

WHAT WAS PUT TO SPEPHEN MOREPI LEKGORO ON BEHALF OF ACCUSED
NOS. 1 AND 8

"I want to put it to you that you are blaming Accused
No. 8 for some things which you were not involved in at
all." (Pages 812-3)

I want to suggest to you that the night before the
occasion that you went to the river you had met
Accused No. 1 - you had in fact met him in the company
of some young people - in fact they were the young
people who were at the river with Accused No. 1 before
you got there - in fact you knew that Accused No. 1
was going to show something to those people at the
river - that you in fact had seen Accused No. 1 and
those people the previous night - that you in fact
had the briefcase to which you refer in your
possession overnight - I want to put it to you that
it had been in your house for some time, and that
you in fact brought that briefcase down to the river
yourself for Accused No. 1 and the young people -
I want to put it to you that you were with these
people the night before, that you had the briefcase
in your possession that night, and that you took
the briefcase down with you the next day to the
river - having had it in your possession - it came
from your house and it was taken by you from your
house down to the river. (Pages 814-5)

/What

What I want to put to you is in fact this evidence about Accused No. 8 opening the briefcase and showing you the contents is simply not true - I want to put it to you that you had that briefcase in your possession and that you met with these people on the night, which had been in the previous case been referred to as the Sunday night, I am not sure whether it was a Sunday night or not? And that on the next day you took that briefcase down to the river - that you made it available to Accused No. 1 at the river, and then you waited with the briefcase at some distance away from them, and at some stage a young man came to you to collect a hand grenade from the briefcase which was still in your possession, and that you in fact gave him the hand grenade and he took it back. (Pages 821-2)

I want to put it to you that you lied deliberately when you gave evidence last time - and you did so because you knew that you had been with these people the night before, that you had the briefcase in your possession, and that you took the briefcase down to the river - and that you can't really now give a proper account because there are too many questions to ask you, but you can't remember all the answers to the stories you have made up. (Pages 825-6)

Accused No. 8 denies having shown weapons to you - he also denies having spoken to you about getting young people to be trained on those weapons.

(Page 822)

Now I have already put it to you that Accused No. 8 was not with you when you and Accused No. 1 were together at the river. (Page 826)

Accused No. 1 says that in fact you did not handle those weapons at the river - but they were in fact shown to you. (Pages 826-7)

Helgerson is a hopeless witness whose evidence is so full of contradictions in construction & substance is contradicted in material respect by Debeila & Heantate.

If the evidence were to stand it would link (8) not weapons & military training to any structures of a doubt.

But we must contend that his evidence is so bad that it cannot be accepted vs (8)

Ultimately ∴ the only evidence (8) would be :-

(a) Sibuyi - whose evidence is recanted & been denied.

(b) De Waal is the alleged admission made
⇒ him by (8)

(See P. 1153 (??))
P. 1159
P. 1160
⇒

SUMMARY OF THE EVIDENCE OF MOTALE MANTATI

His evidence in chief appears from page 842 (Vol. 19) to page 858 (Vol. 20) and under cross-examination and in re-examination from page 858 (Vol. 20) to page 871 (Vol. 20).

This witness was warned as an accomplice.

This witness speaks about Accused Nos. 1 and 8.

The witness speaks about having gone to Makhuke's house with Elleck, Accused No. 8's son, and Aaron Debeila - Elleck went to go and call Stephen Lekgoro - Elleck called us again - he was with Lekgoro, they were sitting on a stone. (Pages 844-5)

Elleck and Lekgoro went into Makhuke's house and came out with another man - Accused No. 1. (Pages 845-6)

Accused No. 1 asked them whether they were the boys who wanted to train for Japanese karate - they said yes - Accused No. 1 then said that they would receive their training at Makhuke's place - he made a report to them about being taken to a witchdoctor the following morning - and then Accused No. 1 said they might disturb Makhuke's wife and that it would be better if they went away. (Page 846)

On the way Accused No. 1 took out something which was wrapped in a piece of cloth - he asked them whether they knew it and they said they didn't know it - the witness could not tell what it was because only a part of it was visible - Accused No. 1 said that they would see it the next day - it appeared to be a long piece of iron. (Pages 846-7)

The next day they went to the river - Elleck arrived with Accused No. 1 - Accused No. 1 greeted them and asked them whether they were the people who had to be trained in Japanese karate and they said yes. Accused No. 1 told Elleck to take out a fire-arm - Elleck made a report as to where he had got it from - Accused No. 1 then said that he wanted to teach us about the fire-arm. (Page 849)

They asked him why, because they had expected to be taught Japanese karate but Accused No. 1 said that whether they liked it or not, they had to be taught the fire-arm and if they did not want to be taught he would shoot them with it. (Page 849)

Because of that threat, they said that they wanted to learn. (Pages 849-50)

He said : "You will go about telling people that there is a man who wanted to teach you about this fire-arm and then you refused." That is why he said he would shoot them if they didn't agree. (Page 850)

/Accused

Accused No. 1 demonstrated Exhibit 42 to them - they handled it - Accused No. 1 said he was teaching them so that they should become soldiers of the African National Congress - he said that they must get their possessions back from the Whites. (Page 850-1)

They arranged to meet the next day - which they did - and Accused No. 1 demonstrated Exhibit 52 to them. (Page 851-2)

The witness saw Lekgoro a distance away from them - Accused No. 1 told Elleck to go and get something from Lekgoro - Elleck went to Lekgoro and came back with a hand grenade. (Page 852)

Accused No. 1 told them about the history of Jan Van Riebeeck - that was on the first occasion at the river. (Page 854)

Accused No. 1 told them on the second occasion at the river to book a room at the café which they did. (Page 855-6)

That night at 10 o'clock Accused No. 1 went to the café and again showed them the weapon. (Page 856-7)

The witness identified Exhibit 49 as being the handbag containing the weapons. (Page 858)

/When

When questioned by the Judge at the end of his evidence in chief, the witness said that he knew Accused No. 8 but that he at no stage saw him anywhere in the vicinity where they were at the river. (Page 858)

UNDER CROSS-EXAMINATION

The witness met Accused No. 1 at Makhuke's house in the presence of Lekgoro. (Page 859)

The Judge interposed at a certain point to say: "... then we have established by referring to the father of Elleck that according to this witness Accused No. 8 was not on the scene as testified to by Stephen. (Page 861)

The witness' previous evidence as to who it was who made the report about disturbing Makhuke's wife was put to the witness at page 861.

The witness said that he had no suspicion that a fire-arm would be shown to them at the river by Accused No. 1, but it was put to him that that evidence was not true.

(Page 863)

The witness said that the object was wrapped when it was given to Aaron Debeila on the Sunday night - that he, the witness, thought it was a tomahawk.

(Page 864)

/His

His previous inconsistent evidence in this regard was put to him at page 864.

The witness said that there was a discussion between him and Aaron as to what Accused No. 1 had shown them and what Aaron had held in his hand - the witness said that Aaron said that he did not know what it was.

(Page 866)

IN RE-EXAMINATION

The witness said that Lekgoro was standing with them when Accused No. 1 spoke to them about the training - he was also listening as we were all listening.

(Page 865)

NB between detainees (8) completely from the scene of the training. - witness Lekgoro puts him there. Sgt Aaron Debeila supports kwantati in this regard + contradicts Lekgoro

"First of all, I want to put it to you that Accused No. 1 in fact had a fire-arm with him on the Sunday evening, because your training was due to start on the Sunday evening - and I want to put it to you that you were in fact shown that fire-arm on the Sunday night, and were told that it would be demonstrated to you at the river the next day. (Page 863)

I put it to you that the fire-arm was unwrapped and it was actually handed to Aaron Debeila." (Page 864)

It was put that it did not happen that they were threatened in order to undergo training. (Page 864).

It was put that Accused No. 1 does not agree with everything that the witness had said - he does not dispute showing them the weapons - "I am not going to debate with you the details of a history lesson and things like that, he just disagrees with your version of the description of the events." - But I must put it to you that one thing that is quite clear, and that is that the Accused said that you knew perfectly well that you were going to be shown the gun the next day - and there was no question of any threat being made to you - and that you are

/just

just introducing that to excuse your own participation
in those events."

(Page 868)

SUMMARY OF THE EVIDENCE OF AARON DEBEILA

His evidence in chief appears from page 871 (Vol. 20) to page 886 (Vol. 20) and under cross-examination and in re-examination from page 886 (Vol. 20) to page 889 (Vol. 20).

This witness was warned as an accomplice.

This witness speaks about Accused Nos. 1 and 8.

The first occasion the witness, Elleck, and Motale, stood under a tree - another man came and stood in front of a tree near them - Elleck went to that man and started talking to him - that man was Accused No. 1 - Elleck then gestured to them to join them, which they did - and Accused No. 1 then asked them whether they were the people who wanted to be trained.

(Page 873)

Accused No. 1 pointed out a house nearby and said that that was where his training would take place - it was the house of Agnes, that is, Makhute's house.

(Page 874)

Accused No. 1 went into the house and came out and said that they could not have their training there because they would make noise for the people in the

/house

house - the witness, Elleck and Accused No. 1 and Motale then left and while walking towards Elleck's house a motor car came from behind. Accused No. 1 took out a fire-arm, gave it to Aaron and told him that if it was the Police he should run away with it. (Page 874)

The car stopped and went again and Accused No. 1 took the fire-arm back. (Page 874)

Accused No. 1 told them to meet Elleck the next day and he would tell them where they would receive their training - Accused No. 1 then went off with Elleck. (Page 875)

The fire-arm was wrapped in a handkerchief. (Page 875)

Lekgoro was there outside the house - the witness saw him when Accused No. 1 came out with him from the house and then Lekgoro returned to the house - he did not stay long outside - he didn't actually come to where they were - he just got out of the house and thereafter went into the house.

(Pages 876-7)

The next day they went to the river where Accused No. 1 told them that the type of training which he was going to give them would be secret training.

(Page 877)

/Accused

Accused No. 1 told them about the history of South Africa - he then said that in order to get the land back they should agree with him - he said that they must fight against the White people to get their land back - he then took out a fire-arm, Exhibit 42. (Page 878)

Accused No. 1 said that they must not tell anybody about the type of training they were receiving and that if they told anybody he, Accused No. 1, would shoot them.

(Page 879)

The witness said that he handled the weapon the next day.

(Page 879)

On the next day at the river Accused No. 1 demonstrated Exhibit 52 to them. (Pages 880-1)

Accused No. 1 told Elleck to go to Lekgoro who was standing a distance away and when Elleck came back he had the hand grenade with him - having got it from Lekgoro. (Page 882)

At that time the witness did not see anybody else in that vicinity - but he said that if there was a person a distance away, he would not have been able to see him on account of the trees. (Page 883-4)

Accused No. 1 said that he would teach them further but he didn't say when - the witness never saw him again. (Page 884)

/Accused No. 1

Accused No. 1 told them that he belonged to the A.N.C. organisation - this was when he was teaching them the fire-arm - he said that the small fire-arm came from Russia - he said that they have got to take back their country as it must no longer be possessed by the Whites.

(Page 885)

The witness did not see Accused No. 8 in the vicinity of where they were taught.

(Page 885)

UNDER CROSS-EXAMINATION

The incident at the house on the Sunday night is dealt with from page 886 to 890.

Having at first said that Lekgoro at no time went to stand with the witness and his friends and that at no time spoke to them, - after his evidence on the last occasion was put to him (page 888), he then remembered that Lekgoro had gone to stand with them and had said that they must wait there at the house.

(Page 889)

He then said also that Lekgoro would have heard when Accused No. 1 spoke to them.

(Pages 889-90)

The incident in regard to the production of the fire-arm on the Sunday night is dealt with from page 890 to page 892.

/The

The witness said that when the Accused took out the fire-arm it was unwrapped - he and his friends saw that it was a fire-arm - Accused No. 1 said to him, "Please hold the fire-arm" and his friend would have heard that - His friend would have heard Accused No. 1 saying that if the car stopped he was to take the fire-arm away with him. (Pages 890-1)

After the car had gone the witness gave the fire-arm back to Accused No. 1.

Accused No. 1 then unwrapped it and put it back in his trousers. (Page 892)

The witness said that he may have forgotten that Accused No. 1 had said that they would see that object the next day - but he said that he was expecting to see it and that the weapon shown to him the next day was the same - it didn't come as any surprise to him when he saw it the following day. (Page 892)

The witness didn't remember having any discussion with Frans Mantati about it. (Page 893)

The witness remembered that Accused No. 1 spoke to Elleck when they were there at the river and told him that under no circumstances was he to tell his father about what Accused No. 1 was doing.

(Page 893)

*4B.
Re (8) -
he wants to
be told*

The threat by No. 1 to shoot them is dealt with from page 893 to page 895.

The witness said that it was whilst assembling and dismantling the weapon that Accused No. 1 had told them not to tell anybody or else he would shoot them - he then said that it wasn't Accused No. 1 who would do the shooting, but the other people who would be looking over them. (Page 894)

Accused No. 1 also said that they shouldn't tell the Police about it. (Page 895)

The witness conceded that on the last occasion he never gave this evidence about the threat. "Yes, it is now that I remember it, last time I had forgotten it."

"Is it possible that you have been making a mistake about this? - Yes, it is possible."

(Page 895)

IN RE-EXAMINATION

The witness was re-examined on the production by Accused No. 1 of the fire-arm on the Sunday night from page 895 to 896.

He was cross-examined about Lekgoro's presence on

/the

the Sunday night from 896-899.

The witness repeated what Accused No. 1 had told them
about not telling Elleck's father about the training
at page 899.

N.B. The witness is emphatic that (5) ≠ to be told
what (1) was teaching him.
He clearly detached (5) from this training.

WHAT WAS PUT TO AARON DEBEILA

There was nothing actually put to Aaron Debeila during the course of his cross-examination.

CONTRADICTIONS BETWEEN FRANS MANTATI AND AARON DEBEILA

1. According to Mantati, he did not know, on his present evidence, what the object that Accused No. 1 produced on the Sunday night was (page 847, 864).

Aaron Debeila made it quite clear that on the Sunday night Accused No. 1 had produced a fire-arm which they could all see and in fact there was some talk about it having been a fire-arm (page 874, 875, 890).

Frans Mantati said that he had no suspicion that a fire-arm would be shown to them at the river the next day (page 863) - Aaron Debeila said that it was no surprise to see the weapon at the river the next day (page 892).

Frans Mantati said that he had had a discussion with Aaron after the production of the weapon on the Sunday night during which Aaron had said that he did not know what the object handed to him was (page 866) - Aaron Debeila says that he has no recollection of having had any discussion with Frans Mantati (page 893).

2. In regard to what Accused No. 1 had to say about threatening to shoot them - Frans Mantati suggested that the threat was in order to induce them to undergo the training (page 849, 850) whereas Aaron Debeila suggested that it was a threat not to tell anybody about the training and that this threat was only made during the course of the training. (Page 879, 893-5)

3. Frans Mantati says that after the second day at the river, they again met with Accused No. 1 that night in the café (page 855) - Aaron Debeila said that the last time he saw Accused No. 1 was at the river. (Page 884)

4. The evidence given by Frans Mantati about Lekgoro's participation in the events of the Sunday night appears at page 845, 858, 862 and 868 and that of Aaron Debeila in this regard at page 876, 886-890.

SUMMARY OF THE EVIDENCE OF ABINAR MATHABE
WHOSE EVIDENCE APPEARS ON PAGE 900 (VOL 21)
TO PAGE 904 (VOL 21)

M
A
T
H
A
B
E

THIS WITNESS SPEAKS ABOUT ACCUSED NOS: 1, 2 & 8

This witness was a taxi driver who, during December 1976, saw Accused No 2 who asked him to convey people to a funeral at Apel.

Accused No 2 brought accused No 1 to the car and the witness drove Accused No 1 to Apel for R80.

Accused No 1 told the witness that he was going to stop a funeral of his aunt to make it take place the following week.

The witness took Accused No 1 to the house of Accused No 8 who he introduced to the witness as his uncle.

The witness slept there overnight and returned to Alexandra by himself.

This witness was not cross-examined.

SUMMARY OF THE EVIDENCE OF PETRUS DHLAMINI
WHOSE EVIDENCE IN CHIEF APPEARS FROM PAGE 904
(VOL 21) to page 908 (VOL 21) AND UNDER
CROSS-EXAMINATION FROM PAGE 908 (VOL 21) TO
909 (VOL 21)

The witness was introduced by the Prosecutor as being somebody whose evidence would not be related to any specific allegation but would rather go towards proving an association between certain accused and accomplices.

His witness speaks about accused nos 1, 2, 3, 4 + 11

During November/December 1976, the witness lived at 124 - 7th Avenue, Alexandra - Sammy Seathlolo was the owner of the house.

(p 904)

Accused No 1 was Solly. Accused No 2 was Chris. Accused No.3 was Piet. Accused No.4 was Bafana. Accused No.11 was Currie - he was the brother of Sammy Seathlolo.

(p.904)

Exhibit A was David. Exhibit D, the witness knew by sight but not his name. Exhibit F. was Norman. Exhibit G, the witness knew by sight but not his name. Exhibit I was Sam.

The witness met Accused No 3 during November 1976 when he came along with Chris, David and Bafana where the witness stayed. Norman was driving the Kombi car.

(p.905)

Accused/....

Accused Nos 2, 3 and 4 and David stayed at 124 - 7th Avenue, for October and November or December.

(p.906)

The witness met Accused No 1 in December when he had come to visit at 7th Avenue - he stayed there for three weeks - he visited Accused No 3.

Accused Nos 2, 3, 4 and David stayed in one room - during that period Accused No 11 used to visit there and go. - The witness didn't know who he was visiting.

(p.906)

Exhibit G sometimes came there.

(p.907)

Exhibit D sometimes used to come there.

(p.907)

The witness didn't know the person whose photograph appears as Exhibit J.

(p.907)

The witness did not know whether Accused Nos 1, 2, 3, 4 and David paid any rent.

(p.907, 908)

UNDER/....

UNDER CROSS-EXAMINATION

Sammy was the owner of the house - the witness used to pay rent - his room was outside the main house - he wouldn't see which room visitors went into - it may be that when Accused No 11 went there he went to see Sammy.

(p.908)

SUMMARY OF THE EVIDENCE OF THEOPHILIS THANGALANI

He was introduced by the prosecutor as being a witness whose evidence goes towards showing the association between the witnesses. (sic).

His evidence in chief appears from page 909 (Volume 21) to page 917 (Volume 21) and under cross examination from page 917 (Volume 21) to page 923 (Volume 21).

This witness speaks about accused Nos 1, 2, 4, 6 and 8.

The witness says that he was employed as a driver by Accused No 6 from August 1976 to January when he was arrested.

(p.909)

He said that Accused No 6 was the owner of the Kombis which photographs appear as Nos 6 and 27 in Exhibit 64.

(p.910)

The witness took Accused No 6 to Pretoria to see his friend Makgothi (Exhibit Q) four or five times - the witness didn't know why Accused No 6 visited him.

(p.910)

The /.....

The witness then said that there were a number of long trips to Pietersburg and Sekekuneland and he spoke about various trips to the house of Accused No 8 in the company of Accused Nos 1, 2, 4 and 6.

At various times various of these accused would be dropped by the witness and Accused No 6 at Accused No 8's house.

On one occasion they picked up Accused No 1 about half a mile away from Accused No 8's house - Accused No 6 told the witness that they should pick him up.

(p.912)

Accused No 6 said that Accused No 1 should drive but Accused No 1 told the witness to drive a bit further as he did not want to drive in the vicinity in which they were. He later on took over the driving and he was then dropped off at 7th Avenue, at the corner.

(p.913)

On one occasion, when the witness said they went via Sekekuneland to Pietersburg there was a Kombi which was out of order between Witbank and Middelburg which they had gone to have repaired.

(p.913)

The/....

The man whose photograph appears as Exhibit G was the driver of the broken down vehicle.

(p.914)

His name was Alois Mancini.

(p.915)

The witness said that he used to see Accused Nos 1, 2 and 4 at Accused No 6's house and at other times a house in 10th Avenue - he didn't know what they were doing at Accused No 6's house.

(p.915)

At 10th Avenue he would see them at the corner of 10th Avenue and Selbourne Avenue where they were building a shanty house - he never saw it from inside - he used to go there with Accused No 6 - Accused No 6 never told him why he went there - he never heard what Accused No 6 had to say to them because he used to speak to them while they were behind the shanty which they were building - Accused No 6 never said anything to the witness when he took him there.

(p.916)

The witness knows the person whose photograph appears as Exhibit A - he wasn't sure whether he saw him at

Accused/....

Accused No 6's house or at the shanty.

(p.917)

The person whose photograph appears as Exhibit G would sometimes be with Accused Nos 1, 2 and 4 at the shanty - they were all helping each other with the plank and iron.

(p.917)

UNDER CROSS-EXAMINATION

There was a shebeen at the back of the place where the building was going on.

(p.917)

Accused No 6 came from Pietersburg where his family was.

(p.917)

The witness was a 73 year old man with a very poor memory.

(p.918)

He conceded that he may have been confused about whether an incident was on the first trip or on the second trip as he couldn't remember everything.

(p.918)

When it was put to him that on the last occasion he had said that Accused No 6 had visited his friend Makgothi

on/....

on two or three occasions and not four or five times the witness said that that was possible but he couldn't remember.

(p.919)

The witness conceded that he was very confused about the events and who he actually saw and how often he saw people - he knows he used to go to Sekekuneland and that he used to do that in conjunction with trips to Pietersburg and that he would more often go to Pietersburg than to Sekekuneland.

(p.919)

The witness conceded that all that he could tell the court was that had Accused No 2 and Accused No 4 on a trip to Pietersburg where he dropped them off at Sekekuneland - it was very difficult for him to be precise about exactly who was present on each occasion.

(pp 919, 920).

The Kombis were kept at the house of Joe Seto - the witness didn't know the arrangements between Joe and Accused No 6 - Joe used to use those Kombis as well - Accused No 6 used to sometimes give instructions to the witness to use those Kombis.

(p.920}

There/....

There was a sign saying "Kombi for Hire" up at Joe Seto's house - the keys for the Kombis were kept there. When the witness required a key to a Kombi he would go to Joe Seto's house and get it - it was one of those Kombis which had broken down.

(p.920).

On the occasion when they fixed the trip it was suggested to the witness that he had gone straight to Pietersburg that time but the witness insisted that it was via Sekekuneland.

(p.921)

In response to a question by the Judge the witness said that it was Accused No 6 who actually employed him - it was only Accused No 6 who gave him instructions.

(p.921)

The witness knew that other people used to drive the Kombi.

(p.921)

It was put to the witness that on the last occasion he never said that he had ever seen Accused No 6 in the company of those people at his house unless he was possibly referring to the times when he went off on trips to which

the/.....

the witness replied that he used to meet them all the time.

(p.922)

WHAT WAS PUT TO THEPHILIS THANGALANI ON BEHALF OF
ACCUSED NO 6

Accused No 6 says that he has been in the company of
Accused Nos 1, 2 and 4 at for instance Joe Seto's house,
which is opposite his house - he says that to his
knowledge he has not been in the company of these people
at his house but he has been in their company elsewhere.
(p.923)

SUMMARY OF THE EVIDENCE OF THEMBA NORMAN MASUKU
WHOSE EVIDENCE IN CHIEF APPEARS FROM PAGE 924
(VOL 22) TO PAGE 929 (VOL 22) AND UNDER CROSS-
EXAMINATION FROM PAGE 929 (VOL 22) TO PAGE 939
(VOL 22)

This witness speaks about Accused No 5.

Accused No 5 grew up in the location where the witness
stayed - Soweto.

During November 1976 Accused No 5 accompanied by
Makathini Boy went to the witness' house - knocked on
the window - asked for a sleeping place - the two then
slept with the witness - Accused No 5 saying that he had
come from White City.

(pp 924, 925)

When the witness left the next morning they were still
asleep - the witness got a message - as a result of which
he found two books (Selected Writings by Engels and
something about a Revolution in Latin America; and two
pamphlets, Detente, Detention and Death in Detention).

(pp 925, 926).

The witness identified Exhibit 65 as being the books
and pamphlets.

(p.926)

About/.....

About a week later Accused No 5 arrived by himself and they had a discussion about political events and about organisations in other countries and about the cell.

(p.926)

In this regard Accused No 5 said that the witness should get him three people and he, the witness, would be the fourth - Accused No 5 said we must form a political education. A political cell. A political cell for political education.

(p.927)

The people need not know him - the witness should know them - this gap was because there would probably be books and pamphlets which would not be allowed to be used.

(p.927)

When asked whether this cell was related to any sort of organisation the witness said, No, he made no mention of an organisation.

(p.927)

Accused No 5 did make mention of the ANC and PAC - he said their ideologies differed - that the ANC was a better organisation than the PAC because the ANC looked to its people - they were merely discussing and Accused No 5 was making comparisons.

(p.928)

When///...

When asked what sort of political education had to be given to the people, the witness said that Accused No 5 merely said that they should be aware of the political set up - he never went further than that.

(p.928)

There was no reference to the books and pamphlets during the discussion - Accused No 5 merely asked the witness whether he had received the report about the books.

(p.928)

The witness did not agree to help Accused No 5 form a cell because he was not clear about the whole thing - Accused No 5 then said that if the witness was interested in forming a cell he would see to it that the witness received training but he did not say what sort of training or where it would be received or whether the cell work was to be full time or part time - the witness never read the books and pamphlets.

(pp 928, 929)

UNDER CROSS-EXAMINATION

In 1974 the witness was the President of the Ekukhanyeni Youth Club - he was succeeded as President by Accused No 5 - during 1975 or 1976 members were arrested by police and there was a trial and the Youth Club in effect ceased to exist - people lacked interest.

(p.929)

The/....

The witness was a person who was interested in politics - kept a scrap book - knew Accused No 5 well - they would exchange books.

(pp 929, 930)

The night Accused No 5 knocked on his window he and Makathini had been at a night club in White City - he put them up because he was Accused No 5's friend.

(p.930)

On the subsequent meeting of the discussion the two youths talked late into the night together about matters which were of common interest to them - about riots in Soweto - about political development in Soweto - Accused No 5 had said that he had been in Mocambique - he said that he had been visiting his relatives in Mocambique.

(p 931)

It was not unusual for young blacks in Soweto to talk about the ANC and the PAC - there was nothing funny in Accused No 5 having spoken about them.

(pp 931, 932)

The witness denied the suggestion that Accused No 5 had told him that he had learnt on his travels that the ANC people looked after people better than the PAC did and

at/....

at this point his previous inconsistent evidence in this regard was put to him.

(p.932)

The purpose of the political cell was that there was to be discussion about political matters in the cell - the cell was for political education - in those groups books and pamphlets that might not be allowed to be used might be used - Accused No 5 said that he would like the groups meeting in secret and holding their discussions in secret - it was well known that the ANC and PAC were banned - and that if they showed an interest in political matters that tended to attract the attention of the security police - it may be that it was for that reason that the groups were to meet in secret.

(p.934)

The witness said that he had no knowledge of the political cells - that he hadn't the ability to form it - he really didn't want to involve himself in that sort of activity - at some stage Accused No 5 suggested that the witness should actually take off some time from work and discuss the whole project with him but the witness ejected that - Accused No 5 said on that occasion that if he got time he would go and see the witness - but other than messages the witness received he never saw

Accused/....

Accused No 5.

(p.935)

The witness thought that holding secret meetings might lead to trouble with the police.

(p.936)

When asked whether they discussed Michael Mkabinde that night the witness said that they discussed about nobody.

(p.936)

The witness was arrested early in 1977 and kept in solitary confinement for six or seven months before he was released after giving evidence. He had on this occasion been in custody for two weeks. The police merely asked him whether he remembered his statement. They never showed it to him.

(p.936, 937)

When Accused No 5 came to the witness he asked him whether he had received two books and the two pamphlets. - The witness never read the pamphlets - he remembered that one was issued by the BPC and SASO and the other by the Christian Institute of South Africa.

(pp 937, 938)

His/.....

His previous evidence in regard to the reason for his not having read them was put to the witness at p.938 - it was suggested to the witness that he was really afraid to tell the court that these were subjects which were of interest to him.

(p.939)

WHAT WAS PUT TO NORMAN THEMBA MASUKU ON BEHALF
OF ACCUSED NO 5:

It was put to the witness that he may have discussed Michael Makabinde with Accused No 5 that night.

In regard to the witness' evidence about training in regard to the cell it was put to him that Accused No 5 says that what he suggested to the witness was that he should meet with him and other persons to discuss the question of cells.

(p.936)

It was put to the witness that as far as Accused No 5 was concerned he had knowledge of the two books but not of the two pamphlets.

(p.937)

SUMMARY OF THE EVIDENCE OF CARL RABOTHO
WHOSE EVIDENCE IN CHIEF APPEARS FROM PAGE 940 (VOL 22)
TO PAGE 947 (VOL 22) AND UNDER CROSS-EXAMINATION FROM
PAGE 947 (VOL 22) TO PAGE 948 (VOL 22)

This witness was warned as an accomplice.

This witness speaks about Accused Nos 1, 3 and 4.

The witness recognised the photograph Exhibit J as being Inch whom he had met in January 1976 - Inch had recruited the witness to be a member of the ANC - he hired cars in his name to transport people to Swaziland - people who were recruited to undergo military training- they recruited about four people during August and October 1976.

(pp 940, 941)

The witness recognised the faces of Accused Nos 3 and 4 as being people whom he had accommodated one night when Inch brought them to his house.

(pp 941, 942)

The witness knew Accused No 1 - he spoke of an occasion when Accused No 1 showed a TP, Scorpion, and hand grenade to him, the witness, and his friend Bonny Sikhakhane in a house - in the back room of which there were a few crates of empty bottles of beer but he didn't know the number of the house in Sixth Avenue.

(p.943)

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When asked whether Accused No 1 told them why he was teaching them about the weapon the witness said "Well, he said he would teach us so that in time of revolution we must be in a position to use those weapons - he said it was some violence that will probably occur and we must be in a position to know how to fight when violence breaks out - he didn't say when the revolution was to break out - he said the ANC would use the weapons against the government - he said he had been to Russia where he said he had learned how to use the weapons - he never said where he obtained them - only where he learned to operate them.

(pp 945, 946)

Accused No 1 also, on being asked by the witness about the aims and objects of the ANC, told them about the differences between the ANC and the PAC - he said that he was a member of the ANC.

(p 946)

He suggested that the witness go with Bonnie Sikhakhane to Swaziland to collect money from the head offices of the ANC in Manzini - he never saw Accused No 1 after that.

(pp 946, 947).

The witness recognised Exhibit T as being Daniel Tata - the person who gave Bonnie Sikhakhane moneys for the ANC in (Swaziland)

(p.947)

UNDER CROSS-EXAMINATION

In cross-examination the witness' previous evidence about his knowledge of the ANC being an unlawful organisation working for the overthrow of the South African Government - his willingness to help - and his own feelings of discrimination - were put to him.

He confirmed that that evidence was correct.

(pp 947, 948)

SUMMARY OF THE EVIDENCE OF ABEL MTHEMBU
WHOSE EVIDENCE IN CHIEF APPEARS FROM PAGE 953 (VOL 22)
TO PAGE 961 (VOL 22) AND UNDER CROSS-EXAMINATION AND
RE-EXAMINATION FROM PAGE 961 (VOL 22) TO PAGE 994 (VOL 22)

This witness speaks about Accused No.7.

The witness belonged to the African National Congress before 1960 at a time when it was not banned.

(p.953)

When asked when it was that the witness left the Republic of South Africa, he said: "It was between 1961 and 1962, at the end 1962, January 1963, I was brought back again, but I left the country in 1961 - I am not quite sure of the actual month and date but it was some way in 1961".

(p.954)

The witness said that he had gone to China for military training - their object being that they had got to go for military training so that they could engage in an armed struggle with the authorities here - he went there for the interests of the organisation of which he was a part and parcel - the ANC because it was working underground then.

(p.954)

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The witness travelled with Joe Gqabi and Moses Kotane.

The witness identified Accused No 7 - Joe Gqabi.

(p.955)

The witness described how they went through Middledrift to Bechuanaland - where they arrived and left on the same day - stayed at Mbiya - just refuelled and then left for Tanganyika - where they stayed for two weeks -, then through Ghana, Ethiopia, and from Czekoslovakia to Moscow and then on to Peking in China - they never stayed at any of those places, they were just change overs - He didn-t remember the month in which he arrived in China but it was in 1961.

(pp 955, 956)

It was at this stage that the court asked whether the witness shouldn't be warned as an accomplice but at that stage the prosecutor said he didn't want him warned.

(p.956)

(PERHAPS THE PROSECUTOR SAID THAT HE DIDN'T WANT TO WARN THIS WITNESS IN ORDER TO AVOID HIS BEING AN UNCORROBORATED ACCOMPLICE - SURELY, IF THIS IS HIS REASONING, IT IS FALACIOUS - WHETHER OR NOT THE MAN HAD ON A PREVIOUS OCCASION RECEIVED AN INDEMNITY, OR NOT, COULD SURELY NOT BE RELEVANT TO THE QUESTION OF WHETHER HE IS TO BE CONSIDERED FOR PURPOSES OF HIS PRESENT EVIDENCE AS AN ACCOMPLICE. ONCE AN ACCOMPLICE, SURELY HE REMAINS AN ACCOMPLICE?)

In/....

In China they stayed at a guest house for some time - he thinks approximately three months.

(p.956)

After that Accused No 7, Mkwai and Raymond went with the witness to Manking - that is now to go and complete our course at Manking - they spent approximately six months in Manking.

(p.957)

They then went back to Peking waiting for papers from London - he thinks they waited for a month or two - then back through Moscow to Dar Es Salaam - where they spent four to six weeks and thereafter they travelled by bus to Northern Rhodesia and then to Bechuanaland - he can't say how long it took from Dar Es Salaam to Bechuanaland but he said he thought it was about two weeks to travel from Tanzania to Bechuanaland - they were only in Bechuanaland for two days.

(p.957)

The witness said that he did receive military training - with Accused No 7, Raymond Nhlabi and Wilton Mkwai - the witness said that he was always with Accused No 7 - and that he received military training - and that Accused No 7 was in the same class.

(p.958)

It/....

It was coupled with the revolutionary experience of the Chinese people and also in the handling of small arms, making of hand grenades, and other logistics which in fact they were to know as people who were going to engage in an armed struggle.

(pp 958, 959)

When asked how long the training went on for the witness said that he had said approximately six months and that it took place in Manking - then back at Peking at the guest house further lessons were given on the technical side issues, that is further knowledge on black power. (Perhaps it should have been powder) and small explosives and also the handling of small arms, such as revolvers, machine guns.

At the house at Peking they were waiting for their papers and instead of being idle it was suggested and that is how they came to have extra lecturing in black power (sic) and other things - otherwise the whole training was done in Manking.

(p.959)

The witness said that they were there for about a month - and that he had left Peking in 1962 - but it being 16 years ago he couldn't remember the date and the month.

(p.960)

He/....

He thought that he was in Bechuanaland in December because he had Christmas at Mpho's place and he thought that he left on Boxing Day of 1962.

(p.960)

He was then asked how long that was after he had finished his training either at Manking or Peking but he said that he just wouldn't know.

(pp 960, 961)

SOME CRITICISMS OF ABEL MTHEMBU AS A WITNESS (ARISING
OUT OF HIS CROSS-EXAMINATION)

1. The witness' evidence in regard to the affidavit put before the court last year in the application made for his evidence to be led in camera about whether or not he was a leader of the ANC and his evidence in this regard on the last occasion is dealt with from pages 961 to 971 of the record.

2. The affidavit used in support of that application for his evidence to be heard in camera referred to the evidence he had given in two previous cases and the cross-examination in this regard is dealt with from pages 971 to 979 of the record.

Other points which may be raised in this regard are that although on the present evidence he said that he did not know that Naidoo was acquitted he did, when he gave evidence last year, say that he had heard that he had been acquitted; and further; although on his present evidence he said that he had told the police he had given evidence in three cases to being called last year but that he did not mention the name of the Naidoo case on the last occasion when he gave evidence he said that he had told the police the name of that case in which he was involved.

There/....

There was a certain re-examination of the witness in this regard at page 993 of the record.

3. In the previous trial the witness had given untruthful evidence when he said he had not prior to the 8th September (being the date on which he actually gave evidence last year) been asked to give evidence - when it was apparent that he had been asked to give evidence at the time at which the first application for his evidence to be heard in camera had been given - ie. 27th July 1977. This cross-examination is found at p.979 to 984 of the record.
4. The witness had given evidence at the Rivonia trial to say that he had been in Basutoland during the relevant period because that was consistent with the evidence he had prior to that given at an enquiry. This is dealt with at p.984 and in re-examination at p.993.
5. His contradictory evidence in regard to whether or not he was on the regional command of Umkonto We Sizwe is found at p.984.
6. His evidence about not having had anything to do with sending people abroad for military training and his contradictory evidence about whether or not he was inactive in the affairs of Umkonto We Sizwe or whether he was actively/....

actively engaged in sabotage and recruitment for military training is dealt with between pages 985 and 987 of the cross-examination.

7. In his previous evidence the witness said that the training had been in Manking whereas in the Naidoo trial he had testified to the effect that because the Chinese names were too difficult to pronounce he was not able to say precisely where it was that his training had taken place. This is dealt with at pages 987 and 988 of the record.
8. In the Naidoo case he had given evidence to say that his training had lasted for three months and some days whereas in this trial and on the previous occasion he had said that it was for six months. This is dealt with at pages 989, 990 of the record.
9. The witness conceded that he was today really unable to remember exactly what time he was trained and where and what the date of the training was other than it took place sometime in about 1961 or 1962 - it was impossible for him to fix any time closer than that - he said that he had given approximate times and that he couldn't be sure of them at all - likewise the estimates of the time he had spent in Tanzania were mere approximate estimates and that he couldn't be sure of them.

(p.990)

It was pointed out to the witness that on the last occasion on which he testified he had not mentioned training in the guest house at Peking after leaving Manking. This appears at p.991.

WHAT WAS PUT TO ABEL MTHEMBU ON BEHALF OF ACCUSED NO 7

I must just put ti to you that Accused No 7 denies
your evidence.

(p.991)

MATHIBE.

SUMMARY OF THE EVIDENCE OF ALFRED MATHIBE

His evidence in chief appears from page 1003 (Vol. 22) to page 1101 (Vol. 22) and under cross-examination and in re-examination from page 1101 (Vol. 22) to page 1038 (Vol. 23).

This witness was warned as an accomplice.

The witness speaks about Accused Nos. 6 and 11 - reference is also made to Accused Nos. 3, 5 and 7, the end effect of his evidence is that, when talking about Accused Nos. 5 and 7, he in fact meant to refer to Accused No. 6.

*> Is his iden-
tification reliable?
He at all?*

The witness knew Accused No. 11 from during the 1940's in Alexandra where he was a friend to the witness' brother - he used to sometimes see Accused No. 11 when he was going in Alexandra township but he now stayed in Parktown where he had a room at his place of employment. (Pages 1004-5)

The witness sometimes saw Accused No. 11 in Parktown and he used also to go to Accused No. 11's place. (Page 1005)

The witness saw Accused No. 11 during July 1976 - he would sometimes want to use the telephone to phone the bottle store - one day he came by car -

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one of his passengers was his child - the rest of his passengers the witness did not know - there were four of them - all boys of about 15 or 16 years old.

(Page 1005)

Accused No. 11's son's name was Hans.

(Page 1006)

On that occasion Accused No. 11 was driving a white Chevrolet car - he told the witness that he was going to leave the children at his place and that he would come and fetch them - he said that he was running away with the children - sending them to Swaziland - to be trained as soldiers - he said that this was because the Police wanted to kill the boys.

(Page 1006)

When asked what his attitude was, the witness said that he thought when they were also small boys whenever there was a fight they used to run away and go and hide somewhere.

(Page 1006)

He accepted the arrangement - he didn't know how long the children would stay - Accused No. 11 said that he was going to fetch a car - a Kombi - he then left.

(Page 1006)

Two days after he left them he came back during the daytime at approximately 12 o' clock to fetch the

boys - he was with other men unknown to the witness - these were three - they were seven altogether, the three men and the four boys - they left with him in the Kombi which he was driving himself - the witness never saw the four boys again. (Page 1007)

The witness saw Accused No. 11 when he went back taking another four boys almost of the same age again in his Chevrolet motor car - he told the witness that he should allow the children to remain there - he was going to fetch a Kombi and that he would come and fetch them in the Kombi - he said he would take them to where he took the first four - on this occasion, the same three men as on the previous occasion were with him making seven in number. (Page 1008)

They then left - leaving the four boys there - the witness thought it was after a week or two when the young boys had stayed with him all the time that Accused No. 11 came to him, if it was not with Accused No. 5 then it was with Accused No. 6 or perhaps it was Accused No. 7. (Page 1008)

When asked whether he was not sure who it was, the witness said that they used to come at night - he then said that on the first occasion Accused No. 11 came with another man, especially to come and ask for water - on the second occasion it was Accused No. 6 - Accused No. 11 introduced Accused No. 6 to the witness and said that he was Ramokgadi. (Page 1008-9)

The Prosecutor then repeated this evidence and said that it was about a week after he had left them that Accused No. 11 came back with three men of which Accused No. 6 was one and the witness said that they did not stay so long, that they stayed only about three days - the witness was busy working - they started discussing their affairs - they fetched the children and left in the same Kombi as before. (Page 1009)

Accused No. 11 used to bring money along with him and buy food for the boys - R10,00 on each occasion. (Page 1009)

After the second group of four boys had been taken away, the witness did not see the boys again - he was then asked whether he saw Accused No. 11 again and he said Yes it was when he was sitting on his bed and Accused No. 11 wanted to telephone, which he did - that was the last time he saw (intervention) (Page 1010)

The witness then repeated that Accused No. 11 had left boys at his place on two occasions - and he didn't know any of the last group of four boys - there were about four or five days in between the two occasions. (Page 1010)

The witness said that the Kombi, photograph 27 in Exhibit 64, was the one which conveyed the boys. (Page 1010)

/When

When shown Exhibit F, the witness said that he was not able to recognise that person.

UNDER CROSS-EXAMINATION

NOTE: The cross-examination was directed to show that the witness was terribly confused about who it was who arrived on each of how many occasions - the suggestion being made to him that in fact there was only one occasion when Accused No. 11 had arrived at his house with four youths - that version being consistent with the allegation in the Indictment.

The witness said he made only one statement to the Police - it was pointed out that the Indictment contains an allegation of only one lot of children and further that their names were not known, whereas the witness said that one of the children was Hans.

(Page 1011)

The witness said that he was quite sure that it was the first occasion when Accused No. 11's son was included in the group of boys - and that there were two occasions, not only one, when the Accused came with four children to his house.

(Page 1012)

On the first occasion Accused No. 11 was with other men who were unknown to the witness and one of his

passengers was Accused No. 11's wife - there were three men - meaning that there were three men, Accused No. 11, his wife and four children, one of whom was Accused No. 11's son. (Page 1012)

When that group was collected, Accused No. 11 arrived with two other men. (Page 1013)

On the second occasion Accused No. 11 arrived in his Chevrolet with two other men - the first group stayed with the witness for three days and the second group for two days, Accused No. 11 fetched them on the third day. (Page 1013)

The second lot of four children were fetched by the same man who brought them - Accused No. 11 - he came with two other men - the witness didn't know them, didn't know their names, he recognised Accused No. 6. (Page 1014)

The witness was then asked whether he suggested that Accused No. 6 was one of the people who came to fetch the children, but the witness said that he was not present when they were fetched, - The witness said that it was not Accused No. 6 who came when the children were fetched - Accused No. 6 came with Accused No. 11 once those children had already left. (Page 1014)

/Accused

Accused No. 6 came with Accused No. 11 at some other time when there were no children at the witness' house.

(Page 1014)

Accused Nos. 5 and 7 did not come along at any time.

(Pages 1014-5)

On the first occasion when he was asked whether Accused No. 11 were shooting the children in Soweto, the witness said: "I am asked one thing over and over again." At this stage the Court interrupted to say : "Now look, just answer the questions because you have already said rather contradictory statements. You must listen carefully to the questions."

(Page 1015)

Accused No. 11 mentioned that the Police were shooting the children in Soweto and he wanted to hide these children from the Police - and he wanted to get his son, Hans, and three of his friends out of Soweto and away from the place where the shooting was taking place.

(Page 1015)

Accused No. 11 did not say anything about the boys staying with the witness for a little while - he said that the reason why he wanted to get them out of Soweto was because the Police were killing the children.

(Page 1015)

/When

When it was suggested that the boys would stay with the witness until Accused No. 11 could find a place to get them to, the witness said that Accused No. 11 already had a place and he was only in need of transport.

(Page 1016)

The witness was not a political person - he was not a man who had any part in sending children out of the country for military training - the witness was surprised when Accused No. 11 told him that those children were going to get military training somewhere - there was no reason for him to have said that.

(Page 1016)

The improbability of this portion of his evidence is dealt with at page 1017.

Details on the two occasions on which Accused No. 11 took four youths to the witness' house are then dealt with on page 1020 of the Record.

On the first occasion they came by car - Accused No. 11 was driving - Accused No. 11's wife was present - it was only Accused No. 11, his wife and the four boys - the month was between June and July - the second group also came during June and July.

The witness' previous evidence in which he had said that on the first occasion it was only Accused No. 11

/and

and the four young men was put to the witness at page 1021.

The witness said that it was four children, Accused No. 11 and his wife who had come early in the morning.

His previous inconsistent evidence in which he had said that Accused No. 11 came with his wife and another unknown person at night was put to the witness at page 1022.

Another portion of the witness' previous evidence was put to him at the bottom of page 1022 - he had said on the first occasion that it was Accused No. 11 together with his wife and Ramokgadi - the witness' answer to this was that Ramokgadi came during the second occasion - whereas his previous evidence was that he had come on the first occasion (and in chief he had said that Ramokgadi was not involved in the fetching and carrying of the children at all).

It was then put to the witness that on the previous day in cross-examination he had said that Accused No. 11 came to his house on the first occasion with his wife and three unknown men but the witness denied having said that.

(Page 1023)

The Judge then said : "Yes, but you see yesterday you said that that had happened because I remember that piece of evidence because I made a calculation in my own mind that there must have been eight or nine

/people

people in one motor car". (Page 1023)

The witness then repeated that Accused No. 6 was not present on any occasion when the children were fetched or when they were brought. (Page 1024)

The witness' previous evidence in which he had said that on the first occasion Accused No. 11 came there with three men was then put to the witness at page 1024.

A further portion of his earlier evidence was then put to him, in which he had said that Ramokgadi was the man who was pointed out - but the witness said that he had pointed out the wrong person - it was then put on record that he had in fact pointed out Accused No. 7 saying that that was Ramokgadi who had come on the first occasion to fetch the children - later on in his evidence the witness had acknowledged that he had made a mistake and that Accused No. 7 was actually a man who reminded him of a taxi driver in Alexandra. (Page 1025)

In regard to who the identifiable man was ;

By the Court : "At first you said it is one or the other or the other and then afterwards you said it was No. 6. Nos. 5, 6 and 7 look very much different from one another as far as I can see" - The witness then agreed that the three Accused did not look alike and that he couldn't really be mistaken in regard to the man who he was

/pointing

pointing out then.

(Page 1026)

The first occasion Accused No. 11 came at 12 o' clock daytime with two other men and the four boys amongst whom was Ramokgadi.

(Page 1026)

The Judge then again interrupted to say : "Yes, you see, just now you said you did not know who they were and now you say it was Ramokgadi who came there when No. 11 came to fetch the children the first time and yesterday you said that Ramokgadi only came on to the scene long after this."

(Pages 1026-7)

The witness' previous evidence in which he had said that it was at night-time because they always came in the dark was then put to the witness at page 1027.

The Judge again interrupted to say : "Yes, it is not a question of staying with them, but then you said it was daytime and then you say it was at night-time and then you will say there were three of them; then you say Ramokgadi was there and then you say Ramokgadi was not there on that occasion." - To which the witness replied : "There were certain times when they came at daytime, other times at night, I did not stay with them, I work."

(Page 1027)

/The

The witness' previous evidence in which he said that he had never seen Ramokgadi during the day was put to the witness at the bottom of page 1027, but his response was that that was not so. (Page 1028)

Dealing with the second trip - Accused No. 11 brought the children with two men whom the witness had never seen before and who remained sitting in the Kombi - his previous evidence in which he had said that he would be able to recognise the someone who came with Accused No. 11 was put to the witness at page 1028.

The witness' evidence that he had seen Accused No. 11 again after the second week had come and gone was confirmed and his previous inconsistent statement that he had not seen Accused No. 11 again was put to him at page 1028.

When asked who the driver on the second trip was when the children were taken away, the witness said that he did not know, all that he knew is that Accused No. 11 came with a group - immediately thereafter he said that it was Accused No. 11 who was the driver - he was the driver on both occasions.

The Judge then said to him : "But you told me just now, ten seconds ago, that you do not know who the

/driver

driver was on the second occasion." - To which the witness replied : "The Kombi, the vehicle, came thrice."

(Page 1029)

The witness then said that there were three occasions on the latter two of which Accused No. 11 drove the Kombi to fetch the boys.

(Page 1030)

When it was pointed out to him that he had never said that before, he said that he was now reminded by cross-examining Counsel to say it.

(Page 1030)

The witness said that he could identify photograph 27 in Exhibit 64 as being the Kombi, by its colour - nothing besides the colour.

(Pages 1030-1)

It was pointed out to the witness that on the last occasion when he was asked to identify the driver of the Kombi when the second group of children were taken away, he identified the person as being somebody who looked like Accused No. 3 - the Judge then pointed out that Accused Nos. 3 and 11 do not look very different - they look similar.

(Page 1032)

There was some reference in the trial last year to the witness identifying Accused No. 5 whilst looking at Accused No. 3.

(Page 1033-4)

/The

The witness conceded that Accused No. 3 was a much older man than Accused No. 5. (Page 1034)

The witness then said that the person who looked like Accused No. 3 had come on the very first occasion before the children were fetched and he was not the driver when the second group were fetched.

(Page 1035)

Although in his evidence this time he said that Hans was in the first group of children, he said on the last occasion that Hans was in the second group of children. This was put to the witness at page 1035 and 1036.

At the end of the cross-examination the witness was asked by the Judge what he meant by saying that Accused No. 11 was his brother to which he replied by saying that he meant that Accused No. 11 was a friend. (Page 1037)

In re-examination the witness said he was sober when he gave his evidence last time - that Accused No. 6 came to his place with Accused No. 11 before any of the two groups of boys - he then said that on the last occasion of the second group Accused No. 6 came when they were fetched - and after they left with the second group Accused Nos. 6 and 11 went to his house to have a bath. (Pages 1037-8)

I want to suggest to you that there was in fact only one occasion when the Accused came with four children to the house, and that the allegation in the Indictment is correct.

(Page 1012)

The Kombi which the witness pointed out on photograph 27 was only bought at the very end of July - and it in fact was not in the possession of the purchaser until the beginning of August.

(Page 1031)

You see, what I want to put to you is that in fact there was really only one group of children - and it was a group of four youths, amongst whom was Hans - and that Accused No. 11 asked you to keep those children who were running away from the Police in Soweto.

(Page 1036)

Accused No. 11 denies that he ever said anything to you about military training for the youths - he also denies using that vehicle that you referred to on photograph no. 27, he denies using the Kombi - he came in his car - not in a Kombi at all.

(Page 1036)

/But

But you see Accused No. 11 says that in fact when he brought the children across, you were drinking with some people, with the group when he said he came once and he brought Hans and some others, he says you were actually drinking at that time.

(Page 1037)

SUMMARY OF THE EVIDENCE OF TRYPHINA MOHALE

Whose evidence in chief appears from page 1038 (Vol. 23) to page 1040 (Vol. 23) and under cross-examination and in re-examination from page 1040 (Vol. 23) to page 1043 (Vol. 23).

The witness identified Annexure "N" to the Charge Sheet as being something she got from her neighbour in August 1976 - the witness said she asked Paulina to type it in order that she could read it - Paulina typed it - two copies - one for the witness and one for Siphon - after the witness read it she put them inside the stove - after she read hers because she realised that the one she had read was similar to the other one - she put both of them inside the stove - because she did not like that they should be inside her house - because she realised what was written in the copy.

(Page 1039)

When the copies were typed the witness was with Paulina - at times there in the kitchen and at other times somewhere in the house - Siphon arrived during the time when Accused No. 12 started typing the first copy - after she had read her copy, the witness took the one that Siphon had from his home and put that also inside the stove. Siphon had it in his hand in front of him reading it, but the witness personally did not want that he should read it - Accused No. 12 was

present.

The witness did not hear Accused No. 12 and Sipho discussing anything - the witness did not discuss the pamphlet with Accused No. 12 - she was merely curious to read it.

(Page 1040)

UNDER CROSS-EXAMINATION

The situation was made quite clear under cross-examination - it was the witness who asked Paulina to type the document for her because she had to give the copy given to her by her neighbour back to her neighbour immediately - she did not know what the contents of the document were and then she asked Paulina to type it for her - it was about that time that Sipho came to the house and he also wanted one when he heard that one was being typed for the witness - Paulina typed one with one copy behind it - after it had been typed, the witness read the pamphlet and then burnt it together with the one that Paulina had typed for Sipho.

(Page 1041)

In re-examination when asked how long the document was in her house, the witness said ; "The Court can also imagine as one is typing and finishing typing, handing it over."

(Page 1042)

When questioned by the Judge, the witness said that immediately after the copy had been typed, she returned the copy to her neighbour - Accused No. 12

is a professional typist - it was at the witness' request that Accused No. 12 typed the original and one copy - the witness asked her to type one and Sipho asked for the second copy - he had arrived as she was starting to type - the witness had no discussion with Accused No. 12 about the contents of the pamphlet - the witness did not know whether Accused No. 12 did what is known as "touch typing".

(Page 1042)

SUMMARY OF THE EVIDENCE OF SERGEANT P.A. ZEELIE

His evidence in chief appears from page 1107 (Vol. 24) to page 1115 (Vol. 24) and under cross-examination from page 1115 (Vol. 24) to page 1122 (Vol. 24).

This witness speaks about Accused Nos. 1 and 4 (although there is a reference to Accused No. 9 as being related in some way to a woman involved with the hut in which Accused No. 4 was bound; there is a reference to Accused No. 3 in the cross-examination in that it was put to this witness that it was as a result of a report received from Accused No. 3 that he had gone to the house in Sixth Avenue; and there is mention of Accused No. 11 in that the witness had gone there but found nothing.

On the 1st January, the witness was involved in investigations on various occasions with Lt. De Waal and other members of the Police Force.

The first address they went to with Lt. De Waal was the house of Accused No. 11 at No. 50, Sixth Avenue, Alexandra - there they found absolutely nothing.

(Page 1108)

They then went to a place where One-Night stayed in 12th Avenue, where they found explosives and

/weapons

weapons in a plastic bag - in the backyard of the house where trees had been planted. (Pages 1108-9)

From there they went to Japie's house in 19th Avenue, where they found a black plastic bag inside the house with various chemicals. (Page 1109)

On the 3rd January 1977 at 3.30 a.m. the witness was with Lt. De Waal and they went to a "stad in the Nebo district" - there they spoke to an old woman who pointed to a certain house - she was related in some way to Accused No. 9 - the witness opened the door of the hut - Lt. De Waal was not with him at the door at that time - he saw two young Black men lying on the ground on top of blankets - he called the word "Bafana" - one Black jumped up in the direction of the left-hand corner in a half-diving movement - at the same moment the witness "het ek hom onderstebo geloop".

(Pages 1109-11)

Lt. De Waal then came into the room at the same time that the witness had said "Bafana" - and he said : "Here is the briefcase wherein the weapons were."

(Page 1111)

Bafana was Accused No. 4 - at the time that he was run down by the witness he fell over a blue overall which then opened and the witness saw that there was a Tokarev pistol and a Scorpion, as well as a hand grenade there. (Page 1111)

/After

After Accused No. 4 had fallen to the left-hand side, he came half-upright and moved towards where the weapons were - the witness then kicked him and he fell over a chair - the witness handed the weapon to Lt. De Waal.

(Page 1112)

Lt. De Waal handled the briefcase - they put the weapons back into the briefcase - the weapons had magazines with bullets in them and there was a bullet in each of the barrels of the weapons and they were ready to fire.

(Page 1113)

The witness did not see whether the safety catch was on or not.

(Page 1114)

Exhibit R was the person who was with Accused No. 4 in the hut - the witness did not know his name.

(Page 1114)

The witness saw Accused No. 1 for the first time on the 1st January 1977 at John Vorster Square - he received two rings from Accused No. 1 which were taken off Accused No. 1's hand by Accused No. 1 and handed to him - the rings were then handed to Col. Booysens - the rings are Exhibit 20.

(Pages 1114-5)

UNDER CROSS-EXAMINATION

The witness said that the place in Sixth Avenue had

/been

been a place which Accused No. 3 pointed out to them.

(Page 1115)

In the Nebo district there were no electric lights and it was dark but they had torches.

(Page 1116)

Everything in the hut happened very quickly - Accused No. 4 had denied that he was Bafana but the witness could not remember the exact words that he had used - he spoke English - the witness had approached him in much the same way as a rugby player would run another one down.

(Page 1116)

He conceded that he must have hit Accused No. 4 hard - and that it was possible that he at that stage also kicked him - it was pointed out to him that this is what he had said last time.

(Page 1117)

The witness said that he did not kick Accused No. 4 whilst he was on the ground but whilst he was getting onto his feet.

(Page 1118)

The Police had gone there because of a report in connection with weapons - they expected to find weapons - they expected to find Bafana in possession of weapons - they knew it could be a dangerous situation - the witness had himself a .32 pistol next to his side, but not drawn - he had a torch in his hand.

(Page 1118)

/After

After the "tackle" Accused No. 4 was not unconscious, but he was certainly a bit dazed. (Page 1120)

The witness spoke of putting the weapons back into the briefcase because the reports that they had received were that there would be a briefcase with weapons in it.

(Pages 1121-2)

"Is it not correct, Sergeant, that after you called the name 'Bafana', you also asked where the weapons were? - (To which the witness replied that that was possible).

(Page 1120)

Accused No. 4 says that he didn't dive as you have described, but that after you called the name 'Bafana' and asked for weapons - he denied - and then you hit him over - (to which the witness replied that had that been the case, Accused No. 4 would have made a charge of assault).

(Page 1121)

SUMMARY OF THE EVIDENCE OF TITI MTHENYANI

His evidence in chief appears from page 1126 (Vol. 24) to page 1131 (Vol. 24) and under cross-examination from page 1131 (Vol. 24) to page 1132 (Vol. 24).

This witness was warned as an accomplice.

This witness speaks about Accused No. 2.

Before his arrest the witness was a member of the S.S.R.C. (Page 1126)

The witness speaks about a meeting with Accused No. 2 during September 1976 where Accused No. 2 said that he wanted to train them (the witness, Easy Gxuluwe and Khotso Seatlholo, who were all members of the S.S.R.C) - for the struggle that was during that time - he wanted to help the students.

(Page 1127)

The witness repeatedly said that he had forgotten a lot of things but he remembered that Accused No. 2 said he would train them in a cell - they saw Accused No. 2 the next day by arrangement, the three of them and Johannes Machobane at Mpetla where they discussed things and Accused No. 2 told them about the cell system and showed them a machine gun which he dismantled and they did likewise and

a hand grenade.

(Pages 1128 and 1130)

The witness said that he handled those weapons because he was interested to know them and that Accused No. 2 showed them the weapons because he knew that they were interested in them - the witness agreed to work in a cell under Accused No. 2, as did the other people in their private capacities.

(Pages 1130-1)

Accused No. 2 had said that he was a member of the A.N.C. - the cell related to Umkhompo Wesizwe - which is the same as M.K.

UNDER CROSS-EXAMINATION

Accused No. 2 told them that they would have to behave in a disciplined way - that the witness did not remember that Accused No. 2 had said that if and when the time came to use those weapons they would be told.

(Page 1131)

SUMMARY OF THE EVIDENCE OF TYRONE KHUMALO

His evidence in chief appears from page 1122 (Vol. 24) to page 1126 (Vol. 24) and under cross-examination at page 1133 (Vol. 25).

This witness was warned as an accomplice.

This witness speaks about Accused No. 3.

The witness said that he met Accused No. 3 at approximately March 1975 at a funeral where Accused No. 3 introduced himself to the witness as Jacob Mokwena.

(Pages 1123-4)

Accused No. 3 told the witness that he came from South Africa, went through Swaziland, stayed in Mozambique as a refugee and that he was waiting for the A.N.C. people for training - he did not say what training because he said that he is old - he said that the A.N.C. trains in places like Tanzania, Russia, China or possibly in Mozambique.

(Page 1124)

The witness met Accused No. 3 again at a refugee flat in the Avenida De Brazil - where Accused No. 3 said that he had met Lennox, a member of the A.N.C. - Accused No. 3 said that the A.N.C. members leave

/all

all the messages with him - Accused No. 3 was talking in the presence of the witness and saying that during or before 1960 they used to place pamphlets on the wall and the members of the P.A.C. would come and remove those pamphlets - and that he was not on good terms with them. (Page 1125)

When asked what Accused No. 3's function at the flat was, the witness said that because he was an old member of the A.N.C., when the A.N.C. members arrived, they always contact him, would sit down and sing freedom songs. (Page 1125)

The witness knew Pete Mokoape - he stands for the A.N.C. at Botswana and looks after the people as refugees and helped them join the A.N.C. - the witness met him three times - once in Tanzania, once in Angola and once in Botswana.

The witness knew Lennox who stands for the refugees in Mozambique. (Page 1125)

WHAT WAS PUT TO TYRONE KHUMALO ON BEHALF OF ACCUSED NO. 3

I must put it to you that Accused No. 3 says that he remembers seeing you in Maputho - but he cannot ever remember having spoken to you. (Page 1133)

SUMMARY OF THE EVIDENCE OF LT. J.L. DE WAAL

His evidence in chief appears from page 1133 (Vol. 25) to page 1153 (Vol. 25) and under cross-examination from page 1153 (Vol. 25) to page 1162 (Vol. 25).

His witness speaks about accused nos. 1, 2, 3, 4, 8, 9 + 11.

On the 1st of January 1977, the witness had gone to Sixth Avenue, Alexandra Township, together with Accused No. 3 and Accused No. 3 pointed out a certain point in a garage - made a report to them - he pointed out a point in the left-hand corner of the garage - they searched the entire garage for a 20-litre paraffin tin - but could not find it - spoke to Accused No. 11's wife and then went to fetch Accused No. 11 in the cells at John Vorster Square where he was at that time being held as a suspect in terms of the Criminal Procedure Act, and not as a Section 6 detainee. (Pages 1133-4)

The witness took Accused No. 11 and Accused No. 3 back to 50, Sixth Avenue, Alexandra, where Accused No. 11 made a report to them - he knew who the witness was and he was warned according to Judges Rules - there was no undue influence and he was in his sound and sober senses - at that stage it was agreed that this evidence would be held over.

(Pages 1134-5)

/After

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After the report from No. 11, the witness went into the garage and looked for the 20-litre paraffin tin but didn't find it - after he had gone to get Accused No. 11. The point he looked for in the garage was exactly the same point as that pointed out to him by Accused No. 3 - he thereafter went to One-Night's house in 12th Avenue, Alexandra, as a result of a report received from Accused No. 11. (Page 1136)

At One-Night's house, One-Night pointed out a place in the garden - at the time the witness was with Sgt. Cox, Sgt. Zeelie - One-Night and Accused Nos. 3 and 11 were also on the property - he found two tins - photographs were taken by Cox - Exhibit 64 photograph 11 - he found a Scorpion machine gun in the tin and various other articles - and then One-Night pointed out an address in 19th Avenue - the house of Japie Nonyane.

(Pages 1137-8)

At One-Night's house One-Night pointed out a plastic bag - the witness then testified about Exhibits 36, 46, 64, Photograph No. 13 - the bag contained various chemicals - Exhibit 33 - Exhibit 47 which was a pamphlet of which there were 225 in the bag - Photograph 14 in Exhibit 64 - these various exhibits were handed over to Col. Booysens.

(Pages 1139-42)

The witness himself opened the white plastic bag found in 12th Avenue and found 5 Scorpion machine pistols,

/one

one Tokorev pistol, two loaded hand grenades and one unloaded, two hand grenades "ontstekers" which had not yet been attached to the hand grenade - also two cleaning apparati - he spoke about Exhibit 45, Photograph No. 15 in Exhibit 64. (Pages 1142-3)

The same night the witness went back to 56th Avenue, Alexandra, to talk to Bushy - she made a report to him - as a result of that report they went to a certain place at 8th Avenue, Alexandra, where she indicated to them a 20-litre paraffin tin - Exhibit 48.

(Page 1143)

There was nothing in the tin. (Page 1144)

The witness spoke about Exhibits 37-41, 42, 43, 44 - all of which were handed over to Col. Booysens at John Vorster Square. (Pages 1144-5)

In the early morning hours of the 3rd January, at approximately 3.30 a.m., the witness and Sgt. Zeelie went to the house of a certain woman called Serepe in the Nebo district - the witness followed Sgt. Zeelie - they went into a hut - the witness saw an empty brown briefcase which they were looking for - Exhibit 49 - there were two people inside the hut - Accused No. 4 and Elleck Nchabeleng - whom the witness met for the first time that night. (Page 1145)

/As

As a result of the report which had earlier been made to the witness they were looking for weapons - when he found the briefcase he drew Sgt. Zeelie's attention to it - he realised that there was a "geskarrel" in the furthest corner of the hut - he shone with his torch and saw that Accused No. 4 was lying on the ground - Sgt. Zeelie then handed over to him a number of weapons - a Scorpion machine pistol, a Tokorev pistol and a loaded hand grenade. (Page 1146)

Exhibit 51 was a white "handdoek materiaal papier" with an orange-coloured pattern on it - he found that paper next to the briefcase on the ground - it had oil on it - from which he came to a certain conclusion. (Page 1146)

The witness identified Exhibit 28 and Exhibit 50 as being the blue overalls handed over to him by Sgt. Zeelie with the weapons - the witness saw that the weapons were loaded and that there were bullets in the barrels of the two guns - ready for firing - there were 20 bullets in the Scorpion magazine and seven in that of the Tokorev. (Page 1147)

The witness identified Exhibits 52 and 53. (Page 1148)

Accused No. 4 and Elleck Nchabeleng were then held as suspects. (Page 1148)

/The

The witness knows Accused No. 9 - they had gone to his kraal in the early hours of that morning and arrested him. (Page 1148)

On the 4th January, the witness was summoned to Middelburg where he went to consult with Col. Van der Hoven - Col. van der Hoven entrusted Accused No. 2 to him and gave him an instruction to take him to Johannesburg with a paper carrier containing various personal belongings of Accused No. 2 - Exhibit 102 - Col. van der Hoven gave the witness a hand grenade, a reference book and a roll of "handdoek papier" similar to that found in the hut where Accused No. 4 was arrested - Exhibit 55 - he came to the conclusion that portions of that paper had been torn off at some or other stage - Exhibit 55 was similar to Exhibit 51 - Exhibit 54 was the reference book in the name of Patrick Mandla Dumeni Magagula and bearing the photograph of Accused No. 2 - there was also a R10 note. (Pages 1148-50)

The witness identified photographs 16 and 17 in Exhibit 64. (Page 1150)

When Accused No. 4 was confronted in the hut, the witness told him who he was and warned him according to Judges Rules. (Page 1150)

/The

The witness said that they had gone to that hut in the Nebo district as a result of a report made by Accused No. 8 earlier that night. (Page 1151)

Accused No. 8 was found at the place where he lived late at night, possibly midnight or 1 o' clock in the morning - a long, long way away from the house of Serepe - perhaps 25 or 30 kilometres.

(Page 1151)

That was the first occasion on which he had met Accused No. 8 - he introduced himself and warned him according to Judges Rules - there was no undue influence - he was in his sound and sober senses - Accused No. 8 was woken up and he was a bit "verbaas" in their presence and also possibly a little bit frightened. (Page 1152)

Two other people had gone to fetch him at his kraal and had taken him to where the witness was standing - there may have been an half-hour delay between his being woken up and that stage. (Page 1152)

Accused No. 8 was at that stage detained as a suspect and not in terms of Section 6 - he told the witness that the same day in the "vooroggend" he sent his son as a guide with Accused No. 4 to the kraal of Accused No. 9. because Accused No. 4 did not know that area, the witness said that he would

/send

send his son who knew the area with him as his guide. Accused No. 8 then handed over a briefcase to Accused No. 4 containing certain weapons. (page 1153)

As a result of that report they went to the hut of Serepe but before they went there they went to Accused No. 9's kraal and then to Serepe's hut, having searched two or possibly three huts before they got there.

But were they sent to Serepe by 9?? See p. 1153

UNDER CROSS-EXAMINATION

On the night of the 1st January when they had looked for the 20-litre tin at 50 Sixth Avenue, they were accompanied by Accused No. 3 and although they searched the garage thoroughly, they could not find the tin - at that stage Accused No. 11's wife was in the house - the witness asked her certain questions concerning the tin but she denied knowledge of it - although the witness was of the opinion that she in fact had knowledge of the tin and that she was not telling the truth. (Pages 1153-5)

He then decided to go and fetch Accused No. 11 which he did at the cells at John Vorster and he took him back to Alexandra where he spoke to his wife, within sight but not hearing of the witness.

(Pages 1155-6)

/It

It was after Accused No. 11 had spoken to his wife that he made a report to his witness and they then went to the house of One-Night where they found the plastic bag.

(Page 1156)

On the 3rd January, when they went to Nebo, they had gone in a group of about 5 or 6 cars - Accused No. 1 was in a custody and had at that stage given him certain information amongst which was that in the Nebo district they would find a person by the name of Bafana - he did not specifically say it, but it was possible from what Accused No. 1 told him that Bafana was one of the people who could be found in possession of certain specific fire-arms.

(Page 1156)

They took Accused No. 1 with them to make certain pointings out.

(Page 1156-7)

The first place the Police visited was the Stat of Accused No. 8, although the witness did not himself personally go in there - the officers in charge were Col. van der Hoven and Col. Muller.

(Page 1157)

The witness stayed at the cars whilst the others went to Accused No. 8's house - Accused No. 1 was in custody sitting in one of the cars - in the half-hour (or so) period while waiting for Accused No. 8, the witness spoke to Accused No. 1 and got

information from him in connection with the man known as Bafana and of certain fire-arms. (Pages 1157-8)

When Accused No. 8 was brought to the cars the witness that he first spoke to Col. van der Hoven because Col. van der Hoven knew him personally - the witness saw this happening but he could not hear it because he was some distance away from them - he could hear that they spoke but he could not hear what was said.

(Page 1158)

Thereafter, the witness and Lt. Swarts went to talk to Accused No. 8 a little distance away from the motor vehicle - what they spoke about was why they were there - and why they had arrested him - they said that they must have asked him about where they could find Bafana and he told them that he had gone to a certain place in the company of his (Accused No. 8's) son because he did not know that area. (Pages 1158-9)

They also asked him whether he had any knowledge of the fire-arms - and they must have given him an explanation of the fire-arms - the fire-arms that were left at his house during a visit of Accused No. 1, an earlier visit - this is information which they had got from Accused No. 1.

(Page 1159)

The question was then put to him that these were the weapons in the briefcase to which the witness replied that they asked him whether he had any knowledge of

/the

the fire-arms.

When it was asked whether that included knowledge of the briefcase, the witness said that the first time he became aware of the briefcase was when Accused No. 8 during their conversation and after he had been asked about the fire-arms said that he had sent those specific weapons which were in a brown briefcase together with Accused No. 4 to the kraal where they eventually got hold of him - this was the first knowledge he had of the briefcase - because they had asked Accused No. 8 about the fire-arms. (Page 1159)

It was asked of the witness how could it be that the Accused would have mentioned a briefcase in those circumstances and the witness answered by saying simply because the weapons were in that briefcase as they subsequently discovered - although they never actually found the weapons in the briefcase - the Accused had told them that the weapons were in the briefcase - the first time the witness heard about the briefcase was when Accused No. 8 told him that the weapons were in that briefcase. (Page 1160)

hegova?
 The witness said that he had never asked Accused No. 8 whether the father was in possession of weapons and a briefcase - he agreed that he asked Accused No. 8 about the father and the position of weapons but not about a briefcase - it was the Accused who told him about the briefcase. (Page 1160)

/At

At the stage at which the briefcase was found the witness remembered that there were certain documents in it, but he did not pay any attention to them at that stage - Nor at any later stage did he pay any particular attention to them. (Pages 1160-1)

In regard to the "geskarrel" in the hut, the witness said that he did not see what actually went on until when using his torch he saw that Accused No. 4 was lying on the ground - the hut was pitch dark save for the light from the torches. (Page 1161)

IN RE-EXAMINATION

The witness made a point in operations of this kind to see that he had fresh batteries in his torch. (Page 1161)

Accused No. 11's wife's name was Bushy. (Page 1162)

Her photograph appears as Exhibit H. (Page 1162)

The witness was able to say out of personal knowledge that at that stage Accused No. 11 and Bushy were not legally married. (Page 1162)

It was put to the witness that he had received his information about the briefcase from Accused No. 1 - that it was Accused No. 1 who had told them that there were weapons in that area and that they were contained in a brown briefcase.

It was put to the witness that when it was asked about Bafana and whether Bafana was in possession of weapons or a briefcase, it was then that Accused No. 8 had said that he had seen Bafana and that he had seen that Bafana had a briefcase in his possession.

(Page 1160)

At the end of the cross-examination, Mr Kuny stood up and said that he did not know whether it was quite clear that Accused No. 8 denied knowledge of the weapons - at which the Court said : "You did not put it in those terms, but I noticed you said that he had a bag with him and I thought that sort of implied that he did not know what was inside - to which Mr Kuny answered in the affirmative - to which the Judge said that that is the way that he understood it.

(Page 1162)

SUMMARY OF THE EVIDENCE OF SAMUEL MANKGE
WHOSE EVIDENCE IN CHIEF APPEARS FROM PAGE 1373 (VOL 30)
TO PAGE 1379 (VOL 30) AND UNDER CROSS-EXAMINATION FROM
PAGE 1379 (VOL 30) TO PAGE 1380 (VOL 30)

THIS WITNESS WAS WARNED AS AN ACCOMPLICE

THIS WITNESS SPEAKS ABOUT ACCUSED NO 12

The witness first saw Accused No 12 during November 1976 on the day that they left for the vocational training centre - they were leaving from Orlando West to Swaziland - "we were escaping from the country" - we were promised that there (Swaziland) there is a school and military training - it was only himself and John Masimanga (who were told that).

(pp 1373, 1374)

Edward Khehla was the driver of the Kombi - there were nine people in the Kombi, including Accused No 12.

(p.1374)

The witness had met Accused No 12 at Khehla's place - he was not used to her and apart from greeting her did not say anything else - he said he knew her before - he said they were dropped at Khehla's place and then Khehla brought Accused No 12, David and others - they then got into the Kombi and drove off.

(p.1375)

The/....

The witness said that he was talking to John Masimanga - David was busy singing - they were singing Zion songs and Nkosi Sikelela.

(p.1375)

When asked what Accused No 12 was doing in the Kombi the witness said that he last saw her when she began slumbering - he said nothing to her.

(p.1376)

They never got to Swaziland - having been stopped at a road block - they said that they were on their way to Nylstroom to a funeral and they got lost - the witness gave the police a false name given to him by Khehla and the wrong address.

(p.1376)

The witness never had any travel documents - did not see that Accused No 12 had any - knew nothing about any that David might have had.

(p.1377)

Khehla had a map - Victor who was in front with Khehla had it

(p.1377).

The/....

The witness identified Exhibit 64, photograph 30, as being the Kombi in which they travelled.

UNDER CROSS-EXAMINATION

The witness said that he had made an arrangement with his friend Dithupe - and it was Dithupe who had made an appointment with Inch - that they would be taken along.
(p.1379)

At the time that they were going (for schooling and also for military training) the schools in Soweto had closed down - they were going to Swaziland for schooling and when that was finished they were going to go on and have some military training.

(p.1380)

The Zion songs that they were sining in the Kombi were church hymns - the witness wasn't really interested in the other people in the Kombi.

(p.1380)

SUMMARY OF THE EVIDENCE OF VICTOR MAJAFE
WHOSE EVIDENCE IN CHIEF APPEARS FROM PAGE 1381 (VOL 30)
TO PAGE 1383 (VOL 30) AND UNDER CROSS-EXAMINATION AT
PAGE 1383 (VOL 30)

THIS WITNESS WAS WARNED AS AN ACCOMPLICE

THIS WITNESS SPEAKS ABOUT ACCUSED NO 12

The witness saw Accused No 12 during November 1976 in the Kombi travelling to Swaziland - there were 10 of them - the witness was going to school - just for schooling - he didn't know what the others were going for.

(p.1381)

The witness met Accused No 12 at Klipspruit when they were getting into the Kombi - he never spoke to her - he never had a travel document.

(p.1381)

The witness did not know how Khehla, the driver, intended finding his way to Swaziland - in the Kombi some were singing freedom songs and others were discussing - the witness was sitting in front with the driver - Accused No 12 was sitting at the back seat behind them - merely sitting.

(p.1382)

They/.....

They never got to Swaziland - they were stopped at a police road block - the witness gave the police false information - a false name and address.

(pp 1382,1383)

UNDER CROSS-EXAMINATION

Khehla first dropped the witness at this place in Klipspruit - there were other people - about six in all that were left at Klipspruit at the time - then Khehla went off and he came back with David and Accused No 12.

Nkosi Sikelela Afrika was a well known, much loved song amongst black people - it was the national anthem of the Transkei.

(p.1383)

SUMMARY OF THE EVIDENCE OF GERHARDUS ROEDOLPH BRITZ
WHOSE EVIDENCE IN CHIEF APPEARS FROM PAGE 1383 (VOL 30)
TO PAGE 1395 (VOL 30) AND UNDER CROSS-EXAMINATION FROM
PAGE 1395 (VOL 30) TO PAGE 1396 (VOL 30)

THIS WITNESS SPEAKS ABOUT ACCUSED NO 1

He was a constable in the SAP stationed during November 1976 at the border gate, as a passport official - he arrived at work at 7.30 a.m. on the 30th November 1976 and received an instruction to go to Komatiepoort - he left for Komatiepoort with a Bantu sergeant Khoza - in a landrover with a "oop bakkie" at the back - the witness was in civilian clothes and Khoza in uniform and armed with a ,38 revolver - the witness was not armed.
(pp 1383, 1384)

About 3 kilometres from the border post they saw four black men standing on the left-hand side of the road - they stopped - the witness identified Exhibit 21, photographs 10, 11 and 12 as being photographs of the area - the witness asked through Sgt Khoza where the four men came from - Sgt Khoza made a report to him as to where they came from - he asked through Sgt Khoza where the keys to their baggage which stood on the ground were - it was locked - Khoza made a report to him - he then asked the men through Sgt Khoza to get into the vehicle and to accompany them to the border gate - the four men then climbed onto the vehicle and sat in the back - "ek het nie presies gesien waar hulle gaan sit het nie" - if they/....

they wanted to sit they would have had to sit on the floor - they had loaded their baggage onto the vehicle - they returned towards the border post - Khoza had climbed in next to the witness and looked at the four men sitting on the back of the vehicle - they had climbed in "vrywilliglik"

(pp 1384, 1386)

About 500 metres from where they had picked up the four men the witness became aware of a "swael reuk" inside the cabin of the vehicle - the witness said that he was aware that after they had ridden a little way somebody at the back stood up and came to sit against the cabin - the witness then put on his brakes and the following moment there was an explosion and he became aware of a sharp pain in his left leg and left arm - there was also smoke and a limited amount of flame next to him on the seat.

(p.1387)

He tried to get the vehicle going to go and get help at the border gate but the vehicle refused to move - he then climbed out and stood on his right leg - Khoza went to him and told him that he was going to look for help - Khoza handed him his weapon and ran off in the direction of the border post - his right arm and leg were bleeding. The witness never saw the four men again.

(p.1387, 1388)

A/....

A Kombi vehicle came from the direction of the border gate - Sgt Khoza stopped it - they came to the witness who was lying in the middle of the road - as they stopped at the witness another vehicle driven by a white man, a Mr De Bruyn, stopped. Mr De Bruyn and the driver of the Kombi loaded the witness into the Kombi and they returned to the border gate border post.

(p.1389)

Khoza sat next to the driver in the front of the Kombi - the witness was at times unconscious - at border gate Constable De Lange and Bantu sergeant Makushe climbed into the vehicle - they went to Komatiepoort where the witness received emergency treatment from the District Surgeon for burn wounds - then he was taken by ambulance to the Nelspruit Hospital - where he stayed for three months - he received treatment thereafter as well - he must still undergo an operation on his left leg and left arm - the Judge pointed to the manner in which he was standing in the witness box and the witness said that he was unable to straighten his left arm - this was as a result of the explosion - he had had two or three operations - the next operation would be to remove from his leg and left arm.

(pp 1389, 1391)

The /....

The witness identified Exhibit 17 as being a handbag similar to the one that the four men had had - he never saw what was in it - he remembered that one of the men was wearing denim clothes and had on sand shoes - he identified Accused No 1 being one of the four men - he never saw where Accused No 1 had gone to sit when he climbed into the bakkie.

(pp 1391, 1392)

On the 7th February the witness attended an identity parade at the Nelspruit Hospital where he identified Accused No 1 - he identified photograph 26 in Exhibit 64 as being the Kombi which had picked him up - he identified the person whose photograph appears as Exhibit A, (David) and Exhibit G (Manci) and Exhibit X (Malume) as being the other three persons involved.

(pp 1392, 1393)

The witness was shown Exhibit F but said that he did not know that person.

(p 1393)

The witness identified photographs of himself in Exhibit 21 - and photographs 2 and 3 in Exhibit 21 as being those of the vehicle he had driven that day.

(p.1393)

When/.....

When lying in the road the witness saw that his vehicle was burning - but other than the explosion he heard when he was still in the cabin he never heard any further explosions - his vehicle had side windows which were open, at least on his side.

(p.1394)

When asked by the prosecutor whether he had seen how many people or whether it was only one person who had gone to sit on the "trommel" the witness said that he didn't know all he had seen was a movement.

(p.1395)

UNDER CROSS-EXAMINATION

The witness confirmed that he only saw a movement at the back of the vehicle - he said that although he never watched Khoza all the time, Khoza was looking into the back - it wasn't necessarily his duty to do so - the witness had just asked him to (look into the back of the vehicle) - the witness didn't know whether Khoza had in fact looked into the back all the time - he never spoke to him.

(p.1395)

He confirmed that he did not notice where the four people had gone to sit - and said that it was not long after

the/....

the men had been picked up that the explosion occurred.

(p.1296)

In response to a question by the Judge he said that at the time of the incident there was nobody else in the vicinity.

(p.1396)

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