half geduik beweeg.

Ja? --- In daardie selfde oomblik het ek hom onderstebo geloop. Luitenant De Waal het dieselfde tyd wat ek hom onderstebo geloop het en wat ek gesê het Bafana, het hy ook die vertrek ingekom. Hy het gesê "Hier is die leertas waarin die wapens is."

Ja, hier is die leertas, en toe? --- (Pouse).

Het u - laat ek dit net regkry, toe Luitenant De Waal sê "hier is die leertas", was dit voor daardie stadium wat u die persoon Bafana geduik het of na dit? --- Dit het so gelyktydig gebeur, toe ek sê Bafana, toe het Luitenant De Waal ingekom, en toe hy sê "Hier is die leertas", toe is dit dieselfde tyd wat die persoon na die linkerkant geduik het.

Na die linkerkant geduik het? --- Ja.

En toe op daardie stadium duik u ook na hom toe? --- Ek het nie geduik nie, ek het hom net half onderstebo geloop.

Nou die persoon wat u van praat as Bafana, die persoon wat u nou daar mee te doen gehad het, sien u hom hier in die hof? --- Dit is beskuldigde no.4 voor die hof.

<u>DEUR DIE HOF</u>: Laat beskuldigde no.4 net opstaan. Is dit die man? --- Dit is die man, U Edele.

Hier is soveel beskuldigdes en 'n mens kan nooit oorversigtig wees nie. Ja?

<u>MNR. VAN PITTIUS</u>: Nou weet u waar na toe hy geduik het of wat? --- Die tyd toe ek hom onderstebo geloop het het hy bo-oor 'n blou oorpak geval wat by die kopenente gelê het van waar hy en die ander jong Bantoeman geslaap het. Met die val het die oorpak oopgevou en ek het gesien dat daar twee vuurwapens, dit is 'n Tokarev pistool en 'n Scorpion sowel as 'n handgranaat gelê het.

Was dit bo-op die oorpak? --- Ja, die oorpak was oopgevou

en dan/...

en dan was dit bo-op die oorpak gesit en weer met dieselfde oorpak toegevou, met die ander gedeelte daarvan.

Nou ten opsigte van waar - u het gesien waar Bafana gelê het, waar no.4 gelê het, né? --- Dit is korrek.

Ten opsigte van by watter een se kopenent het dit gelê? --- Dit was daar by beskuldigde no.4 se kopenent.

Nou wat het toe gebeur? --- Nadat beskuldigde no.4 so half aan die linkerkant geval het het hy weer half orent gekom en beweeg daar na waar die wapens was, gelê het.

Na die rigting waar die wapens was? --- Dit is korrek.

Ja? --- Ek het toe vir hom ..(masjien defektief)... geskop. Hy het toe bo-op 'n stoel geval wat daar in die linkerkant in die hoek gestaan het in die vertrek.

Ja? --- Ek het direk die wapens opgetel tesame met - so met die oorpak, en aan Luitenant De Waal oorhandig.

U sê u het die wapens toe aan Luitenant De Waal oorhandig? --- Dit is korrek.

Is dit met die oorpak? --- Met die oorpak.

Nou ek toon aan u BEWYSSTUKKE 52 en 53. Kan u net daarna kyk en sê vir die hof of dit vir u bekend is of nie? --- Dit is soortgelyk daaraan.

Dit is nou die wapens, is dit soortgelyk aan die wapens? --- Dit is korrek.

Albei die bewysstukke? --- Dit is korrek.

Nou het u toe op enige stadium - ja, ek toon ook sommer nou op hierdie stadium aan u BEWYSSTUK 50, dit lyk na 'n oorpak. Herken u dit? --- Dit is korrek.

U sê dit lyk na die oorpak? --- Dit is korrek.

Ek toon aan u BEWYSSTUK 49, dit is 'n tas, herken u dit miskien? --- Dit is die leertas wat in die vertrek was.

Het u toe op enige stadium ... (Hof kom tussenbei).

DEUR DIE/...

DEUR DIE HOF: Daardie leertas, wat sê u daarvan? --- Dit lyk na die leertas wat in die vertrek was.

MNR. VAN PITTIUS: Waar het hy gestaan, die leertas? --- Die leertas het soos 'n mens by die deur inkom aan die linkerkant teen die muur gestaan. Dit sou by die voetenent wees van waar die beskuldigde no.4 en die ander Bantoeman gelê het.

En het u ter eniger tyd dit self oopgemaak en gekyk miskien wat in die tas was, of nie? --- Luitenant De Waal het die tas hanteer.

In u teenwoordigheid? --- In my teenwoordigheid.

Het u gesien wat hy gedoen het daarmee? --- Hy het die tas oopgemaak nadat ek die wapens by hom gevat het, en ek het die wapens binne in die tas teruggeplaas.

Het u gesien voordat u dit nou teruggeplaas het, die wapens, of daar iets in die tas was, of nie? --- Daar was niks in die tas gewees nie sover as wat my kennis strek.

Nou het u ter eniger tyd self gesien wat die toestand van die vuurwapens was wat u daar aangetref het? --- Ja, voordat die wapens in die tas teruggeplaas was het Luitenant De Waal die magasyne van die vuurwapens verwyder.

Het u dit self gesien ook? --- Ek het dit gesien, U Edele.

Ja? --- Daar was patrone in die magasyne gewees.

Op altwee vuurwapens? --- Op altwee vuurwapens.

Het u gesien miskien hoeveel en of hulle vol is, die magasyne van die twee vuurwapens, of nie? --- Dit het gelyk of die magasyne vol is. Ek kan nie die getal van die patrone sê wat in die magasyne was nie.

Ja? --- Ons het toe ook verder gevind dat altwee die vuurwapens, dit is nou die Tokarev sowel as die Scorpion, 'n koeël in die loop gehad het. Hy was gereed om afgevuur te kon word.

Was /...

Was gereed om afgevuur te word? --- Dit is korrek.

Is dit nou albei? --- Albei, die twee vuurwapens.

Het u gesien of dit gespan was en of die veiligheidsknip op was, of nie? --- Ek kan nie daarop antwoord nie.

Nou ek toon aan u BEWYSSTUK 28, deel daarvan. Het u ter eniger tyd soiets gesien? --- Daar was 'n handgranaat soortgelyk aan daardie een ook gewees.

Waar was dit presies, mnr. Zeelie? --- Die handgranaat?

Ja? --- Die handgranaat het by die twee vuurwapens gelê toegevou binne-in die blou oorpak.

Nou het u die persoon wat saam met no.4 daar in die hut was, sal u hom herken, het u hom gesien? ---Ek het hom gesien.

Nou ek toon aan u foto BEWYSSTUK R. Kan u sê of u daardie persoon al gesien het of nie? --- Dit is die Bantoeman wat saam met beskuldigde no.4 in die hut was.

Weet u miskien uit eie kennis, nie wat u gehoor het of soiets nie, maar uit eie kennis wat sy naam is? --- Ek weet nie wat sy naam is nie, uit eie kennis nie.

Nou het u daarna vertrek van die toneel af? --- Dit is korrek, U Edele.

Wat het u gedoen met die persoon op Bewysstuk R en die beskuldigde no.4? --- Dit is alles aan Luitenant De Waal oorhandig en hy het verder gehandel daarmee.

Nou beskuldigde no.1 voor die hof, herken u hom? Het u hom al voorheen gesien? --- Dit is korrek, ek het hom gesien vantevore.

Wanneer het u hom vir die eerste keer gesien? --- Ek het hom vir die eerste keer gesien op die 1e dag van Januarie 1977.

Die 1e Januarie 1977? --- Dit is korrek.

En het u hom daarna weer gesien? --- Dit is korrek.

Waar? --- Te John Vorster Plein.

Kan u vertel wat u daar gemerk het, wat u daar agtergekom het? --- Dit was toe die beskuldigdes oorgeplaas is na Pretoria, vir verdere ondersoek hier gewees.

Kan u voortgaan? --- Ek het twee ringe van beskuldigde no.1 ontvang.

Waar het u die ringe ontvang, waar het u dit gesien? --- Die ringe is deur beskuldigde no.1 van sy hand afgehaal en aan my oorhandig.

Het u dit self gesien aan hom? --- Dit is korrek.

Watter hand was dit, watter vinger? Of kan u nie onthou nie? --- Ek kan nie dit nou so onthou nie.

U sê u het self gesien dat hy dit afhaal? --- Dit is korrek.

Was dit op versoek van uself, of wat? --- Dit is korrek.

En toe? Wat het u met die ringe gemaak? --- Die ringe is daarna aan kolonel Booysen oorhandig.

Nou kan u net aan die hof meedeel hoe die ringe gelyk het? --- Die een was so 'n half 'n selfgemaakte koperring gewees, en die ander een het so 'n halwe ronde sirkeltjie, amper soos 'n aardbol, soos 'n mens die aardbol kry wat jy hom teken, het hy die lettertjies C.I.I. op gehad.

C.I.I.? --- C.I.I.

Met ander woorde so 'n motiefie, nê? --- Dit is korrek.

U sê u het toe die ringe aan kolonel Booysen oorhandig? ---Dit is korrek.

Nou ek toon aan u BEWYSSTUK 20. U Edele, dit is twee ringe. Het u dit al vantevore gesien? --- Dit is die twee ringe.

Ek het nie verdere vrae nie, U Edele.

KRUISONDERVRAGING DEUR MNR. KUNY: Sersant, hierdie plek in 6de Laan, Alexandra, is 'n plek wat beskuldigde no.3 aan julle uitgewys het, is dit korrek? --- Dit is korrek.

Nou hierdie plek in die Nebo distrik waar na toe julle

gegaan het /...

gegaan het dit is 'n hut, nie waar nie? --- Nee, dit is 'n klomp hutte in 'n eenheid.

Ja, daar is geen elektriese ligte in daardie omgewing nie? --- Dit is korrek.

Dit was natuurlik baie donker gewees? --- Hy was darem nie baie donker nie, maar ons het flitsligte ook gehad.

Ja, julle het flitsligte gehad maar daar was geen lig behalwe die flitsligte gewees nie? --- Dit is korrek. As ek dit reg kan onthou was dit darem nie donkermaan gewees nie.

En dit was nou om en by 3.30 in die oggend gewees? --- Dit is korrek.

En alles wat in daardie hut plaasgevind het het baie vinnig gebeur, nie waar nie? --- 'n Mens kan amper sê, ja.

Want onmiddellik toe u die hut ingegaan het het u gesê Bafana? --- Dit is korrek.

En hierdie man het opgespring? --- Dit is korrek.

Het hy daarop geantwoord? --- Hy het ontken dat hy Bafana is

Wat was sy woorde gewees? --- Ek kan nie sy presiese woorde onthou nie.

Op watter manier het hy ontken dat hy Bafana was? --- Ek kan wel sê hy het sy kop ook geskud maar hy het iets gesê ook, U Edele.

U kan nie onthou wat het hy gesê nie? --- Ek kan nie meer onthou nie.

Kan u onthou in watter taal hy gepraat het? --- Hy het Engels gepraat.

Nou u sê u het hom onderstebo geloop. Hoe het u dit gedoen? Het u hom gestamp of wat het u gedoen? --- Soos wat 'n rugby speler 'n ander een sal onderstebo loop.

Tackle? --- Nee, nie juis "tackle" nie, meer onderstebo loop.

Met jou /...

Met jou skouer? ---- Ek kan nie sê dit was met my skouer nie, maar ek weet ek het hom onderstebo geloop.

Het jy jou arms gebruik of wat? ---- As ek kan demonstreer sal dit maklik wees maar ek dink nie dit is nou moontlik nie.

Wel, u moes hom hard gestamp het, nie waar nie? ---- Dit is korrek.

U moes hom hard gestamp het? ---- Ek het.

En op daardie stadium is dit nie so dat u hom ook geskop het nie? ---- Dit kan wees, ja.

Want die laaste geleentheid dat jy getuienis gegee het het jy gesê dat jy hom twee keer geskop het, die een keer toe jy hom onderstebo geloop het, en die tweede keer toe hy besig was om daarna te beweeg? ---- Dit is baie moontlik ja. Ek sal nie sê dit is nie so nie.

Kan jy sê op watter gedeelte van sy liggaam jy hom geskop het? ---- Nee, ek kan nie sê op watter gedeelte ek hom geskop het nie.

Hoekom so? ---- Dit is net nie moontlik om dit nou te sê nie, dit het lank terug gebeur.

So dit is nie moontlik om te sê presies hoe hierdie - ek weet nie hoe ek dit kan noem - ek dink Luitenant De Waal het gesê "geskarrel" plaasgevind het? ---- As dit sy woorde is dan is dit sy woorde.

Maar sal u saamstem? ---- Wat bedoel hy by geskarrel.

Hy het daardie woord gebruik? ---- Dan kan ek nie daarop antwoord nie, U Edele.

Hoe sal u dit beskryf? ---- Hoe bedoel u? Ek het mos klaar beskryf?

Wat tussen jy en beskuldigde no.4 plaasgevind het? 'n Stoeiery? ---- Ja, jy kan half amper - nie 'n stoeiery nie, ons het nou nie op die grond gestoei nie.

Hy was /...

Hy was op die grond en u het hom geskop? --- Nie terwyl hy op die grond gelê het nie.

Of terwyl hy besig was om weer op sy voete te kom? --- Ja, die tweede keer toe hy na die vuurwapens gegaan het, hy was half en half op sy voete gewees, maar hy was nie regop nie.

Hy het half op die grond gelê? --- Ja, hy het beweeg, van die grond af beweeg na die vuurwapens toe.

Nou sersant, julle het daar na toe gegaan omdat julle 'n rapport gekry het in verband met vuurwapens? --- Dit is korrek.

Julle het verwag dat julle vuurwapens daar sal vind? --- Dit is korrek.

Julle het ook 'n rapport gekry dat 'n man by die naam van Bafana daar miskien sal gevind word? --- Dit is korrek.

En dat miskien is hy in besit van vuurwapens? --- Dit is korrek, ek het ook sy beskrywing gekry.

So toe jy by daardie hut ingaan het jy verwag dat dit miskien 'n gevaarlike situasie sal wees? --- Dit is korrek.

Het jy self 'n vuurwapen gedra? --- Dit is korrek.

Watse soort vuurwapen was dit? --- Daardie tyd was dit 'n .32 pistool.

Wat jy in jou hand gedra het? --- Ek het dit nie in my hand gehad nie.

Waar was dit gewees? --- Dit was langs my sy gewees.

Maar toe jy in die hut ingaan het jy dit nie uitgeneem nie? --- Nee, U Edele.

Jy het net 'n flitslig in jou hand gehad? --- Dit is korrek.

En ek neem aan dat jy was van plan om hierdie persoon so vinnig soos moontlik in hegtenis te neem? --- Dit is korrek.

Voordat enige skietery kon plaasvind? --- Dit is korrek.

En onmiddellik toe hy ontken het dat hy Bafana was het jy hom onderstebo geloop? --- Dit was toe hy afbeweeg het na

die /...

die grond toe, daar na waar die oorpak gelê het.

Wat bedoel jy dat hy geduik het of afbeweeg het na die grond toe? --- Die oomblik toe ek dit sê toe duik hy af na waar die wapens is, U Edele. Op daardie oomblik het ons nie geweet dit is wapens nie.

Dit was 'n baie klein hut, nie waar nie? --- Dit was nie baie klein nie.

Maar jy het naby aan hom gestaan? --- Dit is korrek, nie teenaan hom nie, maar voor hom.

So onmiddellik toe hy beweeg het het jy hom onderstebo gestamp? --- Ja, hy was al klaar afbeweeg toe ek hom gestamp het.

Jy sê hy het geval by die kopenent van die bed? --- Hy het oor die kopenent van die bed geval, van die kombers wat op die grond gelê het.

En toe hy so geval het, was - het hierdie oorpak oopgeval en die wapens is blootgelê? --- Dit is korrek.

Hy het min of meer op hierdie oorpak geval? --- Hy het half oor hom geval.

Hy het net op of langs die oorpak en die wapens geval? --- Ek kan nie sê presies waar hy geval het nie, ek weet net met die val het hy - die val het veroorsaak dat die oorpak oopgeval het en die wapens ontbloot is.

Ja, en toe hy onmiddellik daarna weer begin beweeg het het jy hom weer geskop? --- Dit is korrek, toe het ek die wapens gesien.

Toe jy die wapens gesien het het jy hom weer geskop en hy het op hierdie stoel geval? --- Dit is korrek. Hy het hom stukkend geval ook.

Stukkend geval? --- Dit is korrek.

Wie was stukkend, die stoel of ..? --- Die stoel.

So jy/...

So jy het hom skielik geskop voordat hy enigiets kon doen? --- Dit is korrek.

En waar was die flitslig gewees gedurende hierdie geskarrel wat plaasgevind het? --- Ek glo hy was in my hand gewees.

Nie die hele tyd op die beskuldigde nie want jy het beweeg? --- Ja, maar die flitslig van my is snaaks, waar jy hom trek verlig, ongeag na watter rigting dit geskyn is.

Wat het die ander persoon die hele tyd gedoen terwyl jy met beskuldigde no.4 besig was? --- Dit sal hy kan antwoord.

Kan u nie sê nie? --- Ek kan nie sê wat hy alles gedoen het nie.

Het hy daar gelê of opgestaan of probeer keer of wat het hy gedoen? --- U bedoel nou die ander Bantoeman wat ..?

Ja? --- Ja, ek weet hy het geskrik en hy het daar rondbeweeg in die kamer maar wat hy presies gedoen het kan ek nie oor getuig nie.

En De Waal, wat het hy gedoen? --- Soos ek gesê het hy kan daardie getuienis gee, ek kan nie sê wat hy presies gedoen het nie.

DEUR DIE HOF: Het jy gesien hoe hy presies beweeg of wat hy doen? --- Nee, ek het nie al sy bewegings gesien nie, ek het reeds getuig dat hy het die leertas opgetel en daardie tipe van dinge, dit weet ek van, maar ek kan nie sê presies wat hy alles gedoen het nie. Hy kon moontlik met die ander man gehandel het. Ek kan nie daaroor getuig nie.

MNR. KUNY: Wat was beskuldigde no.4 se toestand nadat jy hom twee keer geskop het? --- In watter opsig?

Was hy bewusteloos of het hy ... (tussenbei).. --- Hy was nie bewusteloos nie, maar sy gô was so 'n bietjie uit seker.

Is dit nie korrek, sersant, dat nadat jy die naam Bafana genoem het, het jy ook gevra waar is die vuurwapens nie? ---

Dit/...

Dit is moontlik, Edele, ek kan nie dit onthou nie. Ek glo nie ek het so gevra nie, maar die moontlikheid is daar.

Want jy het na vuurwapens gesoek? —— Dit is reg, U Edele.

So dit is moontlik dat jy vir vuurwapens kon gevra het? —— Dit is korrek, maar ek kan nie onthou dat ek soiets gevra het nie.

Beskuldigde no.4 sê, sersant, dat jy het nie geduik soos jy beskryf het nie, maar dat nadatjy die naam Bafana geroep het, en vir vuurwapens gevra het, het jy hom toe - het hy ontken, en toe het jy hom hom onderstebo gestamp? —— Dan sou hy 'n aanranding klagte gemaak het as hy so gevoel het, so ek ontken dit.

Jy ontken dit. En daarna het alles baie vinnig gebeur? —— Ons kan so sê.

Jy sê dat jy in hierdie leertas gekyk het? —— Ek het nie op daardie oomblik self in die leertas in hom in gekyk nie, U Edele.

Wanneer het jy in die leertas gekyk? —— Toe die vuurwapens teruggeplaas is.

Ja, en op daardie stadium wat het jy in die leertas gesien? —— Ek kan nie onthou dat ek iets gesien het in die leertas nie. Vir my het hy leeg gelyk.

Ekskuus? —— Vir my het hy leeg gelyk, ek kan nie sê of daar moontlik iets was nie. Dit is wat ek nie oor kan - ek kan nie sê dit was so of dit is nie so nie.

Papiere of dokumente van enige aard? —— Ek weet nie, dit kon moontlik gewees het. Ek weet nie, ek het net die goed teruggesit daar. Die tas het verskeie laaie in.

Hoekom sê jy teruggesit? Hoe weet jy dat hulle vantevore af in daardie leertas gewees het? —— Ek het so aangeneem. Daar was niks swaar in die tas gewees toe ons die goed teruggeplaas/...

geplaas het in elk geval nie.

Jy neem net aan dat oorspronklik was daardie vuurwapens in daardie tas gewees? ---- Dit is korrek, en ek glo dit nou nog.

Was dit die rapport wat julle gekry het? ---- Dit is korrek.

Dat daar 'n leertas was met vuurwapens daarin? ---- Dit is korrek, U Edele.

En dit is wat julle verwag het dat julle daar sal vind? ---- Dit is korrek.

Ek het geen verdere vrae nie.

HERONDERVRAGING DEUR MNR. VAN PITTIUS: Geen vrae.

GEEN VERDERE VRAE.

TYRONE KHUMALO d.s.s.

THE WITNESS ADDRESSES THE COURT AND AKS THAT HIS EVIDENCE BE HEARD IN CAMERA.

MR. CHASKALSON ADDRESSES THE COURT AND ASKS THAT THE STATE GIVE HIM INFORMATION ON WHAT THIS WITNESS WILL TESTIFY ABOUT BEING AN ENTIRELY NEW WITNESS.

MR. DONEN: It is related to Annexure "C", the first allegation and general conspiracy. Mainly to the first allegation.

FURTHER DISCUSSION IN REGARD TO THE APPLICATION BY WITNESS.

COURT ADJOURNS.

COURT RESUMES AFTER THE TEA-BREAK.

MR. CHASKALSON: My Lord, my learned friend has told me the contents of this witness's evidence. I have told him that I have no objection to the procedure being followed whereby the witness's name be not published and no details be given to identify him. He has already appeared in court and the people in court know who he is.

BY THE COURT: Are you satisfied with that?

MR. DONEN: Yes, My Lord.

BY THE COURT: I am glad we have reached agreement on that

because /...

because in the interim period I looked up the authorities under Section 1564 of the Code to see in what circumstances it should be in camera.

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TYRONE KHUMALO d.s.s. (Through interpreter).

EXAMINATION BY MR. DONEN:

BY THE COURT: Tyrone, when you came here just now into court you asked that your evidence be heard in camera. Counsel has had a discussion between themselves, and in terms of that agreement I will order that your name should not be published and that no information be published which may lead to your identification. --- I understand.

Do you now feel free to give your evidence? --- I feel free.

MR. DONEN ALSO ASKS THE COURT TO WARN THE WITNESS IN TERMS OF SECTION 254.

BY THE COURT: As you have heard I have been informed by the Prosecutor that in his opinion you are an accomplice of the accused in this case. And as an accomplice you will be obliged to answer questions which may tend to incriminate you. If however you answer the questions fully to my satisfaction you will not be prosecuted, but be given free pardon as you call it. --- I understand.

MR. DONEN: Do you know accused no.3 before the court? --- I do.

BY THE COURT: Will you just stand up please. --- That is the man, My Lord.

MR. DONEN: Now when did you meet him and where did you meet him? --- I met him during 1975 at Mozambique.

Can you remember when in 1975? --- Approximately March month.

And under what circumstances did you meet him? --- We

were at/...

were at a funeral.

Were you introduced to him? --- He introduced himself to me.

As whom? --- As Jacob.

Did he have any surname? --- Mokwena.

Did you have any conversation with him? --- Yes, we did.

Could you relate that conversation to the court? Did he tell you anything about himself? --- Yes, he told me that he comes from South Africa, went through Swaziland.

Speak a little bit louder, please. --- And stayed in Mozambique as a refugee. And he told me that he is waiting for the ANC people for training.

Did he say what sort of training? --- He did not tell me what training, because he said that he is old.

Did he say where he would go for this training? --- He did not exactly tell me where, but told me that the ANC trains everywhere.

Did he say where everywhere was? --- LikeTanzania, Russia, China or possibly in Mozambique.

Did he say anything else about himself on that day? --- No, he did not tell me all on that same day. We did meet again.

Where did you meet again? --- At Avenida da Brazil at a refugee flat.

And what did he tell you there? --- He told me that he had met Lennox, a member of the ANC. Accused no.3 said that the ANC members leave all the messages with him.

Did he tell you anything else about himself? --- He was not talking to me directly, but with us meanwhile we were together with him.

And what did he say? --- He said that during or before 1960 when they used to place pamphlets on the walls the members of the PAC would come and remove those pamphlets from

the walls. And further he told me that he was not on good terms with them.

Alright, now you said that this Avenida da Brazil was a refugee flat. What was accused no.3's function at that flat? --- Because he is an old member of the ANC, when the ANC members arrive, they always contact him, would sit down and sing songs.

What sort of songs? --- Freedom songs.

Such as? --- "Kosi sikelelo e Afrika, Nanci indoda emnyama", and the others which I cannot remember.

I don't know how good my prononciation is, but does this mean anything to you "Mandela umfuni amajoni inkululeko"? --- It means to me that Mandela wants soldiers who will come and fight in South Africa.

We will leave that point. Do you know who Keith Mokoape is? --- I do.

Who and what is he? --- He stands for the ANC at Botswana he looks after the people as refugees and helps them join the ANC.

Now have you ever met him? --- Yes, three times.

Where have you met him? --- At first I met him at Tanzania, I secondly met him at Angola, thirdly I met him at Botswana.

Where in Tanzania did you meet him? --- At Themeke.

And what is Themeke? --- It is a district.

And then where in Angola did you meet Keith Mokoape? --- At the National camp, at the Fabla National camp.

What is that? --- It is the Angola Armed Forces Camp.

Do you know somebody called Lennox? --- I do.

What is he? --- He stands for the refugees in Mozambique, refugees who have come to join the ANC.

Have you ever met him? --- I have.

Where? —— At Mozambique, at Maputo.

I have no more questions, My Lord.

MR. CHASKALSON: My Lord, I have in fact no instructions on this witness seeing that he is a man not previously encountered. May I suggest he stand down until tomorrow?

MR. DONEN HAS NO OBJECTION TO THE WITNESS STANDING DOWN.

BY THE COURT: The witness will stand down until tomorrow.

WITNESS STANDS DOWN.

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TITI MTHENYANI d.s.s.

EXAMINATION BY MR. DONEN: My Lord, I also ask that the name of this witness be not published. Mr. Chaskalson has no objectio[n]

BY THE COURT: In this instance like in some other instances, by agreement it is ordered that the name of this witness is not to be published, nor is anything to be published which may tend to lead to his identification.

MR. DONEN ALSO ASKS THE COURT TO WARN THE WITNESS IN TERMS OF SECTION 254.

BY THE COURT: Titi, you heard the Prosecutor telling me that in his opinion you are an accomplice in this case. As an accomplice you will be obliged to answer questions that may tend to incriminate you. If you however answer the questions fully to my satisfaction you will not be prosecuted, but you will be discharged from criminal liability. ——I understand.

MR. DONEN: Before your arrest were you a member of an organisation known as the Soweto Students Representative Council? —— Yes, Lord.

For how long were you a member? —— I can't remember but quite a long time.

Do you know accused no.2 before the court? —— Yes, I do.

BY THE COURT: Accused no.2, will you just stand up please. ——

That is /...

That is the man.

MR. DONEN: Did you see accused no.2 during December of 1976? --- Yes, I did see him.

Where did you see him? --- I saw him at Mafulo Location in Soweto.

Were you alone when you saw him? --- There were four of us including him.

Now who were the other two besides you and him? --- Easy and Khotso.

What is Easy's surname and Khotso's surname? --- Gxuluwe.

And Khotso? --- Seatlholo.

Now were they members of any organisation? --- Yes, they were.

Of which organisation? --- SSRC.

Does that stand for the Soweto Students Representative Council.

Now where was it that you met accused no.2? --- We met at Obed's house.

And did you speak to no.2? --- I personally did not.

Did no.2 speak to you or any of your company? --- Yes, he spoke to the company in which I was.

And what did he have to say? --- He wanted to train us.

Did he say train you in what? --- For the struggle.

What sort of - how did he want to train you for the struggl --- He made mention of ammunition.

To what struggle was he referring? --- The struggle that was during that time.

What struggle was during that time? --- Actually he wanted to help us, we students.

Help you how? --- (Pause).

Did he say how he wanted to help you? --- No, he did not sa

What else did he say? --- He discussed about the fact that he wanted to train us.

What did he have to say? --- (Court intervenes).

BY THE COURT: Tell me, why do you seem so hesitant to answer the questions? --- Simply because I have forgotten a lot of things.

MR. DONEN: Now can you remember what he said to you about the training? --- I don't remember.

Does the word "cell" mean anything to you? --- Accused no.2 said he would train us as a cell.

Yes, and what else did he have to say? --- Like what?

Well, you are the one who was there? --- I don't remember.

Now what happened when you finished ... (Court intervenes).

BY THE COURT: Can you remember whether the word "cell" was used at all? --- Yes, he used the word "cell".

MR. DONEN: Now what happened when you finished your discussion? --- He left.

And did you see him again? --- I saw him the following day.

Now where did you see him? --- If I remember well we went to fetch him at Kwezi Station.

Did you fetch him by arrangement? --- Yes, by arrangement we fetched him.

And who is "we"? --- Myself, Easy and Khotso and Jonas Machobane.

Now where did you go from the station? --- We went to Mpetla Location.

And what did you do there? --- We discussed about things.

What did you discuss? --- If I remember well we were discussing about our organisation. Accused no.2 then told us about the cell system.

Now what did he tell you about the cell system? --- I can't remember/...

remember the exact words because I have forgotten a lot of things.

Did he tell you whose cell system it was that he was talking about? --- He said he can make use of the cell system by training us before, he will train us because we had agreed that we will be under them as individuals.

Now who is "we", and who is "them"? --- Myself, Easy, Khotso, Jonas.

Under who would you be? --- He was explaining how the cell works. And that he would train us before. That is why I said we would be under him.

Yes, now who is "our" organisation that you were discussing, was that the SSRC? --- Yes.

And what did you discuss about the SSRC? --- I don't remember well.

What happened then after you finished discussing the cell system? --- Accused no.2 showed us a machine-gun and said it is a Scorpion.

Now I will show you EXHIBIT 52. Have you ever seen anything similar before? --- But not exactly this one.

In any case, what ... (Court intervenes).

BY THE COURT: What do you mean not exactly this one, do you mean it is similar but not exactly this one? --- Yes, similar to this one.

MR. DONEN: Now firstly where did he get the Scorpion from? --- I don't know.

Where did he - did it appear out of thin air or did he take it out somewhere? --- When we had gone to fetch him he brought it along with him.

Now what did he do with that Scorpion? --- He dismantled it, and we also did likewise.

And then? --- We also dismantled it and assembled it as shown. When we had finished we gave it back to him.

BY THE COURT: Now just tell me, where this took place, where the Scorpion was shown to you, where were you? In a house, in a street, in the veld, or what sort of area were you in when the Scorpion was displayed to you? --- We were in a house at Jonas Machobane.

Where he showed that to you in the house, I take it it was in a room? And were there only the people you have mentioned or were there other people present when the Scorpion was displayed? --- There were no other people.

MR. DONEN: Now after you finished assembling and dismantling the Scorpion, what happened next? --- Accused no.2 showed us a hand grenade. He had brought it along with him.

Yes, now what did he show you about it? --- He unscrewed it. I saw the detonate. He showed us a pin. When one wants to use it, one pulls up the pin. And then you throw it, it will then work.

Did he say who you throw it at, accused no.2? --- I can say to the target, I don't remember.

Now did any of you handle this hand grenade? --- We all handled it.

I show you EXHIBIT 29, EXHIBIT 28. --- Yes, it is similar to this which I now see.

BY THE COURT: That is the pineapple. Yes?

MR. DONEN: Now why did you handle these weapons? --- I was interested to know them.

And why did accused no.2 show you these weapons? --- Because he knew that we were interested in them.

Did you agree to work in a cell under him? --- Yes, I did agree to work in a cell under him.

And the other people present? --- Yes, the other people

too agreed.

In what capacity? In your private capacity? --- In the private capacity.

Now did accused no.2 tell you anything about himself? --- Like what?

Like whose weapons these were and where he got them? --- What was the question?

Did accused no.2 say where he got the weapons or whose weapons they were? --- We knew as an ANC member.

Now how did you know? --- Because he said that he is a member of the ANC.

And this cell to which you referred, does that cell relate to any organisation? --- Yes.

To which organisation? --- Umkhonto We Sizwe.

Now what was said about Umkhonto We Sizwe? --- Really I can't remember.

Do you know what the ANC is? --- Yes, I do.

Was anything discussed about the ANC during all the time you saw accused no.2? --- I think we did but I can't remember.

Now when you spoke about Umkhonto We Sizwe, just before you said that, you said MK to the interpreter, is that correct? --- Yes.

Are these two the same? --- One and the same.

CROSS-EXAMINATION BY MR. CHASKALSON: I think as I understand your evidence, he showed you these weapons? --- Yes.

He allowed you to handle them? --- Yes.

He explained what use could be made of them? --- Yes.

He told you that you would have to behave in a disciplined way? --- Yes.

And that if and when the time came to use those weapons you would be told? --- I don't remember.

You don't remember that. I have no further questions.

RE-EXAMINATION BY MR. DONEN: No questions.

BY THE COURT: Tell me, what is your age? --- 22 Years old.

You say you can't remember how long you had been a member of the Students Organisation before this meeting with accused no.2? --- I can't remember.

Was it anything like four years or two years, or had you just become a member? --- One or two years, I don't remember.

You say you were a member of the SSRC, did you serve on any governing body, were you the chairman or were you just an ordinary member, or did you have any position? --- A member of the Executive.

Now what position did you hold in the Executive? --- We had no positions there.

Now in your Executive they were all of the same status? --- We had not gone so far as to give each positions.

And the other two people, or three who were with you, did they also serve on the Executive, or were they just ordinary members? --- Khotso was the present, and the others merely members.

Members of the Executive, or just ordinary members of the organisation? --- One of them was a member of the Executive.

Who was he? --- Easy.

Tell me, during 1976, in which form or standerd were you at that stage? --- Form 3.

NO FURTHER QUESTIONS.

DISCUSSION IN REGARD TO ADJOURNMENT OF THE CASE.

COURT ADJOURNS UNTIL THE 9th FEBRUARY, 1978.

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