on it at all, because like the A.N.C. it went underground and still carried on?—It did, but to my knowledge the Communist Party, after it was declared illegal was not part of the Congress Alliance. I mean formerly it didn't attend it's meetings.

But it was in the forefront of the National Liberation Movement?—Oh it remained in the National Liberation Movement.

And therefore, there was close contact between the Communist Party, the A.N.C. and the South African Indian Congress?—That I don't know about. After the banning of the Communist Party in 1950, I am

30

not aware of any contact between the Indian Congress and the Communist Party.

Not at all?—Not at all.

Although it was one of the forces which was lined up against the ruling government of the day?—Yes. My lord, when we talk of the National Liberation Movement, or rather when I talk of the National Liberation Movement, I also include organisations such as the Pan Africanist Congress, such as the non-European Unity Movement, the All-African Convention. Those are all forces of the National Liberation. We might differ fundamentally with 10 some of them, but they still aspire for freedom in this country, and therefore, are part of the National Liberation Movement.

Do you know like Sisulu, you've left out one important organisation? I don't know why!—Remind me.

I put in the forefront of your mind, the Umkonto We Sizwe?—The Umkonto We Sizwe, thank you for reminding me.

Why did you leave out that very important independent organisation?—I just forgot about it. 20

You just forgot about it!—I assure you it wasn't deliberate.

Although that was to be the organisation, the military wing that was going to rock and shatter South Africa!—That's how it's looked upon by some people.

And like Sisulu, you forgot it! And I want to tell you why, or suggest a reason to you why. You know perfectly well Kathrada, that the African National Congress...that the M.K. was the military wing of the African National Congress?— That was not my understanding of it my lord.

And there are documents to show it and prove it.—I have heard those documents in Court.

You haven't heard all, I'm keeping some back.
---Show them to me.

I'm going to show them to somebody else, but I want to tell you you know for a fact that the M.K. is the military wing of the A.N.C.?---That was never my understanding of it.

And you said you first heard about the M.K. in December 1961?---That is so.

Can you give any reason why you had not been told about this as early as June of 1961, when according to Sisulu, they began to discuss then the formation of a violent organisation?---I can think of no reason why I should have been told. 10

Because this, as I told you yesterday, represented now an important departure, of what was the policy of the A.N.C., and the South African Indian Congress was one of the bodies to be consulted on important departures in policies?---For all I know the South African Congress was consulted. I'm not denying that.

And you were not aware of it?---I'm not aware of the South African Indian Congress... 20

Although you held executive positions with the Transvaal Indian Congress and the Transvaal Indian Youth Congress?---That is so.

And you never know about it, until Mandela told you some time in December 1961?---Knew what?

About the formation of the M.K.?---That is so.

And although you were a friend of his from the early forties?---That's right.

And if you had not to be consulted and if the South African Congress was consulted, why should Mandela tell you about it then in December 1961?---I did make it clear that Mr. Mandela wanted to see me for two reasons. This was just one of the two reasons. 30

What was the other reason?—The other reason was he told me that he was going overseas, and he wanted me to continue to be of assistance to his family. Which was of course, the more important reason in that...

Was that the reason why you went to Rivonia?
—Is that the?

Reason why you went to Rivonia in December 1961?—I went to Rivonia to attend a party, but I did not attend it as I told the Court.

And you spoke to Mandela for the rest of the evening?—I did speak to Mr. Mandela. 10

Well, if there was no need to consult you about it, why should he say I want to tell you about the formation of the M.K.? Why?—Well, he might consider me a leading figure in the movement who could be told.

And if that is so that he considered you a leading figure, why weren't you told about it earlier in June of 1961?—I really don't know.

You see because this is what you said "He said that in line with the policy of the Umkonto We Sizwe, he was approaching me to acquaint me", Kathrada, that's you not me?—That's me. 20

"And other leading members of the National Liberation Movement on it's formation".—Yes.

"So that when it takes action we would not be taken by surprise". "And other leading members of the National Liberation Movement".—That is so.

And he regarded you as a leading member of the National Liberation Movement?—That's possible. 30

But kept it away from you until December 1961.—My lord, there are many, many, leading members of the National Liberation Movement in this country.

Many, many of them.

And you said to his lordship yesterday that you weren't taken by surprise?—I was not taken by surprise.

Why not?—Because things were developing in this country, and anybody who was in touch with the feelings of the non-European people would have come to the conclusion that violence is inevitable in this country.

So you were not taken by surprise?—Not at all. 10

Do you know that prior to December 1961, there had been 12 acts of sabotage committed as alleged in the indictment?—I know. Well, I didn't know the number, but I knew that there were acts of sabotage.

Did you ever enquire who committed them?— I think on occasions there were news items in the paper about Umkonto committing them.

Were you taken by surprise?—I was not taken by surprise at all.

Did you ask the leaders, when these acts took 20 place as early as August of 1961, "now who is committing these acts of sabotage?" Did you ever take that trouble to find out?—No.

And you remember Mandela himself in his speech at the P.A.F.M.E.S.C.A. Conference spoke about acts of sabotage which M.K. had committed already in October of 1961?—No...

MR. BERRANGE TO COURT: No, no, that is completely incorrect my lord, and I challenge my learned friend to show where that is to be found. 30

BY THE COURT TO DR. YUTAR: What is the reference?—My lord it's Exhibit 'Y', and I'll have a look now.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Did Mandela refer to acts of sabotage which had been committed in October of 1961?—I heard him that sabotage was committed in 1961.

Who committed those acts of sabotage?—I don't know.

And you are refuting that they were committed by the M.K.?—I'm in no position to confirm or refute.

However...?—But I would believe what Mr. Mandela/^{told}the Court.

Not under oath?—Wherever Mr. Mandela speaks, I would believe him.

BY THE COURT TO DR. YUTAR: It's not Exhibit 'Y'. (Dr. Yutar explains to Court which document it is.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

I'm reading my lord from the speech. "In the past ten months I moved up and down my country and spoke to peasants...who worked in the Cities, to students and to professional people. It dawned on me quite clearly that the situation has become explosive. It's not surprising therefore, when one morning October last, we woke up to read press reports of wide-spread sabotage involving the cutting of telephone wires and the blowing up of power pylons. The country....The Government remained unshaken and white South Africans tried to dismiss it as the work of criminals. Then on the night of the 16th December last year, the whole...vibrated under the heavy blows of Umkonto We Sizwe....explosives in Johannesburg".—Where did Mr. Mandela say that the October explosions were committed by Umkonto? That's what you told me.

Yes, he said it was not done by criminals.

BY THE COURT: The suggestion seems to be that it was all done by Umkonto, the whole ^{)L,")} article. You might read it

either way.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Mr. Mandela says there that the Government, guessed that it was committed by criminals. The only criminals you referred to in this case...?---Are the Government itself.

The Government itself?---That's right.

Well, we can assume that the Government did not commit it! The acts of sabotage?---No.

We have read from the documents of M.K. that 10 they specialise in the cutting of telephone wires and the blowing up of power pylons?---I don't know which document you're referring to. May I see it? Where they claim to specialise in the blowing up of power pylons and the cutting of telephone wires. Will you show me the document please?

Those are the targets of the M.K.!---I want to know which document says the M.K. specialises in these activities.

BY THE COURT TO WITNESS: Mr. Yutar did not say that a 20 document said that. That is the evidence?---I'm sorry my lord, I understood the Prosecutor to say that a document says so. I'm sorry my lord.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

I'm reading to you from a document of the M.K. ...of the African National Congress, Exhibit "WW". Just one document. "Indeed smashed railway lines, damage pylons, cutting electricity across the country, bomb out petrol dumps, cut Verwoerd off from his power, and leave him helpless", and these acts are only the be- 30 ginning!---Yes.

Do you want some more documents?---That really still doesn't confirm your suggestion, that they were

specialists in this.

I won't argue with you. And now he told you, Mandela did, according to your evidence, that this was an organisation that was now country-wide, and had been set up?—That is so.

Set up by leading members of the African National Congress?—That is so.

What else did he tell you about those people? —Well, he told me that there were people, in whom he was sure I would have the fullest confidence. 10

Why should he tell you if there was no obligation then to tell you?—He did not name anybody.

But why should he tell you that he was sure you'd have the fullest confidence in them?—Naturally, that's the natural thing to say.

In whom he was sure I had the fullest confidence. Who were those people in whom you would have the fullest confidence?—He did not tell me.

Do you know who the leaders of the M.K. are? —I have heard who the leaders of the M.K. are.

Who?—I was told that Mr. Mandela himself was 20 a leader of the M.K.

Yes?—I heard in Court that Mr. Sisulu had something to do with it.

Yes?—I heard that Mr. Mbeki was one of them.

Yes? Slovo?—I've heard Mr. Slovo was one of them.

But who were the people to carry out the acts of sabotage?—I took it, I understood the units of the M.K.

The units, not these leaders you have mentioned? —I don't know. He did not say that others are going to 30 do it, and I'm not going to do it.

And what was done resulted in fact, in loss of life?—In what?

I say what was done by way of sabotage, in fact, resulted in loss of life!—My lord, I'm aware of one incident already referred to in Court. The incident in Dube I think.

Yes?—Where Mr. Molefe was killed.

Yes?—I'm aware of that.

Were those the responsible people in whom you would have had confidence?—My lord, I believe that Mr. Molefe was killed, while he himself was trying to plant the bomb. 10

That's right. Responsible leader! What about those in Natal who threw a bomb onto a passenger train, in mistake for a goods train?—Yes, I've heard about that.

What about that?—My lord, I....

Did you have confidence in those people?—I have said that I regard the leadership of the African National Congress as responsible leadership.

Yes!—I have said that those who have been... who are in M.K. have been forced to resort to these 20 methods. I have the fullest admiration for their courage, and when you talk of responsibility, I also know that members of the Ossewa Brandwag committed acts of sabotage, when they had the vote, and when they had every other means of expressing themselves in this country, and they resorted to sabotage, and some of them are in the Government today.

In other words, as is implicit even in your evidence in chief, you are in full agreement with the acts of sabotage committed by the M.K.?—I made it 30 clear that I expressed my reservations. My reservations were not on the grounds of principle. I have said that I am not a Pacifist. I don't object to acts of sabotage

or acts of violence on principles. My objection or my reservations rather, was/^{what} may be called, tactical grounds.

Now I was going to deal with your reservations later, but I'll deal with them now perhaps, seeing that you mentioned them. You regarded yourself as an Activist? ---I did.

What exactly do you mean by activist?---Exactly what it means, an active person in the political movement.

Active?---Yes.

10

You let all the other rascals file do your dirty work, but you stay away. They can blow up power pylons and railway lines...?---I have not incited anybody, and I can assure you that had I agreed with that decision, I would have gone and blown up whatever was decided.

But you didn't attempt one act of sabotage? ---Because I was not in agreement. I had expressed my reservations. I was not a member of Uakonto. If and when the time arrived when I'm in agreement with it, I will go and do it.

20

What were your reservations?---I have said what my reservations were.

I'd like to hear what were your reservations? ---I want your reservations!---My reservations were that acts of sabotage on their own, isolated from the mass political struggles of the people are not necessarily effective.

Right. What do you mean by that--not necessarily effective?---Well, they create to my way of thinking, a bit of enthusiasm and that enthusiasm dies down. In other words, if they are not related, for instance if they are related to a mass campaign or a mass struggle.

30

For instance, if there was an anti-pass campaign on, and people were going to gaol, for burning of their passes, and somebody goes and blows up the pass office, I would have no objection to that whatsoever.

None at all?—None whatsoever.

Don't you agree with the organisers of M.K. that the whole idea of acts of sabotage, was to inspire fear in the white man and give a feeling of confidence in the non-whites?—That was their belief. I felt that the danger was that the masses of the people might start 10 believing that sabotage is a substitute for the mass struggle, and that was my fear, and that goes for my reservations which I expressed to Mr. Mandela.

Any other reservations?—Well, those were the basic reservations.

Well, you're only mentioning one. Any others? —No, I think those were the fundamental ones. I can't remember now my lord. I did feel of course, that my fear was that a leading man like him engaged in an organisation like this, it might have the effect of drawing 20 away from the National Liberation Movement many other important people of that stature, who I felt are indispensable to the people of South Africa, in the National Liberation Movement, or in the political organisations rather of the National Liberation Movement.

To boil your one reservation down, you felt that it was ineffective in isolated acts of sabotage?—Quite so.

You wanted to see that combined with some other mass action?—I wanted to see mass action. I said the 30 basis of our struggles has always been, even still today, and will always be until victory is won, which will be definitely won, the basis of our struggle is the mass

movement, mass political action. Sabotage at the very best, can only be complimentary to the mass struggle. It cannot be something on it's own, isolated.

And sabotage together with guerilla warfare, would be effective?—My lord, I have expressed my views in guerilla warfare.

I'm putting to you a questions now - sabotage with guerilla warfare would be effective!—If I believed that guerilla warfare was feasible, and if I believed that we can achieve our purpose in the minimum of time, 10 I say let's have guerilla warfare tomorrow.

Tomorrow?—But I believe the guerilla warfare was not feasible, and is still not feasible.

BY THE COURT TO ACCUSED NO. 5: What is the difference between guerilla warfare and an armed revolution?—My Lord...

Is there any difference?—My lord I don't profess to see a fair edition on that, but to me guerilla warfare could be referred to as an armed struggle.

Armed revolution?—Or armed revolution my lord. 20

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

You know you profess not to know about guerilla warfare. It's the second time you've said that!—Apart from my reading of it, I have not read what one might call the classical works on guerilla warfare, or extended works on guerilla warfare.

We've had a lot by Fidell Castro on guerilla warfare, Exhibit R.6, and you published articles...It's Che Quavara on guerilla warfare.—Yes.

You've heard that?—Of course, I've heard that. 30

And you wrote or participated in the drawing up of Castro's Cuba, Exhibit 214!—I participated in the publishing of that.

Yes, and that deals with "How did Cuba's Revolution happen? Who is this Fidel Castro who led it? What kind of change did the Cuba revolution bring about? This booklet will tell you!" So you knew something about guerilla warfare!---I don't profess complete ignorance.

Exhibit 215 "The Story of Algeria's War for Freedom", and you say over here "It is...now out of print", and there too you deal with guerilla warfare! And why, I'm reminded, were you so interested, in the guerilla warfare of Algeria and Cuba, if it was in your 10 view, not feasible?---If one reads these pamphlets you then see that you don't deal with just guerilla warfare. We deal with the conditions in those countries, how the people live, how the people exploited, how the people struggled, how the people attained their freedom. Guerilla warfare might occupy a very small portion of those pamphlets.

But certainly the whole of this booklet deals with armed revolution?---The whole of the...?

Yes!---To the exclusion of the conditions 20 of the people of those countries.

This deals with revolution, armed revolution?--- No doubt there is mention of how those people achieved their freedom.

One thing that surprises me Kathrada, is this, that you never expressed to Mandela, that if M.K. is going to indulge in acts of sabotage, what about loss of life? How are you going to guard against that?---He must have explained to me.

He must have explained to you!---He must have 30 told me what his policy is.

You never mentioned it in your evidence in chief!---I did not say I'm mentioning every word of what he told me.

Oh well, what did he say about it?—I don't remember now my lord, this discussion took place very long ago, I don't remember everything that he said.

Now you spoke about three items of sabotage in particular that you approved of. The one was the blowing up of the building of the Minister of Lands, Economy and Marketing. His office is in Harrison Street, Pretoria?—My lord, I never said I approved of it, did I?

What did you say?—What did I say?

What did you say about it?—I said these were 10 the dramatic actions that got publicity in the press, as far as I can remember.

And you regarded them as justified?—....

You regarded them as justified?—Well, in line with what I have said, that isolated acts, they create a bit of enthusiasm and then the enthusiasm dies down. On it's own, even the blowing up of Houses of Parliament does not have the effect, that one would like to have.

I want to tell you again, put it to you again - 20 did you not say that these acts were fully justified?—My lord, I want to say in the general sense that anything that the Non-European people do which they think will help their march to freedom, to my mind is justified.

I'm not speaking in a general sense! I'm saying did you say that these acts of...?—If these acts fit into that, I say they are justified.

64E

Anything that the Non-Europeans do, is fully justified?—If they feel...if any non-European feel that whatever they do will take them forward on their march 30 to freedom, they are justified. I am not prepared to condemn them.

Justified to resort to violent methods of

struggle, and you approve of it?---I'm not prepared to condemn them.

Now you remember you mentioned the office of the Minister of Lands, Economy, that was done dynamite thrown through the office window in a very busy area in Pretoria! Extensive damage was done, and there could have been serious loss of life! Approve of that?---I think I have already mentioned.

I put it to you specifically now, did you approve of that?---If the people doing it thought that this was going to take them forward in their march to freedom, I don't disapprove of that. 10

I'm referring to Item 84 my lord. And although this was done in a busy area where it might have resulted in innocent ...loss of innocent lives?---That could have been the effect of it.

Let's take another one! You mentioned the Power Station at Braamfontein, that's Item 82. "Sub-Power Plant, Railway bridge, Braamfontein, Johannesburg". Now there an explosion took place, that could have resulted in loss of life?---Possibly. 20

And you would have raised no objection?---I would not condemn any of these...

No, no!---I have made that clear!

Now the Old Synagogue, Item 184?---That's right.

An attempt was made to blow that up!---So, I've heard.

Do you approve of that?---I give the same answer.

Why should that be blown up? Why?---If/in ^{it's} line with the Umkonto policy to blow up Government Buildings...what was your question again I'm sorry. Why do I approve of...? 30

Yes, the Synagogue?---My lord, I am in the

general sense that if those people believed that this will take the struggle further, I am not prepared to disapprove of it.

Did you regard that act of sabotage as a symbol of Apartheid?—Well, to the extent that it's a Government owned building.

As a symbol of oppression?—To the same extent.

I want to suggest to you that the reason why that place was blown, is because the Treason Trial was held there!—I don't know my lord, it might have been.

And because Nelson Mandela was tried there!—Quite likely. I don't know.

And that building is situated in the midst of a number of houses! One is some home for unfortunate people, and that explosion there could have blown all those houses to smithereens and killed all those people in the vicinity!—That could have been it's effect.

But you never took any precautions against that?—I did not take any...I was not responsible for that.

Or counselled any precautions?—I was not responsible for this at all!

AT THIS STAGE THE COURT ADJOURNS UNTIL
10.15 A.M. ON THE 30TH APRIL, 1964.

ON RESUMING ON THE 30TH APRIL, 1964:

AIMED MAHOMED KATHRADA still under oath

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED)

65(E)

Kathrada, I'd like to round off the point that I was discussing with you yesterday lunchtime when we adjourned. Just to refresh your memory, I was dealing with your conversation with Mandela at Rivonia in December 1961, when he mentioned to you that the Umkonto We Sizwe, had been formed throughout the country, and that he wanted you and other leading members of the National Liberation Movement to know about it, and not be taken by surprise. ---That is so.

And I also reached the stage, where I suggested to you that he regarded you as one of the leaders who could be so apprised?---That is likely.

I'd like to round it off as briefly as I can. He did indicate to you also that the M.K. had been set up by leading members of the African National Congress?---That is so.

In whom he was sure you had the fullest confidence?---That is so.

20

Whoever/led the M.K. amongst them were leading members of the A.N.C.?---That is how I understood it.

And when these members of the A.N.C. joined the M.K. they did not forego their allegiance or loyalty to the A.N.C.?---As I understood it, it was made quite clear that the Umkonto We Sizwe would work within the political guidance of the National Liberation Movement, headed by the African National Congress.

So when a man like Accused No. 4, Govan Mbeki, became one of the leaders of the M.K. he did not cease to be one of the leaders of the A.N.C.?---That would be so.

30

And is it not fair therefore, to suggest to you as I do, that the A.N.C. was at the very least,