

Do you know...?---Pardon, I might add that I said to her that I got this pistol and she remarked "Oh, that was interesting", or something like that, and she said no more about it.

Well, just before we finish with the correspondence, did you know what organisation she belonged to? ---No, but I suspected it might have been the Communist Party.

And did you know why she wanted to use your name and address to receive her correspondence?---Yes, 10 obviously to maintain secrecy and security.

And you say at some stage you mentioned to her that you had this pistol now before Court, in your possession?---That is right, yes.

And then what was the next thing that happened? In regard to the pistol now?---Well, I used to see Lionel Gay quite frequently, and I mentioned that I had a pistol, and he said well, would I give it to him. So I gave it to him, and then we filed the number off it with an emery wheel. 20

You and Lionel Gay filed the number off, and did you see on this pistol the number had been filed off? ---Yes.

And what did you think Lionel Gay was going to do with it?---....

Let me put it to you this way - did you know whether he belonged to any organisation?---No, but I suspected that he might either be a member or have something to do with the Communist Party or other organisations.

And what did you think he was going to do 30 with the pistol?---Well, I guess if the situation arose,

he might find it necessary to use it.

Yes, but for his self protection, or for the purposes of the organisation?---It could have been either.

Did he ever tell you himself why he required it?---Never.

MR. MASTERS: No further questions.

DEFENCE: Request that witness stands down.

(WITNESS STANDS DOWN).

ISAAC RANI, declares under oath (Interpreted)

EXAMINATION BY MR. TUCKER:

10

Now Isaac, during 1962, did you join an organisation known as the African Youth League?---I did.

And were you told about a school that there was for the African Youth League?---Correct.

And did you express a willingness to attend this school?---Yes.

My lord, I may just mention that this witness is recruit 120, on the charge sheet. Now, at that time, were you in Cape Town?---Correct.

And on the 13th of June, 1962, did you leave 20 Cape Town, going to this school?---Correct.

And were you accompanied by?---Alfred Jantjies, and Goodman Mathauli.

Now, did you leave Cape Town by train?---
Correct.

And you came to Johannesburg?---We did.

At Johannesburg, did you stay a short while?---
Yes.

And did you stay at a place where there were 30 other Bantu youths staying as well?---Correct.

Were these other Bantu youths respectively from Port Elizabeth and Durban?---Correct.

Now, at this place where you were staying here in Johannesburg, you can just tell me whether the following persons were staying there with you - Nquzila Ncobo?---That is right, he stayed with us.

And Bengu?---Also.

Phillemon Begela?---Also.

Mathews Nxobo?---Also.

And a certain Eric?---Also him. 10

Alfred Kohnza?---Also.

MaxwellMayekiso?---Also.

Ernest Malgas?---Also.

John Mzuzo,?---Also.

Mathews Makalima?---Him also.

McDonald Masala?---Also him.

Yes, now you stayed at this place, and then were you taken to a double-storey building?---That is correct, we were taken from this place where we were living to a double-story building. 20

And were you taken together with those whose names you have just mentioned?---Yes, all of us.

And were you all loaded into two Kombis and a panelvan?---The panelvan, correct.

Yes, and where did you go to then?---We then went in the direction of Bechuanaland.

Did you stop before you reached the border? ---We stopped at the border.

Yes, and then?---Then an Indian who drove the car, kicked up a row because we had stopped at the border, 30 and he wanted to know why stopped at the border.

Yes, in any case, just to cut a long story short, did you cross the border on foot?---Yes, we went towards the sides and crossed over.

Yes, and did you meet one of the vehicles again inside Bechuanaland?---We did, and it picked us up.

Yes?---It took merely our bags but not us.

Yes, and then from Bechuanaland, where did you go to?---We went to Southern Rhodesia.

Yes, and from there?---Well, we went to Lusaka in Rhodesia, from there to Tanganyika. 10

How did you go to Tanganyika? Did you fly or go by bus?---We went there by train and by bus.

Yes, and from Tanganyika, did you go anywhere else?---From there we went to Kenya, from Kenya we went to Ethiopia.

To which place in Ethiopia?---Da-Bra-Zid, and there we were trained.

Now, what is at Da-Bra-Zid?---That is a military training camp.

How many were you that entered that camp?--- 20
Twenty.

Can you tell us what the date was approximately, when you landed up in this military camp?---I do not remember that any more.

But approximately?---.....

During what year was it?---During 1962.

Yes, now in this camp, were there any officers?
---Yes, there were two officers to whom we went to. One Captain Mamo and Lt. Govani.

Yes, and were there other instructors, apart

from these two officers?---Yes, there were other instructors.

How long did you stay in this military camp?

---Three months.

And during those three months, were you taught anything?---Yes, we were taught.

Now, can you just tell the Court what you were taught there?---Well, we were drilling.

Yes?---We were taught to swim.

Yes?---We were taught first aid.

Yes?---We were taught to do map reading, 10
and we were taught the compass.

Yes?---To dismantle a firearm and to put
it together again.

Yes?---Obstacle crossing, rapelling.

Yes, and what else?---And to shoot with a
B.A.R..

Yes?---Light machine gun, hand grenades,
jerry can, boobie traps.

Yes?---Mine bombs.

Yes?---Bazooka. 20

Yes?---Reconnaissance.

Yes?---Road blocks.

Yes?---And ambush.

Now tell me you mentioned quite a number of
weapons like Bazookas and machine guns and hand grenades -
where were you actually taught about these things?---Well,
we were taught how to use them and to fire them.

Yes, did you actually fire rifles there too?
---Oh yes, we did.

And machine guns?---All those weapons we fired. 30

Now, after your training was completed in the

military camp, after three months, what happened then?—
Well, we were then sent back to Tanganyika.

Yes?---from there we were sent to Palapye
in Bechuanaland.

Yes, go ahead?---We were arrested before we
got to Palapye.

Where were you arrested?---In Bulawayo in
Southern Rhodesia.

And were you then brought back to the South
African border, where you were handed over to the South 10
African Police?---That is correct.

Now, will you just have a look at Exhibit 'RR'
these are photostat copies of documents that are not
available my lord. Could you just tell the Court what
those documents are?---There is this Dar-es-Salaam Motor
Transport Company - that is a ticket to allow you to ride
on a bus.

Yes? (Court enquires about the number of the
exhibit).---INTERPRETER: 'RR' my lord, and the witness
says that this Dar-es-Salaam Motor Transport Company 20
ticket bears my surname.

Now, my lord, apparently there has been some
confusion - the one 'RR' is a Rivonia Exhibit, and the
other 'RR' is an exhibit which is on the large schedule.
If this exhibit presently before the Court, if that can
be numbered 'RR.1' my lord, to distinguish it from the
other 'RR' exhibit. Yes, what else is there in Exhibit
'RR1'?---Then secondly is this City Council of Dar-es-
Salaam in Tanganyika, Vaccination Centre. After we were
injected, we were issued with these certificates. 30

Yes?---And here are two such certificates.

The one being for smallpox and the other for yellow fever.

Yes?---Then there is another certificate of identity dated the 3rd of August, 1963. There is a photograph on this, and that is my photograph.

Yes, ^{where} were you issued with such a certificate of identity?---In Tanganyika.

Now, will you please have a look at Exhibit 'R.I' - can you tell the Court what that is?---This is a photograph of us students who went over for military training. This photo was taken in Ethiopia. 10

Is that after you had completed your training or before?---That was after we had completed our training.

Now, I see you are all dressed in civilian clothes there - while you were in the military camp, how did you dress?---In the military camp whilst we were undergoing our training, we were dressed in uniform, but when this photograph was taken, we had to go and see the Minister of Foreign affairs, at Addis-Ababa.

Yes, I see and then you were dressed up in civilian clothes before you went?---Then we dressed in civvies. 20

Now, Isaac can you perhaps just tell the Court why you had to undergo this military training? What was the purpose of it?---I cannot say.

When you left the country, were you told why you had to go for training?---I went to a school of education, that was what I was told when I left here.

And when you came there you saw you were in a military camp?---That is correct. 30

Now, after you had undergone your training,

I. RANI. D.I. DADABKAY
 A.M. CAJEE. E.J. BIZZELL
 S.K. NANAN E. MASHER
 C.H. SMIT
 W.P. VAN WYK
 J.H. KENNEDY
 A. RAHIM
 S.A. BONTAUIS

were you told what you had to do with this knowledge that you acquired in the military camp?---We were told that we would become instructors to people.

To people where?---No, we were not told where.

MR. BIZOS: Requests that witness stands down.

MR. HARE: No questions.

MR. TUCKER: Requests that the witness' name should not be mentioned in the Press, and gives his reasons.

DEFENCE: No objection.

BY THE COURT: Well, the name of this witness should not be disclosed in any publication. 10

(WITNESS STANDS DOWN).

AMIEN MOHAMMED CAJEE - this witness refuses to give evidence.

DEFENCE: Request a short adjournment.

THE COURT ADJOURNS FOR A SHORT WHILE.

ON RESUMING:

MR. MASTERS: I think the witness has re-considered his position my lord.

MOHAMMED AMIEN CAJEE, verklaar onder eed

DIE HOF waarsku getuie in terme van Seksie 254. 20

VERHOOR DEUR MNR. MASTERS:

Wil jy jou getuienis in Afrikaans gee dan?---

Ja, ek sal in Afrikaans praat. Ek het n verklaring in Afrikaans gemaak, en ek sal in Afrikaans praat.

Nou, u was by die Universiteit van die Witwatersrand?---Ja, in 1950 en 1951.

En vir watter graad het jy studder?---Ek het wetenskap gedoen, sielkunde en dierkunde.

Hoe ver het u gekom?---Ek het in die laaste jaar gedruip. 30

Is dit die finale jaar?---Die finale jaar.

Is dit vir u B.A. Graad?---Nee, die Bsc. sê hulle in Engels.

Nou, was u destyds geïnteresseerd in the politieke organisasies?---Nee, ek is in politiek van lankal af, van 1935 af. Ek is geïnteresseerd in politiek van 1935 af.

Ja, en jy het later n lid van die Transvaal Indiër Kongres?---Ja.

En het jy later n amps posisie gehad in daar- 10 die organisasie?---Ek was op die uitvoerende kommittee.

GETUIE: Ek het nie n offisiële posisie gehad nie. Ek was net op die uitvoerende komitee.

En tot wanneer het jy op die...?---Ek was 1957/1958 tot ek van daardie liggaam bedank het.

En ken jy enige van die beskuldigdes nou voor die Hof?---Ek ken vir Nr. 5.

Nr. 5?---En Nr. 3 van laaste jaar af. So n bietjie. Ek het nie baie kennis van hom nie. Nie baie bekend aan my nie, 20

Watter naam het Nr. 3 Beskuldigde? Wat is sy naam?---Nr. 3 is Esu, hulle sê hom Esu.

Ken jy hom by daardie naam?---Ja.

En Nr. 5?---Nr. 5 is Mac. Solly Matthews, Mac. Mac is sy gewone naam.

Mac Solly Matthews is sy ander naam?---Ja.

Nou, waar het jy Nr. 5 leer ken? Solly Matthews?---Ons het so n beetje besigheid gedoen een keer, en toe het hy my uitgenooi om by sy huis te gaan, en daarvandaan ken ek hom. Van laaste jaar af, 30

Laas jaar?---Ja, so omtrent amper n jaar, kan

ek maar sê.

En wat het daar by sy huis gebeur?---Toe het ek hom altyd gaan besoek, somer bietjie daar by hom gaan eet en gesels en kaarte speel.

Ja maar, waarom het julle gesels?---Sommer net vriendelike geselskap.

Ja?---Hy het gesê hy doen besigheid, hy verkoop goedere.

Ja?---En ek moet daarvan koop maar....

Wat van die politiek?---Nee, ons het nie politiek gesels nie. Ek het totdat hy gevang is, ek het nie geweet nie, hy was n politieke man nie. 10

Wat het toe later gebeur? Het Nr. 5 iemand aan jou voorgestel?---O ja, een maal, n Blanke man.

Wat is sy naam?---Peter.

Ken jy sy ander naam?---Ja, nadat ek aangeneem is, ek het sy naam gehoor. Ek het gehoor hulle sê Lionel Gay.

Lionel Gay?---Ja. Die speurders het my gesê dis sy naam. 20

Wel, kyk net deur hierdie boek, en sien of jy sy kiekie in daardie Bewysstuk '00.2' kan sien?---31.

My lord, the evidence will be that is a photograph of Lionel Gay. Nou, hoe het dit gebeur dat jy hierdie man ontmoet het?---Mac het gesê hy wil my aan iemand voorstel. Iemand wil die help van my hê. Ek het nie geweet nie watse help was dit nie, toe het hy vir my gesê "Nee, hy sal self met jou praat". Toe het ek een Saterdagmiddag daar gegaan, toe kry ek hom daar.

Een Saterdagmiddag, waar het jy hom gesien?---30
By Mac se huis.

Waar is dit?---Dit was in Doornfontein.
In Spear Straat.

Het jy self daar gegaan?---Ja.

Wie het jou daar geneem?---Nee, ek het self
gegaan.

Ja, en dan?---Toe was ek ...toe het Mac aan
my voorgestel aan Peter. Toe sê Peter kan ons in n
ander kamer gaan, toe gaan ons daar.

Jy en die man Lionel Gay?---Peter, ja, Lionel
Gay.

10

Julle is toe alleen in n kamer?---Ja so
n donkerige kamer. Toe vra hy my of ek "Chemistry"
gedoen het. Toe sê ek lankal omtrent 20 jaar terug. Toe
het hy my getoets of ek n paar van die formules ken, van
chemie, toe het ek dit nie geken nie. Ek het dit vergeet.
Dis lanklaas wat ek chemie gedoen het. Toe vra hy my
of ek n paar dinge vir hom kan kry. Toe vra ek vir hom
wat dit toe was. Dit was houtkool en blomswael en salpeter.
Toe vra ek hom waar kan mense dit kry, toe sê hy mense
kan dit by enige apteek koop.

20

Ja, wat is die goed, as jy dit meng?---Agterna
het ek oor dit gedink, toe het ek geweet dit maak buskruit,
Buskruit?---Ja.

Ja?---Die bespreking was omtrent, ek glo nie
dit was meer as tien minute nie.

Wat het julle nou eintlik bespreek daar?---
Net dat ek moet die dinge kry. Die goedjies.

Ja, maar het julle gepraat van buskruit of
nie?---Nee, hy het my net gesê ek moet die dinge probeer
kry by n apteek, of ek kan kry.

30

Maar het hy jou gesê of vir jou gevra van

Belt 65

plofstowwe? Niks gesels nie?---Nee, niks nie.

Wat het jy gemeen, wat is die doel van die ontmoeting daar?---Nadat hy weg is, toe sti ek daarso en kaarte speel, toe het ek daaroor gedink. Toe dink ek nee, dis mos dinge wat buskruit maak.

Nou, hy het jou gevra sê jy om hierdie goed te koop?---Hy het net gesê of ek dit kan kry vir hom.

Ja, en wat het jy vir hom gesê?---Ek het vir hom gesê ek sal probeer.

Maar het jy geweet waaroor gaan die ding?--- 10
Nee, agter het dit my toe geslaan.

Eers agterna?---Na 15 minute of so, nadat hy weg is.

Jy het hom nie gevra?---Nee, ek het nie gevra nie.

Ja, en toe wat het jy gedoen dan omtrent hierdie goed?---Ekskuus?

Wat het jy gemaak?---Nee, ek het hulle nie gekry nie. Toe Mac weer gekom het, ek dink hy het hom weggebring na sy huis toe, ja ek dink hy het hom na sy huis toe gevat, 20 ek weet nie, maar ek dink hy het hom na sy huis toe gevat.

Ja?---Toe terwyl hy weggewees het, ek het mos daaroor gedink, en ek het gedink...toe slaan dit my toe eers dat dit buskruit...dinge is wat buskruit maak.

Ja?---En toe met terugkom sê ek vir hom ek is baie kwaad, hy will dinge van buskruit hê, en ek het niks te doen met daardie dinge nie. 'I do not want to have anything to do with you also'. Toe sê hy ek moet sommer vergeet van al hierdie dinge. Vergeet van Peter, en vergeet van die dinge wat hy gepraat het. 30

En is die goed op n papier geskryf wat jy

moes gekry het?---Nee, hy het nie geskryf nie. Daardie formule het hy ... net die formule wat hy wou gehad het ek moet uitwerk het hy self op n papier geskryf, n klein bietjie.

Watse formule is dit dan?---Hy wou my net getoets het, ek weet nie watse formule nie. Dit was sommer net - hulle sê hōm in Engels "Chemical Equation". n Formule om vir my te toets.

MR. BIZOS: Requests that the witness stands down.

MR. HARE: No questions.

10

(WITNESS STANDS DOWN).

SULIM KAKASH NANAN, declares under oath
COURT warns witness in terms of Section 254.

Witness first refused to give evidence. Court adjourned while defence consulted, then he gave evidence (WBZ)

EXAMINATION BY MR. TUCKER:

Now Mr. Nanan, during May of 1963, were you approached by a certain Paul Joseph?---What month?

Were you approached by him or not?---Yes, I was.

BY THE COURT TO WITNESS: Yes, Now, did he see you in May, 1963?---Yes, he did.

EXAMINATION BY MR. TUCKER (CONTINUED):

20

And what business did he discuss with you?---
Not anything really much. My relationship with Mr. Paul Joseph was purely platonic. I mean, we have a common factory, and our relationship was always literature.

Yes, what kind of literature?---Well, I borrowed a book from him by Satre~~f~~?---Existentionist(?).

Yes, and did Mr. Paul Hoseph ask you to join anything?---No.

MR. BIZOS: Applies for an adjournment.

AT THIS STAGE THE COURT ADJOURNS UNTIL 2 P.M.

ON RESUMING:

SULIM KAKASH NANAN, still under oath

EXAMINATION BY MR. TUCKER (CONTINUED):

Will you have a look at Exhibit 111 - do you know that roneo machine?---Yes.

On the 27th of August, 1964, that is after you were arrested, did you point that machine out to the police?---Yes, my lord.

And was it then in possession of a certain friend
Patrick. Thomas in Lenasia?---Yes. 10

Now, did you actually take that machine to Thomas' house in Lenasia?---Yes.

When?---I cannot remember the exact date, but I would say it was about, well, towards the end of July.

The end of July, 1964?---That is right.

Now, why did you take this machine to Thomas' place?---Well, Mr. Thomas has got a car, and he is a friend of mine, and I had intended asking to take the machine with me to town, so that we could take it to a storage firm. 20

Yes?---That is why I took the machine to Mr. Thomas.

And then you left it at his house?---Yes.

Now, before you took it to the house of Thomas, what did you use this machine for?---For no purpose at all.

You see, there is evidence that inside this machine two pages of a Freedom Fighter which had been roneod, was found - do you know anything about that?---I am not aware of that.

So, must it then have been Mr. Thomas who
roneod these?---I am not aware of that too. 30

BY THE COURT TO WITNESS: Well, what were you doing with the machine?---Well, the machine was brought to me by a friend, who left for England subsequently.

EXAMINATION BY MR. TUCKER (CONTINUED):

Which friend brought this machine to you?---

A certain Mr. Desmond Francis.

And how long was this machine in your house?

---Well, he brought the machine to me prior to the time he left. He left on the 8th of July this year, and I think on the Monday, that would be the 6th of July. 20

Yes?---I kept it there for approximately two weeks.

Yes, did he bring it to you for safekeeping?

---Yes.

And did you not work with this machine at all?---Not at any stage.

BY THE COURT TO WITNESS: Why did you have to keep it?---Well, he told me that he is leaving for England.

Yes, but why should you keep the machine?---

He discussed with me, in fact, that the place where he is 20 living is with his parents, is crowded and he feared that some people may tamper with the machine, and I being a friend of his for the last twelve years or so, he told me to keep it with me, because there are not very many people at my place. Alternatively, he told me that if the machine were to be an obstruction, that I take it to a storage room in town.

Well, why did you not take it to a storage room in town?---Yes, that is what I intended doing when I took the machine to Mr. Patrick Thomas' place. 30

Well, if you take it to Patrick Thomas' place,

you do not take it into storage, do you?---Yes, but then I needed transport.

But how did you get it to Patrick Thomas' place?---He has got a car.

Pardon?---Mr. Thomas has got a car.

Yes, but now, why did you take it then to his house, if you wanted to put it in a storage firm?---Well, you see, I told him to come and pick the machine up at my place.

Yes?---So he did exactly that, and then I intended asking him to take the machine into town. 10

Well, why did you not tell him that when he came to pick it up?---Well, I did not tell him that.

Why?---I do not know.

EXAMINATION BY MR. TUCKER (CONTINUED):

Now, did you ever assist Desmond Francis in working with this machine?---No.

Do you know, or do you not know about Freedom Fighters having been roneed on this machine?---I am not aware of that. 20

And you say you never used the machine, you never printed anything with it?---No.

Did Paul Joseph know that you had this machine?---I do not think so.

He had nothing to do with your coming into possession of this machine?---No.

MR. TUCKER: No further questions.

MR. BIZOS: No questions.

MR. HARE: No questions.

DAWOOD ISMAIL DADABHAY, declares under oath

EXAMINATION BY MR. TUCKER:

Now Mr. Dadabhay, are you the Manager of Union, Rice and Grey Millers at Robertsham?---I am the manager.

And do you know a certain Amod Khuta?---I do.

Now, during July of this year, did this Khuta and a certain Bhabha and the police come to your business address?---Yes.

And did Khuta there point out to the police 10 certain cardboard boxes in your place?---I was requested by him saying that "Where is the goods that I had left here", and I showed it where it was.

I see, and did you hand the goods over to the police?---Yes, it was taken over by the police.

Now, did Khuta bring these things to you?--- Khuta is the one that came and made arrangements with me on one day. I do not remember the date.

Yes, and what were the things that he stored at your place - do you know?e--There were goods put aside. 20 When he came with the goods there, I was busy.

I see, were they all put into boxes?---I do not remember now, but I said if there is anything that is loose, it may get dirty, so put it in a box.

I see, and did you at any stage, see what these things were that Khuta stored?---More or less three days afterwards I took a look, and I saw a small box inside.

Yes?---And inside this box there was something like a radio. 30

Now, will you just have a look at the things

here before the Court Exhibit 1 to 14?---Exhibit 7
and the two batteries marked Exhibits 1 and 2.

Do you recall having seen that?---Yes, it
was put in a passage and it was put aside by me. That is
when I saw it.

MR. TUCKER: No further questions.

DEFENCE: No questions.

E.J.L BIZZELL, still under oath (recalled)

CROSS-EXAMINATION BY MR. BIZOS:

Mr. Bizzell, I only have one or two ques- 10
tions to put to you - this pistol and holster that are
before the Court, did I understand your evidence correctly
that you of your own accord, offered them to Mr. Gay,
and Mr. Gay accepted them?---Yes.

And this was in January, 1964, or there-
abouts?---Yes, thereabouts.

Now, you mentioned that you were a member of
an organisation known as the Congress of Democrats?---
That is right, yes.

And you knew Mr. Gay fairly well I take it? 20
---Yes.

Now, I do not want any lengthy expositions -
only one or two questions - had you ever had any discussion
with Mr. Gay about ideological disputes?---Yes, I have.

And it is known that there is a dispute known
as the China/Soviet dispute I think, a theoretical dispute
between the Chinese and the Soviet brand of Communism?
---That is right, yes.

Had you ever talked to Mr. Gay about that?
---Yes, I had.

Now, did he show himself clearly to be a supporter of the Chinese brand of Communism?---Yes, he did.

Would it be correct to describe that as a particularly militant form?---Yes, that is right.

A form which does not admit of any compromise?
---That I would not like to say.

And did you consider Mr. Gay a particularly militant person, as the result of the discussions that you had with him?---Yes, I would say he was.

MR. BIZOS: No further questions.

10

MR. HARE: No questions.

MR. TUCKER: No re-examination.

MR. BIZOS: Informs the Court that he does not require any of the other witnesses whose cross-examination was reserved to be recalled.

MR. HARE: Neither do I, my lord.

ETHEL MASHER, declares under oath

EXAMINATION BY MR. MASTERS:

Do you know any of the accused before in this box?---No. 5.

20

Yes, anybody else?---No. 5.

Just No. 5?---Yes.

Do you know what his name is?---Yes.

What is his name?---Mac.

Mac?---Yes.

Do you know his other names?---No.

How did you come to meet Mac Miss Masher?---
Well, he used to follow me after work. I used to walk down home after work, and this man used to always see me, and then one day he came up to me and he asked me what is

my name, and I did not want to speak to him, and he kept on, and then he asked me...he said I seemed to be a nice person. So I told him "Look, I want to have nothing to do with you", but then I thought well, it is only a friend, and then I used to see him.

Yes?---.....

Well, what about the correspondence? Remember?
---Then he asked me could I receive any letters for him.

Would you receive letters for him?---Yes.

Was he going to address them to your address? 10
---He asked me could he use my address, so I said yes.

What name was he going to use?---He said he will give the name Mac, but I said no, because if strange letters come to my place, my parents will open and see. I told him he could use my name.

So that letters would be addressed to you, your name and your address?---Yes.

And how would you know if they would be for him?---Because I do not receive any letters from Durban. I do not have anybody writing to me. 20

Now, did you in fact, receive letters addressed in that way? Did you get some letters addressed to you from Durban?---From Durban, yes.

And what did you do with them?---I gave it to him.

Now, would you just have a look at these two envelopes Exhibit 7? Can you identify those as being two of the letters which you received and which you handed over to Accused No. 5?---Yes.

Now, about how many letters did you receive 30 all together?---I think I received about three or four letters.

Did the accused tell you why he wanted to send his letters in this way?---He told me because where he stays he does not receive any letters, and could I receive some letters for him.

Well, did he say why he did not receive letters at the place where he was staying?---No.

MR. MASTERS: No questions.

DEFENCE: No questions.

AT THIS STAGE THE COURT ADJOURNS UNTIL
THE 1ST DECEMBER, 1964.

ON RESUMING ON the 1ST DECEMBER, 1964:

Belt 67

MR. MASTERS: My lord, after discussions with my learned friend, the State and the Defence have agreed on certain admissions which have been typed, and which I now hand in. Handed in as Exhibit 'SS'.

CASPER HENRY SMIT, verklaar onder eed

VERHOOR DEUR MNR. TUCKER:

Nou Mnr. Smit, is u in diens van die S.A.U.K.?

---Ja, ek is.

10

Te Johannesburg?---Te Johannesburg.

Nou Mnr. Smit, gedurende Oktober van hierdie jaar, het u Bewysstuk 153 ontvang van Speurder Adjudant-Offisier Dirker van die Veiligheidspolisie?---Ja, ek het dit ontvang.

Nou, Bewysstuk 153, is dit dele van n band-opname lint?---Dit is, ja.

En het u dit probeer toest om vas te stel wat op daardie stukkies band verskyn?---Ek het, ja.

En wat het u gevind Mnr. Smit?---Die band was in n klomp klein gebreekte stukkies wat aanmekaar gelas word, en daarom het ek dele van sinne gekry, maar daar was woorde blykbaar uitgelaat gewees. Moet ek die teks lees wat ek afgeskryf het van die band af - dis baie kort? 20

So ver as jv ken vasstel asseblief Mnr. Smit? ---Die woorde I.L., dit was blykbaar n afkapsel van n vorige woord wat deur die gebreekte band in twee gesny is. "I.L. in this en dan kolletjies, here....no..."en dan die volgende sin "This is not out choice, we have"... en dan was daar weer n deel weg. "Our leaders are in gaol..." 30

en dan net die woorde T.H.", dit is blykbaar n 'the' wat die 'e' van afgekap was, en dan die volgende sin "This and freedom", en dan net F.R.I.C.A. of F.R.I.K.A. - dit is blykbaar Afrika waarvan die 'a' afgekap was. Dit was al wat op kant 1 was, en op kant twee was daar "Upon us," en dan n stuk weg, "on this" en n stukkie weg "Land".

Het u n geskrewe rapport daar voor u?---Ja, ek het dit afeskryf op papier, en weer vir Mnr. Dirker terug gegee.

Kan u maar daardie stukkie papier vir sy 10 edele oorhandig asseblief? Getikte afskrif word ingehandig as Bewysstuk 'TT'.

MNR. TUCKER: Geen verdere vrae nie.

VERDEDIGING: Geen vrae nie.

(GETUIE WORD VERSKOON).

WILLEM PETRUS VAN WYK, verklaar onder eed

VERHOOR DEUR MNR. MASTERS:

U is n kaptein in die Suid-Afrikaanse Polisie?
---Dit is korrek.

Gestasioneer te Johannesburg?---Dit is korrek.20
Nou, op die 19de Februarie 1962, het u na die Rissik Straat Poskantoor gegaan in Rissik Straat, Johannesburg?---Dit is so.

En het u daar gegaan omdat daar n poging was om sabotasie te pleeg?---Dit is so.

Wat het u eintlik daar gekry Mnr. van Wyk?---
Op die Eerste vloer in die gebou, en ek dink die gebou het behoort aan...soos n Hof het hulle daar gehou, vir egskeidings van nie-Blankes, ek dink hulle het n Kommissaris daar. In die bank van die Kommissaris in die regterlaai, 30

was daar twee blikke gevind, en die tweel blikke was blykbaar deur klinknaels aanmekaar.

Is dit hierdie twee blikke nou voor die Hof, Bewysstuk Nr. 166, is dit?---Dit is reg.

Ja?---Daar was tekens van n ligte ontploffing in hierdie laai, want die inhoud was gespat teen die kante van die laai. Papier was gestrooi, en daar was blykbaar ook suur gebruik want jy kon die gate sien wat deur die papier gevreet was.

En ek dink Mnr. Turok, is dit, is later 10 skuldig bevind van daardie misdaad?---Ja.

Sal jy net kyk na hierdie, hou dit net voor u asseblief - sal u net kyk na hierdie ander blikke voor die Hof, Bewysstuk ... u edele, die getuienis sal wees dat hierdie ander twee blikke is in die besit van Nr. 4 gekry.---Hulle is identities.

Wat is die Bewysstuk nommer?---162.

En die ander twee?---161.

Wat staan op die blikkies gedruk?---Well 20 bo-op staan M en B en tussen die M en die B is daar n sterretjie en n ander figuur daar.

En op die kant, wat staan daar?---Op die kant staan Sulphatite Compound, and ech tablet contains en so aan...

Is jy tevrede dat die ander blikke presies dieselfde is?---Dis beslis dieselfde, daar is geen twyfel nie.

En sal jy net kyk na hierdie ander bewysstuk asseblief? Bewysstuk 134? Sal jy daardie bewysstuk vergelyk met die blikke wat voor u is?---Ja, dit is ook dieselfde. Hy is beslis dieselfde - MB en ook die sterre- 30 tjie aan doe bokant. Daar kan u sien is nog die hele ene,

en hy is beslis dieselfde nommer op.

Nou kan ons net die punt verduidelik Mnr. van Wyk - die bom wat u by die poskantoor gekry het, is Bewysstuk 166?---Ja.

Is die top van die blik uitgesny?---Dit is so. Hy is uitgesny.

En die bewysstuk wat u netnou gehad het?---Bewysstuk 134, ja.

Is dit ook n deel van n blik wat uitgesny is?---Ja, dit is beslis uitgensy van n blik af. 10

Van dieselfde soort blik?---Dieselfde soort blik, ja. Dieselfde naam bo-aan, dieselfde merk hierop.

DEUR DIE HOF AAN GETUIE: Is dit n hele aantal?---Ja, hierso is - ek tel dertien.

Dis eintlik dertien...?---Verskillende blikkies.

Bo-dele van n blik wat uitgesny is?---Beslis.

Op dieselfde manier as wat die top uitgesny is op Bewysstuk 166?---Ja, dit lyk presies so, op die oog af.

MNR. MASTERS: Geen verdere vrae nie.

VERDEDIGING: Geen vrae.

JOHN HUNTER JAMES KENNEDY, verklaar onder eed

VERHOOR DEUR MNR. TUCKER:

Nou Mnr. Kennedy, is u n Speurder Adjudant-Offisier in the Veiligheidspolisie te Johannesburg?---Dis reg.

Nou, op die 20ste Okt ber 1964, het u n getuie Benton Sebuko vergesel?---Dis reg.

Waarnatoe het hy u geneem?---Hy het my n pad gewys na Doornfontein in Pearcestreet. Doornfontein, het hy my n sekere huis uitgewys - 21 Pearcestreet, as die huis waar hy getuie Nr. 1 sou geneem het.

Ja, hy het daardie huis aan u uitgewys?---
Beskuldigde Nr. 1. Dit is reg.

Nou, weet u...het u op daardie stadium al
geweet wie se huis daardie was?---Ek het geweet dat in
die agterplaas het Beskuldigde Nr. 5 gewoon. Ek het hom
daar in hegtenis geneem op die 6de Julie.

Van hierdie jaar?---Dit is reg.

MNR. TUCKER: Geen verdere vrae nie.

AFUZ RAHIM, declares under oath

EXAMINATION BY MR. TUCKER:

10

Now Mr. Rahim, do you reside in Nelspruit?

---Yes.

Now, did you visit Johannesburg round-about
April/May of 1964?---No.

Will you have a look at Exhibit 'S.M. 18' be-
fore the Court? What is Exhibit 'S.M. 18'? Is that an
identity card?---Yes.

Whose identity card is it?---It is mine.

Now, did you lose that identity card, or did
you give it away or sell it, or how did it come to be in 30
somebody else's possession?---I lost my identification card.

When?---Somewhere in Johannesburg.

When?---In February/March.

Of?---This year.

MR. TUCKER: No further questions.

DEFENCE: No questions.

BY THE COURT TO WITNESS: What did you do about having lost
your identity card?---I told my dad about it.

And then what did your dad say about it?---
My dad told me to make another application.

And did you?---I gave my identification snaps to my dad.

SYBRAND ALBERTUS BONTHUYS, verklaar onder eed

VERHOOR DEUR MNR. TUCKER:

Nou Mnr. Bonthuys is u n Speurder Adjudant-Offisier in die Suid-Afrikaanse Polisie by die Veiligheids-tak?---Dit is so.

Te Johannesburg?---Dit is reg.

Op die 16de Julie 1964, was u teenwoordig gewees to Speurder Adjudant-Offisier Kennedy, vir Beskul- 10 digde Nr. 5 gearresteer het?---Ek was.

En het u vir Beskuldigde Nr. 5 deursoek?--- Ek het die Beskuldigde deursoek, ja.

Nou, Bewysstuk 'S.M. 18' nou voor die Hof, het u dit gekry op daardie dag?---Ek het dit in die beskul- digde se baadjie se binnesak gekry.

Nou, het u die beskuldigde gevra in daardie verband?---Ek het hom gevra wie s'n is dit, en waar hy daaraan kom. Hy het aan my gesê dat hy nie weet wie s'n dit is nie, maar hy het dit dieselfde dag in die straat 20 opgetel.

MNR. TUCKER: Geen verdere vrae nie.

VERDEDIGING: Geen vrae nie.

ISRAEL FINKELSTEIN, declares under oath

EXAMINATION BY MR. MASTERS:

Mr. Finkelstein, you are the Managing Director of Silk Wholesalers (Pty.) Ltd. President Street, Johannesburg?---That is correct.

And do you know Mr. Matthews, Accused No. 4?---

I. FINKELSTEIN.
B.J. NOLAN
H.C. MULLER
D.D. ISRAELSON
K.J. DAKER

I know him very well, yes.

Was he employed by your firm?---Yes.

As what?---As the Accountant - Bookkeeper/
Accountant.

And how many years has he been employed by
your firm?---As far as I would judge, about 26 years.

Now do you know that a certain sum of money
was found in the office safe at your premises?---Yes, I
have been told about it, yes.

Did Mr. Matthews ever ask your permission to 10
keep money there?---I mean if it had to do with the
firm, naturally.

No, I am talking about his private money?
---The point never arose.

He never told you that he was keeping large
sums...?---No, it never came up for discussion.

And Mr. Finkelstein, what salary was Mr.
Matthews getting at the time of his detention?---R240-00
per month. MR. MASTERS: No further questions.

MR. BIZOS: Requests that witness stands down. 20

MR. HARE: No questions.

(WITNESS STANDS DOWN).

MICHAEL VAN NIEKERK, verklaar onder eed

VERHOOR MNR. TUCKER:

Nou Mnr. van Niekerk, is u n Speurder-Sersant
in die Suid-Afrikaanse Polisie, by die Veiligheidstak te
Johannesburg?---Dis reg.

Op die 10de September 1964, het u die getuie
'D' wat in hierdie Hof getuig het, uitgeneem?---Dit is korrek.

En waarheen het die getuie u geneem Mnr. van

Niekerk?---Hy het my geneem na Pearce Straat Nr. 21, Doornfontein. In die agterplaas het hy kamers aan my uitgewys waar hy ene Steve sou ontmoet het.

Nou, weet u wie se kamers dit was wat hy aan u uitgewys het?---Ek weet dat Beskuldigde Nr. 5 daar gewoon het.

MNR. TUCKER: Geen verdere vrae nie.

VERDEDIGING: Geen vrae nie.

BAREND JACOBUS NOLAN, verklaar onder eed

VERHOOR DEUR MNR. TUCKER:

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Mr. Nolan, is u n konstabel in die Suid-Afrikaanse Polisie verbonde aan die Veiligheidstak te Johannesburg?---Dis reg.

Op die 18de September 1964, het u n Indiërman Amod Bhabha uitgeneem na die Shangrela Klub te Kliptown? ---Dis reg.

En in n leë sement tenk by n swembad daar by die klub, het u daar gevind stukkies van n band wat gebruik word in n bandopname?---Dis reg.

Watter Bewysstuk is dit?---153.

20

En het u beslag gelê op daardie stukkies band? ---Dis reg.

En het u dit oorhandig aan Speurder-Adjutant Offisier Dirker?---Dis reg.

Nou, kan u net vir ons sê Mnr. Nolan, daarso in die omgewing van daardie sement tenk het u ook die stuk nylon tou, nou voor die Hof Bewysstuk 154 daar gevind in die boom?---Ek het dit daar in die boom gevind.

MNR. TUCKER: Geen vrae nie.

VERDEDIGING: Geen vrae nie.

HENDRIK CHRISTOFFEL MULLER, verklaar onder eed

Belt 68

VERHOOR DEUR MNR. TUCKER:

Mr. Muller is u n Luitenant in die Suid-Afrikaanse Polisie te Roodepoort?---Ja.

Nou, om 8.30 n.m. op die 31ste Augustus 1964, het u as gevolg van n rapport wat aan u gemaak is, n sekere Indiërman Billy Nanan uitgeneem?---Ja.

En het hy n woonhuis te Lenasia, llde Laan 53, aan u uitgewys?---Ja.

En wat het u in daardie huis gevind?---n 1 0
Daagbare afrol masjien, u edele.

Is dit die afrol masjien nou voor die Hof, Bewysstuk 111?---Ja.

Nou, daardie selfde aand het u die afrol masjien oopgemaak?---Ja.

En het u enigiets van belang binne in hierdie masjien gevind?---Onder in die masjien, het ek n afgerolde vel papier aan beide gedruk van Freedom Fighter No. 4 uit te maak, gevind.

Wat is die Bewysstuk Nommer?---Nr. 'Z'. 20

MNR. TUCKER: Geen vrae.

VERDEDIGING: Geen vrae nie.

DANIEL D. ISRAELSTAN, declares under oath (witness affirms)

EXAMINATION BY MR. MASTERS:

Mr. Israelstan, do you know Mr. John Matthews, Accused No. 4?---Yes.

Where did you first meeting him?---Many, many years ago. I cannot quite remember. It was a long time ago.

Well, first of all what do you call long time ago?---.....

Ten years, twenty years?---Ten or fifteen years.

And how did you come to meet him?---Through an organisation of the Peace Council.

That is the Transvaal Peace Council?---Yes.

And did you later join an organisation known as the Congress of Democrats?---Yes.

And I think Dr. Festenstein's wife, Mrs. Festenstein, did you meet her there?---Well, I met her during one of the meetings.

And Accused No. 4 was he connected with the Congress of Democrats in any way?---Who is No. 4? 10

Mr. Matthews?---No.

Did you do any work for the Congress of Democrats?---Yes.

What work did you do?---I used to take pamphlets round and sell them.

Pamphlets?---Paphlets, yes.

Sell them?---Sell them to the public, yes.

What sort of pamphlets?---They were the pamphlets on the Congress, giving the Congress of Democrat's policy. 20

Such as?---It used to give the Congress of Democrats' policy. The policy of the Congress of Democrats.

Well, can you remember one of these pamphlets? Could you give us an idea what they were?---I think there was one - the Bantustan Bluff I think was one.

Bantustan Bluff?---Ja.

Now, the C.O.D. was banned, was it?---Yes.

And then what happened?---Well, then I lost contact with him.

Yes?---And I was then in contact with Mrs. Harmel. 30

Yes?---And before she left the country, she introduced me to Mr. Matthews.

Was this the first time you had met him?---
I beg your pardon?

Was this the first time you met him, or had you met him before?---Well, I mentioned before that I had seen him many-, many years before.

This was the first time you were introduced to him?---Well, I was told that he would contact me. I had not actually met him. I was told that he would contact me.

Well, did he contact you?---Yes.

Now, in what connection was he to contact you?---....

Business or what?---No, it was not business.

Yes, what was the purpose of his contacting you?---He just said that he had a job of work for me to do, to write out some envelopes.

No, but I say what was the purpose of your contacting him originally?---That was a purpose to discuss this job of work that I had to do of writing out envelopes. 20

Well, did you understand it to be in connection with a political organisation or what did you understand?---Yes, I was....

You understood that?---Yes.

Do you know what organisation Mr. Matthews belonged to?---No, well, I had not seen him in the interim, and I hadn't any idea.

You did not know what political organisation you were going to help?---Well, I was told that as the 30

Congress was no more in existence, they had gone underground, and that was the organisation that I was helping.

So, you knew you were going to assist an underground organisation?---Yes.

Would that mean an illegal organisation?---Yes.

And where did you meet Mr. Matthews?---At the library.

Yes, and then what happened after that?---Well, when we met at the library, I was given this job of work to do, of writing up envelopes from a list which I was given. 10

Where were you to write out the envelopes? At Mr. Matthews' house?---No, no, I did it at my own home.

Now, would you have a look at this list, Exhibit 'J.M.9' - can you say whether you were given that list or a similar list to that?---This is not the list. It may have been a similar.

Well, could you have a look at the names? I think your own name appears on this?---No, it was not this list. 20

Why do you say that?---This particular top part that you are talking about....

Well, have a look at the list?---Do I have to go right through it?

Well, just see if you recognise the names? ---Must I go right through the list?

Not right through, just have a glance through it? You cannot find any similarity?---No, I cannot find any similarity here.

What were the names on the list that you had? 30 Europeans or Natives or what?---Yes, a European and I think

there were some African names on it.

Would you mind looking at Exhibits 10 and 11 - before you do so, I take that you realise that working for an unlawful organisation, you wanted to avoid any incriminating evidence, on these envelopes that you were preparing?---Yes.

So if you look at 10 and 11, they are apparently pieces of cardboard, which have slits cut in them? ---That is quite correct, yes.

And if you look at Exhibit 5 and you put that 10 cardboard on top of it, you find that the slits correspond with the names printed on the envelope?---That is correct.

Do you know what the object of that cardboard was?---Yes.

What?---This is to disguise the hand.

To disguise the hand?---Yes.

And also to prevent fingerprints coming on the envelopes?---It could serve that purpose.

Did you use a similar card when you were addressing?---Yes. 30

Now, you say you addressed envelopes - were these given to you by Mr. Matthews, No. 4?---I was given the lists.

Yes?---And wrote the envelopes out on my own.

Did he give you the envelopes as well or not? ---No, my own envelopes.

Your envelopes?---Yes.

Did you pay for them yourself?---Well, I do not know. They were just lying around the house. 30

And having written the address on the envelopes,

what did you put inside?---No, I did not put anything inside, I just wrapped them up and took them to Mr. Matthews.

Well, do you know from Mr. Matthews what was to be put inside these?---Well, not quite, no.

How do you mean not quite?---Well, I was not told exactly what was going inside. Although I was shown the draft of a document that may have been that one, I do not know.

What was this draft of the document?---Well, 10 I cannot exactly remember - I think it was something attacking the 90 day act. That is what I recall.

Did you ever hear of a document known as the Freedom Fighter?---I have heard of it, yes.

Did you ever see a draft of that?---I beg your pardon?

Did you ever see a draft of that?---No, I never saw a draft of that.

Well, how did you hear about?---Well, I heard it mentioned around. 20

Pardon?---I heard - the Security asked me, I had a raid on my home, and they asked me if I...1

Yes, never mind about the Security, did you hear anybody else mention it?---No.

Will you just have a look at Exhibit 'J.M. 14' - could you perhaps say whether those were some of the envelopes which you addressed?---No, not at all, not any of these.

Not your handwriting?---No.

Now, on about how many occasions did you address envelopes for Mr. Matthews?---On two occasions. 30

Two occasions?---Yes.

I do not think we have got the time - when was the date when you first saw Mr. Matthews in connection with this?---Well, seeing that I just...I cannot remember, but I know it was somewhere near the beginning of the year.

Somewhere in the beginning of 1964?---Yes. I cannot remember the exact month. I am not too certain of that.

Well, January, February or March?---Something 10 like that, yes.

And what was the period inbetween the first request to address envelopes, and the second request?

---Approximately one or two months. I am not too sure.

And were you given a separate list of names each time, or did you retain the original list that had been given to you?---Well, I cannot remember. I think perhaps on both occasions, there were names of similarity on both, and different names on some.

And did you ever visit Mr. Matthews at his house?---No, I never visited Mr. Matthews at his house. 20

MR. MASTERS: No further questions.

DEFENCE: No questions.

KAREL JOSEF DIRKER, verklaar onder eed

VERHOOR DEUR MNR. TUCKER:

Mnr. Dirker, is u n Speurder Adjudant-Offisier van die Suid-Afrikaanse Polisie, en is u verbonde aan die Veiligheidspolksie te Johannesburg?---Dit is.

Nou, Mnr. Dirker, op die 11de Augustus 1964, het u die ...het u n sekere Mnr. Gander, aan die Rand Daily 30

Mail, gesprek?---Dit is so. Hy is die Readkteur van die Rand Daily Mail.

Nou, as gevolg van daardie gesprek, is daar die volgende dag na u kantoor gestuur Bewysstuk 'K' nou voor die Hof?---Ja, dit is in verband met hierdie dokument wat ek hom gesprek het, en dit is die dokument wat ek daardie dag by my kantoor ontvang het. Dis 'n dokument gerig aan "Dear Mr. Gander," en dit is afgesluit "Yours sincerely for the African National Congress Secretariat".

Nou, wat is die datum van daardie dokument, 10 indient dit wel 'n datum op het?---Geen datum kom daarop voor nie, maar die brief sigself verwys na 'n brief of 'n artikel wat verskyn het in die Rand Daily Mail van die 20ste Junie.

Nou, Mnr. Dirker, Bewysstuk 'J', is dit die Rand Daily Mail van die 20ste Junie, en bevat dit 'n hoofartikel op die voorblad "On the Wrong Path"?---"On the Wrong Path" op die voorblad en dit is deur "The Editor", geskryf.

Nou, hierdie Bewysstuk 'K' wat u geïdenti- 20 fiseer het, het u dit oorhandig aan Speurder-Sersant Visagie vir tikskrif ontleding?---Ek het.

Nou Mnr. Dirker, ongeveer Oktober 1962, het u ondersoek ingestel by die Sasol Petrol Depot te Langlaagte in Johannesburg?---Ek het.

Kan u miskien sê watter datum presies dit was, in Oktober?---Dit was op die 7de Oktober 1962. Sasol Opslag Depot is geleë in Industria. Johannesburg. Daar is ongeveer agt petrol tenks, wat ongeveer 10,000 gellings petrol elk bevat.

30

Ja?---Daar het 'n ontploffing op daardie dag

plaasgevind. Ek het gevind dat die staaltrap na een van hierdie tenks beskadig was, en ook n duik in een van die tenks.

GETUIE: By die toneel het ek geel poeier gevind, vermoedelik swael en twee stukkies veiligheidslont opgetel.

Edele, ek mag meld hierdie is insident Nr. 7 volgens die klagstaat,---Fotos is van die toneel in my teenwoordigheid geneem, waar ek nou drie van hierdie fotos inhandig - Bewysstuk 'R.Y'.

Is aldrie die fotos een bewysstuk?---Dit is. 10

Nou Mnr. Dirker, was u teenwoordig gewees, toe die persele van Beskuldigde Nr. 4 in hierdie saak deursoek is?---Ja, ek was op twee dae daar. Dit was op die 27ste Junie hierdie jaar, en ook op die 29ste Junie. Op die 27ste Junie is fotos van die kelder verdiepings in my teenwoordigheid geneem. Verskillende fotos is geneem, ek handig dit in - dis Bewysstuk 'P.14', dit is die ingang tot kelder 'A'.

U edele, ek mag net meld daar is n lys van foto bewysstukke wat nuut opgestel is, waarop u die getuie-20 nis kan volg. Hierdie getuienis sal wees van 'P.14' af, u edele. ---Bewysstuk 'P.15' is die deur wat lei na kelder 'B' vanuit kelder 'A', Bewysstuk 'P.16' is die binnekant van kelder 'A'. Bewysstuk 'P.17' is ook die binnekant van kelder 'A'. Uit n verskillend@ hoek geneem. Bewysstuk 'P.18' is die binnekant van kelder 'B'. Bewysstuk 'P.19' is ook n foto van n elektriese boor in kelder 'B', en dit toon n gat in die agterkant van die muur wat lei na kelder 'C'. Aan die kant staan die kas wat hierdie gat versper en wat weggeskuif is toe die foto geneem is. 30
Bewysstuk 'P.20' is n elektriese yster draaibank, ook in

Belt 69 kelder 'B'. Bewysstuk 'P.21' is kelder 'C' waaruit die radio stelle verwyder is.

Nou Mnr. Dirker, weet u enigiets van pale wat by Rivonia opgerig was - kan u miskien vir die Hof sê wat u bevind het in daardie verband?---Ja, op die 11de Julie 1963, het ek deelgeneem aan die polisie klopjag te Lilyleaf Farm, Rivonia. Ek het ses pale gevind naby die buite geboue, die pale se lengtes het gewissel van 26 voet na 40 voet toe. Een van hierdie pale het regop gestaan en was vasgemaak aan 'n konkreet pilaar naby die buitegeboue. 10

Nou Mnr. Dirker, hierdie twee afrol masjiene voor die Hof - Bewysstukke 20 en 111, het u hulle ondersoek?---Ek het hulle ondersoek, en ek het gevind at hulle van dieselfde maak is, en so te sê identies is.

Nou Mnr. Dirker was stukkies van 'n bandopname, Bewysstuk 153, was dit aan u oorhandig deur Mnr. Nolan?---Dit is so. Ek het dit later oorhandig aan Mnr. Smit van die Uitsaai Korporasie.

Wat hier getuig het?---Ja.

Mnr. Dirker, het u Bewysstukke 'P.1' tot 13 20 miskien daar voor u? U edele, ek mag meld dat sover hierdie bewysstukke betref, dis fotos van die latere insidente in die klagstaat. My geleerde vriend het aangedui dat hy nie beswaar het dat hierdie fotos ingehandig word nie. Mnr. Dirker, kan u net vir die Hof sê Bewysstuk 'P.1' tot 'P.13', is dit 'n reeks fotos, ekeen....'n reeks fotos wat geneem is by die verskillende insidente - 46 tot 58? ---Dit is so. Die eerste bewysstuk is.....

Ja, is dit aangedui op elke lêer dat 'P.1' byvoorbeeld, verwys na insident....?---Verwys na daad 46, 30 Waterkloof Poskantoor.

Ja, dit is voldoende, hulle spreek vir hulleself.---Ek handig dit dan in van 'P.1' tot 'P.13'.

Mr. Dirker, sal u asseblief net kyk na Be-
wysstuk 29 nou voor die Hof?---Ja, hierdie vlag is op die 27ste Junie gevind saam met die radios in kelder 'C', in die huis van Beskuldigde Nr. 4. Dis n rooi vlag waarop die hamer en sekel en n ster voorkom.

MNR. TUCKER: Geen verdere vrae nie.

VERDEDIGING: Geen vrae nie.

ISRAEL FINKELSTEIN, still under oath (Recalled).

10

CROSS-EXAMINATION BY MR. BIZOS:

Mr. Finkelstein, there are one or two questions that I want to ask you about Accused No. 4, Mr. Matthews' character, and how you found him during the 26 years that you and he had been associated with each other. Did you find him a good employee in your firm?---I must say a very good employee.

Did you have reason at any stage to doubt his integrity in any way?---No, no reason on no cause what soever. 20

Yes, and haging worked for you for so many years Mr. Finkelstein, are you aware of the fact that he has seven children?---Yes.

Aged from 11 tot 22 years?---Yes, I am aware of that fact. I have had nothing to do with it though!

Yes, but you are aware of the size of his family?---Yes.

MR. BIZOS: No further questions.

MR. HARE: No questions.

NO RE-EXAMINATION. (WITNESS IS EXCUSED).

AT THIS STAGE THE COURT ADJOURNS UNTIL 2 P.M.

ON RESUMING:

THE COURT RECALLS:

LIONEL STANLEY GAY, (affirms)

BY THE COURT TO WITNESS: Mr. Gay, when you were about to give your evidence last time, you said that you wanted to affirm?---Yes.

And then you proceeded to say that you swore that you will speak the truth the whole truth and nothing but the truth - did you regard that as a proper affirmation?---I said my lord, that I affirm that I shall tell the truth the whole truth and nothing but the truth. 10

And when you said that did you realise that you were bound to speak the truth, and if you did not speak the truth, you would be guilty of perjury?---I realised that my lord.

And do you adhere to what you have said?---I do.

On the previous days?---Yes.

You do not wish to add anything to it, or retract from it?---My lord, there are some minor points where I do not think I made myself clear. For example, when I was asked who I saw at Rivonia, I answered that question in the context of my activities as a member of a cell of five. It was after that cell met ...had stopped meeting, that I had cause to test the radio there, and on that occasion, during the day, I had cause to see other person. This I did not mention when that question was put to me. 20

Yes?---And my lord, when I was asked if I had had anything to do with other political organisation, I omitted to say that I was approached in Durban by other 30

persons. I was sympathetic for a time, this was before I joined the Congress of Democrats, but I was approached by a person who mentioned the Socialist League. I was sympathetic for a time, but I soon made a complete break with that.

Is that all you wish to add? Mr. Gay, in giving evidence last time, you - it is on page 325 of the record "After Rivonia, that is after the 11th of July, 1963, were all your dealings with Accused No. 4 in connection with the radio?" Reply "All my dealings". 10
Then the prosecutor said "Yes", and you continued "No, not all my dealings. What other....(quotes)....Esra". I am sorry, I do not wish to refer to that - There is a passage on page 224 where you said "I understood that his most important tasks, he might have had other tasks not to my knowledge, was to establish a contact with the so-called.."
Now the typist could not make out the word that you used? The paragraph which preceded that was "Yes, what is quite clear to youYes, I think Mr. Ezra was such an example". And then you were asked in what way, and then 20
you proceeded with that matter. You can look at the evidence, perhaps you can tell us what you were intending to say?

MR. BIZOS: Is your lordship referring to 324 where there is a question mark? What should be there is "B's". The witness went on further to explain that that is a class of member of the Communist Party, who thinks that he is not known to the police.

BY THE COURT TO WITNESS: Then that clarifies that. Then Mr. Gay, this operation Mayebuye, do you know this document?---No my lord, I have never read this document. It 30

might have been in the hands of Goldreich when he conducted the first meeting of the Logistics Committee. That I am not sure of.

Do you know this document, Exhibit 'R.1'?

---No my lord.

Do you know the handwriting?---No, I do not recall ever seeing this before.

Well, can you turn over two pages? Do you know that handwriting?---No my lord.

MR. BIZOS: I might make an admission my lord. My lord, 10
pages 1, 2 and 3 of this are in the handwriting of Wolpe. That is the first three top pages written in blue ink, and the balance is in Goldreich's handwriting. This was proved at the Nelson Mandela trial.

BY THE COURT TO WITNESS: Then in this document which was handed to your Mr. Gay, towards the end it deals with various matters, inter alia ideology?---Which document?

Now, that is Exhibit 1 which I asked you to look at. It first deals with military organisation, then physical commando course, with its sub-departments, and 20
Tactics Course and then Training in two section - Ideological and Physical, and then Chequavara is quoted, saying "I believe physical secondary to ideological the best training in the field." Then "My own experience in Israel", and then "Ideological.....(quotes).....National Policy". Can you throw any light on that?---The last section, details of National Policy.

Yes, well, it seems to suggest that what is necessary when action is contemplated, is to have a particular kind of training, inter alia, an ideological 30
training?---Yes.

And then ideological training is the political aspect?---Yes.

And matters to be considered under the political aspect, includes fundamentals in Marxism and Lenninism?---Yes.

Is that so?---It is my^{firm} opinion that any Communist on force,^{are} not simply a body of soldiers, but a body of soldiers who are trained. Well, certainly the upper strata of the armed force would be a body of persons who are politically conscious, who received political instruction from a person who will be called a political commissar. 10

Well, has that got anything to do with the African National Congress?---I would say not, no.

Then the National question - what could fall under that?---My lord, I have not a very clear understanding of Marxism, but I think this refers to the question regarding nationalities in a State. I am not clear on the problem. 20

Belt 70

And notes on a national democracy?---My lord, 20 without more information, I cannot say whether that would refer to a Bushwer(?) Democracy to which I referred the other day, or a people's democracy.

MR. MASTERS: No questions.

CROSS-EXAMINATION BY MR. BIZOS:

Mr. Gay, when you gave your evidence, you were still detained under what we know as what we know as Section 17, of the 1963 General Law Amendment Act, more commonly known as you were detained for a period of 90 days or more?---Yes. 30

And you knew whilst you were giving your evidence

you knew that the police in whose custody you were, had the power to hold you for an indefinite period?---Yes.

And you have subsequently released after you gave your evidence?---I have been.

And you knew, whilst you were giving your evidence on the prior occasion, that if you did not satisfy the persons who were holding you, you might continue to be held?---No, I regard them as just a party in a particular trial. In my own mind, I consider myself at the mercy of the Court, not at the mercy of the State. 10

The mercy of...?---The mercy of the Court, and not at the mercy of the State.

Well, did you not know that the police could continue holding you for what is loosely termed as 90 days, irrespective of whether you got an indemnity from the Court or not?---I am sure they would, if they suspected that I was involved in other matters, which I had not disclosed to them.

MR. BIZOS: No further questions.

MR. HARE: No questions. 20

MR. MASTERS: No re-examination.

S T A T E C A S E.

MR. BIZOS closes the case for Accused Nos. 1, 2, 4 and 5, subject to one or two reservations which he wants to enumerate. (1) in judgment as to whether or not Accused Nos. 1, 2, 3 and the witness Gay, having decided that informers should be killed. (2) As to whether or not there was a decision to arm units of M.K. (3) As to whether or not any person, and more particularly, one Gangat was killed, because it was thought that he was an informer. (4) As

to whether or not there was a call to commit sabotage, in the proposed broadcast of the 25th of June, 1964.

MR. BIZOS: Further addresses the Court on this aspect, and also that if it is deemed necessary on the question of punishment, the accused want to reserve their right to lead evidence in rebuttal of that given by Mr. Gay after your lordship's finding, on the legal finding of the indictment before the Court.

MR. HARE closes the case for Accused No. 3 on the merits, subject to the same conditions mentioned by Mr. Bizos, 10 appearing for the other accused.

BY THE COURT TO MR. MASTERS: Do you agree to the reservation Mr. Masters?---Yes.

AT THIS STAGE THE CASE IS POSTPONED
TO THE 8TH OF DECEMBER, 1964.

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