

MR. LIEBENBERG: My lord the next witness Petrus Beyleveldt has also been an accomplice to the knowledge of the State.

PETRUS ARNOLDUS BERNHARDUS BEYLEVELDT, s.s.

BY THE COURT:

Mr. Beyleveldt, I am informed by the learned Prosecutor that he is of the opinion that you are an accomplice in this case. Under the provisions of the law you are obliged to answer any lawful questions that are put to you. If you fully answer to the satisfaction of the Court all such lawful questions as may be put to you, you will be /10 discharged from all liability to prosecution for this offence, and the Court will cause such discharge to be entered in the records of the proceedings.

I should add that there is further provision that the evidence which you give now cannot be used against you in a prosecution of the offence of which the accused is being charged at present.

Do you appreciate that?--I appreciate that.

EXAMINATION BY MR. LIEBENBERG:

Mr. Beyleveldt, you were a member of the South /20 African Communist Party?---That is correct.

You joined the Party..?--In 1956 I think it was.

Were you then placed in a group, a cell?---I was placed in a group at that time yes.

And did you afterwards rise to other positions? ---In approximately 1961 I think it was, beginning of 1961, I was asked to go on to what was then known as the Branch Committee and also an Area Committee of the Party.

And did you ever..

(Mr. Kentridge requests that the witness speak up).

You say in..did you ever become a member of the Central Committee?--Yes, shortly after the Rivonia arrests, I think it was the latter part of 1963.

And did you remain on the Central Committee until the time of your arrest in July 1964?--That is correct.

And were you then detained also until the trial?--That is correct.

Against the accused and other members of the Party?---That is correct.

Now were you ever a member of the District /10
Committee?---Yes I became a member of the District Committee more or less the same time as I became a member of the Central Committee.

Yes well which did you join first?--First the Central Committee, and at the first meeting of the Central Committee I was asked to go on to district committee, that is the Johannesburg District Committee of the Party.

What happened to the Branch Committee?---The Branch Committee of which I spoke just now was dissolved. I think it must have been towards the middle or end of /20
1962 . The area committee sort of fulfilled the functions them of what was previously the branch committee.

And you remained also on the area committee until the time of your arrest?---That is correct.

Now did the National Liberation Movement, in this country, always follow a policy of what they called non-violence?---My lord, I think that is correct to say what that was the policy of what was usually referred to as the National Liberation Movement until round about 1962.

What happened then?---Well in 1962 there was /30

the advent of Umkonto We Sizwe which as I understood it then changed the..youknow the policy of non-violence to which the Congress Movements up to that stage adhered to.

And was this Umkonto we Sizwe related to the National Liberation Movement?---Well I don't know if you could talk about a formal relation. I think what can be said is that some members of what was the Congresses were also, I learned afterwards, members of Umkonto we Sizwe. I don't think there was ever an established formal relationship - at least , not what I am aware of. /10

Did you join, or were you a member of the Umkonto we Sizwe?--I was approached, I think shortly after Umkonto we Sizwe emerged, I was approached by one Jack Hodgson and asked if I would become a member, but I declined.

Had you been through military service?---I served in the last war my lord.

What were your reasons for declining?--Well my reasons were two-fold I think. Firstly I did not agree that in the context of the political situation as it then existed /20 Umkonto we Sizwe was the correct thing, and secondly I thought that holding the positions that I did at the time in the Congress movement, that I should, for security reasons, get mixed up in such an organisation.

Was there any restriction placed on members, who served on the bodies of the Communist Party, in regard to their serving on the Umkonto?--Well at the time again of the advent of Umkonto, there was a .. it was not a circular, but a word of mouth message sent to members of the Party from the Central Committee that if they were members of Umkonto, they had to withhold this knowledge from their fellow/30

members in the Party and not discuss their activities in Umkonto in the Party.

And what were the functions of the Umkonto?

---Well I know only of the functions of Umkonto what I think is common knowledge, what I read in the press, what itself published and what was said about it in various Party circulars from time to time, or Party directives, discussion notes.

Yes but now do you know whether the Party /10 approved of the existence and functions of Umkonto?---The position of the Communist Party, as I understood it, was that it always regarded in the political situation as existed in South Africa, as inevitable that an organisation as Umkonto would emerge, and therefore welcomed it, and I think also said on many occasions that it should give political guidance to the masses because I think it realised the danger of an organisation like Umkonto developing into a terrorist organisation, to which the Party was opposed. And I think, through its members, it tried to give political guidance, its members who were also Umkonto members./20

Now did the Communist Party aim at the establishment of a Communist State in South Africa?--- I think that is the aim of all Communist Parties.

And the programme of the party envisages two stages, firstly the national democratic revolution to end white supremacy, and then the second stage to proceed to establishing Communism?--- That is how I understood it.

You say the communist Party approved of the existence of the Umkonto and the activities of Umkonto. /30 Did those activities have to be related to the political

objective of.--Well that is what I meant when I said just now that the Communist Party felt that there was a danger of an organisation like this developing into a terrorist organisation, and that it was necessary to give it political guidance, insofar as that..you know, it should be, I think the term used was a strategic sabotage organisation. And as I said, the Party hoped, as I understood it, to guide through its members the Umkonto we Sizwe into not becoming a terrorist organisation.

Did the Party aim at the engagement of the masses in effecting the change-over?---Yes. /10

And did the Party regard itself as the political leader, having to be at the vanguard of the struggle to lead the masses, guide the masses?---Yes, I think that is inherent in Marxist ideology.

You say members of the Party were also members of the Umkonto?---Yes, that is as far as I am aware. There were some members of the Party who were also members of Umkonto. I think the Rivonia Trial indicated that, to my mind in any case. /20

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Yes now Mr. Byleveldt, did you know of the existence of Lilliesleaf Farm, Rivonia?---No my lord, I was not aware of it.

Did you ever learn about it?--I learnt about it after the Rivonia arrests, when I became a member of the Central Committee of the Party.

Now in August 1963 you became a member of the Central Committee?--I am not sure of the month, but it was in the latter part of 1963.

Oh I see. Now, the arrest of the Rivonia people took place early in July 1963.--Yes again I am not /30

sure of the date.

Yes but now in relation to that incident.---
It was shortly afterwards when I was asked to attend a meeting, at which amongst others the accused was present, and I was told that the accused himself and Mrs. Slovo were the only members of the Central Committee left in Johannesburg. The others had been arrested at Rivonia, and I was asked, amongst others, to become a member of the new Central Committee which was then constituted.

Now where did this meeting take place, the /10
first one that you attended?--It took place in a building near the Water Tower in Bellevue, Johannesburg. I am afraid I do not remember the name of the building.

And who attended that meeting?--The accused, Mrs. Slovo, myself, Schermbrucker, Eli Weinberg and Mrs. Bernstein.

And can you remember in broad outline what was discussed at that meeting?--Well I think what was basically discussed was the state of the Party then after the arrest, and at that same time a lot of people were /20
detained under the 90 days detention clause, and the question of the disorganisation on both the Central Committee and the district committees in the various centres was discussed. I was at that meeting instructed to try and reform, together with Dan Tloome, the District Committee in Johannesburg, and a Secretariat of the Central Committee was also elected at that meeting.

Consisting of which members?---The accused, Mrs. Bernstein, and Schermbrucker.

And did you attend another Central Committee /30

meeting after that one?--The next Central Committee meeting that I attended after that one I think was held in the house of one Cyril Jones in Cyrildene.

And who attended that meeting with you?--The accused was there, Mrs. Bernstein, myself, I am not very sure anymore, but I think Schermbrucker, Weinberg and Tloome.

And do you remember the date approximately, or the year?--It must have been towards the end of 1963, but I am afraid I can't place it any nearer than that. /10

And do you remember a meeting at the Water Tower in Bellevue, in a house near the Water tower in Bellevue? --There was a meeting there on one occasion, a meeting was convened there, rather.

In what year?--It may have been the beginning of 1964 - again I am a bit vague on the date.

Which people attended that meeting?--¹he accused, myself, Mrs. Bernstein, Schermbrucker, Weinberg and Charlie and Tloome were supposed to come but they did not come, and that meeting was really postponed as a result/20 of that if I remember correctly.

Do you know a place called Concordia Flats, 705, in Abel Road, Berea?---I remember a flat in Abel Road, I did not remember that it was called Concordia, but it may be.

Did you attend any meeting there?--Yes I attended a meeting in Abel road, in a building, in flat 705.

With which members?---The accused was present, again Mrs. Bernstein, myself, again I am not very sure whether..it was either Schermbrucker or Weinberg, one of /30 of the two.

Was Mrs. Ruth Slovo still in the country on that occasion?--I think she was detained at that time.

Can you remember roughly in what month of what year the meeting took place?---No, but thinking back on it, I would say it was also early in 1964 sometime. It may have been the end of 1963.

And do you know a place Rowallen Court in Noord Street ?--Yes a meeting was held there, also sometime in the early part of 1963.

1963?--1964 I mean. Mrs. Bernstein was present, myself, Weinberg I think, Schermbrucker, I don't think the accused was present at that meeting. /10

And do you know 82 Twickenham Hall, or Twickenham, 14 Abel Road, B area?---Yes. Another meeting of the Central Committee was held there. That must have been round about May I think 1964. The accused was present at that meeting, myself, Mrs. Bernstein and I think Schermbrucker.

Now do you know the previous witness Hlapane? ---I do know him. /20

Did he ever serve on the Central Committee?--- During the time that I was on the Central Committee, or rather first when I came on the district committee, I was told that Hlapane was then a member of the District Committee, but I think he was then detained, or he had just been released from detention. I remember that he was discussed on the District Committee, the question was discussed as to whether he should come back on the district committee. It was decided that he should not, because there may have been a danger of him being followed by the police. And then /30

later on when Tloome had left South Africa, it was decided at a meeting of the Central Committee that he should be invited to come on to the Central Committee. I was asked to convey the message to him. I did not see him personally, but I managed to send a message to him through a person called Mac, whom I knew as Mac, an Indian, who was also to come on to the Central Committee with him. I heard afterwards that he had attended a meeting of the Central Committee, but I was not present at that meeting.

Do you know where Hlapane was employed? ---I /10
don't know the name of the shop but I know the manager of the shop was one Issy Heyman.

What was the code name of the Accused?---Jan.
And yours?---Van and later on Rick.

Now I want to show you this programme, Exhibit "N". Did you know this programme?--Yes I know it.

Was it accepted as the Party programme?--Yes.
It was circulated in draft, I think, round about 1961 to members. Some discussions took place and amendments were suggested by certain groups. It was after that, at a Con- /20
ference of the Party, accepted. I did not attend that Conference.

Do you know this document, Exhibit "J" --"Time for Reassessment." ---Could I have a look at it?

(document handed to witness).--Yes my lord,
that was a document that was prepared by the Secretariat of the Central Committee, again I think it was either towards the end of 1963 or beginning of 1964, and distributed as a basis for discussion to various groups and areas and districts of the Party. /30

Now that document makes mention of the London

Committee, the overseas committee?---There was a London Committee of the Party in existence. I do not know who exactly the members were, but there was correspondence between the Central Committee in South Africa and the London Committee.

And were any sums received, finance, from overseas, as far as you know?---Yes funds was received. I on one occasion received £8000 myself.

Who was instrumental in getting the money /10 from overseas?---I did not know how this money was arranged overseas, I can only tell the Court how it came into my hands. On one occasion Mrs. Bernstein showed me a letter which was supposed to have come from the London committee, in which we were asked to phone a certain number in Johannesburg, ask for a person called Dave, tell him that the person phoning was an associate of Laurie in London, and to ask him whether he had received 8000 experimental tissues, and if he answered in the affirmative, the person phoning was then to arrange to meet him and get this money/20 from him. She asked me to phone this person, which I did. I phoned him and he confirmed that he had this money. I arranged to meet him in the Rissik Street Post Office in Johannesburg. He was supposed to carry a newspaper in his pocket. On the Saturday morning I went there. I met this person. He gave me on that occasion £3000, said that he could not get the other money at that time. Asked to meet me again a fortnight later, when he gave me another £5000.

What did you use that money for?--It was decided that..£2000 of that money I gave to Mrs. Benrstein/30

for the purposes of the Secretariat. The other money, there was a request from the A.N.C. to the Party that they be lent some money and that the Central Committee decided to lend them this money, and I was instructed to hand it over to the A.N.C. Tloome, who was my contact with the African area at that time told me that he did not want it at once. He asked me to keep it and they would draw it from me as and when they needed it, which they did, over a period of months. I used to hand over to them, on one occasion I remember £750, on other occasion £675. Some of that money /10 was also used to buy duplicators for the African area.

Do you know this document, "The Message of Rivonia" Exhibit O? --This is a document, if I remember correctly that was distributed by the African area of the party to their members. I think I saw it at the time, either Tloome or a person that I knew as Mike showed it to me. That is how I remember it.

And do you remember a publication called "The African Communist"?---That was the organ of the South African Communist Party, published in England. /20

The official organ?---That is correct.

And the publication "Freedom Fighter"?---
"Freedom Fighter" was a little newsletter . During the time that I was on the district committee Mrs. Bernstein approached me/that she ^{and told me} together with some young friends of hers were going to issue this leaflet asking if I could get the permission of the district of the Communist Party, district organisation, to distribute this. I discussed it on the district committee, and it was agreed. After that on occasions I received stencils from her which /30

I gave to the contacts of the African and Indian areas. All the areas of the Party were rather unhappy about distributing this little leaflet, because they were not quite satisfied with the contents of it.

How many issues were there approximately? Did it extend over years?--I would say about 4 or 5. I am not quite sure again of the exact number.

Well will you look at those few documents, Exhibit 1, the Story of the Communist Party - do you recognise it, can you identify it? --- Yes I think this /10 was the document issued when the Communist Party first emerged in 1960. I was not in South Africa at the time when this was distributed, but I saw it afterwards.

Exhibit 2, " A Call to the Youth" --- Exhibit 2 here I think is called A Call to the Youth.

Can you identify this document?--Yes, this was issued by the District Committee of the Communist Party.

And what do you say about Exhibit 2? ---This is also one of the early documents issued after the Communist Party emerged. I have an idea that somebody told me /20 this document was printed in Basutoland, but I must admit my memory is a bit vague on it.

Yes but now, let me get this clear, Exhibit 1, the document called in 1950 The Communist Party?--That is right.

And Exhibit 2 is called The Story of the Communist Party?--That is correct.

And Exhibit 3 is a Call to the Youth, and Exhibit 4 "For Higher Wages"--That is correct.

Do you recognise that document?--Call for /30 Higher Wages?

Yes .---Yes I on one occasion, the group that I was in at that time, distributed this document, some of it.

Yes?--I remember myself and another member hanging it up at the Railway Station at Ellis Park.

And then Exhibit 6. "The Revolutionary Way Out." --My lord the only thing I can say is that I do remember having seen it before. I can't now remember the circumstances.

Does it purport to have been issued by the Central Committee?--- ...

/10

Look at the first page Mr. Beyleveldt?---Yes, it says "A statement by the Central Committee of the South African Communist Party."

MR. LIEBENBERG: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE :

Mr. Beyleveldt, you mentioned that you occupied a prominent position in the Congress movement. I believe you were in fact the head of the Congress of Democrats?-- That is correct.

For many years?---That is true.

/20

Did you have other positions in the Congress movement?--I was also for some time the Chairman of what was called the Consultative Committee which was a committee consisting of representatives of the various Congress organisations, and for the purpose of consultation between these organisations.

Yes. Did you play a part in what was called The Congress of the People?---Yes I did.

That produced something called The Freedom Charter?---That is correct.

/30

Which I think is mentioned in the Communist

Party Programme.---Yes.

So I suppose it is correct to say that by the time you joined the Communist Party in 1956 you were already a very experienced and trusted Congress leader?--Yes, I would say I was.

And by the time you were approached to join the Central Committee, Mr. Beyleveldt, you had had seven years in the Communist Party?--No I don't think it was..yes, it may have been, since 1956.

6 or 7 years. I know that in the Court below /10 it was put to you by one of the cross-examiners that in this latter period when you were on the Central Committee you were what might be called a kingpin in the Communist Party, and I think you agreed? --I might have been a kingpin insofar that I was the contact between the district committee in Johannesburg and the Central committee.

Yes, not merely were you on the central committee, but you had this job of making contact and keeping contact between the central committee and the district committee?--That is correct. /20

Mr. Beyleveldt, in the court below you were asked a great many questions about your detention, and your interrogation, and your views and it is not my intention to repeat them. I simply want to confirm one or two things. You know, when you started, when you came into the witness box you were told about an indemnity?--- Yes.

I know that you have not been as fully examined here as in the preparatory examination, but can we take it that you have held nothing back, nothing which is relevant, /30 ---That is correct.

And you have added nothing that is untrue?---
Correct.

You have given evidence here about your attendance at a number of meetings of the Communist Party Central Committee,---Yes.

You have outlined some of the things which were discussed, and in the Court below I think you spoke about them in greater detail,---That may be.

You discussed matters like organisation and propaganda and finance,---Yes.

/10

However, the one thing that is clear from your evidence here and in the Court below is that you did not discuss sabotage?---Well, sabotage insofar as it was happening. The Rivonia was then taking place and was discussed.

Well I think you have put it really in exactly the same way as the accused puts it - at these meetings there'd have been news of sabotage and someone would mention it, and you might discuss what had happened, but there were no formal reports of sabotage made to you?--No my lord, I have said before that there was no formal, what I knew of, there was no formal link between the Communist Party AND Umkonto we Sizwe, which as I understood it, committed the sabotage.

And you on the Central Committee gave no instructions to Umkonto?--No, not as a committee.

You mean that you might have had members of the Central committee who were also on Umkonto?--Yes, that is as I have said.

Did you personally know of any, or was it kept quiet?--Well at that time I knew of the people who were involved in the Rivonia Trial.

/30

Yes, in other words, you knew they were involved in Umkonto and you knew which of them had been in the Communist Party?--I did not know of the members who were on the Central Committee with me, I did not know whether they were members of Umkonto or not.

I would just like to see if we can get any more certainty about the date when you joined the Central Committee.--It was within a fortnight after the Rivonia arrests. Shortly afterwards.

And those arrests were in the middle of July /10 of ..1th July of 1963 I am told.--I would say then it was either towards the end of July or the beginning of August.

I see. And you remained on the Central Committee until when?--Until I was arrested, or detained, in I think it was the 1st July 1964.

I see. So in fact you were on it for 11 months? ---That may be so yes.

Mr. Beyleveldt, as far as money was concerned, you have mentioned £8000 that you received - were you aware /20 of any other sums of money that were received?--I knew that there was some money belonging to the A.N.C. I was told in Basutoland. I am afraid I do not know the details of who had it, and how it got there.

During the 11 months of your tenure of office Belt 10 on the Central Committee, did you ever know of the Central Committee providing funds for Umkonto?---Not that I was aware of, no.

Well I am only asking you as to your knowledge. Mr. Beyleveldt, I take it that you knew the accused long /30

before you joined the Communist Party?--Yes I have known the accused for a number of years.

How long?--I think shortly after the last war. I can't put a year or a date on it.

Did you get to know him well?--Yes I think so.

Now Mr. Beyleveldt, I can assure you it is not my object, whatever may have been asked in the Court below, to make your position more difficult or embarrassing, but I want to ask you something about your relationship with the accused. You say you got to know him well?---Yes. /10

Did you often have political discussions with him?--Yes, especially during that last period, although I knew the accused very well, until round about 1962 I would say we never served on the same committees or organisation. I may have had private political discussions with him.

Did you accept his sincerity?--Yes, I would say that I did.

And his integrity?--Yes.

Did you find him personally a kindly person?-- Yes I liked the accused. /20

Did he ever disguise his views from people who were in the Congress movement?---No.

Was it clear to you that he had a belief in Socialism?---Yes.

You have mentioned, Mr. Beyleveldt, that the Communist Party's aim was to have a Communist State, but this was to be done, as far as the Communist Party was concerned, in two stages. That you were to start off, the first stage I take it was something on the lines of the Freedom Charge stage?--Yes, basically, support for the aims and objects

of the Communist movement, which was embodied in the Freedom Charter.

But you say the eventual aim of the Communist Party, as one would understand naturally, was Communism?--- That is correct.

As far as the Congresses were concerned, was that ever disguised?--No I don't think so. You mean, did the Communist Party disguise it from the Congresses?

Yes.--No I don't think so.

You mentioned the fact that the Communist Party expected its own members to give some sort of political guidance to Umkonto when those members became members of Umkonto?---Yes I think that was stated in a number of documents, the contents of which I remember. /10

But by political guidance, do you mean directing Umkonto to become Communist, or simply on this question of terrorism?--No, on this question of terrorism, and on the question of fitting activity in with the political situation as it exists.

The previous witness has said that the form of sabotage was sabotage of I think Government installations in such a way as to avoid loss of life?--I think that was the declared policy of Umkonto, as they published it. I remember on one occasion some posters, I think it was, were put on the walls. /20

Was that how you understood it?--That is how I understood the contents of it.

So were you ever a member of the Communist Party of South Africa which was banned in 1950?---No.

You were only a member of the S.A. Communist Party?---That is correct. /30

In the course of your membership did you find out when the South African Communist Party was founded? --- I was told..my lord, I don't know if I remember now, but I think it was in the early part of the 1950's - I can't place a date on it. I was told at some stage or another, but I don't remember now.

You were told?--I was told when it was started.

Sometime in the 1950's?---Early 1950's. As I say, I don't remember any more exactly what the date was.

Mr. Bayloveldt, you were in the Congress move- /10
ment from when? I don't think I asked you when you actually came into the Congress movement?--I was elected as the President of the Congress of Democrats at its inception.

Which was?---Which was in..1953 I think.

Did you work closely with the other Congresses?
---Yes, especially after the Congress of the People.

That was in 1955?---. 1955 yes.

Did you get to know their leaders well?---Yes.

The previous witness said something which I
MAY HAVE MISUNDERSTOOD - he may have suggested that the
Congress policy or the policy of the National Liberation /20
Movement was in some sense controlled by the Communist Party.
What would you say to that? Did you observe it yourself?---
Yes I think so. I think what happened was that at ..the
Communist Party over the years were successful in recruiting
leading members of the Congress movement into its own ranks,
with the result that a situation developed where towards the
end the leading members of the Communist Party and the Con-
gress movement were to a large extent the same people.

Towards the end, you mean by 1963 and 1964?--Yes.

Other non-Communist leaders of say the African /30

National Congress had of course been banned, or banished, or exiled by that time?---Some of them, yes.

However, was there always a clear distinction between the policy of the Communist Party as such, and the policy of the Congresses?--Yes, I think the Communist Party for one was careful in drawing that distinction in its relation with the other organisation.

AT THIS STAGE THE COURT ADJOURNS.

STATE vs. ABRAM FISCHER.

ON RESUMING AT 10 a.m. on the 24th MARCH, 1966.

WITNESS BEYLEVELDT, still under former oath:

CROSS-EXAMINATION BY MR. KENTRIDGE (CONTINUED):

Mr. Beyleveldt, it would seem from your evidence that at the Central Committee of the Communist Party of South Africa, the policy of the African National Congress was not discussed?---Oh it may have been discussed, yes, my lord. I mean, politics was discussed at the meetings of the Central Committee, and politics in general would include the policy, amongst others, of the African National Congress. /10

But you would not take it upon yourself there to decide its policy?---Well, we would not have been able to decide its policy. How are we going to get them to agree with it?

With regard to the money which was handled by the Central Committee is it correct that a certain amount of it was used for the support of families of Communist Party members in various places?---Well, the money that I personally handled was lent to the A.N.C. and I understood that it was lent to them for the purpose of supporting families of people who were then detained, or in prison. /20

Were you ever aware that African trainees were sent abroad to learn sabotage and matters of that sort?--I knew about that in general. I did not know the details of it.

Was that arranged ever by the Central Committee

of the Communist Party?--Not when I was present, or during the time that I was on the committee.

And to your knowledge was it ever paid for by the Communist Party?--Not that I am aware of.

MR. KENTRIDGE: No further questions.

RE-EXAMINATION BY MR. LIEBENBERG:

You say that you were approached in about 1960 - 1961 by Jack Hodgson to join the Umkonto we Sizwe? ---My lord, I am not sure exactly when it was. It was very shortly after the emergence of Umkonto. I can't /10 remember now exactly when it was.

The point is, I am not concerned about that so much as you were not prepared to serve on the Umkonto we Sizwe?---That is correct.

Seeing that you were not prepared to be associated with Umkonto, would people have informed you of the activities of the Umkonto?--I would presume not.

Why not?---Because I was not part of the organisation.

Now what I want to know from you Mr. Beyle- /20 veldt is the Party Programme envisaged the ultimate overthrow of the State?--Yes.

Now you say there were never ever any reports about sabotage to the Central Committee meetings that you attended.---My lord, when they talk about reports, I mean was there a report from somebody to say "we are doing this and that" or "must we do this, that or the other thing,"no, of course the whole situation was discussed. As I said yesterday, at that time the Rivonia trial was on, and it was a matter of discussion. /30

As far as you knew, who were the people who were on trial in the Rivonia case?---Well I understood it to be, from the talk and from the evidence that I read, that they were the people who were concerned with Umkonto.

And was the accused connected with the Rivonia trial?---He defended the accused in the Rivonia trial.

How long did that trial last?---Oh it lasted for some months, I don't remember exactly now how long.

During that period, were there any acts of sabotage committed?---I can't remember any now my lord. /10
There may have been. My memory is vague on that. I have an idea that there was some, but I do not remember the details now.

Yes. But do you know whether any other National High Command was formed, after the Rivonia stage?---Well I knew afterwards. Of course there was a trial, at which I gave evidence, amongst others, that there were people who were supposed to have been the High Command. I was not aware at the time that I was on the Central Committee of the existence of the High Command. /20

What I want to try and find out from you is how did you see the situation in South Africa? Your Programme spoke of a changeover to violence, envisaged armed insurrection, envisaged guerilla warfare, etc. --- My lord, the way I saw it was that I think it is inherent in the policy of Communist Parties that they believe that a stage is reached where you have a situation like we had in South Africa, or still have in South Africa, where the masses will attempt to overthrow the Government of the day if by no other means, by violence. And the Communist Party

foresaw that and believed that that must eventuate. And as I said yesterday, in that context, the emergence of Unkonto was regarded as something inevitable, welcomed, and there was the desire of the Party to politically guide that type of movement when and as it develops.

Yes, I think you told my learned friend yesterday that the Communist Party controlled the policy of the Congress movement.---No I don't think I said that, my lord. I said that the Communist Party certainly was concerned with the policies of the Congress movement; that /10 because of the overlapping of membership there was certainly an attempt of the Party to educate and give directive to its own members, but it had to, of course, rely on its members to carry that policy with them in other organisations where they were.

Yes - but you personally, how did you feel about the prospect?---The prospect of..?

Success of violent action?---Well I did not feel that at the time, that is, we are talking now about the period 1963/1962, that we had reached the stage in /20 South Africa where what is commonly termed as a revolutionary situation existed.

What was the accused's view about that? Did he have any view?---From the impression that I gained from various discussions I have had with the accused, I got the impression that he disagreed with me, that he felt the revolutionary situation may well exist.

What would be the programme of the Party in that situation?---Well after the Rivonia Trial I can tell you, for example, that I advocated, personally, that the /30

P. BEYLEVELDT.

Party should go dormant, while the situation, the political situation was in that particular state that it was then. I knew that the accused disagreed with me there. I was more or less a voice in the wilderness. I felt the Party should go dormant. I kept that attitude up. I remember having a discussion, I think it was with the accused and Mrs. Bernstein very shortly before my arrest, a month or so before my arrest, on this very issue.

Yes but now, can you elaborate on that. When the Communist theory teaches you that there is a revolutionary situation, in existence in a country, what is the function of the Party?--Well the function of the Party would be to try and guide and lead that revolution, for its own purposes. As I say, I personally had my doubts whether a revolutionary situation existed. I remember this one discussion to which I referred just now - the accused expressing the opinion that there is a danger of the masses being ready, and that organisations such as the Party itself, not giving the lead, and therefore the danger existed that they may tail behind the masses. As I say, I personally disagreed with that point of view. /10 /20

Were you in disagreement with the Umkonto we Sizwe movement?---In the context of the situation. I did not think, as I said, that there was a revolutionary situation. Now revolutionary movements, to my mind, is premature when there is in fact no revolutionary situation.

Did you favour the training of people in guerilla warfare and sabotage?--Well I don't know, it is a bit difficult to say at the moment what I would have felt then. I don't think I was ever asked to you know, /30

express either agreement or not. It is something that was completely outside my knowledge and control, and I don't remember that I ever expressed an opinion on the question of sending people overseas to be trained, or not.

You were asked yesterday about whether any formal reports about sabotage were made to the Central Committee meetings which you attended.----That is correct.

Now was there any re-organisation, or any suggestion about re-organisation of the members of the Central Committee into any groups?---Do you mean during /10 the time that I was on the Central Committee?

When you were on the Central Committee?---Well there was the very first discussion, as I told the Court yesterday, where it was decided that myself and Tloome, who were then members of the Central Committee, should concern ourselves with the organisation of the Johannesburg District..

I am not concerned about that. The members of the Central Committee were both white and non-white?--- That is correct. /20

Was any suggestion made..---The decision was, and that is in fact what happened, that the Secretariat of the Central Committee was to meet independently with the white and non-white members, the idea being to keep meetings as small as possible for security purposes.

The Secretariat would meet with the white..--- With the non-white members, and separately with the white members of the Central Committee.

Did you know whether that happened?--Well I know of course that the meetings of the Secretariat and /30

the white members took place, and I heard, was told, that meetings had been held with the members, with the non-white members.

MR. LIEBENBERG: no further questions.

MR. LIEBENBERG: My lord, then I call Thomas Mashifane, his statement was served on the defence.

THOMAS MASHIFANE, s.s. (interpreted)

EXAMINATION BY MR. LIEBENBERG:

Now did you know a person by the name of Arthur Goldreich?--Yes I knew him, he was my boss. /10

At what place?---At Rivonia, my lord.
In Johannesburg.

When did you start working at that place?---
Since November 1961.

Until when did you work there? ---July 1963.

Is that when the police visited your farm?---
Yes.

Now what was your work on the farm?---To plant vegetables and to sell the vegetables.

And what did you do with the proceeds?--I /20 handed it over to my boss, Goldreich.

Did you make a lot of money?--About £2.10.0. per week.

Per week? --Yes because we only sold on Saturdays and Sundays.

And was there a time when your boss left the farm?---Yes.

When did he leave?--Towards the end of December, 1962.

And for how long did he go away?--I am not certain about that, but I think it was more than a month.

And did he give you any instructions about the money that you got from the sale of vegetables?---An old man, European man who was at Rivonia, had to take me to town where I had to hand the money over to another elderly European gentleman.

What was his name?--They said Fischer was his name.

/10

Do you see him here today?--Yes, there he is.

Pointing to the accused?---The one sitting at the back there, alone, by himself.

Did you hand over money to the accused?---Yes, whilst the boss was away I handed the money over to him.

On how many occasions?---Once.

At what place?--At his office.

Did you see the accused at Rivonia?--Yes I did.

How many times?--Oh I don't know how many times.

More than once?--- On several occasions. /20

And on occasions when he came to the farm, what did he come to do there?--He used to go into the house and they would close the doors when they were inside.

Heard who else?--And others whom I did not know my lord.

Europeans or non-Europeans?---Non-Europeans and Europeans.

And did he remain there for any length of time?

---Yes, for quite a while. I cannot say how long.

And did they always gather at the same place? /30

---No, not in one house only. There was one place for

instance that had a thatched roof. They used to go there, and they also used to go into the big house where Goldreich lived.

And can you mention any names of Europeans that you saw at Rivonia, apart from the accused?--All the people who were arrested at the same time when I was arrested, and another one called Jacobs who was not arrested.

If I show you a photograph here, will you be able to identify the person you know as Jacobson? ---

(handed photograph). No.2.

/10

And the name on the back there?---Michael Harnel.

And you say you saw the accused once at his office?---No, twice. The first occasion is when I was taken there, and he was pointed out to me as the person to whom I had to give the money, and the second occasion is when I did actually deliver money.

And you say that was during..the end of 1962? ---When I handed the money over to him actually was already in January.

/20

January 1963?--Yes, that is so.

MR. LIEBENBERG: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE: No questions.

MR. LIEBENBERG CALLS:

GERARD GUNTER LUDI, s.s.

EXAMINATION BY MR. LIEBENBERG:

Mr. Ludi, are you Warrant Officer in the

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