

Regional Command.

What ?-- The attack on his friend.

I said was the attack on the Induna's friend, an attack by the "M.K." ?--- Yes.

MR.GURWITZ: What was the reason for that attack, ?--- (5
Because the Induna at the time was fighting against the Union.
And his friend was supporting him, and it was decided that if
his friend is frightened he would also get a fright.

In what way would an attack, in those circumstances,
have anything to do with the obtaining of freedom for the (10
non-European races ?--- M'Lord, all the members of S.A.C.T.U.
were fighting the same battle as the A.N.C. An enemy of
S.A.C.T.U. was an enemy of A.N.C.

Is that how you explain it ?--- Yes.

Who decided to - I beg your pardon - This is (15
what I mean when I asked you the question as to who decided
the attack and the reasons for any attack when sabotage was
employed ?--- (Court intervenes)

MILNE: J.P. I couldn't hear the last part of your sentence

MR.GURWITZ: When sabotage was employed. (20

MILNE: J.P. Who decided what ?

MR.GURWITZ: The attack and the reasons for the attack when
sabotage was employed ?--- M'Lord, there may be a misunder-
standing. (Interpreter: The witness understands that this is
still in connection with the Induna, the question in (25
general on sabotage acts.)

Yes, in general ?---

MILNE: J.P. General.

MR.GURWITZ: General ?--- Ronny Kasrils used to report to the
Regional Command that a certain group had seen^a/certain (30
target/.....

target. The Regional Command then discusses this target, how it is connected to the independence of the A.N.C. If the Regional Command find that that has any connection with the struggle that was there, it would be approved.

/ You've told the Court just now that the attack on (5 the Induna's friend was an attack by the "M.K" ?--- Yes.

You said that the reason for it was because the Induna was opposing the Hospital Worker's Union, and the friend supported the Induna ?--- Yes.

And/.....

And it was decided to frighten the friend? ----

Yes.

By the use of a pipe bomb? ---- Yes.

And it wasn't a personal attack upon the Induna's friend at all, it was part of the policy of the A.N.C. as you've described it? ---- Yes. (5

And thereafter an attack was made on the Induna himself by use of a pipe bomb? ---- Yes.

Was it intended to frighten him as well? ---- The attack on the Induna was not a decision of the Regional Command. (10

Was it an attack with the same object or not? ---- No. I have explained to this Court on Friday; this person that placed the bomb deceived me by saying that the bomb did not explode; that he wanted another one. (15 It appears then that the second one he wanted to go and place at the Induna's place. That is why I say that it was no longer connected with the organisation.

But if he had told you that he wanted to frighten the Induna as well, what would have been the position then? ---- Then it would have been expected of me to make a report first to the Regional Command. (20

What I am trying to get from you is, was the attack on the Induna a political attack or was it a personal grudge? ---- As far as I can see, it was a personal grudge between himself and the Induna. (25

You have told the Court about the first meetings you've had with four of you present and this Regional Command was started? ---- Yes.

Did you have further meetings after that? ---- (30

Yes, the other meeting after this European had arrived who had come to teach us how to make weapons.

Was the Regional Command enlarged at all? ----
There was one extra European, not counting this European that had come down from Johannesburg; it was Brian (5
Chaitow who was present but not as a member; a member of the Regional Command.

Did the members that you have given us, did they continue to be members right up to the time when you were arrested? ---- No. (10

What changes were there? ---- During the middle of 1962 Eric Mtshali was one of the group that was sent away to be taught the ways and means of fighting. Then in 1963 his place was taken up by Solomon Mbandjwa. During 1963 Solomon was taken into (15
custody together with Curnick Ndhlovu. After some time Billy Nair was taken into custody. It was decided by the Regional Command before these people were arrested that David Ndawonde and Stephen Mtshali would be stand- (20
bys; in case anyone of these members of the Regional Command were arrested, they would take their places in the Regional Command. A third person who also was a standby, was Ebrahim Ismail. I will then say that by the time I was taken into custody the Regional (25
Command consisted of the following: myself, Ronny Kasrils, David Ndawonde, Stephen Mtshali and Ebrahim.

Are those the only changes that occurred in the composition of the Regional Command from the time it was - from the time of its inception to the time of your arrest? ---- Yes, as I have mentioned. (30

Were you, I think you have told the Court, at one time the assistant technical officer and subsequently the technical officer of the organisation? ---- Yes.

Did you have a committee? ---- Yes, I had a technical committee. (5)

And how often did this technical committee meet? ---- We used to meet, but not regularly like the Regional Command for instance.

How often did this technical committee meet? ---- They only used to meet if some new chemicals had been obtained or some new weapons had been obtained which had to be discussed. (10)

Where did they used to meet? ---- At Lakhani Chambers; then we used to meet at Lodson House, and at the corner of Bank Road and Booth Road. (15)

/ Did this organisation of the 'Mk.' operate on the cell system? ---- (Interpreter: I am afraid I do not know what 'cell system' is. Unless I know I can't explain what it is.) /

MILNE, J.P.: Is there a Zulu word for the English word 'cell'? (20)

INTERPRETER: A cell where a person is locked up?

MILNE, J.P.: Not a cell where a person is locked up but a cell such as a Perhaps Mr. Gurwitz would attempt to (The Interpreter intervenes). (25)

INTERPRETER: The witness knows what a 'cell system' is.

MR. GURWITZ: Did the organisation operate on the cell system? ---- Yes.

As I understand it, the cell system is that you know only the members of your cell? ---- Yes. (30)

And/.....

And there is only one member of the cell who knows the higher up or the organisation which is above the cell? ---- Yes.

And I think the idea is that if a member of a cell is arrested he can only divulge the names of the (5 members of his own cell and nobody else? ----Yes.

Except the leader of the cell, he would know the members of his cell, plus the one above him? ---- Yes.

And wasn't the same form of security employed (10 in the 'Mk.'? ---- Yes, that was the system on which we were supposed to work.

And did you work on that system? ---- Yes, but it was found that people living together, found out who the others were and they knew one another. Those are (15 troubles that we had, that we always discussed at the Regional Command meetings.

That's problems of security? ---- Yes.

And weren't you even instructed that you mustn't assume that another person is a member of the (20 organisation merely because you thought so or you had evidence to think that he was a member? ---- That is so.

The fact that you stressed, that the less you knew about people being members of the organisation, the better it was for security purposes? ---- Yes. (25

And Ronny Kasrils was the contact between the lower organisations and the Regional Command? ---- Yes.

Would it be correct to say that you first of all had a Group, then you had a Platoon? ---- Yes.

And Ronny Kasrils was in charge of the (30

Platoons? ---- Yes. All of them.

And he was the contact between the Platoons and the Regional Command? ---- Yes.

And I put it to you that the Regional Command was interested in having its decisions carried out? ---- (5 Yes.

And Ronny Kasrils was the man responsible for that? ---- Yes.

So if the Regional Command decided upon a target, Ronny Kasrils was given the instructions? ---- (10 The Regional Command made the decision of the attacks on certain targets.

And that decision was then passed on to Ronny Kasrils? ---- Yes.

Then it was his duty to see that the correct (15 or the most commended group was employed in carrying out that decision? ---- That is where I would like to explain. The various groups selected the various targets and then they reported them to Ronny Kasrils. Ronny Kasrils in turn makes the report to the Regional (20 Command; then after the discussions on the various targets and how they are situated, then Ronny Kasrils is told about those which the Regional Command approve of.

And then would he be told to get on with (25 the job of carrying out the targets approved of? ---- (The Court intervenes).

MILNE, J.P.: I think Counsel is asking you this - I am not quite sure: Did the Regional Command decide which group should do the act or was that Ronny Kasrils! (30

business to decide which group would be selected for that target? ---- It differed. I will give instances, like the first attacks where petrol bombs were used. The Regional Command gave the instructions if it was in connection with a certain thing or incident like the Mandela case, for instance. The Regional Command in those instances selected the targets and also decided on which group should do which job. Like in the case of the three pylons. On the other cases, many of them, the various groups selected their own targets. They then make a report to Ronny Kasrils that 'we have found a certain target'. Ronny then reports to the Regional Command; the Regional Command then discusses these targets and they tell Ronny Kasrils to carry on with the work. The group then that selected a certain target carries on with the work. (5 (10 (15

MR. GURWITZ: Apart from the Mandela incident that you've mentioned, was there any other occasion upon which the Regional Command selected targets? ---- It was those pylons - New Germany, Sarnia and Kudamore quarries and then again in 1961 at the Bantu Administration offices, Bantu Commissioner's office and the Coloured Affairs Department. (20

And in relation to what event did those three acts of sabotage refer? ---- (The Court intervenes)

MILNE, J.P.: Which three?

MR. GURWITZ: The Bantu Affairs, the Coloured Affairs - the three that you've just mentioned? ---- (The Court intervenes)

MILNE, J.P.: Just let me have those three again please? (30

---- Bantu Administration offices at Ordinance Road in Durban.

That is the Corporation offices? ---- Yes.
Bantu Commissioner's office in Stanger Street.

That is the Government one? ---- Yes. (5)
Coloured Affairs Department.

Where is that? ---- I think it is in Masonic Grove.

That is a Government Department? ---- I think it is a Government Department. (10)

Do you say that attacks were decided upon by the Regional Command in respect of those three different offices? ---- Yes.

MR. GURWITZ: And in respect of what incident or event were those three acts of sabotage decided upon? ---- (15)
All the centres, right through the Republic decided to have these attacks on that day, on the 16th December, at 9 o'clock - 9 o'clock in the evening. Although we did it on the 15th it had been decided that it should be done on the 16th. (20)

Were there any other acts of sabotage which fall into the same category as this December 15th series and Mandela's series? ---- (The Court intervenes).

MILNE, J.P.: In which the Regional Command themselves selected the targets? ---- Then it is the three pylons. (25)
The Mandela case was the petrol bombs and the signal wires. In connection with the pylons, the High Command gave us a choking off. They asked us what we were waiting for; we had everything, including detonators. Why were we waiting? That was the attack (30)

on the pylons and the stealing of the dynamite.

MR. GURWITZ: Any other such series of sabotage? ----
Those are all I can remember at the moment.

And in those cases was Ronny Kasrils given instructions? ---- Yes. (5)

And he arranged which group was to carry out which act of sabotage? ---- Yes.

And then it was his duty to report to the Regional Command whether the acts of sabotage had been carried out? ---- Yes. (10)

Now in certain circumstances it was even impossible to report the result of an act of sabotage? ---- Yes, because at the time when these explosions go off, the group is no longer there.

So can we take it then that it was Kasrils' duty to get the group to do the job and then it was his duty merely to report upon the fact that instructions had been carried out? ---- Yes. Apart from what we read in the papers. (15)

And I take it, the Regional Command wasn't interested in which - in the personnel comprising the group who had committed the act of sabotage? ---- It was very important for the Regional Command to know who carried out the sabotage. (20)

Was it important for it to know which group had carried it out or was it important for it to know which members of the group had carried it out? ---- Which was the most important, was which group and who the leader of the group was; not the name of every member of the group. (25) (30)

But Ronny Kasrils was in charge of the leaders of each group? ---- Yes.

And he was the special officer who was the connecting link between the groups and the Regional Command? ---- Yes. (5

And that was with the object of having security? ---- Yes.

Then I suggest to you that when he reported, he merely reported that the group had carried out the instructions? ---- No, that was not so. If any member (10 was recruited for any group, the person recruiting the member had to give a full report of his qualifications to Ronny Kasrils and Ronny Kasrils had to convey that report to the Regional Command before he would be accepted. (15

So do you suggest now that the Regional Command was aware of every member of the organisation? ---- Although it did not know them by sight, they knew their names and their characters.

Did the Regional Command know their names (20 and their characters? ---- Yes.

So there was no real point in having a special officer who was a contact between the groups and the Regional Command if the Regional Command knew every member by name and character? ---- The Regional (25 Command was in charge of all these groups and it was for the Regional Command to approve of every person recruited, as to what his character was. Those were all duties connected with Ronny Kasrils.

Were they carried out by Ronny Kasrils or (30

were they carried out by the Regional Command acting committee? ---- If I may explain. There are four persons in a group. If anything should happen, if a member gets ill or if there is a shortage of one person in a group; if anyone of the three remaining members has a name of (5 any person whom they can recommend, he should make a report to his Group Leader. The Group Leader makes a report to Ronny Kasrils. Everything in connection with this person must be known; his name, age and his character. Ronny Kasrils then brings all that informa- (10 tion to the Regional Command.

You have been talking about groups and perhaps I have been doing the same, but wasn't the position really that you had a Section composed of four people? ---- Every four groups form a Section. (15

MILNE, J.P.: What forms a Platoon? ---- I will say that I haven't been following that very closely because it was not connected with my department.

What? ---- As to what a Platoon was and how the different Sections are formed. (20

How many people formed a Group? ---- Four people.

And were they known by the English word 'Group' or was it some Bantu word? ---- An English name 'Group'. (25

And do you say that four Groups of four men composed one Section? ---- Yes.

So that one Section consisted of sixteen men? ---- I think that is so.

MR. GURWITZ: And you know nothing about a Platoon? ---- (30

I had heard but I am afraid I cannot describe what a Platoon is.

Now each of the Groups had a leader, did it not? ---- Yes.

And then the Sections had a leader? ---- Yes, (5 when a Section is complete, the Section has a leader.

And wasn't he referred to as a Platoon Sergeant? ---- I think later on we were told to leave out the matter of ranks, because there used to be - as mentioned by Counsel - there used to be a Section leader, (10 a Group leader and so on.

I want to put it to you that this leader of the 16 people - a leader of a Section or a Platoon - he was the only one who was known to Ronny Kasrils? ---- I will say that Ronny Kasrils knew them all because, as I (15 have mentioned, he had to make a report about each member to the Regional Command.

And I put it to you that your evidence that the whole Committee, the whole Regional Command knew every member of the organisation is not true? ---- That (20 was so, just as I have explained. At different intervals Ronny Kasrils got instructions to check up on all these Groups and the names of all the members and the names of all the members are then written down and handed to Billy Nair. (25

THE WITNESS STANDS DOWN.

THE COURT TAKES THE SHORT ADJOURNMENT.

ON RESUMPTION:

BRUNO MTOLO: (Still under oath). (30

MILNE, J.P.: There are one or two points I haven't quite got clear. Now, you have referred to Billy Nair - Accused No.4, and Curnick Ndhlovu - Accused No.8, as being members of the Regional Command? ---- Yes.

During what period was Billy Nair a member of (5 the Regional Command? ---- 1961, from the commencement of this organisation until the time of his arrest.

And Curnick Ndhlovu? ---- He as well.

What have you said with regard to any other person becoming a member? ---- Does His Lordship mean (10 members of the Regional Command?

Yes, the Regional Command? ---- Is that apart from the changes that took place that I have mentioned?

It is about those changes that I am not quite clear? ---- Right from the commencement it was Curnick (15 Ndhlovu, Billy Nair, Ronny Kasrils, Eric Mtshali and I.

I don't want you now to go over the whole history of the matter but could you just tell me what the changes were? ---- During the middle of 1962 a change took place when Eric Mtshali was sent away to be taught (20 war matters.

Did anybody take his place? ---- The post was not filled immediately; it was only filled in 1963.

On what date? ---- Just after the attack on the train at Hammarsdale. (25

Who was then appointed to the Regional Command? ---- Solomon Mbanjwa.

And up to when did he remain a member? ---- Until the time of his arrest.

Were there any other changes? ---- When (30

Solomon Mbanjwa, Billy Nair and Curnick Ndhlovu were arrested Stephen Mtshali became a member. Ebrahim (The Court intervenes).

Which Ebrahim is that? ---- No.1 accused.

When did he become a member of the Regional Command? ---- About July, 1963. (5)

Now the other question: With regard to this European whom you said was to teach you the use or manufacture of weapons? ---- Yes.

Did you ever see this person? ---- He is the person that I saw. (10)

When did you see him? ---- Towards the end of November or the beginning of December, 1961.

Who was it? ---- Harold Strachan.

MR. GURWITZ: I want to put it to you that the chain of command was from Ronny Kasrils to the Platoon or Section leaders as you mentioned and then down to the Group Leaders? ---- Yes. (15)

And Ronny Kasrils would only know the members of the Section and not the Group Leaders? ---- (The Court intervenes). (20)

MILNE, J.P.: Just a minute Mr. Gurwitz; I find that a most difficult question to understand. He knew only the members of a Section. There were sixteen members to a Section. (25)

MR. GURWITZ: I beg My Lord's pardon. The Section Leaders. Ronny Kasrils would only know the Section Leaders?

MILNE, J.P.: Did Ronny Kasrils not know the Group Leaders? ---- He know them because that was his work. (30)

MR. GURWITZ: And did you pay any attention to the details of the members that you have told us that Ronny Kasrils would mention that had been recruited? ---- I can say what I remember; the Section Leaders and the Group Leaders. Some of the members I knew by names as they were reported to the Regional Command. (5)

MILNE, J.P.: Do you say you knew them by name though you never saw them? ---- Yes.

MR. GURWITZ: Did you know a man called N.P. Naicker? ---- Yes, I know him. (10)

There is no confusion in your mind between N.P. Naicker and George Naicker? ---- No.

Was N.P. Naicker a member of the 'M.k.'? ---- I will not be able to say whether N.P. Naicker was a member of 'M.k.' but at the commencement he looked after our finance. (15)

MILNE, J.P.: At the commencement - do you mean in 1961? ---- Yes.

MR. GURWITZ: And when did he stop? ---- I think he ended up in 1962. (20)

When? The beginning of 1962, the end of 1962 or when? ---- I think in the middle of 1962 as far as I can think.

Did anybody else take his place? ---- After that it was George Naicker. (25)

So he was the Treasurer? ---- Yes.

When you came onto this Committee, this Regional Command, what was your own personal position going to be? ---- I would be an assistant to the technical officer. (30)

I take it that when you were first approached by Billy Nair, you agreed to take part in sabotage work?
---- Yes.

Did you do so voluntarily or was it because of any promises that were made to you? ---- (The Court intervenes). (5)

MILNE, J.P.: I am not clear if those two are inconsistent.

MR. GURWITZ: M'Lord, may I put it in separately.

Did you do so voluntarily? ---- Yes. (10)

Were any promises made to you? ---- No. At the commencement no promises were made.

Were any promises made to you at any time?
---- Yes, in 1962 when I was requested to leave my employment to become a full-time worker of 'M.k.' (15)

When did that request come? ---- About the middle of May, 1962.

What was the reason for it? ---- (The Court intervenes).

MILNE, J.P.: The reason for what? (20)

MR. GURWITZ: May I put it this way; I withdraw the question.

You were asked to become a full-time member of the 'M.k.' in May - a full-time organiser of the 'M.k.'? ---- A full-time worker for 'M.k.' (25)

Why was that? What necessity was there for you to become a full-time worker of 'M.k.'? ---- Because there were new things being received and it was necessary that I should go up periodically for training in Johannesburg. And that the training I received in (30)

Johannesburg, that I come back to Durban and give training to the Group Leaders.

When did you first go to Johannesburg for training? ---- After we had stolen the dynamite, I think it was April, 1962. (5

MILNE, J.P.: Before you had left your employment at the hospital? ---- Yes, before I left my employment.

MR. GURWITZ: And when did you go to Johannesburg again for training? ---- I went to Johannesburg on several occasions in 1963 but the most important time was when (10 I went up to receive more training.

MILNE, J.P.: When was the first time after April, 1962' that you went to Johannesburg? ---- I think, if I remember correctly at the end of April, 1963. I went back again in May, 1963; I went to a meeting of the High (15 Command.

MR. GURWITZ: How long were you in Johannesburg in April, 1963? ---- April, 1963?

How long were you in Johannesburg in April, 1962; how long were you in Johannesburg in April, 1963 (20 and how long were you in Johannesburg in May, 1963? ---- Eight or nine days in April, 1962.

MILNE, J.P.: In April, 1963? ---- The eight or nine days were April, 1963.

And April, 1962? ---- It was six or seven (25 days.

And May, 1963? ---- I think about six days. I went up again after that.

When? ---- I think I arrived at Germiston on the 13th June, 1963. I think I stayed there for four (30

days.

MR. GURWITZ: The meetings which you had - the meetings of the Regional Command, meetings of the Technical Committee, were those held during the day or were they held after working hours? ---- I just wish to mention to (5 Counsel that there is a difference between the Regional Command and the Technical Committee.

Let us take them one by one then. The meetings of the Regional Command, were those held after working hours or not? ---- At the commencement, before I was a (10 full-time worker we used to have the meetings in the afternoon.

MILNE, J.P.: When you say 'in the afternoon', can you indicate? Do you mean during working hours when you were supposed to be on duty at the hospital? ---- After my (15 working hours; I would say round about 7 o'clock. And on other occasions I notified them that I would have a day off and a meeting would be arranged accordingly.

Were any other members of the Regional Command full-time workers at any time? ---- No. (20

And after you became a full-time member, when were the meetings of the Regional Command held? ---- Any time during the day, because we were more or less working together; they were secretaries of various unions. (25 And Ronny Kasrils was not working at that time.

What work was No.4 accused doing in 1962? ---- Billy Nair, in 1962 was the secretary of the Local Committee of S.A.C.T.U.

Do you mean that was a full-time job? ---- Yes, he was full-time employed. (30

And in 1963? ---- I think in 1963 he was the secretary to the Textile Union. I think that is the name.

Was that a full-time job or not? ---- Yes.

What work was No.8 accused - Curnick Ndhlovu (5 doing in 1962? ---- He was the secretary of the Railway Workers' Union.

Is that a full-time job or not? ---- Yes.

And in 1963? ---- Until he was banned.

When was he banned? ----- I think he was (10 banned in 1963.

About when? ---- About May, as far as I think.

Up till that time that he was banned, was he a full-time secretary of the Railway Workers' Union? ---- Yes. (15

And after he was banned, what work did he do? ---- He did not work.

MR. GURWITZ: How often did the Regional Command meet? ---- During 1962 always about once in three weeks. We always had a meeting before three weeks expired. (20

And after 1962? ---- In 1963 we came together every week.

And I take it that the reason why, after you became a full-time worker of the 'M.k.', the meetings were held in the day time and not after working hours was simply because it was convenient to everybody then? ---- Yes. (25

There had been no real difficulty about meetings prior to your becoming a full-time worker of the 'M.k.'? ---- There were no difficulties. (30

How often did the Technical Committee meet?

---- Only when they were called when there was something new or something that I had to discuss with them.

How often? Once every two months, six times in the course of a year? ---- The Technical Committee (5 did not meet very often but I can remember at a time when we wanted to get Coetzee Naicker into the Technical Committee and Michael Masuku.

Is that all you can remember about how often you used to meet? ---- I think we met twice in Lakhani (10 Chambers. We met once at Lodson House; then we met once at the corner of Booth Road and Bellair Road and we met again when Ebrahim brought Siva along. That is apart from the times when I always used to meet Babenia.

And those meetings that you have described (15 were those after working hours or not? ---- I will say that all these that I have mentioned were after working hours because some members of the Technical Committee were working.

And those people that you had to train, did (20 you undertake that training during working hours or after working hours? ---- After working hours.

And the preparation work for the acts of sabotage in which you yourself were engaged, were those done after working hours or during hours? ---- I will (25 say I prepared them after working hours.

I will suggest to you that apart from from your trip to Johannesburg - I am sorry, I withdraw that question.

Were there any other activities in which you (30

were/.....

were engaged at that time as a full-time worker of 'M.k.'? ---- (The Court intervenes).

MILNE, J.P.: Other than what?

MR. GURWITZ: Other than what you have mentioned?

MILNE, J.P.: Which were they? (5)

MR. GURWITZ: He has mentioned training the Regional Command, attending meetings of the Technical Committee, training other people and being engaged in sabotage. Were there any other activities in which you were engaged? ---- I went to cell meetings of the Communist Party. I used to organise for the African Municipal Workers' Union and other political matters. (10)

I wanted your activities in regard to 'M.k.' apart from the four items I've mentioned? ---- I was also assisting Solomon Mbanjwa with organising for the people sent away for training. (15)

When did that start, the recruiting? ---- I think the first group left in 1962.

What month? ---- I don't remember. Between May or June, 1962. Others followed towards the end of June, 1962, up till June, 1963. (20)

I suggest to you that all the activities that you've mentioned in regard to 'M.k.', you could have carried out whilst still fully employed at the hospital? ---- I couldn't. (25)

Which activities do you think you could not have carried out or undertaken while you were still fully employed at the hospital? ---- (Mr. Gurwitz adds)

Apart from going to Johannesburg. ---- In the first place the meetings. (30)

MILNE, J.P.: Why couldn't you have attended meetings at 7 o'clock in the evening as you had done before? ---- The first thing a meeting place with which we had trouble; finding a meeting place. And in the second place, there were urgent matters which required meetings (5 soon to be discussed. The third instance, was to meet persons that were sent down by the High Command. Fourthly, it was to get a place where I could work and carry out experiments because to work in Babenia's room was dangerous. And recruiting. (10

Recruiting for what? ---- Recruiting people to be sent out of the Republic for training and also training. The training of Group Leaders.

How could you do that when they were at work? ---- There are some that stopped work on a Friday. (15

We are not talking about that. As far as training was concerned, you said you did all your training of people after working hours? ---- The points that I have mentioned - the reasons that I have mentioned are most important to require a person to be employed full- (20 time.

You had no difficulty you've told us, about holding your meetings of the Regional Command before you became a full-time worker? ---- Yes.

Where did you hold your meetings of the (25 Regional Command before you became a full-time worker? ---- In an empty office in Lakhani Chambers.

What was to stop you going on having your meetings there after May, 1962? ---- We couldn't have a meeting of the Regional Command and then again a (30

meeting of the Technical Committee. People would be seen going in and out.

But your meetings of the Technical Committee were few and far between? ---- That was one of the reasons why we did not meet more often. (5

I don't understand. Where did you meet when you met with your Technical Committee? ---- Sometimes in an office at Lakhani Chambers, at Lodson House, the corner of Bellair Road and Booth Road.

Those meetings of the Technical Committee (10
you had to hold after hours - after working hours, because members of the Technical Committee were working full-time in other jobs? ---- Apart from the reasons that I have mentioned, more so, a full-time worker was required on the Technical Committee. Like carrying out (15
experiments.

MR. CURWEEZ: Did you carry out any experiments before you became a full-time worker for 'M.k.'? ---- Yes.

You have mentioned one of the reasons for your disillusionment and making a statement to the (20
police within 24 hours of your arrest, was because you had been let down in regard to your own salary? ---- Yes.

And I suggest to you that at the Rivonia trial when you gave evidence there, you gave as one of the reasons, not that you hadn't been getting your (25
money but that the Regional Command hadn't been receiving money from the High Command? ---- I think Counsel read out to this Court that according to my evidences at Rivonia, I only received an amount of £10.

Well, was one of your reasons for making a statement within 24 hours of your arrest, the fact that the High Command kept the Regional Command short of money ?--- That was one of the reasons and many others. 115

And at page 40 of your cross-examination at the (5 Rivonia trial this was a question which was put to you and this is the answer: "So your complaint was that you couldn't continue with sabotage because you weren't getting money?". And your answer was: "That was only one" ?--- Yes, M'Lord. (10

I want to deal with the occasion when you stole some dynamite. I understood from your evidence that Ronny Kasrils reported the location of this dynamite ?-- No, I did.

I beg your pardon, it was you who reported it. Did you report it to the Regional Command ?---Yes. (15

And was it decided that an attempt should be made to steal some of this dynamite ?--- They were not satisfied at the first meeting and it was suggested that I should go with Ronny Kasrils to examine this place.

Yes, go on ?--- What happened then ?--- After Ronny Kasrils had inspected this place he came back and made a (20 report in support of mine to the Regional Command.

Yes ?--- We then got instructions that if we saw our way clear to get hold of this dynamite we should proceed.

Who do you mean by "we" ?--- Ronny and I.

Go on ?--- So Ronny and I made preparation. Ronny (25 Kasrils said that he would borrow a car from a friend of his. The day we went to examine this place Ronny Kasrils took the number of the lock.

MILNE: J.F. The number of what ?--- Of the lock.

MR. GURWITZ: What lock ?--- There are two - I think they (30 call/....

call them magazines - M'Lord boxes where the dynamite is kept in and they are locked and it was the number of the lock. It was the number of the lock on the gate on the fencing round the magazines.

MILNE: J.P. What sort of lock was it ? Was it a (5)
padlock ?--- It was a master padlock.

MR.GURWITZ: Is master the name of the padlock ?--- I will say it is the master type of padlock.

Did it have a number on it ?---Yes.

Where was the number ?--- Where the key is (10)
inserted, at the bottom.

You say Ronny Kasrils took this number down ?--- Yes.

Yes ?--- After the Regional Command had given us instructions to proceed Ronny Kasrils asked what these boxes could be opened with. He asked me when the two of us were (15)
discussing this. I said if we could get hold of a crowbar and a large screwdriver we would be able to open them.

MILNE J.P. Do you want to go on with this sort of cross-examination ?.

MR.GURWITZ: We M'Lord. All I want to know is did you and (20)
Ronny Kasrils decide to break into this place ?--- Yes, after we had got instructions from the Regional Command.

Did the Regional Command leave it to you to effect the break into this store and steal dynamite ?--- Yes.

And were you and Kasrils going to be the ones to (25)
do it ?---- Yes.

Had any decision been made as to where the dynamite was going to be stored ?--- We were to take the dynamite to Ronny Kasrils' flat, because we were of the opinion that it was just a matter of a few sticks which you could place into a shopping

(30)

bag.

You say Kasrils got hold of the motor car ? He borrowed a motor car ?--- He did not get a car.

You mean he failed to get a car ?--- Yes.

And was it at the last minute that you had to get hold of Manny Izaaks ?--- Ronny Kasrils spoke to Billy (5 and Billy spoke to Izaaks.

Thereafter, when you broke into this store, you discovered there was a great deal of dynamite that you could take away ?--- Yes.

And was it then a sudden decision on your part to store it in George Naicker's Garage ?--- Yes.

And on the evening or the morning that it was stored in George Naicker's Garage, George Naicker wasn't home at all ? --- It was night time. When we arrived there he was not at home, but his brother was there. (15

You have mentioned Mandela's arrest and certain acts of sabotage connected with Mandela ?--- Yes.

Can you tell the Court which acts they were ?--- A petrol bomb on the train on the north coast. Signal wires at Hammarsdale. Petrol bomb at the offices of the Special Branch. Petrol bomb at the Bantu Administration Offices at (20 Kwa Mashu. Petrol bomb at the Bantu Affairs Department in Stanger Street. That's all.

All those took place on the 14th October, 1962, is that right ?--- Although I do not remember the date, those are the ones connected with the arrest of Mandela. (25

You mentioned the instance of the explosive bomb, the petrol bomb being placed in a railway carriage, is that right ?--- Yes.

Didn't that incident take place at the same time as the attempted act of sabotage on Kajee's office ?--- The petrol bomb that was eventually put into this carriage was originally intended for Kajee's office. According to a report that we received, - the report we received was when they went to put (5 this bomb down at Kajee's office that they were frightened by a night watchman. They then decided to go and place it in a train.

What acts of sabotage did the Regional Command plan in regard to Mandela's arrest ?--- (Court intervenes) (10
MILNE: J.P. Just repeat that question please.

MR.GURWITZ: What acts of sabotage did the Regional Command plan ?---

MILNE: J.P. What acts did they plan ?.

MR.GURWITZ: Plan M'Lord, in connection with Mandela's (15
arrest ?---As I have mentioned, the cutting of signal wires, Kajee's office.

What ?--- Kajee's office. The office of the Special Branch, Bantu Administration Office, and the office at Stanger Street. (20

You mean there were two Bantu Administration Offices?
--- Yes, the one with the Bantu Administration Office at Kwa Mashu and the other one was the Bantu Affairs Offices at Stanger Street, and the Coloured Affairs Department. Those are the ones that were planned by the Regional Command. An attempt was (25
made on the Coloured Affairs Department but it did not work, and the one that was planned for Kajee's office was eventually used on the train. 115

I don't want to confuse you, but the question I asked you was what acts of sabotage did the Regional Command plan in connection with Mandela's arrest ?--- (Court intervenes) (30

MILNE: J.P. That is what he has told you. Mr.Gurwitz/....

Riv' /

MR. GURWITZ: You say that the attack on the Coloured Affairs Department was part of the - was in connection with Mandela's arrest ?--- Yes, it was. But it did not explode. When Ronny went and examined it he found that it was still attached to the window.

According to you then the attack on the train - the North Coast - the railway coach - was not planned by the Regional Command at all ?--- No M'Lord.

At the Rivonia trial you said that the Regional Command decided (quoting from page 90). This is what is recorded in connection with this Mandela's affair, at page 90, it is in cross-examination in chief - examination-in-chief M'Lord. You were asked by the Prosecutor at page 90: "Bruno, we reached the stage yesterday afternoon where you indicated to his Lordship that the Regional Command of Natal had now decided as a result of the verdict in Mandela's case to commence a new onslaught of sabotage by way of retaliation or revenge ?---". And the answer is "Yes". "Now, here too, I am going to leave you on your own and I would like you to tell His Lordship in your own words how you carried out that decision, and as you deal with each act of sabotage I will refer M'Lord to annexure B;" and this is your answer: "We decided not to start on the Friday, that is the day he was sentenced, because the police would be on the alert, so we agreed that we would start on Sunday night, and that all the places that were going to be attacked it would again be done at a specific time, that is at 9 o'clock in the evening, and we decided to use petrol bombs, except at one place, a place Hammarsdale where it was decided to cut the signal wires, and then we decided about the trains on the North Coast line.

Brian/...

Brian and his group - not Brian, Ebrahim and his group - would do that job". "What would they do?" - this is a question by the Court. And your answer was: "They had to put a petrol bomb on the train M'Lord". Now, I put it to you that that evidence is to the effect that the Regional Command (5) planned the attack on the North Coast train?--- The decision was Kajee's office but when this group was frightened by the night watchman, they went and placed it on a train on the North Coast line. We received that report at the Regional Command. The Regional Command asked this question whether (10) there was nobody in the train. Ronny then said that the report that he had received from Ebrahim was that there was no one in that coach. The Regional Command then approved of that action, that is why my statement is found to be as it is.

But it was never planned by the Regional Command? - (15) Not from the beginning.

And I suggest to you that the evidence which I have read out is to the effect that according to you the Regional Command did plan this attack on the North Coast train?--- M'Lord, this was an action similar to what was done to the (20) Nataller where a decision was taken to attack the Nationalist Party Offices and they attacked the Nataller. When the Regional Command received the report they approved.

I think you said in connection with these petrol attacks - petrol bomb attacks - that you yourself prepared the bombs for these attacks?--- Yes. (25)

Do you mean that in each case you prepared the tin containing the petrol?--- I prepared the chemical, tube, and I placed them into the tin, tied the line - the piece of string on the tube on to the tin. The respective groups were to be (30) given/....

given money by Ronny to purchase the petrol to be placed in the tins.

So you didn't put any petrol in the tins themselves?--- No.

In connection with this attack on the North Coast (5 train, there was a question raised by the Regional Command as to whether there was anybody in the train when the attack was made - or in the coach - when the attack was made?-- Yes.

The reason for that enquiry was whether there had been any danger to life?---Yes. (10

And I take it then that there must have been some instructions to the Regional Command at the beginning that there should be no danger to life - or that danger to life should be avoided as far as possible?--- Yes M'Lord, there was instructions to take care that no people are injured. (15

The idea was originally that Government/^{property}and installations should be attacked, but there should be as far as possible, no damage or injury to life?--Yes.

Now how do you square that instruction with your evidence that you were told that the A.N.C. had now gone over to a policy of violence and bloodshed?--- It was at the (20 various stages M'Lord. The first stage was sabotage.

MILNE: J.F. No, you told us that in 1961, when you were asked to become a member of "M.K.", you were told that the A.N.C. had now resolved to drop non-violence and resort to violence and to go over from non-bloodshed to bloodshed?--- I understand (25 the question now M'Lord. It was said as His Lordship has said now. M'Lord there was no mention made that there is to be no bloodshed, that there has to be no bloodshed at all. M'Lord, there was a decision taken that if a person - instructions given - that if a person is noticed obstructing the A.N.C. (30

like/.....

like informers M'Lord, such a person should be killed. If we decide that it would be well if he is put out of the way. A report would then be made to the Regional Command. The Regional Command would then discuss the matter and get the various reasons why this person should be killed. They (5) would then in turn send word to the High Command - send a report to the High Command - and the reasons for which such person should be killed. If the High Command decide that such person should be killed, they would send a report to the Regional Command. They would then say if they approve (10) to carry on and kill such person.

MR.GURWITZ: Was that all discussed when you had your first discussion with Billy Nair ?--- If I remember correctly, this was told to us by this person - the European - that came down to instruct us on weapons. (15)

MILNE: J.P. When did he come ? When did he come to instruct you on weapons ?--- At the end of November or the beginning of December, 1961.

MR.GURWITZ: Was that before or after your discussion with Billy Nair ?--- (Mr.Gurwitz adds) (20)

When you agreed to come on to - to go in for sabotage ?--- It was after my meeting with Billy Nair. (25)

I want to put it to you again that you said in evidence that at your meeting with Billy Nair - the very first meeting you ever had - you were told that the A.N.C. had gone over from non-violence and from non-bloodshed to bloodshed ?--- M'Lord, if I did say that, I may have mixed it up. (25)

THE COURT TAKES THE LONG ADJOURNMENT.

*See earlier
evidence
Reverin*

ON RESUMPTION:

BRUNO MTOLO: (Still under oath) (Contd.)

MR.GURWITZ: Bruno, do you remember the attack on the passenger train near Duffs Road Station on the North Coast ?---
Yes.

Do you remember the intention was to attack a goods train ?--- (Interpreter: M'Lord, may I just explain.) (5
I think the witness is confused with two train incidents
M'Lord.

MILNE:J.P. Wasn't it an attack on a passenger train not going in the direction of Duffs Road, but coming in the direction of Durban ?--- I remember, yes M'Lord. (10

MR.GURWITZ: I take it on that instance there was a report to the Regional Command before any attack was undertaken ?--Yes.

And in any event before such an attack would have been undertaken there would have been a close watch kept on trains and so on so as to avoid any mishap ?--- The groups (15
keep a watch.

MILNE: J.P. Haven't we got a lot of evidence on this point ?

MR.GURWITZ: Yes, we have M'Lord. Now, as you know the attack was made by mistake on a passenger train instead of a goods train ?--- Yes. (20

In that case didn't the Regional Command criticise the mistake that had taken place ?--- Yes, because I myself went and spoke to the leader of the group about it.

And didn't High Command too, criticise this (25
act ?--- They did mention this matter when I was in Johannesburg.

And wasn't the reason for this criticism and so on that whereas an attack on a goods train would not have entailed the possibility of loss of life, the attack on a passenger train would have ?--- (Mr.Gurwitz adds)

Or might have entailed loss of life ?--- Yes.
That was the effect of their criticism.

Now how do you square that attitude with your evidence that at the beginning of 1963 the members of the Regional Command were careless or reckless as to whether (5) loss of life ensued or not ?--- Because such incidents were happening quite often.

What incidents ?--- Like the Victoria Street Bridge, the incident at the Victoria Street Bridge, and the incident at Karridene, at the offices of the Nataller. (10)

Do you suggest that the offices of the Nataller is an instant where the High Command - members of the High Command were reckless or careless as to whether death resulted - injury resulted (Court intervenes)

MILNE: J.P. The High Command ?. (15)

MR. GURWITZ: I beg your pardon, Regional Command ?-- I will say that there was a certain amount of carelessness.

I am talking about the Regional Command ?-- I am talking about the Regional Command. (20)

What carelessness was there about the attack on the Nataller ?--- According to the paper there were people inside this building, when this bomb was placed next to the building.

Do you now suggest that the attack on the Nataller was planned by the Regional Command ?--- No, because I (25) never received any instructions from the Regional Command that action should be taken against these people that make those mistakes.

Didn't the Regional Command criticise the attack on the Nataller ?---There was no criticism at all.

Did they not say it was a mistake ?--- It is no (30)

use/.....

use carrying on and saying they were mistakes and mistakes and no action is taken against the groups, and these mistakes keep on happening.

MILNE: J.P. Can you tell me whether you know, of your own knowledge, where the offices of the Nationalist Party were at that time ?--- I don't know of my own knowledge, but according to reports they were somewhere in Umbilo. (5

Somewhere in Umbilo ?---Yes.

You didn't know ?--- No.

You don't know now ?--- No. (10

Do you know how the mistake came to be made ?--- The report we received was that when this group arrived at the offices of the Nationalist Party, that they noticed that there were some people inside. The group then made its own decision to place this bomb at the Nataller buildings. (15

MR. GURWITZ: Doesn't that indicate to you that the group itself was concerned about injury to people in not carrying on with the attack on the Nationalist Party Headquarters ?--- Although nobody was injured, it was for the Regional Command to decide and not for the groups. (20

I am concerned about your allegation that at the beginning of 1963 the Regional Command was reckless or careless as to whether there was loss of life or not ?--- As far as I could see personally, there was a certain amount of carelessness, as I have mentioned. (25

I suggest that the carelessness or recklessness was on the part of you and Solomon ?---No.

That you were indifferent as to whether any acts of sabotage resulted in loss of life or not ?--- It is not so, we were all in the Regional Command.

Do you perhaps remember a meeting of the Regional Command/..... (30

Command where you suggested a target which might cause loss of life and one of the members protested ?--- Counsel may remind me M'Lord.

And your retort was that he should be in the Ministry and not undertaking acts of sabotage ?--- Would (5 you please remind me of the incident, I may remember it.

I can't do more than that. Can you not remember any such incident taking place ?--- No.

Was anybody injured in the attack on the Nataller ?--- (Mr.Gurwitz adds) (10

Do you know ?--- According to the reports in the paper there was a European lady that was injured in the street.

{At the Rivonia trial you said that there was somebody that was injured, do you remember that ?--- M'Lord, it is possible that I did say it at the Rivonia trial, according (15 to the reports that I had seen in the papers that someone had been injured M'Lord.

But you appeared to have given your answer as a question of fact, as if something of your own knowledge ?--- If a person reads anything in the paper you take it as a fact (20 and as the truth.)

And didn't you also say at the Rivonia trial that the attack on the Nataller was a mistake ?--- I still say the Regional Command had decided on the Nationalist Party Offices, and not the Nataller. (25

In the case of attacks made by the use of dynamite do you say that the dynamite was obtained from George Naicker's Garage ?--- For the three pylons, yes M'Lord.

Any other acts of sabotage ?--- And at Cliffdale.

That's four. Is that all ?--- On the other (30 incidents/.....

incidents Ronny Kasrils used to fetch fuse and detonators from George Naicker.

Did he tell you that or are you assuming that he fetched it from George Naicker ?--- George Naicker was keeping the fuse and detonators, and the cordtex. (5

So, therefore, you assume that Ronny Kasrils got it from George Naicker ?--- Yes.

And in the case of the three pylons ?--- Apart from the three incidents M'Lord, when I took it from the hands of George Naicker. (10

Took what from the hands of George Naicker ?--- Detonators.

Let me get this straight. I am afraid I didn't follow you. In the case of the three pylons, did you get any of the materials used from George Naicker ?--- The detonators. (15

And Cliffdale ?--- Ronny fetched the dynamite that was left over from the attacks of the three pylons.

And in all other cases you assume that the - any materials must have come from George Naicker's Garage ?--- Yes. (20

In the case of the three pylons you only obtained the detonators from George Naicker ?--- Yes, from his hand, that he personally handed over to me.

Anything else ?--- Only the detonators.

I am suggesting to you - I am putting to you that (25 your evidence about George Naicker obtaining detonators from him personally, is not true ?--- Why not ?.

And I am suggesting to you that it is on the same lines as your previous evidence where you have assumed certain things ?---(Court intervenes) (30

MILNE: J.P. Just what does that mean ?.

MR.GURWITZ: From assumption you've gone on to actual fact ?

MILNE: J.P. If it is assumption Mr.Gurwitz - if it is assumption, isn't that sufficient ? Isn't it sufficient (5 to say that it is assumption if he says it is assumption ?.

MR.GURWITZ: M'Lord, I accept that. Did you ever store dynamite at Roservior Hills ?--- No.

Do you ever remember perhaps making a cabinet or a box of some sort - a wooden box - in which to keep (10 dynamite ?--- M'Lord, I remember making a box at the home of an Indian which Billy Mair said would be used for keeping files.

MILNE: J.P. Keeping ?--- Files.

MR.GURWITZ: Not dynamite ?---No. (15

You made such a box ?---Yes.

Do you ever remember any dynamite being taken back from where it was stored and put in a garage at George Naicker ?---(Court intervenes).

MILNE: J.P. Just repeat that question please. (20

MR.GURWITZ: Do you ever remember dynamite being taken from where it was stored and taken back to the garage of George Naicker ?--- (Court intervenes)

MILNE: J.P. Do you know of any occasion when you were personally present when that happened -- when dynamite was taken (25 from somewhere else and put into the garage of George Naicker ?--- Yes, M'Lord, there was such an instance.

MR.GURWITZ: I am not talking about the time when you first put dynamite in George Naicker's Garage ?--- (Court intervenes). (30

MILNE: J.P./....

MILNE: J.P. Was there any occasion after the first occasion when, you know personally of your own knowledge, you were a witness to the fact, that dynamite was brought into the garage of George Naicker ?--- Yes, I do remember.

MR.GURWITZ: What happened ?--- It was at the time that we fetched the dynamite at Shallcross to be used on these three pylons N'Lord.

So the dynamite used on the three pylons did not come from George Naicker's Garage, it came from Shallcross ?-- (Court intervenes) (10

MILNE: J.P. Just one minute please. I understood you to say "Do you remember any occasion when dynamite was brought into George Naicker's Garage?", from somewhere else ?

MR.GURWITZ: Yes, N'Lord.

MILNE: J.P. He said "Yes", "the dynamite that was used for the three pylons." (15

MR.GURWITZ: Yes. I understood you to say in your evidence - when you were giving evidence-in-chief - that the dynamite used on the three pylons came from George Naicker's Garage before any of it was moved to Shallcross ?---(Mr.Gurwitz adds) (20

Is that wrong ?--- If I remember correctly in my evidence-in-chief I said clearly that it was the dynamite that we fetched from Shallcross took it to George Naicker's Garage and from there it was used on the pylons. (25

Can you remember of your own knowledge - I am sorry - Can you remember each meeting particularly of the Regional Command or are you giving evidence as to what usually used to happen ?--- I couldn't remember each individual meeting. (30

Can you remember who was present at each individual meeting ?--- I can only say that we never had a meeting when any member was absent.

So is the effect of your answer that at every meeting all the five members that you mentioned were present ?--- Yes. (5

And if anybody were to say that he was away for a length of time, it would necessarily follow if his evidence is true, there was no meeting during his absence ?--- I would say that that would be the case. (10

Can you remember if there was any period of time when there was no meeting of the Regional Command for quite a considerable period of time ?--- (Mr. Gurwitz adds)

Because somebody was away ?---Not only one incident, but several. (15

What was the longest period during which there was no meeting of the Regional Command because of the absence of one of the members ?--- That is difficult to remember. (20

But if a member was away for anything over three months for example, you would remember that wouldn't you?--- I may remember it if Counsel wishes to remind me M'Lord.

Can you remember specifically each and every meeting of the Technical Committee which was held ?--- Those that I have mentioned, those are the ones I say I remember M'Lord. (25

And were all the members of the Technical Committee present when these meetings were held ?--- The meetings of the Technical Committee - there were some meetings/.... (30

meetings where all the members were not present.

Can you remember how many meetings no.3 accused attended ?--- He was present mostly at these meetings. There were some where he was absent. The majority of meetings he attended. (5

Can you remember how many meetings this man Siva attended ?--- I only saw Siva with my own eyes once, and that was not at a meeting.

For how long was that ?--- (Court intervenes)

MILNE: J.P. What ?.

MR.GURWITZ: For how long was it that you saw him ?--- Not very long, I don't think it was quite twenty minutes. (10

And would you not be able to recognise him again if you were to see him ?--- M'Lord possibly, if I look thoroughly, I may recognise him. (15

In regard to Babenia, how many times did you get any ingredients for any sabotage attack from him personally ?--- Many times. Mostly powder for the timing device.

In respect of which act of sabotage did you get the powder for the timing device ?--- The three pylons, at Kajee's, the dynamite, the one that we were going to do at Marion Hill, we ended up by doing it at Cliffdab, two occasions at Mc Cord. That's what I remember M'Lord. (20

Do you say you yourself got them personally from Babenia or did (question not completed) ?--- Yes. (25

It wasn't Ronny Kasrils who got them ?--- No. Babenia and I were working in the same building. We just used to enter through separate doors.

How many times have you been to Babenia's

room ?/....

room ?--- I will say many times when he was still staying in May Street.

More than twice ?--- Yes.

Much more than twice ?--- I will say about five or six times, when he was still staying in May Street. (5

And in North Street ?-- That's just an estimate.

MILNE: J.P. That's in May Street ?--- Yes.

Now Counsel is asking you how many times did you visit his room in North Street ?--- Twice, or three times.

MR.GURWITZ: And did you get the materials from him when (10 you went to his room or did he bring it to you at Lakhani Chambers ?--- The powders he brought to me in Lakhani Chambers. Sometimes when he had not mixed it I used to go to his room, we mix it together and I leave with the powder.

How much powder did you require for this (15 timing device ? Was it sufficient to go into an envelope or was/more ?--- (Court intervenes)

MILNE: J.P. You mean an envelope of about 5" x 2½" ?

MR.GURWITZ: Yes M'Lord. ?--- About quarter of such an envelope would be sufficient. (20

MILNE: J.P. Well about a tablespoonfull or half a table- spoonfull ?--- A dessertspoonfull would be sufficient.

MR.GURWITZ: And this powder used for the timing device, did it deteriorate if it was kept ?--- It used to deteriorate after 24 hours after mixing. (25

Why ?--- Potassium Chlorate always remains damp. It melts the Potassium of Permanganate.

So you had to keep them separate ?--- Yes.

Couldn't you cap three little jars in your own room and keep them separate there ?--- I didn't have a (30 room/....

room of my own. I shared a room.

Did you not have a room of your own at the beginning of your association with "M.K." ?--- Yes, when I worked at Mc Cord's.

You continued to work at Mc Cord's until May of (5 1962 ?--- Yes.

Thereafter, did you not have a room of your own at all ?--- No.

When were these various powders first obtained ?--- (Court intervenes) (10

MILNE: J.P. When what ?.

MR.GURWITZ: When were these various powders first obtained ?--- After I had been working at Lakhani Chambers for the Trade Unions for some time.

And not before ?--- M'Lord, there are different (15 chemicals - powders - the first lot used to stay with Brian Chato. The chemicals that were used after June, 1962, stayed with Babenia.

But the chemicals that you used before June, 1962, could have been kept in your room ?--- Yes M'Lord. (20

MILNE: J.P. The charges begin I think, with June don't they ?.

MR.GURWITZ: Yes M'Lord, but there were attacks made on the 15th December, which this witness has referred to M'Lord,ⁱⁿ which timing devices were used.

MR.GURWITZ: I think you told the Court you went into (25 hiding in May, 1963, is that correct ?---Yes.

And you still found time to attend meetings of the Regional Command after that ?--- Yes.

Although since the beginning of 1963 you had become disillusioned ?--- (Court intervenes) (30

MILNE: J.P./...

MILNE: J.P. Become what ?.

MR.GURWITZ: Disillusioned ?--- Yes.

And your heart was no longer in your work ?---That is so.

And you were being deceived ?--- Yes.

Why didn't you stop going to any further meetings of the Regional Command ?--- I had been into this thing and it was difficult to get out of it, and they kept on saying we'll get the money and the money will arrive.

But at that time you were in hiding ? You could easily have avoided any such meetings ?--- (Court intervenes)

MILNE: J.P. You are speaking of January Mr.Gurwitz ?.

MR.GURWITZ: M'Lord, I am speaking of (Court intervenes)

MILNE: J.P. You said "from January you were already disillusioned".

MR.GURWITZ: But in May, 1963, you were in hiding ?--- Yes.

And from that time onwards you could have avoided attending any committee meeting ?--- It was then very important that I should contact them as to the state of affairs at that time, what should be done.

What should be done about what ?--- Because some people had been detained on the 90 days and I was wanted by the police M'Lord.

Did you have to have a committee meeting to ascertain what you wanted to know ?--- There was no special meeting called but I used to enquire from the Regional Command, enquiring them for my personal information.

MILNE: J.P. You mean to say when you were in hiding that you did not attend any meetings of the Regional Command ?--- I did go M'Lord.

Well/...

Well now Counsel is asking you why did you go to meetings when you had the excuse - you could have made the excuse that you were in hiding from the police ?--- Because then it was most necessary that I go to the meetings.

Where were they held after you went into hiding ?--- At Botanic Gardens, one was in an Indian's flat in the flats where Billy Nair stays. (5

Why do you say it was necessary for you to attend meetings of the Regional Command after you had gone into hiding ?--- I had no more money for food. I could no longer work for the Trade Unions where I got some money. I no longer had money to pay the rent for my room where I was staying. My children were starving, they had no more food, I could still use some of the money that I got from the Trade Unions before that to buy food for my children, which I now no longer got. (10 (15

What difference does it make that you attended meetings of the Regional Command ?--- Only the promises that they made, keeping on telling me that the money will arrive.

MR. GURWITZ: You mean from the time that you went into hiding to the time of your arrest - the Regional Command gave you no money ?--- The Regional Command did not give me any money for myself personally. From the time I went into hiding until my arrest. (20

So what was the point in attending any meetings, if you got no money from them ?--- It was still the hope after their promises that I would get there and get the money. Well, they would tell me that well the money has arrived.

Did you get money to go to Johannesburg ?--- Yes, they gave me money to go to Johannesburg. (30

And/....

And did they give you some money for expenses in Johannesburg ?--- They gave me money for food while I was travelling.

Why didn't you keep that money instead of going to Johannesburg ?--- I never thought of doing such a thing. Even the £55 that they gave me up there, for the groups that were being sent away for training. It never entered my mind to keep it for myself. (5)

Were there any unauthorised acts of sabotage committed by members of "M.K." that is unauthorised by the Regional Command ?--- Yes. (10)

MILNE: J.P. Which were they ?-- The one on the passenger train M'Lerd.

You mean the one that happened on the passenger train instead of a goods train ?--- Yes. (15)

Any others ?--- I don't know what to say about other incidents where the Regional Command had decided on a certain target and a group attacked another target and reported back and then it was approved by the Regional Command. (20)

Were there any acts - unauthorised acts of sabotage apart from this passenger train incident which were committed by "M.K." and which were not approved by the Regional Command ?--- The Induna at Mc Cord's. (25)

MR.GURWITZ: Were not the acts of sabotage committed at Kwa Mashu unauthorised ?--- (Court intervenes)

MILNE: J.P. Were they what ?

MR.GURWITZ: Unauthorised ?--- I don't remember. (30)

See A & B

Do you remember on one occasion you, as a technical officer, was asked what type of bomb could be used to frighten people without injuring them? ---- Yes, I remember.

And you suggested the use of a pipe bomb? (5)
---- Yes.

And a pipe bomb was used at the Bell Street beer hall? ---- Yes.

Was that act of sabotage authorised? ----
Which one? The Kwa Mashu beerhall? (10)

MILNE, J.P.: Bell Street. Do you know the Bell Street beer hall? Was a pipe bomb used at the Bell Street beer hall? ---- Yes.

Was that an act authorised by the Regional Command? ---- Yes. Three beer halls were to be (15)
attacked.

MR. GURWITZ: Didn't the Regional Command criticise that attack because of the danger to persons? ---- No, all I remember, the meeting when the report was received, they enquired as to what had happened to the other (20)
two bombs because only one was used.

How do you square the acts of sabotage in the beer hall with the aims and objects of 'M.k.'? ---- The attack on the beer hall was at a time when the women attacked their husbands and told them not to drink at (25)
the beer halls. Not to drink Corporation beer.

Yes, I understand that but I am trying to see how an incident of that kind has anything to do with 'M.k.'? ---- They were assisting those women because they were hitting their husbands. (30)

MILNE, J.P.: Who were assisting these women? ---- 'M.k.'

How did the assistance of the women by the 'M.k.' have any possible - how was it considered to have any possible effect upon the Government? ---- The Corporation is considered as a wing supporting the Government. The men who go and drink beer belonging to the Corporation, they assist the Government by giving them money. And by the women hitting the husbands, prohibiting them to drink beer from the Corporation, they assist by keeping the men away and the Corporation not getting the money. (5)

MR. GURWITZ: When you made your statement to the police, were you under 90-Days' detention? ---- At the beginning the police did not inform me that I was detained for 90 days. They just took me into custody. But in my mind I knew that that was the time that people were being detained for 90 days. (15)

Did they at no time tell you you were being detained under the 90-Days' clause? ---- They did tell me after about two or three days. (20)

When the 90-Day clause provision came out, was there not an instruction received that acts of sabotage had to be discontinued for the time being? ---- No.

Do you say that didn't happen or do you know of no such instruction? ---- I do not know of any such instruction. (25)

MILNE, J.P.: This provision, when was it first raised in Parliament, do you know? This 90-Day provision. Do you remember? ---- 1963.

But you don't remember in which month? ---- (30)

No.

You don't remember in which month the 90-Day provision became law? ---- As far as I can remember, it was before the 5th May, because I remember a statement made by the Minister of Justice.

||| X
(5)

When did you go into hiding? ---- In May.

Which part of May? ---- The beginning of May this Act was then in force.

||| X

You went into hiding after the 90-Day provision became law? ---- Yes.

(10)

MR. GURWITZ: When did you get to know that this organisation was now known as 'Mkonto we sizwe'? ---- Apart from seeing it in the papers, we were officially told by Mandela. Between July and August, 1962.

||| SK
||| SK

And when did you first see in the papers that it was known by the words 'Mkonto we sizwe'? ---- About 1962.

(15)

What part of 1962? ---- Before I saw Nelson Mandela.

And did you not see that it was alleged it was a wing of the A.N.C. at that time? ---- Sometimes the papers did mention that.

(20)

When you obtained these detonators from George Naicker as you have told the Court, did you tell him for what purpose they were being used? ---- He was present in the garage when we were preparing the dynamite for the three attacks. Although I didn't tell him personally where the attack is going to be, he knew that an attack is going to be made. I don't know whether he knew where the particular spot was but

(25)

(30)

I did not tell him.

How many attacks were going to take place?

---- Three.

Did he know how many attacks were going to take place? ---- I can't speak on his behalf whether he (5 was aware of it or not.

MILNE, J.P.: As far as you know it is possible that he might have thought there was to be only one attack on a pylon? ---- It is difficult to speak on behalf of another person or to think on behalf of another person, (10 but any person with common sense could see that three parcels were being made up.

MR. GURWITZ: But even so, those three parcels could be used on the same object? ---- I myself, the way I thought about it, three parcels are being made up; three (15 detonators are asked for, so there must be three places to be attacked. But I can't say that George thought about it the same way as I did.

MILNE, J.P.: Are you aware of your own personal knowledge that he had any expert training in the use of (20 detonators? ---- As far as I know George Naicker had no knowledge of the working of detonators or dynamite. Because the following day when I saw George Naicker he had injuries to his face. I indicate the left eye and cheek. (25

The day following what? ---- The day following the preparation of the dynamite into the various parcels in his garage. I asked him 'what had happened George?' He said that he was sweeping in the garage, all the dirt that had fallen to the ground. He said he (30

took it outside to burn and he set it alight. Something exploded into his face and injured him. I then thought that it is possible that when we were making holes into the dynamite that some of the particles of the dynamite must have fallen to the ground. That is where I formed (5 the opinion that he has no knowledge of the working of dynamite, otherwise he would not have burnt the sweepings.

MR. GURWITZ: Were the injuries to his face clearly visible to you? ---- Small scratches.

Nothing more than that? ---- No. (10

Did they leave scars those scratches that you have referred to? ---- No, they were minor; like small scratches.

I suggest to you that this story about the injuries to George Naicker is a figment of your (15 imagination? ---- I was explaining a question asked by Counsel, as to my opinion of George Naicker's knowledge of the working of dynamite.

Apart from the occasion of the three pylons and Georgedale, I think, did you ever get anything else (20 from George Naicker personally? ---- I don't know or remember of anything that I took from his hands personally.

George Naicker will deny that he was present when you took any portions of dynamite from the garage (25 and he will also deny ever giving you the detonators? ---- He will not be speaking the truth.

Billy Hair will further say that many of the acts - No.4 accused will say that many of the acts that you allege were committed by 'M.k.' were committed (30 without the authority of the Regional Command? ---- Does

Counsel mean that Billy Nair will deny that everything that was done was without the authority of the Regional Command?

MILNE, J.P.: No, Counsel's question was put in this form. He said: 'No.4 accused, Billy Nair, will say many acts which you allege were committed by 'M.k.', were committed without the authority of the Regional Command'. ---- As far as I know that is not true. Apart from those that I mentioned. (5)

MR. GURWITZ: And that there were occasions when you or Ronny Kasrils or somebody else selected a target and only informed the Regional Command after the act had been committed? ---- That is not so. (10)

You do not know No.5 accused, do you? ---- I know him by sight. (15)

You have had no personal conversation with him, have you? ---- Does that mean in connection with sabotage or 'M.k.'?

When you were giving evidence-in-chief you were asked about the various accused and I have a note that in regard to No.5 your evidence was 'no personal conversation about him.' You've had reports about him; name is Kisten, also Zulu? ---- I am just going according to what was explained to me, that if I am asked whether I know a person in connection with what I know him, whether it is in connection with 'M.k.' or anything else. (20) (25)

MILNE, J.P.: You've told me a moment ago that you know him by sight? ---- Yes.

That means to me that you know a person by (30)

sight but you don't know him to speak to? ---- I am still going back to Friday when I was told whether I had any dealings with a person in connection with 'M.k.'.

Yes, but when you say you know a person by sight - I am not talking about Friday now, I am talking (5 about this evidence which you've just given - doesn't that mean that you know him by his appearance, you know his face and you know him in that sense but you do not know him to speak to? ---- I understand now. I had also spoken to No.5. (10

But not in connection with 'M.k.'? ---- No. Not me personally.

MR. GURWITZ: Now you've given evidence that at a meeting of the Regional Command there was a report from Kasrils in connection with an act of sabotage, that the name of (15 Kisten was mentioned? ---- Yes.

Tell us exactly what Ronny Kasrils is alleged to have said? ---- On two occasions Ronny Kasrils made a report in connection with Kisten. He said the Clairwood group under Kisten - at first he made a report in (20 connection with a pylon on the South Coast. He said that Kisten's group at Clairwood, that they had found a pylon, an electric pylon on the South Coast Road. That the electricity was feeding the factories at Mobeni. The Regional Command discussed that and they agreed that (25 it was a pylon for electric wires. The second occasion that I referred to was afterwards. Ronny Kasrils came and made a report that the group under Kisten had attacked this pylon and he came and made a report again (20 that the Clairwood group had found a hole where there

are some cables - telephone cables, also on the South Coast. The Regional Command discussed this matter and approved.

MILNE, J.P.: Approved of what? ---- They agreed that if they were telephone cables to the South Coast and that they could be attacked. (5

MR. GURWITZ: I don't know what this is leading to but I asked you with reference to Kisten. You say on two occasions his name was mentioned. (The Court intervenes).

MILNE, J.P.: He has mentioned two occasions. (10

MR. GURWITZ: Yes, now he is talking about a third occasion apparently.

MILNE, J.P.: On the two occasions when Kisten's name was mentioned. Now you have told us that Kasrils mentioned the name of Kisten as being the leader of the group belonging to a group at Clairwood - the Clairwood group under Kisten, so that means that he was the leader; you said he was the leader - reported that they had found an electric pylon feeding the factories at Mobeni and that this was reported to the Regional Command. And later you say, afterwards Kasrils reported that the Clairwood group under Kisten had attacked this pylon. Now were those the only two occasions when Kisten's name was mentioned? ---- It was also mentioned in connection with this hole when Kasrils made a report. In connection with the telephone cables. (15 (20 (25

You mean Kisten's name was mentioned? ----

Yes.

Kisten's name was mentioned by Kasrils, when? ---- That Kisten's group had found some cables in (30

this hole.

Is that the one which was discussed by the Regional Command and which it agreed could be attacked?

---- Yes. After the attack had been made, Ronny Kasrils came back and made a report that Kisten's group had attacked this target. (5)

MR. GERWITZ: So now your evidence is that Kisten's name was mentioned - the name of Kisten was mentioned on four separate occasions by Ronny Kasrils? ---- Why I said on two occasions, because I treated individual target as one occasion and there were two targets. (10)

Did you mention the occasion about the electric cables in your evidence-in-chief? ---- I think I did. I did mention about the manhole.

I am not talking about that. What I mean is, did you mention a reference to Kisten in connection with that act of sabotage? ---- Even if I omitted to name Kisten, I referred to it as the Clairwood group. I don't remember whether I mentioned his name or not. (15)

I will look up your examination-in-chief and see what you did in fact mention about it. Now, was that the only reference to Kisten? ---- There were many occasions where discussions took place where his name was mentioned at the Regional Command. (20)

So there is more than the two occasions, split up as you've told us? ---- His name was mentioned by Billy when he recommended him as the leader of the group at Clairwood. (25)

So his name had been mentioned on numerous occasions at the Regional Command? ---- Yes, I will (30)

say that it was. All leaders of groups were mentioned.

So you know all about him? ---- Yes, I know him.

MILNE, J.P.: You will note Mr. Gurwitz, at page 1696, when Mr. Rees was going through the accused one by one, (5 he said the person next to him - accused No.5, and the answer was 'I have had reports about him but I can't say that I had a personal conversation with him.' Then I interrupted and said 'Just one moment, do you know his name?' Answer: 'I know him as Kisten and also (10 'Zulu'. Then Mr. Rees: 'How did you come to know him?' And here I interrupted again and said 'Where did you first meet him?' The answer recorded: 'I got to know him through a report which was made to the Regional Command.' Where did you first meet him?' 'He used to (15 come to Lakhani Chambers where I saw him and I also saw him at Clairwood.' The next question is recorded as: 'And you know nothing then about his activities, except what you have heard from other people, other than himself?' 'No, only through reports that I received at (20 meetings of the Regional Command.'

MR. GURWITZ: Are you assuming that the person you have heard mentioned at Regional Command meetings is No.5?

---- Yes.

You have mentioned this man Siva Pillay? (25

---- (The Court intervenes).

MILNE, J.P.: I don't think he mentioned the name Pillay.

MR. GURWITZ: I beg your pardon. You mentioned the name Siva? ---- Yes.

Can you remember when it was that you first (30

met him? ---- I think it was 1963.

What part of 1963? ---- Between April and May.

And apart from the 20 minutes' conversation you had with him, you'd never seen him again? ---- No, (5
I never saw him again.

Was his name ever mentioned at the Regional Command? ---- Yes, his name was mentioned quite a lot. It was the end of June and July, 1963.

You say in June and July, 1963? ---- Yes. (10

Then you were already in hiding and a number of the members of the Regional Command were under arrest? ---- Yes.

Do you know of your own knowledge when Billy Nair - No.4 accused - was arrested? ---- June or July, (15
1963, as far as I think.

And Solomon Mbanjwa? ---- He was already arrested.

When was he arrested? ---- Before Billy Nair.

And No.8 accused, when was he arrested? ---- (20
He and Solomon Mbanjwa were arrested soon after one another.

If No.4 accused was arrested on the 6th July, Solomon Mbanjwa and Curnick Ndhlovu must have been arrested some time before that? ---- Yes. (25

And do you know what happened to Ronny Kasrils? ---- I don't know where he went to. I was detained before him.

Was he still about for the purpose of Committee meetings? ---- Before I was arrested? (30

Yes, was he still about or was he in hiding or had he gone away? ---- Yes, he, Ebrahim and I were hiding together.

Did the three of you attend meetings together or not? ---- Then there was Stephen Mtshali and David (5) Ndawonde. They were coming to the meetings of the Regional Command.

I want to put to you as well that George Naicker was at no time the treasurer of the Regional Command? ---- He would not be speaking the truth. (10)

What did you obtain from George Naicker at any time? ---- Is that in connection with money?

Yes, money matters? ---- When I went to Johannesburg to the High Command, he handed me money personally into my hands. (15)

Which occasion are you talking about? ---- When I went to a meeting of the High Command.

You went to Johannesburg in April, 1962, April, 1963, and May, 1963? ---- I think it was the occasion in May, 1963. Between May and June, 1963, when I went to a meeting of the High Command. (20) (NBI)

And were you told to go to George Naicker and get some money? ---- Yes.

Were you told how much you were going to get? ---- Twenty Rand. (25)

And did you go to George Naicker and he gave you R20.00? ---- Yes.

Is that all that happened? ---- And again after Billy was arrested I gave him a message in connection with money. (30)

MILNE, J.P.: Gave whom a message? ---- George Naicker.

MR. GURWITZ: A message from whom? ---- When I came back from the meeting of the High Command we were promised that some money would arrive, and Ronny Kasrils' debt of £82. And the High Command was sending that money down. (5)

MILNE, J.P.: What debt of £82? ---- That was oney that Ronny Kasrils had used to hire motor cars in connection with the work that we were doing.

You say that after No.4 accused - Billy Nair (10) - was arrested, you gave George Naicker a message? ---- Yes.

Do you mean this message was from the High Command or somebody else? ---- Yes, the message was from the High Command. (15)

About sending money, including £82 to pay Kasrils' debt? ---- Yes.

Now was this R20.00 the only money you ever received from George Naicker? ---- Yes.

When you received it, in what circumstances did you receive it? ---- I just went to him and said 'George, Billy said I must get money from you. I am going up to Johannesburg.' He asked me what this money was for. I told him that it was for my train fare as I was going up to Johannesburg. He said it was all right, I must take a seat. He asked me how much money it was and I said Billy had said R20.00. That was all. (20) (25)

MR. GURWITZ: George Naicker will deny that he ever gave you R20.00? ---- He would be denying the truth.

THE WITNESS STANDS DOWN.

THE COURT ADJOURNS UNTIL 10 O'CLOCK ON THE 28.1.1964.

ON THE 28th JANUARY, 1964, THE COURT RESUMES.

MR. A. WILSON NOT PRESENT IN COURT. OTHER APPEARANCES AS BEFORE.

ON RESUMPTION:

BRUNO MTOLO: (Still under oath).

(5

CROSS-EXAMINED BY MR. GURWITZ: (Continued).

You have told the Court that it took you a considerable length of time to prepare the statement which was given to the police? ---- Yes.

And I take it that that statement is on the lines of the evidence which you have given in this Court and at Ravonia? ----Yes. (10

When you made that statement did you consider that you might be called as a witness for the State? ---- At some time the police did say to me if I spoke the truth as it is in this statement, that I may be granted an indemnity by the Judge. (15

First of all you said if you spoke the truth as it is in this statement? ---- Yes.

Will you please explain exactly what was meant and what you understood by that? ---- In my own opinion I didn't think that any Judge could set me free from any responsibility of such a serious matter. (20

What I am asking you is, what did you understand when the police said to you that if you spoke the truth, as it was in the statement? ---- I then thought that they may want me as a witness. (25

Is that all that you understood by that? ---- Yes, I thought they wanted me to be a witness but I didn't have much hope. (30

Did you realise that if you were called as a witness, the probabilities were that you would be freed from the offences which you had participated in? ---- They told me that it was entirely in the hands of the Judge to decide if I had spoken the truth. (5)

Was that said to you by the police whilst you were still compiling your statement or when was it said to you? ---- As far as I can think, the statement was already completed.

And I think you've already said that before you started making the statement the information which the police had given you indicated that most of your activities were already known to the police? ---- Yes, according to the questions that I was asked. (10)

And did it appear to you that they already had statements which implicated you? ---- I can't say whether the police had any statements or not but I formed the impression that some of those that had been arrested had spoken to the police. (15)

Do you mean they had spoken to the police and so implicated you? ---- According to the questions it was obvious that I was also in the matter. (20)

And if they had implicated you, the probabilities were that they also implicated the other accused who are now before the Court? ---- That may be so; I wasn't alone when all these acts were committed. (25)

I suggest to you, therefore, that you had to offer the police something more than what the police already knew about you and your activities? ---- What more? In the line of lies or what? (30)

You had to offer them something more and that 'more' was to implicate more of the accused than actually took part in your activities? ---- It is impossible to skip some matters because this is a continuous act; as it went on the names of the persons were (5 mentioned. I could not leave out a person.

For instance in a number of cases you've told the Court that you obtained a powder from No.3 accused? ---- Yes.

In connection with certain acts of sabotage? (10 ---- Yes.

Was anybody present when you obtained those powders from the accused? ---- No, only the two of us.

And in respect of those acts of sabotage the only part that accused No.3 played, according to your (15 evidence, is that he handed you the necessary powders? ---- And the tools that were kept by him.

But the tools came some time later? ---- Yes.

In fact, the tools don't appear to have been used at all to manufacture the pipe bombs? ---- Some of (20 them that I've seen here appear to be the case but there are many tools that are no longer with these, like hacksaws for instance. And I did not see an electric drill. MILNE, J.P.: Did not see where? ---- With these tools.

In Court? ---- Yes. (25

What do you know about an electric drill? ---- It was with the other tools.

Where? ---- With Babenia.

What was it used for? ---- To use it whenever we needed to drill a hole into anything. (30

When did you ever need to do that? ---- The time for that had not arrived; the time was coming for us to prepare hand grenades, when it would be used. I am still answering the question of Counsel to say that the tools don't appear to have been used. The hacksaws (5) were used.

What were they used for? ---- I was cutting off the nipples with the hack-saw.

Cutting off the nipples of what? ---- To prepare pipe bombs. (10)

Where did you do that? ---- For the attack on the Advisory Board at Kwa Mashu.

Where did you do the cutting off of the nipples? ---- In May Street in Babenia's house.

Were you then alone? ---- The two of us together. (15)

You and who else? ---- And Babenia.

MR. GURWITZ: When you took the tools out from Exhibit 31(a) and you showed the Court the stocks and the dies is it not a fact that the stocks were still wrapped in their original paper? ---- That is true. (20)

That indicated to you that the stocks and dies had never been used? ---- Yes.

And without stocks and dies you can't put a thread onto a pipe? ---- No. (25)

So what I am suggesting to you is that in certain cases you have involved, for example, No.3 accused and it is your evidence only which implicates him? ---- That is what I have said according to my statement. There are some persons that I can't miss out and (30)

go on to the next person. I have got to mention every person.

MILNE, J.P.: Are you suggesting to the witness that there are no other witnesses who have involved No.3 accused?

MR. GURWITZ: No, M'Lord. (5)

MILNE, J.P.: What are you suggesting?

MR. GURWITZ: I am suggesting that there are certain cases where his is the only evidence against No.3 accused.

MILNE, J.P.: Do you mean about the powder and the tools?

MR. GURWITZ: The powder M'Lord. (10)

MILNE, J.P.: The powder and the tools?

MR. GURWITZ: The powder M'Lord; not the tools.

MILNE, J.P.: Not the tools?

MR. GURWITZ: Not the tools.

MILNE, J.P.: Counsel doesn't intend to suggest to you (15) that you are the only witness who says that No.3 accused had the tools. His suggestion to you is that you are the only witness who speaks of his having the powder for the pipe bombs and other things? ---- I hear that.

MR. GURWITZ: And what I am suggesting to you is that in (20) order to be accepted as a State witness you had gone out of your way to involve as many people as possible? ---- I will go further seeing that Counsel is suggesting that I have just implicated No.3 accused. I have admitted that I was a member of the Technical Committee; it was for (25) me to point out to the police where the chemicals were to satisfy the police that I was in fact a member of the Technical Committee and what I had said was the truth.

You have also mentioned that you obtained detonators from No.6 accused and that you obtained them (30)

personally/.....

personally from No.6 accused? ---- Yes.

I think you said that it was in connection with three sabotage cases? ---- Yes.

And in regard to Cliffdale, did you obtain the detonators from accused No.6? ---- Ronny fetched it (5 together with dynamite.

Do you mean that you didn't get them from accused No.6 in connection with the Cliffdale sabotage case? ---- No.

But in the other three cases you got them (10 from George Naicker personally? ---- Yes.

Where was it that you got it from him? ---- In his garage.

At Sarnia? ---- Malvern.

How did you go out there? ---- Ronny had (15 taken Solomon Mbanjwa and I in a car.

Was anybody else present when you got these detonators from No.6 accused? ---- Yes, there were others present.

Who were present? ---- Billy Nair, Ronny (20 Kasrils, Solomon Mbanjwa.

Did you get these detonators for the three sabotage cases on one occasion or separately? ---- At one time when I was preparing the fusc.

And the people you've mentioned all went out (25 together? ---- I said that Ronny Kasrils gave Solomon and I a lift to this place.

MILNE, J.P.: What about No.4 -- Billy Nair? ---- I can't remember how Billy Nair got there but what I do remember, that Solomon and I travelled together. (30

MR. GURWITZ: And what makes you remember that Billy Nair was there? ---- Because I remember I was preparing the fuse, the others were preparing the dynamite. Each one preparing his own parcel.

Do you mean Billy Nair was preparing his parcel and you were preparing your parcel, and Ronny Kasrils was preparing his parcel? ---- Yes, that was the case but in preparing my own parcel I also gave the others instructions and told them how to do it because that was arranged that in the course of the preparation I would instruct them. (5 (10

And did Solomon Mbanjwa take any part in the preparations? ---- Yes, but he was with me.

And George Naicker, did he take part in the preparations? ---- I can only say that he was present in the garage all the time. I cannot say on which side he was. And I can say that when I wanted the detonators I asked him for the detonators. (15

Does your answer mean that you cannot say whether he participated in it or does it mean that he was simply there and when you wanted detonators you asked him for it? ---- I can only say that I wasn't watching his movements all the time to say what he was doing in particular all the time. I can only say that he was present. (20 (25

MILNE, J.P.: When you said that you cannot say on which side he was, what were you intending to convey? ---- By that I meant to convey that I do not know whether he was assisting Billy Nair or Ronny Kasrils.

He might not have been actively assisting (30

any of the groups to make up the explosives? ---- Yes, that is possible.

Where did you get the detonators from? ----
When I asked him for the detonators, he left the garage and went outside, and returned with the detonators and (5
handed them to me.

MR. GURWITZ: You have also involved No.10 accused? ----
Yes.

Now, No.10 will deny that he was in any way involved in the activities of 'M.k.'? ---- I say what I (10
do know about Riot Mkwanzazi; on the occasion when the Regional Command met in connection with the attack on the beer halls and when a report was received that only the one beer hall was attacked - the one in Bell Street - that it had been decided that three should be attacked, (15
Ronny made a report that he had questioned Justice Mpanza who was in charge of this group..... (Court intervenes).

MILNE, J.P.: Just one moment, Counsel is objecting.

MR. GURWITZ: I merely put to the witness what No.10 accused will say and all I asked him is whether he will (20
insist that what he has told the Court about Riot Mkwanzazi is the truth or not. I submit that that question does not entitle him to go into further evidence which may or may not be relevant.

MILNE, J.P.: I think it does. It is relevant. It (25
won't be admissible unless it is relevant so if it is further evidence it won't make it irrelevant.

MR. GURWITZ: No, M'Lord, my submission is simply that his answer can't be allowed merely because it comes as cross-examination. (30

MILNE, J.F.: It can come in under cross-examination even if it furnishes further evidence but it must be relevant and admissible, otherwise it can't be admitted.

MR. GURWITZ: Yes, with respect, that is so M'Lord.

MILNE, J.F.: Just because there are occasions when (5
cross-examination does let in inadmissible evidence because it is deliberately sought.

MR. GURWITZ: That is what I am guarding against. I want to guard against any admissible evidence which is let in merely because I put the Defence case to him. (10

MILNE, J.F.: If No.10 accused - Riot Mkwanazi says that he was not involved in any way in the activities of 'M.k.', what do you say? ---- I will say that he is not speaking the truth.

MR. GURWITZ: And if No.13 accused says that he too was (15
not involved in the activities of 'M.k.', what would you say to that? ---- I would say that he is not speaking the truth.

MILNE, J.F.: No.13?

MR. GURWITZ: Bernard Nkosi. You have told the Court (20
that the attack on Kajee's office was one of the attacks planned in connection with Mandela's affair? ---- Yes.

Did the Regional Command decide that? ----
That was the petrol bomb; it was eventually placed on the train on the North Coast line. (25

Was that attack decided upon by the Regional Command? ---- In connection with Kajee's office, yes.

And it was part of the attacks planned in connection with Mandela's affair? ---- Yes.

Now the other acts of sabotage were designed (30

to show the Government the protest against Mandela's arrest or whatever it was? ---- Is Counsel referring to all five the acts of sabotage or only to the one in Kajee's office?

I am/.....

MR.GURWITZ: I am sorry I (Court intervenes)

MILNE: J.P. What was your question ?

MR.GURWITZ: M'Lord, I was thinking of my next question, I am afraid I have missed the question. May I ask that it be repeated. (5)

MILNE: J.P. Could the question please be read out or played back ? (RELATIVE PORTION OF RECORD PLAYED BACK AT THE REQUEST OF MR. GURWITZ.)

MR.GURWITZ: I think you said there were actually five acts of sabotage planned by the Regional Command in connection with Mandela's affair ?--- Yes M'Lord. (10)

And all these five acts were planned before they were actually committed ?--- Yes.

And they were all in connection with Mandela's affair ?--- Yes. (15)

And they were all designed to show that non-European - population - of the non-Europeans with whom you acted were not taking the arrest of Mandela without some protest ?--- Yes, that is so.

How does the attack on Kajee's office fit into that scheme of things ?--- Billy had made a report that Kajee is a supporter of the Government. (20)

Yes, but how would the fact that he was a supporter of the Government fit into your protest against Mandela's arrest ?--- If Kajee's office is attacked as a supporter of the Government it touches the Government. (25)
The same as the attacks on Municipalities, they are not the Government, but they are supporters of the Government.

But those were general attacks, these attacks, the five attacks you've mentioned were for a specific purpose ?--- The way I see it the Regional Command (30)

decided/....

decided to attack this office because he was a supporter of the Government.

NO FURTHER QUESTIONS BY MR.GURWITZ.

CROSS-EXAMINED BY MR.THIRION:

You told us that you were not present at the meeting at which it was decided to attack the signal box I did not prepare the fuse. I was present when the decision was taken. (5)

Isn't this what you said in your evidence-in-chief - I am reading from page 1733 M'Lord from line 26 - (10) "Will you tell the Court when did you first hear about the attack on the signal box at Kwa Mashu ?-- The same as in the last case, I was not present at the meeting before. I only heard at a subsequent meeting because at the time before the explosion I was either at Table Mountain or in Johannesburg". ?--- I did not prepare the fuse and the detonator M'Lord. (15)

MILNE: J.P. This evidence as recorded, that has been read out - this is in answer to a question put to you by Counsel for the State ?--- M'Lord, will Counsel just read to me again. (20)

I will read it to you. According to the record Counsel for the State, Mr.Rees - when I asked you the question whether you could remember which was the last of the dynamite explosions and you answered: "The one at Kwa Mashu - a signal box at Kwa Mashu". Counsel for the State, Mr.Rees, then said: "That would be count 27". Thereupon it seems that Mr.Rees asked you: "Would you tell the Court when did you first hear about the attack on the signal box at/.... (25) (30)

at Kwa Mashu ?". The answer recorded is: "The same as in the last case. I was not present at the meeting before. I only heard at a subsequent meeting because at that time before the explosion I was either at Table Mountain or in Johannesburg". ?--- Yes M'Lord, I remember those two occasions, this instance and the Victoria Bridge incident. (5)

You have just said in answer to Mr. Thirion, one of the Counsel for the Defence, that you were present when it was decided to attack the signal box ?--- I was mixing it up with the one at Duff's Road. (10)

This is the one at Duff's Road, the signal box ?--- There are two places. One is Duff's Road and the one is the station at Kwa Mashu.

Do you say that - how far away from Kwa Mashu is Duff's Road ?--- Before the railway line was extended to Kwa Mashu the people used to get off the train at Duff's Road. (15)

How far away was Duff's Road from Kwa Mashu ?--- About quarter of a mile. (20)

Is that all ?-- Yes M'Lord.

Well now this count 27 that Mr. Rees apparently had in his mind referred to the signal control box near the Duff's Road railway line - that I think is intended to mean near the railway line near Duff's Road Station ?--- (The Court adds) (25)

Now this particular one which you say you were - this particular attack on a signal box in connection with which you were present at a meeting of the Regional Command before it took place, which one was that ?-- M'Lord, where I got/....

got confused, there was an attack made on a train at Duff's Road. There was another attack made at the station Kwa Mashu, I think the name of the station is Tembelse. Some people refer to it as the Duff's Road area.

The question you were asked by Mr.Thirion was with regard to an attack on a signal box ?--- That may be where I got confused because he said it was Duff's Road. Yesterday too, that same question confused me M'Lord.

I am afraid I haven't understood what you are saying now. Do you say that there were two attacks on signal boxes ?--- M'Lord, there was one which did not explode M'Lord according to the papers.

Where was that ?--- The one on the line exploded but the one on the signal box did not explode.

Where was that ?--- Victoria Street Bridge.

But that's got nothing to do with Kwa Mashu ?--- Duff's Road is the Kwa Mashu area M'Lord.

Now that's what we are talking about, not about Victoria Street Bridge ?--- And in the Duff's Road area there is the Kwa Mashu Location.

Yes, we all know that?--- That is where a signal box was attacked, and at Duff's Road there was an attack on a train.

We are talking about an attack on a signal box, not an attack on a train. At Duff's Road or Kwa Mashu, or that area, was there more than one attack on a signal box ?--- No M'Lord.

Very well. The question you were asked by Mr.Thirion was with regard to an attack on a signal

box/...

box ?-- Yes, M'Lord.

Now I've read you what was recorded as your evidence when you were giving answers which were being - questions which were being put by Counsel for the State and certain questions which were put by me during the (5) time that you were being questioned by Counsel for the State. According to what I have just read out to you, you said that at the time of the attack on the signal box at Kwa Mashu you were not present you only heard at a subsequent meeting because before the explosion you (10) were either at Table Mountain or in Johannesburg. Now that is what has been recorded. Now I understand you to say today that you were present when it was decided to attack the signal box at Duff's Road ?-- That is what confused me because the word "Duff's Road" was used and I (15) immediately connected that with the attack on the train.

MR. THIRION: What is it that you now say, what is the correct position regarding the attack at Duff's Road (Court intervenes)

MILNE: J.P. On the signal box. (20)

MR. THIRION: On the signal box - the attack on the signal box (Court intervenes)

MILNE: J.P. Were you present at the meeting which decided to make that attack ?-- The signal box at Kwa Mashu I was not present. (25)

MR. THIRION: Then what did you say a little bit earlier on before His Lordship started questioning you. You made mention of a detonator and a fuse which you prepared ?-- That is what I said that I did not prepare the fuse and the detonator for the attack on the signal box.

MILNE: J.P./

MILNE: J.P. I'll just read what I wrote down. You'll understand that my notes are not complete. The complete record is being made by the machine. What I recorded is this: "I was present when it was decided to attack the signal box, but I did not prepare the fuse" ?--- Yes

Now, that means that you were present at a meeting when it was decided to do something, but you say you did not prepare the fuse ?-- M'Lord, it was the attacks on the signal box and the one at the Victoria Bridge that I did not prepare the fuses. (10)

Just come back to the question please. When you said you were not present at the meeting, you were present at the meeting when it was decided to attack the signal box, you now tell me that that was just - because you were not thinking of the signal box you were thinking of the attack on the train at Duff's Road. If you were confused in your mind and you thought Counsel's question was directed to an attack on a train at Duff's Road, why did you add "But I did not prepare the fuse" ?--- M'Lord, I don't know where I got mixed up, but these two attacks always get me mixed up. It was the same yesterday. (15) (20)

I haven't understood your getting mixed up till now. I haven't understood that you have been mixed up at all up till now, except on one possible instance. What I can't understand is how you can speak in the same breath as being present at a meeting when it was decided to make the attack and not preparing the fuse. Now is any preparation of a fuse necessary when an attack is made upon a train such as was made at Duff's Road ?---

There was no fuse prepared for the attack on the train at Duff's Road.

Were/...

Were you present at the meeting when it was decided to attack a train at Duff's Road ?--- A goods train yes.

Why did you, if you thought Counsel's question did not relate to an attack on a signal box, but to an attack on a train, did you say "I was present when it was decided to make the attack but I did not prepare the fuse" ?--- I got mixed up in my mind, because all these happenings were in the same area.

MR. THIRION: In any case , you now say that you neither prepared the fuse nor were you present at the meeting of the Regional Command which agreed to the attack on the signal box ?--- That is so.

That is the signal box at Kwa Mashu or Duff's Road, let's put it the signal box at Duff's Road ?--- You can say Duff's Road although it confuses me.

In any case do you know now what signal box I am talking about ?--- Yes, the one at Kwa Mashu.

You mentioned something about a fuse. Then you referred to the attack on the Victoria Bridge ?-- Yes.

Now did you prepare a fuse for the Victoria Street Bridge attack ?--- I did not.

Did you - were you present at the meeting which authorised the attack on the Victoria Street Bridge ?--- No.

What has that attack then have to do with the attack at the signal box at Kwa Mashu ?--- I was just trying to explain that there were two attempts made on the attacks on signal boxes M'Lord.

Was the one not the one at - I'll leave that question, /

question M'Lord. If another witness were to say in this Court that you were present at the meeting which authorised the attack on the signal box at Kwa Mashu, what would you say to that ?--- I would deny it.

Are you now sure in your mind that you were not (5) present at the meeting of the Regional Command which authorised the attack on the signal box at Kwa Mashu, are you sure of that now ?--- I was not present.

Is your mind clear on that now ?--- Yes.

Another witness Solomon Mbandjwa, said this in (10) this Court and I read from page 131 line 31: "On the following Wednesday when I wasn't expecting them (that is now Solomon Mbandjwa talking) Billy found me in Licence Road. In the van was also Ronny and Bruno. I also entered the van. They told me that we should have a (15) meeting of the Regional Command. We tried to get hold of Curnick but we could not find him. We went up towards Howard College. We had a meeting inside the van. A report was made by Ronny in the van that the section leader at Kwa Mashu had a target in view. This they had (20) under observation for some time." And then the Prosecutor referred His Lordship to a count in the indictment which is actually the one dealing with the attack on the signal box at Kwa Mashu, and he said the evidence was dealing with that event. Then the witness went on. "That target was a (25) railway signal box. They wanted to know whether that signal - then that section leader would be able to proceed to destroy that signal box". Mr. Interpreter the sentence is not grammatical it reads as follows: "They wanted to know whether that signal - then that section leader would be able

to proceed to destroy that signal box. We agreed that they should proceed".

MILNE: J.P. You left out one sentence. "They wanted the sanction of the Regional Command".

MR. THIRION: I am sorry M'Lord. "They wanted the sanction (5 of the Regional Command. We agreed that they should proceed". Now what do you say about that evidence ?--I don't remember it.

Do you still remain sure that you were present at the meeting - were not present at the meeting when it (10 was decided ?-- Yes, I still say so.

MILNE: J.P. Now, do you remember some meetings of the Regional Command at Howard College - near Howard College ?--- Yes M'Lord.

MR. THIRION: You told us yesterday that all the members (15 of the Regional Command were always present when these meetings were held ?--- Yes. M'Lord, if I may explain, during that period from June Curnick Ndhlovu had been banned, and Billy Nair had been banned, Ronny Kasrils had been (20 banned.

MILNE: J.P. June, what year ?--- Billy Nair and Kasrils had been banned a long time ago, only Curnick Ndhlovu and I were left that had not been banned.

You said during this period Curnick was banned ?--- Yes. (25

Tell me what you mean when you say he was banned. Banned from doing what ?--- Banned to attend any meetings and to leave the Durban area.

Just one minute please. No.4, Billy Nair, was he banned in the same way ?---Yes. (30

And/...

And Kasrils ?--Yes.

I just want to know what you intend when you say - what you tend to convey when you say "during this period Curnick, no.8, was banned", what is the significance of that ?---I was the only free one that was sent (5
about to various places.

When you say no.4 accused, Billy Nair was banned?---
By that I mean that he was not allowed to leave the Durban
area or attend meetings.

When was the ban ?--- M'Lord, I think they were (10
banned as from 1962.

That didn't prevent them from attending meetings
of the Regional Command ?--- No.

Well now, what is the significance of your say-
ing that no.8, accused Curnick Ndhlovu, was banned ?--- M'Lord,
I was just trying to explain that I was just then forced (15
not to attend Regional Command meetings, from May to June.

Why not ?-- Well some of them at least, not all of
them.

But why ? I haven't followed the reasoning or the
sequence of your thoughts ?-- Because M'Lord, there was the (20
attending of the High Command in Johannesburg. Those other
three that I have mentioned could not go. I was the only
free person. It was then that I could not attend all the
meetings, that on certain occasions I had to go up to
Johannesburg to attend meetings of the High Command. (25
That was between I would say May and June.

COURT TAKES THE SHORT ADJOURNMENT.

ON RESUMPTION:

BRUNO MTOLO: (Still under oath - contd)

(30

MR.THIRION/...

MR. THIRION: Am I correct in saying that at some stage during your cross-examination yesterday you said that if all the members of the Regional Command were not present a meeting could not be held ?--- Yes.

What did you mean by that ?--- I meant to convey that when a member of the Regional Command was absent they did not hold a meeting. It only happened after - when some were banned they held meetings in my absence and only made a report to me afterwards. (5)

But since you were the only free one, wasn't it you who could attend all the meetings ?--- If it was required for any member of the Regional Command to go outside the Durban area, I used to go. (10)

You remember giving evidence about the event at the pylon between Cliffdale and Hammarsdale ?--- (Mr.Thirion adds) (15)

When the Hammarsdale group attacked this pylon with dynamite ?--- Yes.

You've already told us that you prepared the fuse and the detonator and you handed it to Ronny Kasrils ?--- Yes. (20)

Was that all that you did in regard to this attack ?--- Yes, that's all I did.

You did not handle the dynamite or did you ?--- No, I did not. (25)

Did you see it at all or not, the parcel of dynamite prepared for this specific attack ?--- No, I did not see it.

And you handed the fuse to Kasrils ?---Yes.

Did you speak to the people involved in this attack/.... (30)

attack - about this particular attack before it was made ?--- (Court intervenes)

MILNE: J.P. Just repeat that.

MR. THIRION: Did you speak to any of the people involved in this attack about the attack before this attack was made ?--- Yes, there was one that I saw and spoke to. (5)

Who was that ?--- I spoke to Solomon Mbandjwa. He was telling me how they got on.

Did you give any instructions to him or any explanations to him in regard to this proposed attack ?--- (Court intervenes) (10)

MILNE: J.P. Did you see him about this attack before it took place ?--- I saw him at the meeting before the attack, the meeting of the Regional Command.

What he told you he told to the Regional Command ?--- M'Lord, Ronny Kasrils made a report to the Regional Command after the attack and it was then that Solomon and I had a conversation by ourselves. (15)

Yes, but you are being asked whether you had any conversation with any person involved in this attack, before the attack took place ?--- No. (20)

MR. THIRION: Are you sure on that point ?--- As far as I can remember. I don't remember talking to anyone before the attack of the group that were supposed to do the attacking. (25)

That is the attack at the pylon between Cliffdale and Hammardele ?--- (Mr. Thirion adds)

Are we talking about the same thing ?--- (Mr. Thirion further adds)

A railway pylon ?--- Yes, I remember. (30)

When/...

When did you teach Mbandjwa the use of dynamite - that is Solomon Mbandjwa ?--- He was present in the garage, at George Maicker's, when we were making preparations for previous attacks.

MILNE: J.P. For what attacks ?-- Previous attacks. (5)

Previous to what ?--- The three pylons.

I am sorry. You say he was present in the garage when preparations were being made for previous attacks. Do you mean the previous attacks when the three pylons were involved ?--- Yes. (10)

What was your question Mr.Thirion, something about when - when did you teach Solomon Mbandjwa ?
(Mr.Thirion completes question)

MR.THIRION: The use of dynamite ?-- (Mr.Thirion adds)
How to work with it ?--- At that time. (15)

MILNE: J.P. At which time ?--- When we were going to attack these three pylons, and he went with me once when we were going to make an attack after that.

MR.THIRION: That was the attack between the Cliffdale and Shongweni Station ?--- (Court intervenes) (20)

MILNE: J.P. What did you say ?.

MR.THIRION: Was that the attack between the Cliffdale and Shongweni Station, when you and Solomon Mbandjwa were involved? That was the second occasion when he saw how dynamite was being used. (25)

Now, on these occasions, did you also teach him the difference between cortex and safety fuse ?--- Yes, I did.

MILNE: J.P. Where did you teach him the difference ?---
When we were making the preparations for the three pylons (30
and/...

and the one between Cliffdale and Hammarsdale.

Between Hammarsdale and Shongweni ?-- M'Lord, it was on three occasions, on two occasions when we were making preparations to attack three pylons and when we were making preparations to attack between Cliffdale and Shongweni. (5)

When were you doing that - when you were making preparations for the attack between Cliffdale and Shongweni ?--- Shortly after the attack on the three pylons. (10)

The attack between Cliffdale and Hammarsdale, when was that ?--- It was also after the attack of the three pylons. I don't know how soon afterwards, but it was within that period. The attack between Cliffdale and Hammarsdale was after the attack between Cliffdale and Shongweni. (15)

MR. THIRION: Just to clear up something which you've mentioned just now. You said a report was made to the Regional Command, do you say that Solomon Mbandjwa attended a Regional Command meeting or was a report made through someone else ?--- (Mr. Thirion adds) (20)

That is shortly before the attack on the pylon between Cliffdale and Hammarsdale or shortly thereafter ?--- Does that mean the report after the attack ?.

Did he either before or after the attack attend a meeting of the Regional Command itself ?--- Yes, he was present. (25)

Did he attend the meeting itself ?--- As far as I remember he was present.

And did he on that occasion see Curnick Ndhlovu, yourself and Kasrils ? If you are not sure say so ?--- See each/...

each other in what way ?.

I was referring specifically to a meeting of the Regional Command ?--- (Court intervenes?)

MILNE: J.P. Was Solomon Mbandjwa at the time of the attack, on the pylon, between Cliffdale and Shongweni, a member of (5 the Regional Command ?--- No, he was not, not yet.

Do you say that he attended a meeting of the Regional Command before that attack took place ?--- He became a member of the Regional Command after that attack.

Do you say that he was present at a meeting of (10 the Regional Command before that attack took place ?--- He was not present at any meeting before the attack.

Was he present at a meeting of the Regional Command after the attack on the pylon between Cliffdale and Shongweni, when the report was made about that attack ?--- (15 No.

Was he present at any meeting of the Regional Command when the attack which was to be made on the pylon between Cliffdale and Hammersdale was discussed ?--- He was not present. (20

Was he present at any meeting of the Regional Command when a report was made to the Regional Command about the attack which should be made on the pylon between Cliffdale and Hammersdale ?--- Yes, when the report was made, yes.

Who else was present when that report was made ?--- (25 (Court adds)

Who were all the people present when that report was made ?--- Billy Nair, myself, Curnick Ndhlovu, Ronny, Solomon Mbandjwa.

MR. THIRION: Where did this meeting take place, can you remember ?--- I don't know whether this wasn't one of the meetings/...

we had either in the Botanic Gardens or at Howard College.

Solomon I think told us that he only met the members of the Regional Command after he had been appointed as a member of the Regional Command ?--- It is so M'Lord.

Well, now, according to the indictment, this (5) attack between Cliffdale and Hammarsdale took place on the 9th December, 1962 ?-- Yes.

And if I remember correctly the evidence is that Solomon Mbandjwa became a member of the Regional Command (10) somewhere in 1963 ?--- M'Lord, is the date the 9th December, 1962 the attack between Cliffdale and Hammarsdale ?.

MILNE: J.P. That is what is alleged by the State ?-- M'Lord, if that is so, that is the attack, that I remember that soon afterwards Solomon was made a member of the Regional (15) Command.

MR. THIRION: According to a note which I have he became a member at the end of March or the beginning of April, 1963 ?--- Though I don't remember the exact date, I only remember that it was after the attack on the pylon between (20) Cliffdale and Hammarsdale when Solomon Mbandjwa was appointed a member of the Regional Command.

But the report back about this attack, would not have been made three months after the attack, or would it ?--- M'Lord, I may be making a mistake, but as far as (25) I can remember, he was present at the meeting when the report was made about the attack between Cliffdale and Hammarsdale.

I want to read to you what another witness has said in this Court about the attack between Cliffdale and Hammarsdale. M'Lord, I refer to pages 111 and 112 of the record/....

record, and there is also a reference to the same subject at page 140 M'Lord. According to this evidence you handed a parcel of dynamite to Solomon Mbarijwa at Lakhani Chambers to be used at this attack between Cliffdale and Hammersdale, what do you say to that evidence ?-- I deny (5) that. M'Lord, he may be confusing it with the attack between Cliffdale and Shongweni M'Lord. I did not hand out any parcels in connection with the attack between Cliffdale and Hammersdale.

And you did not hand out any parcel either in (10) regard to the attack between Cliffdale and Shongweni because you went there yourself ?--- We were both carrying parcels, he was carrying the powder for instance.

MILNE: J.P. This is evidence that reads like this, referring to page 112 line 15: "On the Saturday before this Bruno (15) handed me a parcel at Lakhani Chambers at the office. It was wrapped in a brown paper. I took this parcel with me to my home. When I was at home by myself I undid this parcel to see what the contents were. I noticed that it contained about 20 sticks of dynamite, five had holes (20) through the centres like explained earlier. The one had a safety fuse attached to it". What do you say about that ?--- Not as far as I remember M'Lord.

Mr. THIRION: This witness went further. I am now referring to page 140 M'Lord. He was questioned about his expression (25) which he used namely "safety fuse", and this is now Solomon Mbandjwa speaking: "When did you get to know this term "safety fuse" ?--- When Bruno handed me a parcel of explosives when we were going to do work between Cliffdale and Hammersdale". Then lower down: "How did you get to know the/.....

the term "safety fuse" ?-- (The reply was) "I asked him whether there was a stick of dynamite with cordtex attached so he told me that there was one with safety fuse". What do you say to that ?--- W'Lord, I can't say anything in connection with that. To teach a person you don't know (5 how much he has taken in.

MILNE: J.P. No, no, this is further evidence under cross-examination. The witness who gave this evidence as recorded was Solomon Mbandjwa. The evidence that I read out about your handing him a parcel of dynamite containing (10 20 sticks which he opened at home. What Counsel for the Defence is now doing is to refer to another passage in his evidence in which he repeats this evidence about being handed a parcel of explosives when they were going to work between Cliffdale and Hammarisdale ?--- (Court adds) (15

So he confirms what he said before about your handing him a parcel of explosives for use between Cliffdale and Hammarisdale. What do you say to that ?--- I deny it, as far as the target between Cliffdale and Hammarisdale is concerned. (20

Did you ever hand him a brown paper parcel containing dynamite ?--- When we went to this target between Cliffdale and Shongweni, we had the dynamite wrapped in a brown paper.

Did you ever give him a parcel of dynamite which (25 he took home ?--- I don't remember.

The dynamite which you used with respect to the pylon between Cliffdale and Shongweni, was dynamite which you and he both took to the spot ?--- Yes.

Where was it parcelled out ?--- I will say that
in/...

in town, in Durban I first wrapped it up when it was handed to me by Ronny.

And is it quite clear or are you not sure about it that you did not hand any parcel of dynamite to Solomon Mbandjwa at Lakhani Chambers ?--- It could have happened (5 in this way, that if Ronny Kasrils had handed me a parcel to hand to Solomon Mbandjwa, and I did not know what the contents were, it could have happened in that way, but as far as remembering that I gave him a parcel containing dynamite, I don't remember. (10

Yes, well now. At page 112 the witness is recorded as saying: "When I was at home by myself I undid this parcel to see what the contents were", that suggests that he didn't know until he got home, do you follow ?-- Yes.

But at page 140 when he is being cross-examined, (15 he is asked: "When did you get to know about this term "safety fuse" ?--", he is recorded as saying: "When Bruno handed me a parcel of explosives when we were going to work between Cliffdale and Hammarsdale". The next question was: "He handed you this particular parcel at (20 Lakhani Chambers ?", and the answer was: "Yes". The next question: "Where did you open it ?", and the answer was: "At my home". The next question: "How did you get to know the term "safety fuse" then ?", and his answer is: "I asked him whether there was a stick of dynamite with the cordtex (25 attached, so he told me that there was one with a "safety fuse". Now that last answer, unlike the answer at page 112, suggests that he knew that there was a stick of dynamite with a "safety fuse" when he was handed the parcel ?-- I see.

What/....

What have you to say about that ?--M'Lord, it is possible that he is mixing matters up because these two incidents followed soon after one another.

I don't understand that. How can he confuse taking a parcel home with a parcel that you both took (5 to do the job between Cliffdale and Shongweni, that's not taking a parcel home is it ?--- M'Lord, it happened on many occasions that parcels were given to us and said "well this belongs to Solomon Mbandjwa" and we take it to them, but I can't remember handing Solomon Mbandjwa a (10 parcel knowing it to contain dynamite. It is possible that it may have happened, but I don't remember it M'Lord.

MR. THIRION: Certainly Kasrils wouldn't have allowed you to handle 20 sticks of dynamite without telling you what dangerous goods you were having in your possession ?--- (15 M'Lord, I am not denying what Counsel is saying, but Ronny did some very irresponsible things at times.

This was right in town and if the police were to find you in possession of 20 sticks of dynamite you would be in trouble ? If the things were to catch fire you would (20 be dead ?--- That is true M'Lord.

MILNE: J.P. My learned Assessor Mr. Turton refers me to what this is a propo of something that you said some time ago Mr. Thirion - he refers me to what the witness said yesterday regarding the joining of the Regional Command by Solomon (25 Mbandjwa. This is his note: "In 1963 after the attack on the train at Hammarsdale Solomon Mbandjwa came to the Regional Command and remained until his arrest". I just mention that, it is the learned Assessor's note upon the subject.

MR. THIRION: As Your Lordship pleases. M'Lord, I was actually referring to my note on Solomon Mbandjwa's evidence when I put my date to the witness.

MILNE: J.P. Yes, now you were saying that this dynamite could have killed you. Yes, Mr. Thirion. (5)

MR. THIRION: I want to go on to another subject. You gave evidence about the attack on the three pylons, that at Sarnia, Kadamore, and New Germany ?---Yes.

And you told us that you went and measured the pylon at New Germany ?--Yes. (10)

Thereafter you and others met at the garage of no. 6 accused, that's George Naicker ?--That is so.

And you prepared the dynamite there ?-- Yes, M'Lord, that is so.

You also said that before you met in the garage you and Ronny Kasrils went to Shallcross and fetched a tin (15 containing dynamite and a container containing "safety fuse" and cordtex ?--Yes.

When, in relation to the preparation of this dynamite, at George Naicker's Garage, did you fetch the dynamite at Shallcross ?--- It was after the measuring of (20 the pylon that we fetched the dynamite from Shallcross, but I can't say exactly how many days before we worked in George Naicker's Garage, but it was shortly afterwards.

MILNE: J.P. What was shortly afterwards ?--- It was soon after measuring the pylon that we fetched the dynamite from (25 Shallcross.

How/....

How soon or how long after you fetched the dynamite from Shallcross that you prepared the explosives in the garage of No.6 accused - George Naicker? ---- It was, as far as I can remember, shortly after or whether it was on the same day I can't remember clearly. (5

Can you remember what time elapsed between the preparation of the explosives for these three attacks on the pylons in the garage of George Naicker and the actual doing of the job itself? ---- We were supposed to attack the same day as the preparations were made of (10 these explosives with dynamite but it did not happen. The attack was made the following day, as far as I can remember.

MR. THIRION: Solomon Mbanjwa accompanied you on the occasion when you went to measure this pylon at New (15 Germany? ---- Yes.

Was it after that measuring of the pylon that you fetched the dynamite from Shallcross? ---- Yes.

~~You've told us that certain persons were to go with either Kasrils or Bruno or yourself in these three attacks? ---- Bruno and I are one and the same person. The question by Counsel was: 'Bruno and yourself.'~~ (20

I am sorry. Certain persons were to go with either you yourself or Kasrils or Billy Nair? ---- Yes. (25

And you say it was decided that Coutzee Naicker should go with? ---- Yes.

And with whom should he go? ---- If I remember correctly he was to accompany Ronny Kasrils.

Why do you say: 'If I remember correctly'? (30

Does that mean that you are not sure? ---- It is a long time ago; I can't say positively that it was decided whom he had to accompany. I know that it was decided that he should go. As far as I can remember, it was decided that he should accompany Ronny Kasrils.

Yesterday I think you were more positive about that? ---- It is like that; a human mind, sometimes something is clear in your mind and other times it is not.

You said - this was the question. I am reading from page 1710. 'Did the meeting decide whom Kasrils was to take with him?' 'He would be accompanied by Coetzee Naicker and Justice Mpanza.'

MILNE, J.P.: You say it was his evidence that he gave yesterday?

MR. THIRION: Sorry, -in-chief, M'Lord.

MILNE, J.P.: When was this?

MR. THIRION: It was either Monday or Tuesday. It was not yesterday.

MILNE, J.P.: On the 24th, that was a Friday. Do you mean Friday?

MR. THIRION: Yes, M'Lord. I read from line 15. 'Did the meeting decide whom Kasrils was to take with him?' 'He would be accompanied by Coetzee Naicker and Justice Mpanza. The others I do not remember.' ---- That is so.

Now you say you are not quite sure on that? ---- I said my mind - that is as far as I can remember. I won't say emphatically that that is actually what happened.

Sketch witness

And if Coetzee Naicker were to say that he accompanied accused No.4, that is Billy Nair, and not Kasrils? ---- I would agree because it happened a long time ago.

Is it not then also possible that you have doubts about the other persons whose names were mentioned? (5)

---- No.

At how many places at Shallcross - at how many spots at Shallcross did you bury the dynamite when you originally took it there to bury it? ---- It was only one hole. (10)

There was evidence that this dynamite at Shallcross was discovered by the police on the 14th October, 1962? ---- (The Court intervenes).

MILNE, J.P.: Some dynamite? (15)

MR. THIRION: Some dynamite at Shallcross? ---- It was a long hole which was dug in the ground. I wouldn't deny that evidence.

MILNE, J.P.: I think what Counsel is directing your mind to is the fact that the dynamite, a heard of dynamite contained in, inter alia, a plastic bucket, was discovered by the police on the 14th October? ---- I understand. (20)

Whereas the three pylon attacks at Sarnia, New Germany and Montclair happened on the 1st November, according to the State case? ---- I don't know how that fits in. It is possible that I made a mistake with the fetching of the dynamite - the date of the fetching of the dynamite. (25)

Are you now suggesting that the dynamite might have been fetched from Shallcross as much as (30)

perhaps a month before the three pylon attacks? ----
According to the evidence it is clear that we must have
fetched it before the 14th.

MR. THIRION: You've told us that you fetched the
dynamite after you had measured the pylon? ---- Yes. (5

My recollection of Solomon Mbanjwa's evidence
is that he said that the measuring was done on the one
day, the preparation of the dynamite at George Naicker's
place on the following day and the attack on the day
thereafter? ---- He probably remembers one way, I re- (10
member in another way. The minds of two persons. That
is why I say, as far as I can remember, after the
measurements were taken I went and fetched the dynamite.
I may be wrong.

MILNE, S.P.: When you did the measuring, was anybody (15
with you? ---- Yes. I had persons with me.

Who were they? ---- Jerry Kumalo, Solomon
Mbanjwa and Ablon Duma.

MR. THIRION: Did both Jerry Kumalo and Ablon Duma
accompany you when you went to measure this pylon at (20
New Germany? ---- As far as I remember, Jerry was not
with us when we left town. I have a recollection that
he was waiting for us along the way at a bus stop.
That is as far as I can remember.

MILNE, J.P.: When did you last hold any converse with (25
Solomon Mbanjwa? ---- Before he was arrested.

Not since? ---- No.

MR. THIRION: Just one other point in relation to the
attack on the pylon. After you had finished the attack,
what did you do with the gloves? ---- Solomon Mbanjwa (30

burnt them.

Was that on the way back from the New Germany pylon? ---- Yes, when we were coming back from there.

Was that before you went to the bus stop? Where you caught a bus to go home? ---- Before we got (5 to the bus stop.

In relation to the cutting of the signal wires at Hammarsdale, did you have any discussion with Solomon Mbanjwa before the cutting of the signal wires? ---- I don't remember talking to him but it could have (10 happened.

Did he ask you for any instrument to - can you remember whether he asked you for any instrument to be used in connection with the cutting of the signal wires? ---- I seem to remember that he spoke to me (15 about pliers.

In fact during the period 1961 to 1963, you had continuous discussions about the business of 'Mkonto we sizwe'? ---- Yes.

In addition to what you did here in Natal you (20 had to go up to Rivonia in Johannesburg and you saw members of the Regional - of the High Command there? ---- Yes.

And you had lengthy discussions with those people too? ---- Yes. (25

And then after your arrest by the police, did they question you at length? ---- Yes.

About all the aspects of your activities in connection with 'Mkonto we sizwe'? ---- Yes.

And during those discussions which you had (30

with/.....

with the police, did they also tell you about your own activities and other activities of 'Mkonto we sizwe'?

---- I can't remember how all these discussions took place but I can only state that I had made up my mind to tell them the truth.

I am not dealing with that now. During your discussions with the police, did they seem to have a lot of information about your activities? ---- Yes.

And not only your own activities but also the activities of other people connected with 'Mkonto we sizwe'? ---- Yes.

Did it strike you that they seem to know in great detail how these acts were committed? ---- Yes.

And also about the people who were involved in the particular attacks? ---- Yes.

Isn't it possible that some, at least, of the information which you had given us here in Court as being received at discussions at the Regional Command, you could have obtained from some other source or some other discussion outside the Regional Command and you now can no longer separate these facts in your mind? ---- No, that is not so.

But you have given us certain - you have admitted certain facts where you might be mistaken? ---- That is true.

Isn't it also a fact that a discussion, some report that is made, is more easily forgotten than an actual experience by you? ---- Not really, but sometimes when these various things, you think about it and you remember, some things you may forget, others not.

Isn't the position that you had discussions with Regional Command members outside the actual meetings of the Regional Command? ---- Yes, it did happen.

Did you not at those meetings or those occasions also discuss the happenings of the 'Mkonto wa sizwa'? ----- Yes, it did happen. (5)

I ask you again: isn't it possible that you might be confusing the information obtained at one time with the information obtained at a totally different occasion? ---- No, I can't see how I conclude that. (10)

Do you remember while giving evidence at the Rivonia trial, that is in Pretoria, there was an occasion when you complained that you were tired? ---- Yes.

That was after a lengthy spell of cross-examination? ---- Yes. (15)

Now I am going to read to you what is recorded. The question was this - page 67. 'But you've said a lot of things now which you didn't say on the last occasion. That is the thing that interests me. I will deal with that later on.' Then your reply is recorded as: 'I am sorry about these mistakes but I have been on 90-days' and my mind, I get mentally tired and that is why I am getting confused.' ---- Yes. (20)

Did you say that? ---- Yes, I did say it. (25)

What concerns me here is your reference to having been on 90-days'. You seem to advance that as one of the reasons for your getting mentally tired and confused? ---- Yes.

Will you explain your reference to having (30)

been on 90-days'? ---- What I meant to convey is when you are on 90-days' detention you don't get the exercise - sufficient exercise to be a fit person.

Mentally fit or physically fit? ---- When your legs get tired you also get mentally tired. Your body is tired, your mind gets tired. (5

Are you still on 90-days' or have you been released? ---- I am still on 90-days'.

MILNE, J.P.: Does that mean that you are kept in solitary confinement? ---- Yes. (10

You are not allowed to see anybody else except members of the police force? ---- That is so.

And a Magistrate once a week? ---- Yes.

MR. THIRION: Will you tell us when it was that you received these books about guerilla warfare from Johannesburg? ---- I think Ronny Kasrils brought them about 1962. (15

Is that the nearest you can put it? ---- I don't remember the exact time.

MILNE, J.P.: Before you leave altogether the subject of the Rivonia trial, can you tell me for how many days you were in the witness box in that case? ---- I think my evidence-in-chief was three days, then followed the cross-examination, one-and-a-half days. (20

Was there any separation between the completion of your evidence-in-chief and the commencement of your cross-examination? ---- There was a break, yes. (25

Can you remember for how long it was? ---- I think about three weeks.

Can you tell me the date on which you (30

completed giving your evidence in the Rivonia case?
Was it this month or last month? ---- This month. The
Friday before last.

Now you were asking the witness about the
book about guerilla warfare, Mr. Thirion. I must tell (5
you, I haven't looked at this exhibit about guerilla
warfare, the book that was put in. I don't know
whether either of the learned assessors have. They
inform me that they haven't looked at the book either.
The book that was put in. There is no charge about (10
this, is there?

MR. THIRION: M'Lord, as I understand the State's
attitude, they are not referring to the contents of the
book or a charge in relation to the book but it is to
tie up the various persons with the organisation. (15

After you had received this book, did the
members of the Regional Command read it first of all?
---- Yes, there were five copies which were being read
by the members of the Regional Command.

Can you say when it was that you handed your (20
copy or that you handed a copy to accused No.18? ----

MILNE, J.P.: That is Ndawonde. ---- I don't remember
but I know he kept on asking me 'Where is the book
that you promised to give me?' Eventually I took it
from my cupboard; it was wrapped in a newspaper. (25

In what language was it written? ---- English.

MR. THIRION: Accused No.18, that is David Ndawonde,
will say that he did not receive a book from you but
that he received one from Justice Mpanza? ---- As far as
I can remember I will deny that. (30

Is it then possible that you did not give your book to accused No.18, that is David Ndawonde? ---- I can't make a mistake because as I have said, he continually reminded me and asked me for this book.

Why then did you say: 'As far as I re- (5
member'? ---- That is why I said, as far as my memory took me, and that I know that I couldn't have given him the book when he asked for it because somebody else still had it.

When did accused No.8 - that is Curnick (10
Ndhlovu, cease to be a Regional Commander? ---- When he was arrested.

When did accused No.18 become a member of the Regional Command - that is David Ndawonde? ---- They were introduced by Billy. The 90-Days' Act was still (15
being discussed in Parliament but not passed. I think where it took place was the Botanic Gardens.

MILNE, J.F.: According to the printed Statutes for 1963, the Act which contained the 90-Day Provisions was enacted on the 1st May, last year? ---- I know it must (20
have been very close to that date because I know at that time the Minister of Justice made a statement. Because he said that he wanted this Act to come into force before the 5th May.

Did you attend any meetings of the Regional (25
Command which were also attended by David Ndawonde? ---- Yes.

MR. THIRION: You have told us that Stephen Mtshali became a member of the Regional Command? ---- Yes.

Was it before or after or about the same time (30

that/.....

that accused No.18 became a member of the Regional Command? ----- Together.

And I think you've told us that Mtshali became a member about July of 1963? ----- That's why I tried to explain -- they were introduced before this (5
Act came into force and it was suggested that they would be standbys so that if any member of the Regional Command was arrested, one of them would take their place.

MILNE, J.P.: This was suggested by whom? ----- Billy Nair.

These men, Stephen Mtshali and David (10
Ndawonde were not there at the time? ----- They were present at the meeting where they were introduced and pointed out to us.

They did not become members until later than that. Members of the Regional Command? ----- Yes. (15

Do you say that neither of them became actual members of the Regional Command until July? ----- As far as I can remember, they became members during July when some of the members of the Regional Command were arrested.

When you said a little while ago that David (20
Ndawonde became a member of the Regional Command before the 90-Day Provisions became law, was that a misstatement? ----- That was the date when they were introduced but I will say that it is a mistake to say that they became actual members. (25

In July? ----- Before the 90-Day Act was passed.

I have just mentioned to you that the 90-Day Act appears to have been passed on the 1st May? ----- They were introduced before that date. (30

Yes, but now Counsel is putting it to you that you said that Stephen Mtshali became a member of the Regional Command in July? ---- That is true.

If he only became a member in July and they both joined at the same time, doesn't it follow that David Ndawonde didn't become a member of the Regional Command until July? ---- That is true. (5)

THE WITNESS STANDS DOWN.

THE COURT TAKES THE LONG ADJOURNMENT.

(10)

AT 2.15 P.M. THE COURT RESUMES.

BRUNO MTOLO: (Still under oath).

CROSS-EXAMINED BY MR. THIRION: (Continued).

How did you come to know that No.18 - David Ndawonde, was a Section Leader? ---- I heard at a meeting of the Regional Command. (15)

Is that all? ---- Yes.

Accused No.18 will deny that he was a member of the Regional Command? ---- He would be denying the truth.

Or that he was a Section Leader? ---- As far as the Section Leader, it is only a report I received at the Regional Command; I can't say any more. (20)

Or that he had anything to do with 'M.k.'? ---- I gave him training in the working of bombs.

When did you give him that training? ---- In 1962; I think it was one of the first groups that I trained. (25)

You don't seem to be sure of the date? ---- Although I don't remember the exact date, I remember that I gave him training. (30)

You/.....

You didn't identify accused No.5 as a member of 'Mkonto we sizwe' directly, but I must put to you his defence, that is that he was not a Section Leader (The Court intervenes).

MILNE, J.P.: There is no need to put it; the witness (5 hasn't said anything. He has not said anything about No.5.

MR. THIRION: M'Lord, he has said that a man by the name of Kisten was a Section Leader.

MILNE, J.P.: When he was being taken one by one through (10 the accused by Mr. Rees, what did he say about No.5?

MR. THIRION: He said that he knew him.

MILNE, J.P.: What page?

MR. THIRION: There is a reference at 1696.

MILNE, J.P.: Put your question Mr. Thirion if you (15 think it would be better to do so.

MR. THIRION: I leave it at that M'Lord.

As far as No.8 is concerned, you say that you on one occasion gave him certain pipe bombs to be used at Kwa Mashu? ---- Yes. (20

Was it not very dangerous for accused No.8, seeing that he was the Regional Commander to disclose himself to members or to Section leaders? ---- He would only expose himself to, as far as I remember, to Justice Mpanza who was the leader. (25

But would the safest thing not have been for him to have given the bombs to you to convey to Justice Mpanza? ---- (Mr. Thirion adds).

Or to convey it to Kasrils to be handed over to Justice Mpanza? ---- I remember that it was Curnick (30

who/.....

who knew where the houses of the Advisory Board were.

You are not suggesting that he went there himself to put them there? ---- No, I wouldn't say that.

As far as accused No.8 is concerned, is your evidence to this effect that he played a very negative (5
role in this organisation? ---- Only as far as what I
have said, that I know about.

Accused No.8 will say that on certain occasions he was away from Durban during 1962. He will say that he was required to go to the Transvaal, to (10
Johannesburg; that he was called there on the 6th
December, 1962, and that he was away until the 17th
December, 1962. What do you say to that? ---- I can't
admit or deny it. If he mentions these specific dates,
I don't remember. (15

Was there an occasion in December, 1962, that accused No.8 - Curnick Ndhlovu - had been to the Transvaal? ---- Yes, I would say that there was an occasion that he went there. He took up a group that went out of the Republic for training. (20

He will say that he went to Johannesburg on Trade Union affairs? ---- I can't say that he went up in December. I can only say that he went up at a certain time when he escorted a group that went away for training. (25

He will also say that he was away to Johannesburg from the 12th until the 24th September, 1962? ---- Before we proceed, I want to go back to the question that was put, that he left on the 6th December, 1962, and returned on the 17th December, 1962. He will (30

not be speaking the truth, for this reason - I am afraid I made a mistake. The meetings I referred to were on the 1st and 2nd December of some Workers' Union.

INTERPRETER: I will put the question again. ---- In connection with the last question that he had gone (5
away from the 12th to the 24th September, I do not remember.

MR. THIRION: He will say that on that occasion too, he went away on S.A.C.T.U. affairs? ---- We only went to S.A.C.T.U. meetings during the Easter holidays. (10

MILNE, J.P.: Who only went? ---- Members of S.A.C.T.U. Only once a year? ---- There was a National Conference once a year in Johannesburg.

MR. THIRION: But I didn't say that he went there for the National Conference? ---- (Mr. Thirion adds). (15

He will say that in September he went to make a report to the Management Committee of S.A.C.T.U. in Johannesburg? ---- I don't remember it.

And in December it was in connection with the Railways Union - the Railway Workers Union? ---- Counsel (20
has reminded me, there was an occasion that No.8 accused went up to Johannesburg in connection with the Railway Workers Union.

He will say it was from the 6th December to the 7th December, 1962? ---- I cannot say that those (25
were the dates and the month.

Does No. 5 also deny that he had anything to do with 'Wente we sizwe'? ---- He would be denying the truth.

He denies that he was the Regional Commander (30

of this organisation? ---- He would be denying the truth.

As far as accused No.13 is concerned - that is Bernard Nkosi - you say he accompanied him on one occasion when you made an unsuccessful attempt on a pylon near Mariannhill? ---- Yes.

(5

He will deny that he was present? ---- He would be denying the truth.

Just a few details before I sit down. You say at the first meeting, that is the meeting when Chaitow was present, you say accused No.8 - Curnick Ndhlovu - was present at that meeting? ---- Yes.

(10

Also Eric Mtshali? ---- Yes.

Chaitow gave evidence and he mentioned only one African, apart from yourself? ---- He is making a mistake.

(15

MILNE, J.P.: Who was the other African? ---- Myself, Curnick Ndhlovu and Eric Mtshali.

MR. THIRION: On how many occasions did Chaitow see Curnick Ndhlovu during those meetings with Strachan and the experiment that were made in that regard? ---- (The Court intervenes).

(20

MILNE, J.P.: Can you say of your own knowledge, that is because you saw it with your own eyes, that Chaitow was present in the same company with No.8 accused? ---- Yes.

(25

You've mentioned this first meeting. What other occasions were there? ---- The second occasion was when we went to the flat of Brian Chaitow.

MR. THIRION: Was Curnick Ndhlovu present there? ---- Yes.

And did Chaitow see him? ---- Yes.

(30

MILNE, J.P.: Was there a third occasion? ---- Those are the two I remember.

MR. THIRION: You say Chaitow was the Technical Officer, yet he was not a member of the 'M.k.'? ---- Yes.

Whereas you as deputy Technical Officer, you were a member of 'Mkonto wa sizwe'? ---- That is so. (5)

How do you explain that, that a man who occupied a more senior position did not become a member of the organisation? ---- He was a member of 'M.k.' but not a member of the Regional Command. (10)

How is it that he did not become a member of the Regional Command seeing that he occupied a more senior position than you? ---- I cannot explain why they did that.

MILNE, J.P.: Just a moment ago you said he was not a member of 'M.k.'? ---- I said that he was a member of 'M.k.' but not a member of the Regional Command. (15)

MR. THIRION: Did you ever discover that the police had taken the dynamite away from Shallcross? ---- We saw it in the newspapers. (20)

Did you go to that place or send some one there? ---- No, we never went there.

You've told us that a car was hired in connection with the attacks on the three pylons? ---- Yes.

Who used that car? ---- Ronny Kasrils. (25)

Did he assist you to get to New Germany to that pylon? ---- I think he did on the day of the attack.

On the evening of the attack? ---- Yes.

Did he use a black car or did he use this car which had been hired? ---- I think he used the hired (30)

car.

You've told us that Govin Mbeki came down and told you that the A.N.C. was not involved with 'Mkonto we sizwe'? Do you remember such a person? ---- Yes, I remember him. (5)

Was he the man who told you that the A.N.C. was not in charge of 'Mkonto we sizwe'? ---- No, it wasn't him.

Who was it? ---- I don't remember anyone saying that. (10)

MILNE, J.F.: The man who told you that the A.N.C. was not in charge of 'Mkonto we sizwe'; it was the Communist Party. Was there anyone who told you that? ---- Nobody told me that the 'Mkonto we sizwe' and the A.N.C. are not connected. (15)

MR. THIRION: Perhaps I've got it wrong. You see, you were questioned about your becoming disillusioned with this organisation 'Mkonto we sizwe'? ---- Yes.

And one of the reasons was that the Communists had taken charge of this organisation? ---- That is so. (20)

Didn't you say that some one gave you that information? ---- I said something but not the way Counsel put it.

Put it in your own way then? ---- I said that at a certain time Govin Mbeki arrived. He had come to discuss matters of the A.N.C. and 'Mkonto we sizwe'; that A.N.C. members in Durban should support the 'Mkonto we sizwe'. That is where I mentioned the name of Govin Mbeki. (30)

This Solomon Mbanjwa, did he occupy a senior position in the A.N.C.? ---- Yes, he was in charge of the A.N.C. in Natal.

Yet he was also in a fairly senior position in 'Mkonto we sizwe'? ---- He ended up by being a member of the Regional Command and a recruiting officer for 'M.k.' (5)

NO FURTHER QUESTIONS BY MR. THIRION.

MILNE, J.P.: I have a note here in my notebook of evidence that you gave last Friday during the fore-noon, and my note is an abbreviated one. It includes this: 'I came to the realisation that the 'M.k.' was not a branch of the A.N.C.?'---- Yes. (11)

What brought you to that realisation? ---- When the A.N.C. wanted to take control of the 'M.k.' They were then told that although the 'M.k.' was a wing of the A.N.C. they as a political organisation could not take control or could take control of a military wing, because this wing had officers of its own controlling it. But at closed meetings of the Communist Party and directives that we got from the Communist Part, it was then that I heard that the Communist Party had the greatest say in the 'M.k.'. (15) (20)

I have a note - I have now been referred to the transcript of the evidence recorded by the machine, page 1846. You said in answer to Mr. Gurwitz that you had come to the realisation that the A.N.C. had nothing to do with 'Mkonto we sizwe' from the beginning of 1963, and the evidence now reads: 'Did you do anything about that, about your knowledge that the A.N.C. had nothing (25) (30)

to do with the 'M.k.'?' The answer is: 'I did not do anything personally.' 'You continued with the acts of sabotage nevertheless?' 'Yes'. Now, from whom did you get the information or from what facts did you come to the realisation that the A.N.C. had nothing to do with the 'M.k.'?' The answer is: 'At first I got it from the directives of the Communist Party; after that I heard it from Solomon Mbanjwa and I heard from Solomon that there were members coming down from Johannesburg to start some relationship between the A.N.C. and 'Mkonto we sizwe'.' It appears then that I asked you 'members of what?' Your reply is recorded: 'There was one Govin Mbeki that I knew but he was a member of the A.N.C.' And then you said that Solomon said that members were coming from Johannesburg to start relations between the A.N.C. and the 'M.k.'. The answer 'Yes'. Then the question: 'When Solomon Mbanjwa said members were coming from Johannesburg, did he indicate what organisation they were members of?' The answer: 'He did not mention of which organisation they were members but he mentioned by name Govin Mbeki and I was aware of the fact that he was a member of the A.N.C.' Was there no one who told you that you had been mistaken in thinking that 'M.k.' was a wing of the A.N.C.? ---- Nobody told me, apart from the facts that I've laid before this Court, that I can't ask myself.

RE-EXAMINED BY MR. REES:

You told the Court that on the second occasion when you went to Brain Chaitow's flat, No.8 accused was also present? ---- Yes.

Did you stay very long in the flat that night?

---- No.

Why not? ---- Brian Chaitow said that as his wife was expecting, she wanted to go to bed early.

And then did only you leave or did everybody (5
leave? ---- We all then left and went to the home of
Eric Mtshali at Clairmont.

Would you have a look at the book that is con-
tained in the envelope marked 35(a) and tell the Court
what you can say about it? ---- This is the book I (10
spoke about.

In what connection? ---- It is written about
guerilla warfare, and matters connected with Cuba.

To whom, if anybody, did you give such a book?
---- I handed it to David Ndawonde, after Tresa Shezi (15
had finished with the book.

During your visit to the High Command, were
you on any occasion given any instructions about the
employment of five or six or seven persons on a full-
time basis in Natal? ---- Yes. (20

Did you raise that at a Regional Command
meeting? ---- Yes.

MILNE, J.P.: I am afraid these questions partake of
leading questions, Mr. Rees.

MR. REES: M'Lord, that was virtually introductory (25
matter, it is the point that I want to come to now.

Who was present when that matter was raised?
---- Stephen Mtshali, David Ndawonde, Ronny Kasrils,
Ebrahim and I.

MILNE, J.P.: When what happened? ---- When I reported (30

about/.....

about instructions I got from the High Command.

About? ----- In connection with seven organisers.

Was nobody else present? ----- No one except those that I have mentioned. (5)

Solomon Mbanjwa was not present? ----- He had already been arrested.

MR. REES: Do you remember you gave evidence about the number of attacks that had some connection with the arrest of Mandela? ----- Yes. (10)

And amongst those you mentioned the offices of the security police? ----- Yes.

Where did the Regional Command believe that the security police offices were? ----- I don't remember where but I only know that their offices were in Durban. (15)

You mentioned a person Siva, whom you had seen for about twenty minutes? ----- Yes.

Would you have a careful look at all the accused persons here and say whether you are able (The Court intervenes). (20)

MILNE, J.P.: I don't think we can go over this again Mr. Rees.

MR. REES: Does Your Lordship rule that (The Court intervenes).

MILNE, J.P.: He had his chance of looking at the accused and he said he didn't recognise a particular number of the accused, a particular person and there was further questioning about it, and although he had said this there was no further attempt in his evidence-in-chief to ask him to revise ... (Mr. Rees intervenes). (25) (30)

MR. REES: No, but he was questioned at considerable length about this person, Siva, and my submission is that on that basis the State is entitled to ask him to have a good look at the persons here.

MILNE, J.P.: Wasn't he supposed to have a good look when (5 he was giving his evidence before?

MR. REES: M'Lord, what witnesses are supposed to do and what they do in fact, is two different matters.

MILNE, J.P.: When you were looking at all the accused in answer to Counsel for the State, Mr. Rees here, when (10 he was asking you, one by one, to look at the accused, did you have a good look at each of them or did you not? ----- When I looked through them and pointed them out, I was concentrating on persons whom I had dealings with in connection with 'Mkonto'. (15

Did you have a good look at each one? ----- Yes.

MR. REES: M'Lord, there is just another point I wish to make in this connection, that there are differences in the conditions of light, the conditions under which a person sees one. (20

MILNE, J.P.: The light has been much the same, I think Mr. Rees. I think it is too late in the day really.

What was accused No.3, Babonia's normal occupation? ----- He was Secretary of the Natal Indian Congress. That is what I last know of him. (25

Is that during the time that you knew him?
----- There was a time that I didn't know what he was doing but he always went to the Congress offices.

NO FURTHER QUESTIONS BY MR. REES.

MILNE, J.P.: This box of tools and other things - (30

Exhibit 31(d), now this is the box from which you took the stocks and dies which you put together to show how it could be used for threading a pipe? ---- Yes.

When was it acquired - when were those stocks and dies acquired? ---- (The Court adds). (5)

When did they first come into the possession of accused No.3? ---- 1963.

Who bought them? ----Billy Nair and I.

You've said that it appears to you that the stocks and dies were never used? ---- It was never used. (10)

Is there anything else in that box that was used or were all the items there left idle after they had been handed over to No.3 accused? ---- I think that there are certain articles that were never used.

Do you mean such as the connecting links? --- (15) Yes, the coupling links.

Do you know whether No.3 accused had any occupation or private hobby in the course of which he could use anything contained in that box? ---- No.

Mr. Rees, have you got a list of the contents (20) of this box?

MR. REES: M'Lord, I think it is Exhibit A(s). Exhibit A(s) is the one that was handed in by one of the police witnesses.

MILNE, J.F.: According to the evidence that has been (25) given, this exhibit 31(d) contains 137 five-eighths of an inch copper-colour sockets. Can you see them? ---- I saw them, yes.

What are they used for? ---- This was supposed to be used at a later stage in the making of hand (30)

grenades.

Did anybody know that that was their purpose, besides yourself? ---- Yes, especially the members of the Regional Command.

MR. TURSON: Were you present when it was explained why that group which was supposed to attack the National Party offices, switched over to the the 'Nataller' buildings? ---- I was present, yes. (5)

What was the reason that was given? ---- The reason given was, when this group arrived at the Nationalist Party offices that there were persons inside the office. They then went and attacked the 'Nataller'. (10)

What did you understand them to mean by saying that they wouldn't attack a building because there were persons in it? ---- They did not intend to injure the people inside. (15)

Would it not have been perhaps because they were afraid of being caught in the act? ---- That could also be.

FURTHER CROSS-EXAMINED BY MR. GURWITZ: (20)

Arising from that last answer which you gave, what was the reason that was reported to you as a switch from the attack on the Nationalist Party offices to the 'Nataller'? ---- The reason given was that they saw persons in the offices of the Nationalist Party and they decided to attack the 'Nataller' building. (25)

Was this about the time when it was still the policy that as far as possible there would be no injury to persons? ---- Yes.

Did you have any reason for understanding (30)

anything/.....

anything else but that the switch was made because there was a danger of injury to the persons inside? ---- (The Court intervenes).

MILNE, J.P.: Was there any reason for making the switch except an attack on the Nationalist Party office might (5 have endangered persons on the premises? ---- It was never put that way that they were afraid that the people inside may be injured.

MR. GURWITZ: Didn't you yourself concede in cross-examination at Rivonia that the attack on the 'Natalier' (10 was a mistake and it was a mistake that somebody was injured there? ---- Yes.

And that their only reason for thinking that the switch-over was because those in charge of the attack were afraid of being found out by those inside the party (15 offices? ---- As the question is put, it is possible that when a person is creeping up to a place and you see that there are people inside that you will retreat.

Anything is possible? ---- That is so.

NO FURTHER QUESTIONS BY MR. GURWITZ.

(20

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