

VOLUME 6.

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CASE NO. SHD.1/66.

10th JANUARY, 1966.

THE STATE versus EPHRAIM MABUSO (And others)

Contents: Jacob Knaou (Cont.)



CROSS-EXAMINATION BY ACCUSED NO. 3 (CONTINUED): Were there any numerous deaths in June 1965?

COURT: Were there any?

ACCUSED NO. 3: Numerous deaths in the year 1965?

COURT: Numerous deaths?

ACCUSED NO. 3: Yes. 1965? -- Yes.

In which month? -- It was during the year 1965, I cannot recall in which month.

Do you still recall how many were there? -- Yes.

How many? -- What I recall, there were three.

Approximately in which month? Did they all happen in three months or did they occur in one month? -- They occurred in one month.

Could I be wrong if I say it was in September 1965? -- I cannot say you are wrong.

Can you describe the atmosphere and the tense situation among the convicts that time? -- No.

Was anyone able to draw a conclusion on relying on one another, reliability, general and personal confidence to a convict or otherwise?

COURT: You must not put such a long question, split up your question?

ACCUSED NO. 3: Was it possible for one to draw a conclusion according to a reliability of other prisoners during that time? -- No.

You agree with me that during the period of that time one's life was absolutely imminent?

PROSECUTOR: Your Worship, that is nonsensical? "One's life was imminent", what is that now, your Worship? Nobody understands that?

ACCUSED NO. 3: Imminent, that means to say it is a grave danger of one life to lose?

COURT: Yes, put your question in simple language?

ACCUSED NO. 3: Was it possible that one could be able to lose his life during that time? -- Yes.

Where were you working before my arrest? -- With Mellerspan.

And where did you work after my arrest? -- The same place.

After our arrest? -- Yes.

Were you not working at the stores with an accused after our arrest? -- No.

You were a P.A.C., isn't it? -- Beg yours?

You are a P.A.C., Pan Africanist Congress? -- Yes.

And then you converted yourself to perform your duties with the Special Branch? -- Beg yours?

You converted yourself to perform your duties with the Special Branch? -- Yes.

Are you rehearsed what to say in Court? -- What do you mean by rehearse?

I mean to say that have you been practised or told what to say in Court? -- No.

Do you know when and to whom did I join the Pan Africanist Congress?? -- No.

Yes? -- No.

Are you quite certain that I am the member of the Pan Africanist Congress? -- As you have told me.

If I didn't tell you, you couldn't have been certain of the fact I am the member of the Pan Africanist Congress? -- Definitely.

Where did I tell you that? -- At open camp.

Whereabouts in open camp? -- The day of the meeting, you told me.

What month was that? -- I can't remember the month, but I can only recollect the year.

You can only recollect the year? -- Yes.

What year was it? -- 1964.

If somebody has said in Court that I have joined the Pan Africanist Congress in 1955, could he be wrong? --

It's not what you say, it's what you know.

Beg your pardon? -- What you say is what you know.

Then what you know about it, is he wrong or is he right? -- My opinion is that I know that you told me in 1964.

Are you quite definite that I did further the aims and objects of the Pan Africanist Congress? -- What do you mean by furthering the aims?

I mean to say that I have meetings with you and then I have sworn you in and the others and so on? -- That is what I said.

Aren't you mistaken in what you have said in Court about that? -- No.

And that you are wrongfully accusing me for a crime that I did not commit? -- No.

Why didn't you tell the Court that you are misled without hesitation? -- I was never misled.

This P.A.C. in question, has it a branch in Baviaans Prison? -- How do you mean a branch? Make it clear, please?

You know that there is a tree, isn't there?

COURT: A what?

ACCUSED NO. 3: A tree?

COURT: A tree?

ACCUSED NO. 3: A tree, yes? And this tree it has got a stem, not a stem, you call it a branch out of a stem of a tree, isn't it? -- Yes.

For instance, to explain again for you, you know that we have got businesses like the O.K. Bazaars, it has got its branches somewhere in Durban or Cape Town? -- I understand your question.

Then my question is this, the P.A.C. in question, has it a branch in Baviaanspoort Prison? -- What I know is not a branch.

What is it? -- It was a stem.

A what? -- A stem.

A stem? -- Yes.

Now, I previously made an explanation, what do you mean by saying that the P.A.C. at Baviaanspoort, it was a stem? -- All of us, the members and officials, the Committee, were all there, that's why I say it was a stem not a branch.

You want to tell me it was part of the Headquarters?
-- You said it a mouthfull.

There is no other sources besides those which you know of Baviaanspoort of the Pan Africanist Congress?-- There are branches.

Where? -- In the open camp.

I mean outside the Baviaanspoort Prison? -- How can I know I am in Baviaanspoort Prison.

You cannot deny if I put it to you that you framed this case of the Pan Africanist Congress? -- I deny, it is not so.

And that this Pan Africanist Congress as far as you are concerned in putting it here in Court, is like just like a tree without a branch or a branch without a tree? -- It is what you say.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY ACCUSED NO. 5: How long is it now that you know me? -- It is not yet a year.

Since when? -- During the winter of 1965.

Did you know me as a member of the Congress? --
The time I have seen you or when?

When you saw me for the first time? -- Yes.

Did you introduce yourself to me as a member of the Congress or did you ask me whether I was a member of the Congress? -- We greeted each other.

Where was that? -- It was in the span.

Did I work with you in the span when you saw me for the first time? -- Yes.

If evidence is produced that I did not work together with

you in the span, would you say that that is a lie? -- It will be a lie, I know I worked with you in the span.

Would you say that it is a lie if evidence is produced that I met you for the first time in September last year, that was after the winter? -- I beg yours?

Would you say that is a lie if evidence is produced that I met you for the first time in September 1965 after the winter? -- Yes.

You said that I am a member of the Congress, what position do I hold in the Congress? -- You are a former Secretary, at the present moment you are an organiser.

When you started to know me as a member of the Congress, was I the Secretary or an organiser? -- Secretary.

Now everything that takes place in the Congress should be written down by the Secretary? -- Accordingly?

That means the Congress can do nothing without the knowledge of the Secretary? -- That is what I know.

I beg your pardon? -- It is what I know.

And the Secretary and others cannot do anything which is not known to the other members? -- Yes.

If I put it to you that there are certain things which happened within the Congress which are unknown to some of the members, would you say that that is a lie? -- It is what you know.

But if another witness is called who comes and testifies that other things do happen within the Congress which are unknown to other members of the Congress, would you say that his evidence is a lie? -- I cannot deny.

You said that I held a meeting with you in the cell, who else was present when we held the meeting? -- Yourself, Nos. 8, 9, 10, 11, 12 and 13.

Were all these people members of the Congress? -- The first day when you held the meeting Nos. 10, 11, 12 and 13 were not yet members.

What were they? -- They were independent people.

COURT: They were only? -- Independent people. KNAOU.

Are you sure that the persons which you have just mentioned, were they the only persons present at the meeting?

-- No.

Were there still others who are not present here today? -- Yes.

What were they? -- They were also not members, some of them.

Now, as a member of the Congress, do you have any knowledge whether when we hold a Congress meeting we just invite any person even if he is not a member of the Congress?

-- No.

Now how did it come to pass that the others who are not members of the Congress, were also present at that meeting?

-- It was in the cell, it was compulsory that they have to be present.

Now, how can you call such a thing which was held in that cell, a meeting? -- Because you were presiding at a meeting, and some of the members were in the meeting too.

If I request all the people present here in Court to keep quiet and start saying something, would you say that I am presiding? -- I will say something like that.

Saying anything in connection with myself or in connection with you? -- If you are only discussing you can call it a meeting, only discussing generally.

But if it is not an ordinary discussion, will you call it a meeting? -- As you have said the very same day addressing the house in a political manner and saying and discussing all that was said, I will call that a meeting.

How many posts did you hold in the Congress? -- I held one.

Are you still holding the same post now? -- At the present moment, no.

What are you now? -- A witness.

What were you in the Congress? -- Previously... I was organiser and then after that I was promoted to Assistant-

Secretary.

After you were appointed Assistant-Secretary, did you ever write something or did the other superior officers of the Congress teach you something? -- Yes.

Now, you said we make a note of everything which is said in the Congress, can you now give evidence as to the whereabouts of all the records we have written down in the Congress? -- As I have said I was only taught my duty as Secretary.

But you have just answered that there were certain things which you wrote down, which things were those? -- You have put your question in two, you said was there anything that was written or anything which I was taught and I have answered the something which I was taught.

Where are the documents which you wrote? -- The former Secretary must know where are they.

But is that not a case that when you are promoted all the documents are passed over to you? -- That was not done.

Now, as you have said that you are the Secretary of this organisation, if an official who is above you states that all these things were not written down, would you say that he is telling you a lie? -- What I have seen the things were written, what he says is a different thing. It is for the Court to decide.

You say that when I came to you for the first time that I was already a member of the Congress or did I join the Congress then? -- I have said that you have introduced yourself to me.

Were you already a member of the Congress by then?
-- Yes.

NO FURTHER QUESTIONS.

COURT: Did you keep any minutes? -- I beg yours?
Did you personally keep any minutes? -- Minutes of the meeting?

Yes? -- No.

Were there any meetings whilst you were Assistant-Secretary? -- No, after I was elected Assistant-Secretary there was no meeting which I attended as Assistant-Secretary, during those days of my election.

CROSS-EXAMINATION BY ACCUSED NO. 6: How long is it that you know me? -- It is not so long.

How long, can you explain, perhaps? -- Well, I can only say it is approximately not even a year.

Can't you remember the month? -- No.

Since when do you know me as a member of the P...C.? -- During 1965.

You say that we were all together, present at the meeting which was held in cell No. 9? -- Not you.

Now, in this work as you know me, what was I there? -- General Secretary?

According to your knowledge since when was I the General Secretary? -- I knew from the day when I have sworn in accused No. 7.

COURT: Who sworn No. 7 in? -- Myself.

You say No. 6 was then General Secretary? -- I have known him from that day.

And you knew him as General Secretary? -- Yes.

ACCUSED NO. 6: Who else was present on that day? -- He was in the bungalow, I went to him and told him that I have sworn a new member, namely George Mbonambi.

In which bungalow was that? -- It was in No. 4.

On that day with whom was I when you arrived? -- I was outside he was inside.

Can you recollect the day or the month? -- No.

COURT: Was No. 6 present when you swore in No. 7? -- No.

Did you not say that I was present when you swore in accused No. 7? -- I never said so.

But you say that you saw me for the first time that

day? -- I said that that is the day when I became to know him on that day.

You say that you were together with me in cell No. 4? -- When?

The other day when you gave evidence here, you said you were together with me in that cell on that day, you showed me a letter? -- Yes.

Who else was present there? -- Solomon Nkuna was sitting next to you, accused No. 7 too, yourself and the other convicts in the cell, and myself.

When was it? -- It was during the weekend but I cannot recollect which day, which day of the weekend, but the span was not out that day.

During which month? -- I cannot recollect which month.

Will I be telling a lie if I tell you that when Nkuna was testifying under oath here, he said that we were only three? -- I cannot say that, he will be telling a lie, that is what he has said.

What was done in that cell in those days which you have mentioned? -- I have said in Court in my evidence in chief, the very same day I was notified that a meeting will be held in No. 4 and I went there and the meeting was not held.

Why was there no meeting held and why was there nothing said? -- All the members were not present.

Which members were supposed to attend? -- Just No. 3, 5.

COURT: When was that, on what occasion was that? -- It was at No. 4 cell, the meeting was supposed to be held there.

Who were present there? -- The meeting was not held because it was said that all the members were not present.

Yes, but who were present? -- It was myself,

accused No. 6, 7 and Solomon Nkuna.

ACCUSED NO. 6: If evidence is lead that you never entered that cell, would you say that is untrue? -- Certainly because I know I was inside that cell.

How is it that you can remember everything that transpired there but the month and the day you can't remember? -- It is because there is no calendar in prison.

You say that I wrote that letter? -- Yes.

In your presence? -- Yes.

And you say that I showed you the letter? -- Yes.

But how is it that I can show you a letter which I have not yet written? -- I said that I asked you what is that which you are writing and you have explained to me what that is.

What did Nkuna say when I gave you the explanation? -- Nkuna was not next to us.

But you said that we four met together there, now where did Nkuna go because we met there? -- A person can stand up and go to the toilet room or he can go somewhere in the cell.

But you said when I wrote the letter Nkuna was dictating certain ways to me or telling me certain ways which I myself could not understand? -- It is what I said, he was correcting your spelling.

Now, did you not have any knowledge of the mistakes I made? -- Myself at that time, two people were only busy with the letter, Solomon Nkuna and accused No. 6 himself, they were busy with the letter, we did not interfere with them.

Since when are you a member? -- Which member?

A member of the organisation? -- 1964.

Before whom were you sworn in? -- Accused No. 3.

Now, after you were sworn in, were you given any regulations because you know every organisation has got its own regulations? -- Yes.

Can you explain to us the rules which you were

given? -- Yes, a few of them.

COURT: Were you given verbal rules? -- Sir?

Were you given the rules verbally? -- Verbally.

Can you mention the rules to the Court? -- Yes, what I can recall, I will mention.

Start? -- I was told that as a member of the P.A.C. I must know from today that although what can happen through thick and thin, I will have to sacrifice and suffer and serve and if a person or a member of the organisation rebels, there is only one penalty, only death, and that I should not interfere always among the whites. Whenever I have anything to request or what I aim, I must always notify the organisation. That is all.

What type of work did you do in the organisation?

-- Previously an organiser.

For how long? -- From '64 to '65.

Of these persons present now here in Court, can you point out to me some of them who joined the organisation under you? -- Whom, which I organised?

Yes? -- No.

Did you not tell the Court that you organised accused No. 7 and that you have brought him to me? -- I said in my evidence in chief accused No. 2 has brought accused No. 7 to me to be sworn in as a member of the P.A.C.

Since 1964 can you not make mention of even one person who was organised by you in your work? -- Yes, there are.

How many are there? -- Plenty.

Where are they now? -- In prison.

You said that during the month of June I worked together with you in the ram camp? -- Did I say so?

Yes, that is what you said the other day that you saw me for the first time in the ram camp during June? -- Are you not mistaken?

Perhaps? -- What I can recall the man which I was

talking about in the ram camp, is accused No. 3.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY ACCUSED NO. 7: Do you know me?

-- Yes, George Mbonambi.

I hope that is not my full name, can you mention my full name? -- I know your christian name, George Mbonambi.

Do you know that is my christian name? -- As you have said.

When did I say that? -- The day when I swore you in as a member of the P.A.C.

When did I arrive at the Baviaanspoort Prison? -- I don't know.

Which of us arrived first there, you or I, in the open camp? -- I did not take notice.

Do you know where I slept when I was sleeping in No. 4? At which place did I sleep when I was sleeping in No. 4? -- No.

Did you not visit No. 4? -- I did.

Now, why is it that you do not know where I was sleeping? -- I did not go to No. 4 for inspection to go and look where were you sleeping.

But do you know where did accused No. 6 slept? -- I cannot say that it was the place where he slept, but on that day he was sitting next to the grills.

Where is the grill, near the door, opposite the lavatories or where? -- It is at the door.

Is there a person who can sleep between the door and the lavatories? -- This is a silly question, because as you know we all sleep in a house, you don't care where do you sleep.

But the lavatory is next to the grill and it is near the door, how can a person sleep there next to the lavatories? -- Must I describe how the cell is and where the grills are?

But as a person who entered cell No. 4, you should be able

to tell how accused No. 6 and I used to sleep there? -- I say when you entered No. 4 in the cell on the right hand next to the grill, that is where you were sitting the very same day.

If the Court adjourns and we visit the gaol and all the persons who slept there with me in No. 4 are called together, will they say that they ever saw you in No. 4, that you ever visited No. 4?

PROSECUTOR: This witness wont know what the other persons will say, I object to that question?

ACCUSED NO. 7: But how can the Prosecutor say that this witness cannot say what the other witnesses will say, because he says that he was in the cell?

PROSECUTOR: This witness has already replied to this question, he said he doesn't know where that man slept?

ACCUSED NO. 7: You said that I once went together with you to the hospital, what day was that? -- I can only recall that it was doctor's day, we were not out with the span that day.

How often does the doctor visit Baviaanspoort Prison? -- He visited the open camp twice a week and the closedcamp twice a week.

Which days of the week? -- To the closedcamp he comes Tuesdays and Fridays.

For what purpose did I go to the hospital? -- I did not ask you.

And why did you go to the hospital? -- I went there for a tooth ache.

You say that you made me join the Congress, did you ever speak to me before that day? -- I said I have sworn you in, I did not make you join the Congress.

Who made me join? -- As it was said the accused No. 2 said he organised you.

Did you see me prior to the day on which accused No. 2 brought me to you? -- Yes.

Where? -- At the span where we worked.

Do you know that prisoners work according to friends in the span, not so? -- Not what I know.

Do you perhaps know me as a gangster? -- Yes.

To which gang did I belong? -- To the Big Five.

Now, is a person who is a gangster liked by others, is he sociable, can you sit and chat with him or eat with him? -- As they do, especially the Big Five.

But you said to accused No. 2 that, No. 3, that prisoners killed each other at Bavianspoort Prison?

PROSECUTOR: He didn't say that, he didn't say that, I object to that?

ACCUSED NO. 7: It appears to me that the Prosecutor is not willing that we should continue with the case, because he is in a fighting mood?

PROSECUTOR: I am perfectly willing, but then he must, if he suggests something to the witness, he must abide by the truth?

COURT: The witness said that deaths occur, but he didn't say how, he didn't give the cause?

ACCUSED NO. 7: You said that accused No. 2 brought me to you to swear me in, at what place was that? -- It was next to the bathroom.

Was it the day that we came from the hospital? -- Yes.

When was accused No. 2 transferred to No. 4 in Johannesburg in connection with a further charge? -- Late in 1965.

During what month was it? -- I cannot recollect but it was very late.

Was it during September, October or which month? -- I can say it was from September downwards.

Was it late in September? -- I don't say which month, I only say from September downwards, that was late in 1965.

Do you know when I was locked up? After my arrest?

- For what?

In connection with the letter? -- I did not know that you were arrested for the letter.

You told the Court last week that we were together in cell No. 9 where we discussed a letter, can you remember the day? -- I said that you as accused No. 7 you were supposed to have come to No. 9.

Do I drink? -- What?

Liquor? When I was in gaol? -- No.

Would you say that I am dreaming what I say? -- No.

That means that you are not sure about what you have said? -- I am sure.

You say that I have supposed to have been present in cell No. 9? -- Yes.

Now, what prevented me from coming? -- Solomon Nkuna has said that you were supposed to have come to No. 9 for the meeting and so you did not come.

Were you the Secretary at that time? -- No.

You are still an organiser? -- Yes.

Now as an organiser who gave you the power to swear in a person? -- The Chairman.

Who was the Chairman? -- Accused No. 3.

Number? -- Three.

Where did accused No. 3 work at that time? -- Which time?

The time that you saw me working? -- He was working in the ram camp.

Where did you meet the persons working in the ram camp or did you also work there? -- No, but we met them, because there is only a separation of the fence.

Does it mean that there were no warders inside the ram camp? -- There are.

Do they allow you to speak to the people in the ram camp? -- They have got to look all sides to see that these people work and that the people do not hit each other, I watch

him also when I go there.

How big is the ram camp? -- Similar to the Court.

But the Courtroom is far bigger than the ram camp?

-- It can be, I don't say it is definitely similarly, it can be.

How many warders work there? -- Only one.

Is it a white warder or an African warder? --

Usually it is an African warder.

Will you say that I am telling a lie if I put it to you that there were two warders, a white warder and a non-white warder? -- Not what I have seen.

You said that you swore me in near the showers, from there where did you take me to? -- When we departed from there I went to accused No. 6.

Did you not take me to another person at that time?

-- No.

Did Solomon Nkuna tell a lie when he told the Court that you took me to him? -- I cannot say he was telling a lie.

Don't you trust that what you say is the truth? -- I know.

Now why do you say that you cannot say whether Nkuna was telling a lie? -- I cannot use that word by saying it is a lie, because what I say I know it is the truth myself I cannot say somebody is a liar.

I put it to you that Nkuna told the Court that you took me to him, what do you say about that? -- He might have made a mistake.

Now are you making the mistake or did he make the mistake? -- I say he might have made a mistake.

Now as you swore me in and you made me join the Congress, did you like me?

PROSECUTOR: This witness didn't say that he made him join the Congress, he just said that he had sworn him in?

ACCUSED NO. 7: I can see that the Prosecutor is in a fighting mood, but that is all right.

COURT: Now look, don't make that allegation again? The State Prosecutor is quite correct? You cannot put a fact to a witness which is not correct. The State Prosecutor was merely pointing out to you that you put your question incorrectly, you follow?

ACCUSED NO. 7: I follow, I ask your Worship's pardon. Now as I am a person whom you swore in did you like me or not? -- As a member I have accepted.

Now you say that you liked me, the time that you left the Congress as a man who swore me in, did you inform me? -- I did not inform you even when I joined, why must I inform you when I leave?

That is that you swore me in so that you should come and incriminate me? -- No.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY ACCUSED NO. 8: Do you know me? -- I know your Christian names.

From where do you know me? -- From No. 9 cell.

Is there no other place where you saw me for the first time except in No. 9? -- I have only seen you around.

Where did I come from when I entered cell No. 9? -- From C Block.

Where did I sleep on my arrival in cell No. 9? -- Next to the lavatory.

Where were you? -- At my place.

How far was your place from the lavatory? -- From here to the door.

Did I ever speak to you? -- Yes.

On many occasions? -- Yes.

Even during the night sometimes? -- No.

Now as you said that you know me, did we perhaps work together in the span as well? -- Yes.

There we also had some discussions? -- Yes.

About what? -- Politics.

Now as we held discussions about politics, as what did you know me? In the politics? -- I have known you as a member of the P.A.C.

What type of member was I in the P.A.C.? -- He did not tell me his rank but he only told me he is a member of the P.A.C. from Stofberg Prison.

Do you remember that your friend Nkuna once came to me during the night? -- Nkuna is not my friend in the first place.

But you say that we were all members of the Congress, did Nkuna not speak to you because we were all members of the Congress? -- I was answering the question, he said friend, he is not my friend.

Did Nkuna not come to me one night? -- I did not see him.

And that the following morning you and Nkuna arrived there? -- No, not what I know of.

And do you say that you wanted to tell me something? -- It is what he say, I know nothing about that.

You do not know about those things now? -- It is true.

But we held discussions together? -- As I have said previously that we held discussions sometimes during the work in the span also.

Did we ever chat when we were, immediately before we were arrested in connection with the activities of the Congress? -- Did we ever talk to each other?

Yes, did I ever speak to you? -- Where?

In the span or there in the house? -- Yes.

Did we speak to each other? -- Yes.

Until we were arrested we were still speaking to each other? -- Yes, some days.

When were we arrested? -- I cannot recall the day or the month, butn it was during last year, 1965.

But in all you have mentioned you never recall the

days or the months, why? -- Because I've got no calendar.

Because you know that all these things that you are relating to the Court is a lie? -- It is what you say but I know I am telling the truth.

Do you remember that day when we are arrested on the 4th and taken to Kulukutu? -- The 4th of?

It was in September? -- Yes.

It was in October? -- The 4th of October?

Yes? -- I am not sure so I cannot agree on that date.

It was 6.30 in the evening? -- It is what you say.

We were 12 in number and we were taken all together? You said to me that I should not be worried? -- Are you telling me or are you asking me?

Did you not say to me that I should not be worried? -- Where?

In Makulukutu? We were four together? -- No, I did not say so.

Did you not tell me something about Duncan Mahlango? -- No.

And Raymond Mahlango? -- No.

You said that you and Marshall had planned the bomb because the only persons you wanted are those two? -- I did not say so.

Did you not say that we would only be used as spanners? -- No.

Why are you laughing now? -- The word spanners.

You should not laugh, you do not know any thruth, what you are saying now is a lie? -- It is what you say, but what I say, what I know is the truth what I am saying.

Do you usually tell the truth? -- Yes.

Oh, are you telling the truth if you bomb others? -- I am not bombing nobody.

But you also made letters to bomb others in connection with the P.A.C.? -- Who did I bomb?

This is not the first time, you once bombed an Indian?
 -- Can you prove it in Court here? *Rohammed*

What other proof can I give, you know that Indian, we were three together? -- As he say I have bombed that person, I have asked can he prove it.

Yes, I can go and fetch him? -- It is what you say, is all right.

It is not the first time for you to bomb others? -- It is what you say.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY ACCUSED NO. 9: How long is it that you know me now? -- It is not so very long.

According to your own estimation, how long can it be now? -- From 1964 as I can recall it.

Where did we meet each other? -- At cell D.4 in open camp.

What type of a person was I in that cell? -- A prisoner.

To which club did I belong there? -- What kind of club?

The sport clubs? -- Which ones, I don't know them. Where did you see me thereafter? -- At the close camp.

When did you see me at the close camp? -- At No. 9 cell.

From where did I come on my arrival to No. 9? -- Not what I know, but I have seen him at No. 9 cell.

After how many days did you see me at No. 9, after how many days after I have arrived there? -- The very same day when we came from the span we found him in the cell.

Did I find you in the cell or did you find me there? -- I found you in the cell.

How many were we in the cell? -- It was you alone and we were from the span, we, all of us.

What happened thereafter? -- And after that one day

we were at the meeting with him.

After how many days was that? -- It was after a couple of days.

What do you mean by a couple of days? -- Four or five days.

Did I have a place where I stayed in that cell? -- How stay?

A special place for me where I sit even if the cell is full? -- What I have seen you, you have slept next to other people opposite our place.

What type of persons were those next to whom I slept? -- Prisoners.

But there are different types of prisoners, divided according to groups? -- Yes, there are groups, A, B, C, D.

In the close camp? -- I am answering his question that there are different groups of prisoners, now I say that there are A, B, C and D classifications.

But I am asking you in connection with a place where we have been, that is the close camp? -- What is he asking?

Are there A's and B's? -- No.

Now, where do you get that from that there were A's and B's? -- I am answering his question that there are different groups of convicts.

But are they brought together? -- The groups, yes.

Yes? -- No.

I am asking you about that cell, that is according to your knowledge? -- What about the cell?

How many groups were there in that cell? -- What does he mean by groups?

You have already mentioned that that there are the A group, B group and the C group? -- In the cell there was the C group.

Was that all? -- Yes.

Were no members of the B group there? -- Not what I know.

How many gangs were there? -- Where?

In that cell? -- I did not know which ones belonged to the gangs.

How many meetings did you and I hold in that cell?
-- Three in total.

When was the first one held? -- After you have arrived, a couple of days after your arrival.

Was it in the same week in which I arrived there? --
Yes.

And the second one? -- After that, but I can't say how many days after that.

And the third one? -- After the second.

How old are you? -- 25 years of age.

When were you born? -- I was born in 1940.

Do you know your date of birth? -- Yes.

How do you know? -- I was told.

But why is it that you cannot remember some of the things which you have seen, yet these things were not told you?
-- I beg yours?

Why is it that you cannot remember some of the things you have seen, although they were not told you? -- Like what?

Like the days about which I have asked you? -- That I cannot recall it, know the date or what?

As you said that you cannot recall them? -- Yes, I have said that I cannot recall that how many days after that first meeting was the second one.

But you can recollect what happened 25 years back?

PROSECUTOR: No, he didn't say that? He just said that he can remember his date of birth, that is all?

ACCUSED NO. 9: I did not ask the witness about what happened, I asked him for his date of birth and he told me?

How did I introduce myself in the first meeting? -- He was introduced in the first meeting.

Where was I when the introduction was made? -- You were present.

were present.

Who made the introduction? -- Accused No. 5.

What type of person did he say am I? -- He said you are a member of the P.A.C.

From where did I come as a member?-- He said you are from C Block.

What rank did I hold? -- He did not say anything.

How did that sound to you? -- I understood that.

Were you not told the day when you joined how to welcome a new person? -- I was told.

How were you told? -- That I will have to congratulate him with a salutation.

What is the salutation? -- By lifting up my hand and saying is we lethu.

What about Iswe lethu? -- Africa as it said.

Where are we at present? Are we calling our land because it is not here or are we still on our land? -- Yes, as it is now, we are in Africa.

Now, what about our land, why do we say Iswe lethu? -- It is a greeting, a salutation as I have said.

COURT ADJOURNS.

COURT RESUMES.

BESKULDIGDE NR. 14: Ek wil aan die Hof wys hoe dat my bene vasgemaak is? Ek wil hê die Hof moet my sê of dit moontlik vir my sal wees om die trappies hier na die selle af te stap terwyl my bene so vasgemaak is?

ANKLAER: Dit is blykbaar sommer 'n nuwe gedagte. Beskuldigde was die hele verlede week so met voetboeie in hierdie Hof, hy het die trappe op en afgegaan met voetboeie, vragoggend weier hy net volstrek om dit te doen? My informasie is dat dit absoluut noodsaaklik is dat hy moet geboei wees?

BESKULDIGDE 14: Verlede week vir die hele week het ons van Baviranspoort afgekom, ons was almal 12 gewees. Ons is daar uitgesorteer soos ons hier in die Hof moet sit. Ek

as beskuldigde nr. 14 was gewoonlik aan beskuldigde nr. 1 geboei, en nadat ons by die Hof aangekom het, is ek losgemaak. En dan is die voetboeie aan beskuldigdes 1 en 2 gesit. Beskuldigde 2 het van Pretoria gekom. In die Hof was al die tyd my bene losgewees, behalwe die boeie aan die een arm. Vandag toe die Hof verdaag het vir die teepouse het ek die bewaarder versoek om my been los te maak sodat ek na die gemakshuisie kan gaan. Die blanke man wat saam met ons ekom het, het geweier. Hy het gesê ek moet net so loop en in hierdie toestand moet ek die trappies afstap. Ek vra die Hof om vir my te sê of dit moontlik vir my sal wees om die trappies af te stap terwyl ek so is? Ek en die blanke man is toe saam na die blanke polisieman wat hier onder werk waar prisoniers ontvang word. En die polisieman in die selle het ook bevestig dat ek verlede week nie so geboei was nie, asook die Bantoesersant wat hier in die Hof werk het aan die blanke bewaarder gesê dat ek verlede week nie so geboei was nie. Ek is hier om voort te gaan met hierdie saak. Ek is nie hier om die Hof moeilikheid te gee of om die bewaarder moeilikheid te gee nie. Ek vra die Hof om my te sê hoe dat ek met my saak sal aangaan as dit so aangaan, want hulle sê as ek weer in die tronk kom, gaan ek aangekla word omdat ek geweier het?

AANKLAER: Ek het geen kommentaar nie behalwe net dit dat my informasie is dat dit noodsaaklik is dat hy geboei word.

BESKULDIGDE NR. 14: Ek is nie daarteen dat ek so geboei word nie, maar ek het net gevra dat ek losgemaak moet word om die trappies af te gaan?

AANKLAER: Mag ek net byvoeg, ek word meegedeel dat hy losgemaak was toe hy afgegaan het. Die Bantoesersant het my nou net kom sê en daar is blykbaar geen beswaar dat hy losgemaak word as hy net die trappe afdaan en opgaan nie?

BESKULDIGDE NR. 14: Ek stem saam dat later my voete losgemaak is, maar dit was nadat ons al woorde gewissel het?

HOF: Nou ja, maar kyk, jy het nou gehoor wat die

Aanklaer gesê het dat wanneer jy afgaan dan sal jou boeie losgemaak word?

BESKULDIGDE NR. 14: Ek is dankbaar, maar wat nou van die klagte, hulle dreig dat hulle my gaan aankla omdat ek geweier het wanneer ons weer in die tronk kom?

AANKLAER: Ek sal ingaan op die saak?

BESKULDIGDE NR. 14: Dankie.

ACCUSED NO. 9: You say that when we greet we raise our right hand and shout is we lethu, why do we call out is we lethu, what has happened to this is we lethu? -- We say is we lethu because we are fighting for our country, namely Africa.

Did I ever fight for the continent previously? -- As one of the P.A.C.'s you intended to fight for your country.

Do you remember that you said that we slept together in the open camp? -- Yes.

That we slept in D.4? -- Yes.

I put it to you that I never slept together with you in cell D.4? What proof can you give to the Court that I ever slept together with you in cell D.4? -- The only proof is that I said it that I slept with him in D.4.

If I can call the authorities in gaol to come and testify that I never slept there, will you still say that you are telling the truth? -- Yes.

Was it the first time that I met you in the open camp? -- Yes, it was the first time when I have seen him in that cell.

If I put it to you that it was not the first occasion that I met you there, would I be telling a lie? -- It is what you know, that you have seen me somewhere.

And that you did not see me? -- I met you for the first time in the cell.

Were you never at Witbank? -- I was at Witbank.

Is that not so that you left Witbank in 1962? --

Yes.

Who taught you tailoring? -- A convict called by the name of Sunnyboy May.

Will I be telling a lie if I put it to you that I taught you tailoring? -- Yes.

For what reason were you removed from the Witbank gaol? -- To go and do alterations at the Baviaanspoort Bantu Training College.

Did you leave me in Witbank when you came to the Bantu Training College at Baviaanspoort Prison? -- I did not see you at Witbank.

You say that I joined under No. 5 at C Block, what were my objections there? -- I did not say you joined under No. 5 at C Block.

You said that at No. 9 I was already a member, from where did I come as a member already? -- I have said that you were introduced by accused No. 5, that is a member from C Block, a member of the P.A.C.

How did No. 5 know that I was already a member? -- I don't know, he knows.

Were you not allowed to ask such a thing? -- I heard confidentially what accused No. 5 was saying.

What strengthened that confidence of yours? -- I believed what he said.

Do you trust No. 5? -- As our Secretary I had confidence in him.

Is it the truth what he has told the Court, all he has told the Court? -- Yes.

Now, after I became a member or after I came as a member there in No. 9, who introduced me to you people? -- I said previously accused No. 5.

As what type of person did he say he knows me? -- He said he is one of the P.A.C. members.

Who arrived first there, accused No. 5 or myself? In No. 9? -- If I am not mistaken, it is you first.

Are you not definite about it? -- It is what I

said, if I am not mistaken.

Did accused No. 5 tell you people there in the cell about me that I am a member or did I send a message with him that he should come and inform you that I am a member? -- He told us verbally there at the meeting, the first meeting.

Where was I that time? -- He was present.

Could I not speak? -- I don't know.

Did you not ask him whether I am dumb? -- No, I did not ask him.

What happen thereafter? -- After that day a meeting was held, and you were present.

What did I do? -- We were singing.

Is that all? -- And there were talks, a speech made in the house.

What type of speech? -- As I have said that accused No. 5 has addressed and gave a speech in the house.

Who gave him the power to deliver the speech in the house? -- He went to the monitor himself and asked permission to address the house.

But how would that speech affect the feelings of the persons present in that house? -- I think he may refer the question to accused No. 5.

Did accused No. 5 not tell you before he went to the monitor to ask him for permission? -- He asked us first.

Now why do you say that I should ask No. 5, are you contemptuous? -- No, when you say did he know that the speech where did he get the power to make the speech and all this.

What did the monitor say? -- Agreed, the monitor agreed.

For what reason did he agree?

PROSECUTOR: The witness went know that?

ACCUSED NO. 9: Is the Prosecutor now giving an answer for the witness, because the witness has not said it himself?

PROSECUTOR: I am objecting to this line of cross-

questioning, the witness wont know the answer?

ACCUSED NO. 9: Is that what the Prosecutor thinks?

COURT: Can you answer the question? -- In answering the question, I did not know what the monitor said, they were talking alone, we were not up during the time when he approached the monitor.

ACCUSED NO. 9: What happened thereafter? -- He addressed the house.

Did I not say anything all the time? -- What you have said, you have said something when the meeting was opened.

COURT: Do you remember what he said? -- When accused No. 5 said Iswe lethu, we all answered 'Nlazi Africa' himself too.

ACCUSED NO. 9: Which meeting was that? -- The very same I am talking about, the first one.

Where was the last meeting held? -- In No. 9.

What time? -- It was in the afternoon when we came from work.

What day of the month or which month was it? -- I cannot recollect which month and what day.

Do you think that it would be dangerous if you could tell me the day or the month on which these meetings took place? -- I am not sure, I do not recollect the days and the months, I don't want to take chances.

Is it the first time for you today to hear a question similar to the one I have just asked you? -- It's the first day.

Since we started speaking about this case, is it the first time for you to hear about such a question? -- No.

Does it mean that you are sleeping on your mind all these days, you are only thinking about what you are coming to say? -- As I have said that I am not allowed to have a calendar in gaol.

Where did you get a calendar for that year of which you have made mention from? -- The year I will have to know

because New Year everybody is happy in jail, everybody know today it is a new year, that is why I know.

Were we arrested during the new year? -- No.

Were we arrested during the previous year? The last year? -- Yes, 1965.

How are you so certain that it was during the previous year? -- I know it was 1965.

But it was before New Year's day? -- He did not understand my answer.

How many months was it before December that we were taken into custody? -- It was late in 1965.

Was it during the last week in December? -- I cannot say, I say it was late in 1965.

Did I say that it was early? -- No.

Why is it that what you say differs from what I am saying, yet we are supposed to be saying one thing? -- You want to know which month was it?

I agree with you and the question to you is whether these things took place late, as you say that it was late? -- Yes, it was late in December, in 1965.

Would I be telling the truth if I put it to you that these things happened in December? -- No.

Would I be telling the truth? -- No.

What happened thereafter? -- We attended meetings during their presence.

And what happened thereafter? -- Until we are arrested.

How did it come to pass that I got arrested? -- You? Yes? -- The day when we were arrested he was at No. 12 cell.

For what purpose did I go to No. 12 cell? -- I don't know.

How was I arrested in No. 12? -- The time when Head Warden Landsberg asked and called all the names, he found out that there is one who does not answer his name and that was

you.

Did he call out the names at No. 12? -- No.

Where did he call out the names? -- At No. 9.

Now what happened, how did he discover that I was in No. 12? -- Somebody said amongst us that he knows that Melvin Seshuba is at No. 12.

Was it yourself? -- No.

Who was it? -- It was someone whom I did not take notice of who he was.

Who told Head Warden Landsberg about my name? -- I don't know.

And what happened thereafter? -- We were taken to isolation.

Did he not speak to me after I was discovered in No. 12? -- Who?

The Europeans who arrested me? -- They asked him why did he sleep in No. 12?

Did I not have the right to go to No. 12? -- I don't know.

And what happened thereafter? -- From there we went to isolation.

What happened when we arrived at the isolation? -- We were locked up.

Until when? -- until today.

I put it to you that you were let out the same night and that you never slept at the isolation? -- You are very wrong.

If I produce evidence on that fact? -- He is very wrong.

And what happened from there up to the present day? -- I was brought in Court as I stand here.

What happened that you are taken to D Block to sleep there? -- Where is D block?

In the maximum? -- I was never D block.

Before we commenced with this case? -- I was never yet sent to D block at the close camp.

Which other persons were present there, besides yourself? -- Where?

In D block? -- In D block there are prisoners from the open camp for charges who got strokes and escapes.

If I put it to you that you and your friends who are today State witnesses in this case, were sleeping in D block would I be mistaken? -- That's right you will be mistaken.

Now does your evidence corroborate with what the other witnesses have said already? The witnesses who gave evidence before you? -- They gave evidence during my absence, I do not know whether it corroborates.

But did you all see these things happening, were you present? -- Yes.

NO FURTHER QUESTIONS.

COURT: What was No. 9's reaction when he was introduced by No. 5 as a member? -- He said nothing, He only sat at the meeting and the proceedings went on.

According to your evidence he took part in the meeting? -- Yes.

According to your evidence he responded when No. 5 greeted? -- Yes.

And he also took part in the singing? -- Yes.

CROSS-EXAMINATION BY ACCUSED NO. 10: When you arrived for the first time in cell No. 9, how many members of the P.A.C. did you find there? -- Two.

Who were they? -- Joël Molusi and Jacob Metsowani.

What was Joël Molusi's rank in the Pan Africanist Congress? -- As you have said he said he was a captain.

Who introduced Joël Molusi to you? Joël Molusi and the other man to you as members of the Congress? -- They introduced themselves to me.

Did you sometime hold a meeting with them? -- No.

Why? -- Well, it has happened that I did not attend meetings with them or had meetings with them.

Why did you not hold a meeting after they had introduced themselves to you as members of the Pan Africanist Congress? -- Excuse me?

Why did you not hold meetings with them after they had introduced themselves to you as members of the Pan Africanist Congress? -- They said they did not have meetings yet, because they were once in danger.

Did you ever hold a meeting in cell No. 9 in their presence? -- Yes.

In their presence you say? -- In their presence but not in the presence in the gathering, but in their presence in the cell.

As people who have previously been involved in a case were they forbidden from attending such meetings? -- Not what they have told me.

Now as members of the Pan Africanist Congress how did they receive news about the Pan Africanist Congress or how did they transfer news to you concerning the Pan Africanist Congress? -- I did not have any discussions of that.

Is that now in connection with the Congress? -- Yes.

Now, if you did not have any discussions with them how did you know that they were captains in the Congress? -- As I have said from the first day of my arrival they introduced themselves and asked me where do I belong to of all these gangs and I told them where do I belong to and then they told me they are members of the P.A.C.

Did Marshall Nkuna some time before he started sleeping in No. 9, that is when he was still sleeping in No. 5, ever pay you a visit? -- No.

Did he not visit you? -- No.

Did he not come there to hold a meeting with you? -- He did come.

Was that before he started sleeping in cell No. 9?

-- Yes, he once came for a meeting.

Was it before he started sleeping in cell No. 9 or when he was already sleeping in No. 9? -- It was before sleeping at No. 9.

But you have just said that Marshall Nkuna never visited you when he was still sleeping in No. 5? That is before he started sleeping in No. 9? -- A visit is a different subject, and to come and to attend meetings is a different subject.

But if you are going to hold a meeting in another cell it is the same like visiting, because you have no right to sleep there? -- I do not call it a visit.

Because he has the right to hold a meeting there? -- I shall not call it a visit myself as I have said.

Because he has the right to hold the meeting? -- Who?

Yourself or any other person? -- Holding or doing what?

You say if you go to another cell you do not call it a visit? -- Yes.

Did you inform Marshall Nkuna about the two members you discovered in No. 9 cell? -- Which two?

Joel Molusi and Jacob? -- Yes.

What did Marshall do? -- He said yes, he knows about them.

The day Marshall Nkuna visited you in cell No. 9, did he come there to attend a meeting or did he just come there to pay you a visit? -- As you have said he said.

Did you hold a meeting? -- No.

Why did you not hold a meeting? -- All the members were not available.

Which members were not present? -- The members of the P.A.C., officials.

Yes, I am also referring to the P.A.C. members and not to others? -- One of them accused No. 2, No. 5, No. 6,

No. 7 and myself and Solomon Nkuna.

COURT: Were they not present or were they not present? -- Not present.

2, 5, 6, 7? -- Myself and Solomon Nkuna.

You say those were the members who were not present? -- That's why the meeting was not held.

Do you remember that during the course of last week, you said that you, accused No. 2, 6, 7 and Marshall Nkuna held a committee meeting? In cell No. 9? -- Yes.

Did you hold a meeting with them? -- Yes.

But some time ago you told us accused No. 7, that he never turned up at No. 7, that he was supposed to be present but he was not there? -- I was referring to the meeting, the one he was supposed to have attended, which Solomon Nkuna has not advised me about.

Did accused No. 7 ever attend a meeting in cell No. 9? -- Yes, beforehand.

Before what happened? -- Before, when he was supposed to have come for that meeting which I have mentioned.

When was that? -- During the year 1965.

What time? -- I cannot say which month or day.

Why? -- I did not record that in my mind.

Why is it that you did not record that particular instance in your mind but you have recorded all the other things in your mind? -- Well, if I had known what day, what was the date, what was the time, I would have recorded it.

You mean that you once held a meeting in cell No. 9 together with accused No. 2, 5, 6 and 7? -- We have held a meeting in cell No. 9 with accused No. 2, 7, 5, myself, Solomon Nkuna.

Was accused No. 6 not present? -- No.

see 327 Mr. Knaou, do you still remember what you have told the Court? -- Yes.

Or are you just framing up a story so that the Court can believe your story? -- I know what I am saying, I am not

framing up.

N.B. Do you remember that you told the Court last week that accused No. 6 was the General Secretary and that he was noting down everything you were saying that day? -- I did not say that accused No. 6 was noting down everything that day, but I admit that I said he was there at No. 9.

Do you now recollect that he was also present at No. 9? -- It is what I have said that I said so.

Do you still say that he was present at No. 9? -- Accused No. 6?

Yes? -- He was arrested that time.

When was he present at No. 9? -- There it was only a slip of the tongue that accused No. 6 was there.

Your tongue slips? -- Sometimes.

In a case like this? -- Yes.

Do you now realise why I put that question to you whether you have come here with a framed up story so that the Court should believe you or whether you are telling the truth? -- I am telling the truth but I want to tell him that a mistake was born.

The Court will see to your mistakes and not me? -- At the duty of the Court.

Did you ever write a letter in cell No. 9? -- My letters, yes.

I beg yours? -- My letters as usual.

Any illegal letter, for instance a letter concerning the P.A.C. because you are a member of the P.A.C.? -- No.

Did you not? -- No.

Mr. Knaou, do you remember how far you slept from me in cell No. 9? -- Yes.

How far? -- Next to me.

That is right. Mr. Knaou, do you want to tell us that the letter which I wrote there, you did not see, although you are sleeping next to me? -- Yes, there are possibilities that I cannot see it.

But there are also possibilities that you may see it?

-- Yes.

Do you remember that you once involved a Coloured man named Barry in trouble in connection with a smuggled letter, it is the Coloured male who was working in the shoemaker's shop? A P.A.C. letter? -- I did not have him caught with the letter.

You did not? -- I did not let him be arrested with the letter.

What did you do to him? -- Me, I was involved in the case.

In which manner were you involved? -- There was evidence that I gave the members soap and the soap contained the letter inside.

Was it a letter in connection with a framed up Congress? -- I was not shown the letter there.

Was the Coloured man Barry given the soap by you? -- No.

Who gave it to him? -- I don't know.

But how did it come to pass that he said that you gave him the soap if that was not the case? -- There was a convict who said so, by the name of Mohamed Lambatha.

What did you say? -- I have denied.

Do you remember Jacob Knaou, that I was the house monitor at that time? -- No.

Why can't you remember it, you were sleeping next to me? -- He did not tell me that he was a monitor.

How is a monitor appointed in a cell? -- The whole house elects him.

He is not appointed by a European? -- Some of them, some are appointed by the house.

Can you remember that the monitor about whom it is spoken herein the Court was, that is the monitor of cell No. 9, was at that time in the hospital? -- I cannot recollect it.

Don't you remember that the monitor of cell No. 9 was once in the hospital? It was when he had eaten a poisonous

potato? He and others were taken to the hospital? -- Yes, I heard about that.

And do you remember that during that time the monitor was removed to an outside hospital? -- I don't know whether he was removed to the outside hospital.

But you remember that he was taken to the hospital? -- I have seen him a couple of days not being present at the house.

And you heard about it that he had been taken to hospital? -- No.

Who was the monitor during his absence? -- No one was the monitor.

Do you remember that you were fetched by chief Zungu who is today present here at Court in connection with that bomb case concerning the Coloured man? -- How can I recollect it, he has opened for me, it is the warder who is absent here, by the name of Manotja.

Do you remember that chief Zungu came there and that he took you out as well as myself and another man and asked you about tobacco which you had bought in a hat? -- What I know, was present where I was with the Indian, Mohamed Lambatha and the Coloured man named Barry and myself.

Do you remember that on the day when the matter was heard you came out with the truth by telling the Europeans that the Indian had given you soap to sell it for tobacco and that you did not know that it contained a letter? -- Where was the case heard?

You were called to the office? -- But you said, you were referring the question to me, now I want to know.

My question to you is, whether you can recollect? -- But who were conducting the case, he was talking about the case being held?

The case was before the Europeans, it was either before the Chief or before the Superior, but my question to you is, whether you can remember that you came out with the truth?

-- Me, I only said to Head Warder Landsberg that I knew nothing about the letter.

Did you not say that the person who has knowledge about that letter was Ghura? -- No, I did not say so.

Did you ever work in the store? -- Which store?

In the property store in gaol? -- I have only helped there during the weekends.

Did you not work there? -- Not permanently.

Did you not work at the machine? -- No, not permanently.

Do you know Marshall Nkuna? -- Yes.

Where does he work? -- He works in the yard.

Which part of the yard? -- I have always seen him in the yard.

Which place in the yard? -- With the cleaners.

What is his position in the yard? -- He did not tell me which position did he work in the yard.

Knaou, you realise that you are in Court and you are supposed to speak the truth? -- I realise that.

Do you want to tell us that you can go and give hand in the shop without knowing who the person in charge there is? -- I know the officers in charge.

The white officers? -- Yes.

And the prisoners like yourself? -- In charge?

The head boy in the work there as you know? -- There is no head boy of prisoners.

Why do you say that? -- That is what I know.

Does Marshall not work for the officer in charge of the yard? -- What I have said, I have said I have seen him always among the cleaners and I did not ask him where do you work.

Why don't you know where he works? -- It is none of my business.

PROSECUTOR: The witness has already replied to the question?

ACCUSED NO. 10: Were you never employed in the store as a machine boy? -- No.

PROSECUTOR: I object to that question, the witness has already replied.

ACCUSED NO. 10: Who was working with the machine before you started working there? -- I don't know.

PROSECUTOR: I object to that question, the witness has already told the Court that he didn't work with the machine.

ACCUSED NO. 10: I would like you, if it is permissible, to write our names down and you should print, that is from accused No. 1 to the last accused?

PROSECUTOR: I would like to know what the purpose is?

ACCUSED NO. 10: I want to know, I will ask further questions after he has written the names down, because if I put my question to him now, they will not work?

COURT: Yes, give him paper and pencil?

Moet dit ingaan as 'n bewysstuk?

BESKULDIGDE NR. 10: Ja.

ANKLAER: Dit sal bewysstuk E wees.

ACCUSED NO. 10: Here is the reason why I asked this witness to write down our names from accused No. 1, because the Prosecutor wanted to know the reason? This witness Jacob Knaou, the reason why I asked him to do this is, because I know that what he has done is merely a bomb? Why I call it a bomb is that Jacob Knaou wrote a letter in front of me together with Marshall, as he said that Marshall once visited the place, it is true. He was sleeping next to me as he has already told the Court. He was sleeping next to me. I was the house monitor at that time. I and this witness was on good terms. He wrote the letter and Marshall was dictating it. Marshall was paying a visit from another camp. After breakfast, that is after we have eaten, just when we entered, they started discussing about the letter, he and Marshall had written concerning accused No. 7,

that is they were incriminating accused No. 7. The reason why I requested him to write this note is because he now denies that he was a member of the Congress, but he admitted it, I have asked him nothing because he was then a member of the Congress. I'd like the Court to prove that what I am saying is the truth, I would like a handwriting expert to be called so that the exhibit can be examined, that is the letter he has written. If that is permissible, because I am sure that he wrote that letter himself. Had he just admitted that he had written the letter, I would have asked him nothing that would show he is also a member of the Congress.

PROSECUTOR: May I enquire where the letter is that this witness is supposed to have written?

ACCUSED NO. 10: The letter is here in Court?

PROSECUTOR: May I enquire which one it is?

ACCUSED NO. 10: The letter which was found in the possession of accused No. 7?

PROSECUTOR: I have a letter here, but it is not before Court yet, it will be handed in at a later stage, may I show it to the witness and ask him whether this is the letter? That this witness has supposed to be, supposed to have written?

ACCUSED NO. 10: The witness knows the letter. If the Court wants to hand the letter over to the witness, it can be done, so that he can be asked whether this is the letter.

PROSECUTOR: I have no objection?

-- I don't know the letter.

COURT: Do you want it to be handed in or not?

ACCUSED NO. 10: I am sure that this is the letter which was written by this witness, if he denies it, I'd like the Court to call a handwriting expert so that the handwriting on this note and the other one he has just written, can be examined?

PROSECUTOR: I will do so gladly. I suggest that this letter at this stage be handed in as Exhibit F through this witness, he says he knows nothing whatever about this

letter.

ACCUSED NO. 10: Do you know Robert Naidoo? -- Yes,
by sight.

Where did you see him? -- At the span and at No. 9
cell.

Do you remember that I once came to you where you
were together with Marshall to come and tell you what Robert
Naidoo had said? -- It was not me and Marshall alone.

But do you remember that day? -- Yes.

N. 7
What did I tell you? -- You told us that Naidoo
told you last night that he was going to the Europeans and going
to tip them off of what is happening in cell No. 9.

Was Naidoo present? -- Yes.

What did Naidoo say? -- He never answered.

What did you say? -- I kept quiet myself, I was
listening.

Did it not frighten you? -- Well, I waited for the
opinion of the Chairman to answer, because we were all present.

But did it not frighten you? -- No.

Why were you not frightened? Were you not afraid
that you would be charged for the Congress? -- I did not fear.

You did not fear? -- Yes.

But you are a member of the Congress? -- I was one,
yes.

Now what made you to turn your back and say that you
are no more a member? -- I have decided to tell the truth.

Because you are now in difficulties? -- Through
thick and thin I have decided to talk the truth.

That was after you were involved in difficulties?
-- Yes.

That is therefore evidence that you were frightened
and that it made you to decide to speak the truth? -- No.

Because you are in difficulties? -- I was not
frightened.

COURT ADJOURNS.

COURT RESUMES.

When did I join the P.A.C., you say? -- The day accused No. 5 presided at the meeting in No. 9 cell.

Did I join under accused No. 5? -- Yes.

Can you tell me what did I say the day I joined? -- Yes.

What did I say? -- He said to accused No. 5 that all what he has said all the work satisfy you and therefore you feel that you also want to join as a member.

Did I go to No. 5 and said these words to him or did he come to me? When I said these words to him? -- You came to him.

What did I say? -- As I have said previously.

Just repeat yourself? -- You said the words he said satisfy you and you like them and therefore you feel that you want to join as a member of the P.A.C.

You say that I said these words and said that I was giving myself in, I was joining, I am sure there was a tape recorder, would it say the same, would the tape recorder say the same? -- I know nothing about the tape recorder.

Now if there was a tape recorder when I said these words, it would have taken all the words and everything that was said on that day? -- I 've got no experience of tape recorders.

Do you mean that your memory is better than a tape recorder, a machine? -- I have said just now, that I have no experience of a tape recorder.

But you know that a tape recorder is a machine? -- Yes, as he tells me.

Do you think that you have a better knowledge than a machine? -- I cannot say so.

Do you mean that I joined under accused No. 5? -- That is what I said.

In your presence? -- In my presence.

What did you say? -- I said nothing.

What were you in the Congress? -- Organiser.

What are the duties of an organiser? -- To organise people.

What is to organise people? -- To bring people, to look for them, to see which one can you persuade, to arrange to join the organisation.

You were sleeping next to me, not so? -- Yes.

Did you ever organise me? -- We once had a conversation like that.

Was that previously, before I joined? -- Yes, before you joined.

What did I say? -- All you said was that you know all about that.

But I did not agree to join? -- I did not persuade you to join.

For what purpose did you persuade me then? -- That day I did not persuade you, we were discussing it.

As an organiser were you not doing your work, were you not on duty that day? -- I was.

Now for what reason did you not organise me, because you were on duty? -- I felt that it was not yet time for me to tell you now what is what.

Was it the first day? -- It was the first day that I discussed with you such matters.

And the following day? -- Well, I did not approach you again with such conversation again.

Did you not like it? -- I knew my time when I must approach you.

Did the time come? -- No.

I put it to you again that Mr. Knaou, that you are not telling the Court the truth? -- That is what you say, I am telling the truth.

You say that accused No. 3 introduced you to Solomon Nkuna and that you did not know him prior to that? -- Yes.

That was in the ram camp? -- Yes.,

You say that you and Solomon Nkuna held a committee meeting in the absence of accused No. 3? -- That is what I said.

Yes? -- I said where was accused No. 3.

No, I am asking you questions? -- Yes, I said so.

But why did you say that, you have told the Court that you did not know Solomon Nkuna and that accused No. 3 introduced you to Solomon Nkuna, how was it possible for you then to hold a Committee meeting with Solomon Nkuna before you knew accused No. 3? -- I have said that accused No. 3 was not present, it was during his absence, not meaning that I did not know him, exactly, I did not say exactly that.

When did you hold the Committee meeting together with Solomon Nkuna? -- It was during the year 1965.

What time? -- I cannot say which month or which day, I cannot recollect.

Why do you remember that accused No. 3 introduced you to Solomon Nkuna during June and you cannot remember when the committee meeting was held, such an important thing? -- I never said that accused No. 3 introduced me to Solomon Nkuna in June, I never said so.

When did you say he introduced you? -- I said he introduced me by the span.

When? -- During last year.

During which month last year? -- I said previously that I cannot recollect which month.

Why is it that you cannot remember the days and the months, but you recollect very well about what was said even those things which you have said? -- It was all the things when they were done, it was not said what today is, I mean, is the date of so and so of which month and there was no calendar.

Because there was no calendar? -- Yes, that is what I said.

Are you a tape recorder? Are you a tape recorder because you can remember all what happened during the, on

various occasions, but the dates you can't remember, because a tape recorder can also record also everything that is being said but it can't see the date? -- I am not a tape recorder, I am a human being.

But your mind works like a tape recorder? -- It is what you say.

When did you hold your first meeting in cell No. 9? -- The day when we were accused No. 2, 5, 7, myself and Solomon Nkuna, that was my first meeting in No. 9 cell.

Which was your second meeting? -- Where?

In No. 9? -- It was a meeting which was conducted by accused No. 5.

Was that the second meeting? -- Yes.

Was there another meeting held except that one? -- That one was the one which was postponed because all the members were not present.

Which was that? -- The one, the day when accused No. 7 was supposed to have attended and he was not there.

Which other members were present that day except No. 7 who was not there? -- No. 2 was not there, No. 5 too, No. 7 was not there, it was only me and Solomon Nkuna who was there. That is why the meeting was postponed.

When was the meeting held in which accused No. 2, 5 and 7 were present, the day you discussed the letter to Benjamin? -- That was the very same one, the first one.

And the second one was the one you held with Nkuna? -- It was a meeting supposed to have been held.

You say that Baviaanspoort is the P.A.C. headquarters? -- Yes.

But if you say that Baviaanspoort Prison was the P.A.C. headquarters, why is it that the P.A.C. wrote a letter requesting Nzamo for ammunition? -- I did not answer that question, I don't know what can I say, I don't know how can I answer it.

But you say that No. 2, 5, 7, Solomon Nkuna and

yourself came together and discussed a letter which you were supposed to send to Benjamin Nzamo? -- Yes, it was only said that the letter must be written to him and to request some ammunition, that is all.

Does he own a firm of ammunition? -- As it was said in the meeting he promised the committee that when he arrives outside out of his charge, he will make efforts and find the ammunition.

Do you know Benjamin? -- No.

Don't you know him? -- I have never seen him.

Is that not so that Benjamin Nzamo was an ordinary prisoner like myself and you? -- It is what I heard.

But where would he get arms and ammunition from to kill the whites? -- I did not ask that question, I accepted what the committee said.

Did what the committee said, please you? -- It has pleased me.

That they would get arms to kill the Europeans? -- Yes.

Now, why were you not interested in knowing how he will get these arms because we are going to face the whites? -- I was interested and I went to somebody and asked him about that.

Did you ask another person? -- He is here in Court.

The one you have asked? -- Yes.

Was it in connection with Benjamin? -- Yes.

But you have just told the Court that you did not have any interest to know about Benjamin and the ammunition? -- I said I did not ask where will he get them or so on.

But you have just said that you have asked somebody? -- What did I ask him when I said so?

You have just said that you enquired from a certain person who is today present here? -- But did you ask me what did I ask him, that man?

My question to you is, you have just told the Court that there is a certain person present today here, to whom you

went and made enquiries? -- Yes.

We are speaking about Benjamin's arms we should be used to kill the whites? -- Yes.

And nothing else? -- I know what was talked about, I know that Benjamin was a convict.

You have answered that question and said that you know and we have left it there, we are past there? -- That is true.

We now started the point regarding the arms which he would get for us so that we could be able to kill the whites? -- Yes.

You say that there is another person present here whom you asked about these arms? -- I have asked him, someone in Court about Benjamin Nzamo.

Who was he? -- Accused No. 5.

What did you ask accused No. 5 about Benjamin? -- I have asked him who is this Benjamin.

What did he say? -- He said he is an ex-convict.

Who arrived at Baviaanspoort earlier, was it yourself or accused No. 5? -- Myself.

Now how did it happen that accused No. 5 knew Solomon Nkuna before you? -- I don't know.

To whom do you not know? -- He was supposed to have asked Solomon Nkuna that question.

Are you the man who knows what questions I should ask and to which witness? -- Because you ask me how did it come that Solomon Nkuna must know accused No. 5 before me, so I cannot answer, I cannot represent Solomon Nkuna.

Do you say that you asked accused No. 5 about Benjamin? -- Yes.

But accused No. 5 found you in Baviaanspoort Prison? -- Yes, but don't forget he is the Secretary.

What does the Secretary do? -- He keeps all the records and minutes.

Were there records kept of writing done? -- I have said it previously.

Now why is it that you can't remember the dates and the numbers, yet you have a Secretary who notes everything?

PROSECUTOR: I object, the witness has already replied to that?

ACCUSED NO. 10: This witness did not previously tell me that there was a Secretary who noted everything, now that he has said it, I am asking him why he cannot remember the dates whereas they had a Secretary who wrote down everything?

PROSECUTOR: Yes, the Secretary in my submission wrote it down, it is not for this witness to remember it, it was written down according to his evidence, so it is a nonsensical question in my submission?

ACCUSED NO. 10: It is a pity that the Prosecutor does not want to me to put this question to the witness as I like?

COURT: Now, what do you want to ask him?

ACCUSED NO. 10: There was a P.A.C. Secretary who wrote down everything in connection with the P.A.C., why is it that you cannot remember the meetings which were written down there? Whereas you were also doing the work of the Secretary?

COURT: Yes, but he says he didn't keep the records of the previous Secretary?

ACCUSED NO. 10: Why did you not receive the records?
-- Time did not allow us.

Were you not admitted or did time not allow you? --
Time did not allow us.

Why? -- Time did not allow me to go and collect all the records, I must go and collect them from the Secretary and so on.

Where did the Secretary stay and where did you stay?
-- The General Secretary he stayed in No. 4 cell, the accused No. 6, and the Assistant-Secretary being accused No. 5, he was with me in one cell, but beforehand he was not with me in one cell.

COURT: What kind of Secretary is No. 6? -- General Secretary.

And No. 5? -- No. 5 Assistant-Secretary.

No. 5? -- No. 5.

Were you made the Assistant-Secretary or General Secretary? -- I was made Assistant-Secretary.

Did the accused No. 5 keep the minutes? -- The meetings that we attended, he kept them.

And No. 6? -- No. 6 at the span, during the meetings he did keep them also.

ACCUSED NO. 10: Do you say that accused No. 5 also took down notes of what happened in the meetings? -- That is what I said.

After he was removed from his post as Secretary, did he leave all his documents in your possession? -- Not yet, I was not yet given them.

Why did he not transfer them over to you? -- It was said that I must be taught first what to do before I am given everything.

Who would teach you? -- The lecturer.

Who gave you lectures? -- There was a lecturer elected in the meeting, namely Solomon Nkuna.

Were the documents of accused No. 5 as Secretary in the possession of Solomon Nkuna? -- I don't know whether they were there.

Why don't you know, it was part of your work? -- Those documents, previous documents, I should not have them because they are a danger to the authorities, they are official.

Where are the documents now, because we all including the Secretary have been arrested, are the documents perhaps here? -- Not what I know, I don't know where they are.

Is there perhaps a place where they could be hidden and not be found? -- They did not show me whether these things were hidden here or where.

But as an old member of the Congress, do you know of any place where they used to hide their things, secret things except the cell? -- Yes, things like letters with which we are supposed to go out.

But why is it that there is no letter which came from outside which is an Exhibit in the case, all the letters are letters which have been written by Prisoners inside the gaol? -- It is a pity, if I knew where they were I should have taken them out, now I don't know where they are.

But you realise that all the documents in this case are documents which have been written by prisoners inside the gaol you have never made any attempt to get in your possession one of the letters which came from outside? -- I have said already that I know nothing about those letters, where they put them, what I know is only what happened, that is all.

Who swore me in as a member of the Congress? --
Accused No. 3.

When? -- At one of the meetings, accused No. 3's first meeting in No. 9.

When did I start attending meetings in cell No. 9?
-- The very same day.

The day on which accused No. 3 arrived? -- The very same day, yes.

The day on which accused No. 3 arrived? -- That is what I said.

What do you say, when accused No. 3 arrived there, did he come to me or did I go to him? -- You were called and the others to the meeting and you came to the meeting.

Who are they? -- Accused No. 11, 12, 13, Robert Naidoo and Boy Radebe, and myself.

Were Naidoo and Radebe some of the persons who were supposed to be sworn in? -- Yes.

Does it mean that before I am sworn in I have no right to attend a meeting? -- It all depends whatever you like, if you desire to attend a meeting not being a member, it all depends on yourself.

But it was the first time for me to attend a meeting that day? -- As I have said that it was the first time that day when we ever had a meeting, an official meeting.

What did I say to accused No. 3? -- Accused No. 3 talked to you, told by accused No. 5, that you are people who are willing to join and now is in a position to be sworn in, so the Chairman said he must swear you in and he swore you in.

What did I say, what were the words from my lips to the Chairman? -- He said to the Chairman he believed him, he said that you must say you take an oath, you will be loyal to your leaders, he will obey all instructions of the leaders and you will do whatever they say and that you will join under the tripple S, the tripple S being suffer, sacrifice and serve, and that you will be a true member of the P.A.C. You have said it with your mouth.

You say that it was myself, accused 11, 12 and 13 that day, did I say these words alone or did we say them jointly or did each of us say these words alone? -- One at a time.

You say that we uttered them one at a time? -- Yes.

But if it so that the tape recorder was there, would it give the same evidence as you are giving now? -- I don't know what is in the tape recorder and what the tape recorder will say, I am saying what I have heard.

But I am sure that if there is a lie between the two testimonies, than it will be yours, because a machine cannot lie? -- It is what you say, not what I say.

What do you say? -- I talk what I know.

Do you mean that is the tape recorder does not say the same, you will be the person who is telling a lie? -- I will be the person who is talking the truth, because I know I am talking the truth.

Can the machine tell a lie? -- I have never seen a machine talking in my life.

COURT: Are there any fresh questions he wants to ask?

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY ACCUSED NO. 11: When did you see me for the first time? -- You found me at No. 9 cell.

What was I? -- A convict.

Was I a member of the Congress or Not? -- Not what I

know of.

Now, from who did you hear that I am a member of the Congress? -- I have heard the very same day when accused No. 5 presided at the meeting.

You only heard that I am a member of the Congress? -- I heard when you said that you feel like joining.

Did you see me joining? -- I have seen you taking the oath.

But did you see me joining?

PROSECUTOR: He has already replied, the witness says he saw this man taking the oath? What more does he want?

ACCUSED NO. 11: Before whom did I take the oath? -- Before accused No. 3.

Was it the first occasion you saw me in the Congress meeting? -- Yes.

And also in front of accused No. 3? -- It was the first first time I saw him in front of accused No. 3.

Was it the first time you saw me in front of your meeting? -- That is what I said.

Did I never attend the meeting before accused No. 3 came to cell No. 9? -- No, you only came after the first meeting conducted by accused No. 5, the day when you said you feel like joining.

But you said that it was the first time you saw me in front of accused No. 3 in the meeting? -- The time when I have said so, was the time, the time when he approached accused No. 5, it was not during the meeting.

Did I speak to accused No. 5 that I want to join? -- Yes.

Were we not in the meeting? -- The meeting was already closed at that time.

That means I was not speaking to the meeting, I was not addressing the meeting? -- He was questioning accused No. 5.

How did you hear that I was speaking to accused No. 5, that I wanted to join their organisation? -- It was during my

presence and you did not whisper.

Was it my first day when I joined under No. 5? --
It is what you said that you want to join, you feel like joining.

Did you make my join? -- Accused No. 5.

He made me join and that was all? -- He said yes,
you will have to wait until one day the Chairman comes and then
you will be sworn in.

How did you know that the Chairman would come? -- I
don't know, it was our Secretary.

Does your Chairman not inform you when he comes? --
The answer from accused No. 5 to him was he will have to wait un-
till the Chairman comes, he did not explain to us when the Chair-
man will come, he was answering him, accused No. 11.

How did he know that the Chairman would come?

PROSECUTOR: This witness can't answer this question?
This witness, this accused must accept the answer given by the
witness?

ACCUSED NO. 11: Did you know that the Chairman would
come? -- Myself?

Yes? -- It is what I have heard from accused No. 5
also.

Were I to wait for the Chairman before I am sworn in?
-- It was said so.

Did you not have the power to swear me in? -- I had
the power.

Why did I not take the oath before you then? -- I
was not asked.

What made me to join? -- You know?

Did I not tell you what the reason was what made me
join? -- No, you only said these words, that you feel like join-
ing, his words satisfy you and you said that you feel like joining,
that is what you said.

You said that you were the Chairman? -- No.

You said that you were an organiser? -- Yes, I was
once.

Did you not speak to me that I should join? -- No.

Did you not do your work, dit you not fulfil your duty? -- By doing what?

To come and persuade me to join? -- I do not persuade every convicet, every one I see?

Who of us present here was organised by you to join the Congress? -- There is none here.

What did you speak in the meetings which were held in cell No. 9? -- What I can recollect the first meeting, the meeting which was conducted by accused No. 5, I was interpreting in Zulu language.

What did you say in addressing the meeting on your own, the meeting which was held by you? -- No, nothing, I never said anything.

Who else joined on that day, myself and who? -- Yourself, accused No. 10, 12, 13, Robert Naidoo and Boy Radebe.

If you were not arrested, would you have left your work? -- That I cannot say.

Were you still performing your work before you were arrested? -- Yes.

In other words you are now saying these things because you were arrested? -- I said previously that I have decided to talk the truth out of my will.

Before I was arrested, how many meetings did I attend? -- Two.

Did I ever speak in those meetings? -- You never addressed the meeting.

Is the person who joins the Congress taught any rules or not? -- It was said that they will be taught, that is why accused No. 3 has elected, he said he elected two days in the week that they should be given lectures.

Were I taught the laws? -- You were only taught the salutation.

I was not yet taught the laws? -- Not further than that.

In that cell where we slept, was a person allowed to go and put up in another cell? -- Some of them requested and some of them slipped and went to another cell.

Now how do they determine that one has left his cell to sleep in another? -- Where?

In the cell? How do they find out that you have left your cell and slept in another? -- Which room, the you have left or the one you are in at the present moment?

The one you have left? -- They see you by the place, there are people who know you, that somebody is not here.

Is there no name written in the cell? -- There were names, a board, every house had a board.

Could everybody see the board? -- Yes, it is specially made for officials.

Did you ever see such a board? -- I have seen it only by eyesight.

Will you say that I am telling a lie if I say that I never joined the Congress and that I never said anything regarding the Congress? -- It is what you will be saying, what I say, I have seen you joining the Pan Africanist Congress.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY ACCUSED NO. 12: When did I arrive in cell No. 9? -- I found you there in cell No. 9.

Of all the gangs there in gaol, a member of which gang were you on your arrival? -- I was not a gangster but I was one of the F.A.C.

To which of the gangs in Baviaanspoort Prison did I belong? -- I don't know.

Are you certain that I joined the P.A.C.? -- Yes.

Under who did I join? -- Accused No. 5.

No. 5? -- Yes.

When did accused No. 5 arrived in cell No. 9? -- It is during last year.

Immediately after his arrival I joined under him? -- Yes, he joined the day after he has given a powerful speech in the

house, in cell No. 9.

What powerful speech was that which made me join? --
I don't know, he knows.

When did Mchlango arrive in cell No. 9? -- I cannot
recollect which month or which date or which day, but it was during
one of the year 1965.

Who of you joined people in the P.A.C.? -- Who has
done what?

Who of you joined people, who made people join the
P.A.C.? -- That was supposed to be the organiser, the Secretary
can do it also. The Chairman can do it too? Any one can do it.

COURT ADJOURNS.

COURT RESUMES.

How many of you people made these people join? -- Which
people?

How many members of the Congress made people join? --
I said any one has got the power, but the person who has got the
duty of organising is the organiser, but there are still people
who can let a person join, any one of the members.

It is long that I was together with you in cell No. 9?
-- Yes.

But you were one of those persons who made others join
why did I not join under you all the time? -- I do not know.

Who should know if you do not know? -- Because I did
not approach you.

Did you not speak to me about matters of the Congress?
-- No.

In which meeting did I join? -- The meeting conducted
by accused No. 5.

Which meeting was held in the house on that day, ac-
cording to the authorities' order? -- It was a general meeting
which was held that day conducted by accused No. 5.

Where was I on that day? -- You were in the same cell
at No. 9.

Where was the meeting held? -- Where we used to sleep.

Where did I sleep? -- About 7 persons from me.

At what place? -- In the cell.

Which place in the cell? -- How must I describe it now?

You should explain to me because we slept next to each other there and I was far away from you? -- I said it already that you were 7 persons from me.

Was I present that day in the meeting which was held by accused No. 5? -- Not where we have gathered but you were at your place.

How did I join under accused No. 5? -- I have seen you coming from your place and you came to where we were sitting.

What did I say on my arrival? -- Well, after that it was after the meeting terminated, and you talked to accused No. 5.

What interesting thing was said by No. 5 which attracted me so much that I had to go to him thereafter? -- You will have to know.

Was it the first time for me to hear talks about the P.A.C. that day? -- I don't know.

Was it the first time that a P.A.C. organisation was started in that place? -- To my knowledge it was the first day I heard a person addressing the whole house, the whole house paying attention.

Was it the first time that this P.A.C. started in Bavianspoort? -- How do you mean the P.A.C.?

Except in cell No. 9? -- How do you mean by P.A.C.?

Was it the first time that the P.A.C. held a meeting in Bavianspoort? -- No.

It was not the first time? -- Yes.

Why did I not join in the previous meeting in which P.A.C. matters were discussed? -- I don't know.

But you know that I joined? -- Yes, I know you have joined.

Who was the first person who brought these P.A.C.

talks there? -- Where?

In cell No. 9? -- As I say the first person to have said it in public was accused No. 5.

That means before accused No. 5 came to No. 9 I never heard such talks? -- Before accused No. 5 arrived there was meetings, but it was not for the public, that is why I can agree with him that he would not have known.

Was it the first day that I heard about matters concerning the P.A.C. when accused No. 5 arrived there? -- I don't know.

You as members of the P.A.C. did you do the P.A.C. work secretly? -- There are some things which they will have to say secretly.

What did I say to accused No. 5? -- I only heard when you said you have heard everything that he said and the way he has talked that he is talking the truth and you also feel that you are able to join, you are willing to join.

Because it was the first time that I heard matters like that? -- I don't know.

Would you say that in my whole life I had waited for accused No. 5 so that I could join the P.A.C. under him?

PROSECUTOR: I object, the witness wont be able to answer a question like that?

COURT: Has he anything else to ask?

ACCUSED NO. 12: What position did I hold in the P.A.C.? -- You were an ordinary member.

What member? -- A member of the Pan Africanist Congress?

All the persons who are members of the P.A.C. had certain duties to perform in connection with the P.A.C.? -- People like him, as a member, he was a member because, that's why he has joined because he was willing to fight for his country.

With what would I fight? -- You have joined, I don't know with what you are going to fight.

Don't you know why I joined?

PROSECUTOR: The witness has already replied to that question?

ACCUSED NO. 12: You were told the rules of the P.A.C?
-- That be it.

And did you abide by the rules of the P.A.C. as they were taught to you? -- I have tried my utmost.

Who taught you? -- I was taught by accused No. 1, 3 and Solomon Mkhana.

Are they the persons who taught you that when you cannot go any further with your P.A.C. organisation you should incriminate even persons who know nothing about the P.A.C.? -- They did not teach me that.

Now where do you get these things from which you are doing now? -- Out of my free will.

What did I say what were the words I uttered from my own lips? -- Referring?

What did I say when I took the oath? -- You said you will be loyal to your leaders and that you will sacrifice, suffer and serve as a member of the Pan Africanist Congress.

But all these persons were present who were prepared to fight? -- Yes.

Did I join these people being prepared that I would also fight against the whites? -- That is what it is supposed to be.

With what would we fight?

PROSECUTOR: The witness has already answered that question.

ACCUSED NO. 12: He said that we would fight and I put a question to him with what would we fight?

PROSECUTOR: He already said that he didn't know with what this accused would fight?

COURT: Do you know with what? -- Sir?

Do you know with what? -- Pardon?

ACCUSED NO. 12: Do you know with what? With what would you fight? -- What fight?

What arms would you use? -- Yes, I know.

COURT: Now what arms? -- To disarm the officials, the warders.

But you have just said to the Prosecutor that you did not know with what we would fight? -- I was answering you when you said that did you know with what are you going to fight.

Were you answering me? -- Yes, you were asking me did you know with what are you going to fight.

What did you say? -- I said no.

But now you know that we would fight with the fire arms of the whites? -- You are referring to me now.

COURT: Is that all?

ACCUSED NO. 12: Can we use fire arms as we are here? -- Some of us, yes.

How many of us can use fire arms here? -- As far as my knowledge is concerned, accused 1, 2, 3, 4, 5, 6, I am sorry no 4, 5, 6, 7, 8, 9, 10, 11, 12, 13.

Where did we learn to use fire arms? -- That is what you have said, all of you.

What did we say, where did we learn to use them? -- Outside.

Were we soldiers outside? -- No, some of them were robbers.

Are all these people present today here, robbers? -- No.

Now, how do they know about fire arms if they were not robbers? -- I said some of them were robbers, some of them they said they know it and they have carried it before.

But you have counted us all here and you said that we know about fire arms? -- As you have said, you people.

Can you handle one? -- Yes.

Can you use it? -- Yes.

Do you remember the time we stayed in Makulukutu? -- In isolation, yes.

How did we stay there? -- I was alone in my isola-

tion and you were all locked up also.

Why were you isolated, why were you locked up alone?

-- I don't know.

Who should know if you do not know? -- I was taken and locked up alone.

Do you remember that day when the warder put you into cell No. 4 where accused No. 11, 13 and I were present? -- I do not recall it.

Were you locked up alone? -- Yes.

Would you be able to cut your own hair? -- No.

Is that not so that the warder put you into our cell so that accused No. 13 could cut your hair? -- What I know about the cutting of my hair, I was locked up where No. 6 was and No. 7 and No. 14.

Where were you locked up together with them? -- In one room of the isolation.

Did you leave your cell for that cell? -- I was taken out for going to dress my hair.

Do you remember clearly that you went into that cell? -- Yes.

Were you not brought into our cell? -- It is the only time where I recollect, the only time when I had my hair cut, during the isolation.

Is life in gaol the same as the life outside? -- No.

They are not the same? -- That is what I have said.

Which is better, gaol life or outside life? -- The outside one.

That means all you are doing, you do it to your utmost best so that the whites can release you, so that you can go outside again? -- Which doings?

The false accusations you are making against me that I joined the P.A.C. when that is not the truth? -- No, that is not false.

NO FURTHER QUESTIONS.

ACCUSED NO. 3: With all my respect, I've got a humble

request, that this request should be placed on the record of the Court. This is a very critical case. Previously I have made several complaints in this Court. I hate it myself to come now and put these complaints in front of your Worship, but I've got the feeling this complaint which I am putting in front of your Worship is hampering me, more especially in my cell, because I apply in this Court for a third justice and the third try. While the State witness was giving evidence it has happened that there is another State witness standing behind and hidden behind the steps going down, to listen to the procedure of the cross-examination in this Court. Now, as far as I am concerned, I am able at this stage to draw my own conclusions to prove that this is a framed up case and in addition to that I was amazed to see that the State witness before Court who has already given evidence in Court, is here in Court again busy with the other State witnesses telling them as what to say in Court. I am very observant in this case, because I know how witnesses are formed up for their purposes and their benefits. I ask justice to be administered and this to be placed on the record and to assist wherever your Worship could be able to do so, with all my respect in this Court.

PROSECUTOR: I am sorry to state that I didn't know there was a witness present on the steps here leading to the cells, I have taken precautions that it won't happen again, that is all I can do.

ACCUSED NO. 5: What is going to happen to this witness now, because he is also going to be let into the witness box to give evidence against us and he has been present in Court all the time?

COURT: Where was this witness?

PROSECUTOR: I really don't know where he was, there is somebody in Court who can inform the Court where he was at the time, as I submit, that nothing can be heard when a person stands where the steps begin, what is happening in Court.

ACCUSED NO. 5: The person was sitting on the second step from the accused's dock.

PROSECUTOR: My information is that he was not sitting

on the second step as informed, as told by this witness, he was down in the cells, underneath the Court, and furthermore, his evidence is quite different from the evidence given by this witness.

ACCUSED NO. 5: How does the Prosecutor know that his evidence is different from the evidence of the present witness?

PROSECUTOR: I have the statement in front of me?

ACCUSED NO. 5: As far as my case is concerned immediately that witness is called into Court I will not have anything to say, not because I feel that the evidence is weighing very much upon me now, but just because he has been present.

PROSECUTOR: All the accused will have the opportunity to cross-examine this witness, the next State witness, they can test his credibility as much as they like.

ACCUSED NO. 5: But referring to the first witness, the Prosecutor said the other day that if we do not take him under cross-examination on that day we would not have an opportunity to cross-examine him later, why is he today here?

PROSECUTOR: I don't know, I have taken precautions that he won't come again?

ACCUSED NO. 5: That means that the Prosecutor does not know much about what is happening between us and the witnesses therefore he cannot choose the witnesses' sides very much.

PROSECUTOR: I have no comment to make as far as that is concerned, as far as I am concerned I treat it with the utmost contempt?

COURT: Tell the accused he will have all the right in the world to cross-examine the witnesses, they have been allowed to do so and they will be given the opportunity as the trial proceeds?

ACCUSED NO. 5: I am very much grateful if it is the Court who allowed them to come and stand here and listen to the evidence of this witness so that they can come and incriminate us also.

COURT: Repeat what you said?

ACCUSED NO. 5: I am very much grateful if it is the

Court which allowed them to come and stand behind here and listen to the evidence of this witness so that they can come and incriminate us too.

ACCUSED NO. 10; The first witness' evidence, Marshall Nkrumah, ended last week on Wednesday, for what purpose has he been brought to Court today and why is he sitting on the steps behind us?

COURT: Yes, the Court has already dealt with that aspect?

ACCUSED NO. 10; But we are not satisfied?

COURT ADJOURNS.

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