

six of the short ones and two long ones, and then I must get two other parcels from him...

Of what?---And those two parcels are kept apart, they must not make contact with each other, because then they will cause an explosion.

Yes, and did he say where he would be - that is No. 1?---He would be in No. 27 Marais Street, with a friend of his there.

And what did you do - did you go to No. 2  
Accused?---Yes, I went to No. 2 to go and fetch those ar- 10  
ticles.

When?---...

Belt 9

How many days afterwards?---It would be the following day.

Yes, and did you tell him that No. 1 told you to get a timing watch and two long and six short from him?  
---Yes, when I told him that No. 1 had sent me to him, he wanted to know whether No. 1 was here. I said yes. He said "When did he arrive?", and I said "Yesterday". That was rather surprising as far as he was concerned, because 20  
he wanted to know why No. 1 had come to me and not to him.

Yes?---Anyway, that did not matter much. He asked me what I wanted, and I told him.

What did you tell him?---I told him as I have already told the Court, what I had to go and get from him. He told me that those articles were far away from where he was. They were right in the mountain and a person had to go in the night to go and fetch them. I asked him about those two particular parcels that I mention, and he said "Yes, those you can get". He said "Just wait 30  
a moment". He went out into the yard and came back with

them. He also warned me and said I must put one parcel in the pocket on the left hand side and one parcel in the pocket on the right hand side, they must not make contact, and then the next day I must come and fetch the other materials. On the same day I took these I had to No. 3 Accused, Molefe, and told him to keep them whilst I was going to fetch the others.

Well, did anything happen to your clothes?  
---The one that I had in my right hand jacket pocket before I arrived at No. 3's place, I found that it had 10  
dropped through the lining of my jacket pocket, and had fallen down further into the jacket, to the lower portion of the jacket.

Was there a hole in your jacket pocket?---Yes, I found that there was a hole in that pocket.

Was there a hole before you put the parcel there?---No, there was no hole.

What made the hole?---This stuff that I had in my pocket caused the hole in the lining of my pocket.

And you say you gave these packets to No. 3 20  
Accused?---I gave it to No. 3.

Do you know what happened to them?---Eventually when we made enquiries, it turned out that No. 3 Accused had thrown them away. He threw them into water somewhere.

Who told you he had thrown them into water?  
---That was afterwards, but I just want to say that you are on something now which should have come very much later, before that we should have spoken about the other targets.

Oh yes!---The target that we had under dis- 30  
cussion.

Well, go on with what I should have asked you about?---I was on this point about this particular place that we had to attack.

Yes?---I said that on the next day then I went back leaving the stuff with him, I went back to get the other materials.

Yes, go on?---It then appeared that when I came to No. 2, No. 2 had no time yet to go and fetch them.

Yes?---Then he told me to come to his place on Sunday, and then we will go to the place where they are, 10 and we will go and fetch them there.

Yes?---I was in a hurry to get this done, and I did not like this wasting of time, I wanted to know where it was and I would go and fetch the stuff myself. Then Johannes Letoboko went with me to go and show me where the stuff was.

Had you seen Accused No. 1 in the meantime?-- Yes, I am just taking it in sequence now.

Yes, alright?---I took No. 3 Accused, Levy, with me, so that he can go and see - we refer to it as 20 the "bank" where the stuff was kept, to go and see where the bank was, so in case I get arrested, that he should at least know where the stuff is to go and get it.

WITNESS: So, we went in the evening, found the stuff, we took out what we required - there were two spots where these things were, we all three of us came back. There we separated from Johannes Letoboko, and then I said to No. 3 Accused, Levy, "Now, today", we are going to attack that particular place, we will not let it stand overnight, any further.

30

Now wait a minute John, I want to know what

you got from Johannes Letoboko, from the Bank?---Those sticks, the two long....

No, tell us where you got them from, how they were stored and so on? I will tell you when to cut short! ---There were two holes, he opened the lid of the first one - there the two sticks, the two long ones came, and the short ones, but then we still had to get fuse.

Sticks of what?---I did not know what they were.

Do you know now what it is?---When I arrived 10 where No. 1 was, he said yes, these were the sticks he referred to.

Do you know what they were? Sticks of what? Candles or what?---He said the short ones were gelignite, and the two long ones were dynamite.

Well, let us go back to where you were at the bank with Johannes Letoboko - you took out these two long and six short sticks, and some fuse you said?---Then he closed the first bank and he went to the second bank.

BY THE COURT TO WITNESS: How many sticks did you get from 20 the first bank - two long ones and two short ones?---I went to go and fetch six short ones and two long ones.

EXAMINATION BY MR. BEYERS (CONTINUED):

And did Johannes Letoboko take out those two long ones and six short ones?---Yes, that was the number that he took out.

And fuse I think you said?---Also fuse, was taken out there.

Yes?---Then we went to the second bank. From there the timing watch was taken from.

From the other one. What is a timing watch?

What does it look like?---Well, it just looks like a watch if you look at it, as they say, that is what you do the timing with.

Yes?---Then he, Letoboko, asked he whether we would not require tape to tie this stuff round with. I said no, I was not told to get tape. I said but perhaps I can take it, maybe they forgot to tell me to take the tape, so I took tape with me. Then we left. This is now night already.

Yes, and where did you go from there with the stuff?---We then went to Lady Selboure. I asked No. 3, I said "What is the time now?" He said it was ten minutes to eight. 10

Yes?---I said well, there is no time to waste now, we must go directly to Brooklyn to go and work this target.

Yes, and did you go?---Yes, we took a car and went.

Which place in particular did you go to?--- We went with taxis. 20

To where?---We took different taxis.

Yes, but where did you eventually meet?---I then...there I told No. 3 Accused Levy, to go and wait for me on the corner of Smith and Walker Streets. I said "You go and wait there for me", because I did not want him to know where No. 1 was.

And did you then go to No. 1 again?---I then went to No. 1, and I went along with No. 1.

Now was this at this 27 Marais Street?--- No, I took No. 1 Accused to where Levy was. 30

Yes, but did you meet No. 1 at this 27 Marais

Street that you spoke about earlier?---Yes.

Incidentally, do you know who lives in 27 Marais Street? What kind of licence have they got on their motorcar?---I do not know, it is a friend of No. 1's.

Yes, but the actual white people who live in the house, what kind of number have they got on their motorcar?---It is a DC place.

In any case, you met No. 1 Accused, and then? ---I went into the house, and I said to him "The stuff is here now, I have brought it". He praised me for the fact that I was a real soldier, that I was doing things quickly. 10

Yes?---Then he and I went to Levy, No. 3.

Yes, and then where did you go from there?--- From there we went to where Levy sleeps. That is a friend of his place. It is one street above Walker Street.

Very near..?---In Berea.

I see, and when you reached this place where No. 3 sleeps?---Levy found the house locked.

WITNESS: His friend had gone away with the key, and these two packets of stuff that I gave him were locked in that room. 20

Oh, is that what he said?---That is what he said.

Yes?---Then Levy was ordered to go the street and watch in case somebody comes along and keep him there whilst we were preparing this stuff that we had.

Yes?---No. 1 then said we must ... Accused No. 1 then said that we required two timing devices, the watch and this other material, because one or the other might fail to work. 30

Yes?---But there the stuff was locked up, and we could not...there was no way of getting.

Was this the stuff that you had to keep in separate pockets, that you are referring to?---Yes.

Yes, and then the rest, you had these long and short sticks and the fuse and the watch and so on, that you had got from Johannes Letoboko?---Yes, that is correct.

Now, tell us what No. 1 did with regard to those?---Then he looked for a pencil in his pockets, and he did not have one. Then he cut a little piece of stick 10 off a tree there, and then he showed me what he was doing it, and then he said you must do it with a pencil or a wooden stick, but not with a metal thing. That is with the dynamite.

Yes, and...?---And then he fixed these things together, he put fuse in....

No, what did he do with the piece of stick? ---The stick is used to make a little hole in the dynamite to put in a fuse.

Now, what did the fuse look like? Just a 20 piece of string or what?---There was some metal on the front and on the rear ends.

Metal at both ends of the fuse?---Oh no, just on the one end, was the metal portion.

Yes, and then what did he do having put the metal into the dynamite?---Yes, the end which has the metal was put into the hole in the dynamite, and then it was tied.

So that it would not pull out?---With string.

Was that to prevent it pulling out?---Yes, 30 and then he made the second one in the same way.

Yes, and having put these two fuses in, what did he do then?---Then he showed me with a watch, how the timing is done.

Just how is the timing done with the watch? ---You take the watch and then you turn its hand to a certain point where you want - that is so many minutes, then he said let us try it for 5 minutes and see how it works.

Yes?---And then immediately after the five minutes had expired, it twisted back. This now is not with 10 everything attached to it, with the explosion attached to it.

He demonstrated the watch by setting it on five minutes, and showing you how after five minutes, it would work?---And then he connected everything up after that.

Yes, then how do you connect everything up Johan?---There are two little planks with two holes in them. Then the fuse he put through the one on the one side, and the other fuse he put through the other one, and then the fuses are bent over, and the far ends of the fuses 20 are then connected to the watch.

Yes?---The other<sup>six</sup>/sticks which is called the gelignite, were put together, and then the two sticks, the long ones, the dynamite sticks were put with these sticks of gelignite, and the whole lot of them were tied together in one bundle, and then that bundle was put into a small cardboard box, and that was tied round with black tape. Then he showed me how this particular wire that is attached to the watch, how you must lift that, make it stand up. Then the watch will be set for a certain 30 time, for at least 15 or 20 minutes, and then as soon as

this moving hand of the watch touches this upright little wire, it will explode. He asked me whether I had gloves, and I said no.

Well, where was the electricity going to come from to work on this wire John?---Yes, I have not told you about that. I was speaking about the two wooden pieces of plank, yes. I was telling you about them. The watch was on top, and underneath them there are batteries.

What kind of batteries?---Small batteries like the type of torch batteries.

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Yes, now return - he asked you whether you had gloves?---Yes, I said no, I have no gloves. He said "You know handling these things we ought to have gloves on", and then he thought - he said "Well, a person could use your socks." Then he said to me "Take off your socks", then he took a handkerchief and cleaned the cardboard box and these things with a handkerchief, then he handed it over to me. Then he went out and he said I must just wait a little there. He said as soon as he arrives where Levy is, then Levy will come to me..come back to me, 20 and then Levy and I will go to the target. Eventually, Levy and I arrived at the target.

Yes?---On our arrival there, I instructed him to look around again to see whether there was not anybody around. I had this parcel with me there, and when he came back he said there is a European in front there, and then I was surprised. I thought now what is happening to this target now. Then we came back.

And what about the bomb?---We took it back with us.

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But had you not set the watch?---It was com-

plete, except that I just had to time it and put it down, otherwise it was complete. Just the timing had to be done.

Oh, I see?---On our way back, as we arrived in Duncan Street, I asked Levy whether there was anywhere where a person could go and put this thing away now, where it was safe. He said yes, there is a place. I then gave it to him, left it with him, and I went to Lady Selbourne. I got a motorcar and went to Lady Selbourne. That was about quarter past ten then.

Can you remember what date it was? Oh, you 10  
have told us it was in June. And did you report to anybody on what had happened?---Yes, the next day No. 2 came and made enquiries. He asked me whether I had found those things there at the bank in the mountains. I said yes, I found them and I have also been there to do the job. He was surprised, and afterwards I went off and I reported to No. 1 Accused, exactly what happened.

And then did you give instructions to No. 3  
Accused or anybody else as to what they were to do?---

Belt 10 I instructed No. 3 to go and watch that target again, be- 20  
cause it was required to be done.

Yes, and what did he say?---He said that for that whole week he was employed at a café. He said for that whole week he was on night duty, and would not be able to go. Then I decided that I would have to go myself.

Yes?---But what troubled me was that I did not know where he had put this bomb. Then I went and inspected the target there myself. I found that it was alright, and Levy also found it to be alright. Then I 30  
instructed him to use his own section and go and get that

place. I showed him how this watch was timed. He told me that he went there with the bomb, and that he had found a European there again, and that he had come back with the bomb again, and reported to me.

Yes, and did this carry on, or what did he do eventually?---No, eventually it was placed, the bomb.

Did you see it placed, or were you merely told that it was placed?---I was not there, he told me that he had placed the bomb there.

When was this John, that he told you that he had placed the bomb?---That was about two weeks after the bomb was prepared. He told me that he had placed it there, but nothing happened as far as he knows. I asked him whether he had timed it exactly as I had shown him. He said "Yes, I did it exactly like that". 10

Whose house was it?---The Minister of Defence.

Accused No. 3 reported to you you say, that he had placed this thing and nothing had happened?---Yes.

And did you report to this anybody else?--- Yes, I reported to No. 1 and to No. 2. 20

Together?---No, no - separate.

Well, who did you report to first?---No, 2 first.

The same week?---Yes, the same week that Levy told me that he placed it there and it did not go off.

And what did No. 2 say?---He was surprised why it did not go off, and No. 1 also was surprised why it did not act.

Was this after you had seen No. 2 that you saw No. 1 alone?---Yes.

And did he say anything else apart from the fact that he was surprised that it had not gone off?--- 30

He said he is surprised. This is the second one now that has not gone off. He said that indicated that the gelignite was no good, or perhaps that the watch was no good. He then said ... he then instructed me to go and take those gelignites and throw them away. Then afterwards he came to me and said no, I had better leave it.

Yes, and what other arrangements were made?

---It was just then that Nos. 1 and 2 were arrested. The same week that No. 1 was arrested, we had just discussed about ... discussed the region of Umkonto here in Pretoria. 10 That was at my house, he had been at my house. I said at the time when we discussed this that I was ... I felt that he was going to be arrested and I. Then he said we must establish or build up more sections. He said but it is difficult to get the right type of people to establish an Umkonto We Ziswe section.

AT THIS STAGE THE COURT ADJOURNS UNTIL 10 A.M.

ON THE 18TH AUGUST, 1964.

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ON RESUMING ON THE 18TH AUGUST, 1964:

JOHN TSELENG MASUPYE, still under oath

EXAMINATION BY MR. BEYERS (CONTINUED):

Now John, yesterday we got to the stage where you said that No. 3 Accused had reported that he had placed this time bomb at the Minister of Defence's house, what happened after that?---He told me that he had placed the bomb there at that particular place, but that it did not go off. I asked him whether he had timed it in the way I had shown him; He said yes, he did. We were then surprised why it did not work. 10

Yes?---I then went and reported that to No. 2 Accused, that the bomb at that place was placed there, but it was unsuccessful, that it did not go off, and that it was surprising, and then I went and reported the same to No. 1 Accused. He also expressed surprise.

My lord, I think that most of this was led yesterday, it is just a matter of getting the witness to the same position. Yes, go on?---He said it was funny that on several occasions now, the same thing happened now that these explosives did not go off. He said he was going to investigate to see whether the trouble was with the timing piece, the watch, or whether it was with the other materials. He then instructed me to go to the bank and go and get out the gelignite that was still there, and throw them away. Then later, in the same afternoon, he came to me again, and said no, I had better leave them. I must just leave them where they are, and then he left and went back to Johannesburg. Then we continued looking out for possible targets. If I remember correctly, the same week, that was in about June, 20 30

I attempted to get in touch with No. 2, to discuss the question of a region for Iretoria. He then came to me at my place of residence, there we had a discussion. I was then his deputy, and it was then suggested that there should be three members of the region. I then thought of Levy, that is No. 3 Accused, as he was at that stage, my deputy. That we could work together. The region was to meet once per week regularly, to arrange matters, and we also discussed forming more sections. He then spoke about the forming of these different sections, and the question, rather serious question of the fact that people were not so trustworthy. I also thought so, and I again mentioned that I expected in the immediate future that he or I would be arrested, and in fact, that was the last I met him, because he was arrested soon after that, and I did not see him again before we were at the Court. He was arrested on the 24th of June, and we had met the Sunday before.

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And have you not had any contact with him with regard to these activities since then?---No, I have not had an opportunity to discuss with him after that.

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Now, he having been arrested, can you say whether any of the other of the accused were arrested at more or less the same time?---Not the people In Pretoria. I did not know about their arrests. I was at that time, expected to be arrested at any time.

Yes?---I was then looking out for No. 1 Accused to come this way again, and I then went still some time in June, to the place in Marais Street in Brooklyn where I used to meet him. I went there, and at that place, on my arrival, I was informed that he was also arrested on the 24th.

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No. 1 Accused?---No. 1 Accused. Then the whole responsibility was rested on my shoulders, because the people that I had to contact were then gone. Then I continued to the best of my ability, as far as I knew what to do - the first thing I had to do was to form this regional committee of three persons. I then went to No. 3 and discussed it with him. We had to decide who we could appoint on this committee. Then we thought of Johannes Letoboko - he is not here. We eventually met him, and the three of us had a discussion, and then I decided, knowing 10 now how to make this powder to make as much powder as I possibly could, and decided to look out for possible targets - what worried me was that I had not shown my deputy how to make the powder, and that I felt that I had to teach him how to do it, because I did not know what might happen to me. I felt that I would not be free much longer. In fact, I had no opportunity ever to show him how to make it. Now, did No. 1 Accused remain in custody.

Now, did No. 1 Accused remain in custody?--- He came out afterwards. Then in about August, after that, 20 I received a banning order, but just before I got the banning order, Mr. Victor was troubling me to make a statement.

Is he a police officer?---Yes, he is a police officer. For quite a while we could not agree, and from what I understood, in connection with the law, was that I should be locked up under the 90 days law, and then only would I make a statement, but not before that, but he continued talking to me, and he also showed me other members who were in the same position as I was, who were 30 locked up, and then when I realised that those people had

made statement, I decided that well, I will also make a statement now and see what happens . Well, I made a statement.

That is not the statement you are giving evidence on now, is it?---That is correct, that statement that I am giving evidence on now, is the statement that I made afterwards, a second statement.

Now, having given that statement to Sgt. Victor, did you subsequently give evidence in Court?--- That is correct, yes.

And you say Accused No. 1 was released when? 10  
---At the time about, when I was giving evidence in Court, he came out.

And did you see him?---I saw him, yes.

And what did you speak about?---I told him first of all, that I was served with a banning order. He was anxious to see it himself.

BY THE COURT TO WITNESS: He was anxious to see what?---  
Accused No. 1 was anxious to see this banning order, and then I informed him that I had also received a subpoena. He was then surprised. I was also surprised. That is 20  
what worried me on receiving the subpoena, is what I enquired from the Court yesterday. I wanted to be exact as to what I am really, in regard to whether I am a witness seeing that I am also one of the people who committed these crimes, but he was not satisfied with the fact that I was going to give evidence in Court, but I did give evidence and I gave all the evidence that I could give.

EXAMINATION BY MR. BEYERS (CONTINUED):

And was that the only discussion that you had 30  
with Accused No. 1?---No, I saw him again. I obtained my

banning order, and went to Marais Street in Brooklyn, and showed it to him there, because when he asked to see it on the first occasion, I did not have it in my pocket to show it to him, so I took it that he could see it. He saw it, and noted the contents. He told me then that he had had no official instructions from above to give to me, but he would return and go and receive instructions, and then come back and then give me instructions. He said maybe he will come himself or he may send somebody else.

Yes, did he come himself?---He came himself. 10

Can you remember when this was?---More or less in November, 1963. I am not quite certain.

Yes?---At the time when I was giving evidence in the Magistrate's Court here in Pretoria, whilst I was giving the evidence there, I was investigating the possibility of making the Magistrate's Court a target. I was taking note of everything around the Magistrate's Court. I went to No. 3 and to No. 4 and to No. 8. I then instructed them to inspect the building with a view to attacking it, and I told them that I would like to have it attacked 20 before the case that was in progress at the time, was completed, because this case that was in progress then at the time, that was being heard, is connected with what we want to have done. I thought that if I could carry out ... I thought if I was successful in destroying that, perhaps it would cause the big chief, the Minister of Justice to open his head and listen to what we are asking for.

Yes, now did you only speak to accused Nos. 3, 4, and 8 about it, or did you speak to anybody else? ---Just to them. They did inspect it. I did so myself, 30 and I decided that it could be done.

Yes, did you do anything about getting the material to do it?---I then contacted No. 1 Accused in regard to that, I told him about it, and we discussed as to what material would be required to do the job. No. 1 said dynamite was the correct material to do that. He said that he did not have any in his possession at the time, but that he would go back and see whether he could get hold of some, and then we made an appointment as to where I should meet him on the following Wednesday, so that I could get the material from him if he had got them.

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AND did you make any suggestion about who actually should do the job?---Because I was banned at the time, No. 3 Accused, Johannes Letoboko and Petrust Segwarithle, who were then members of the region, and I was the  
....

(Mr. Beyers explains to Court who Petrus Segwarithle).---With me presiding as supervisory officer.

BY THE COURT TO WITNESS: Who was?---The three of them with me as the presiding or supervising officer. Just at that time, Levy No. 3 Accused, was then my right hand man, and I was giving him exact instructions what to do. I then made an arrangement with him to meet at a certain place at a cafe where we would meet No. 1.

EXAMINATION BY MR. BEYERS (CONTINUED):

Was this on the Wednesday that you referred to?---Yes.

Yes, and on that Wednesday?---We met on the Wednesday.

That was you and No. 3 and No. 1?---No. 3 and I met first and then No. 1 Accused arrived afterwards.

Yes, and did he have anything with him?---

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He had the briefcase.

The brief case which is an exhibit?---Yes, it is the same one, the one before the Court.

Yes, and where did you go to?---He then enquired from me whether there was a particular place where we could go and handle the stuff. I had already arranged a place, and I said, yes.

Where was this place?---In Lady Selbourne.

And did you go out to Lady Selbourne, all of you?---We went there.

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Well, did you all go together?---We went by taxi.

And to whose house did you go?---We went to No. 4's house, Nelson Diale. I had already informed him about our going there.

Anybody else of the accused that you saw that day?---No, not any of these accused. Just myself and No. 1 and No. 3 who were there. No. 4 was not there himself.

Did you go by bus or how?---A taxi.

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Who fetched the taxi?---When we left the place where we met, this is another story, when we left this place, No. 1 and No. 3 went back, and I had to go to Marabastad. I went to Marabastad. I had to get a taxi at Marabastad and we would meet at Lady Selbourne. The reason for that was because I was banned it was rather dangerous for me to be seen with them. That would cause trouble for them. Then I came down Bosman Street, and then as I was proceeding down, I heard a whistle behind me. I looked back and I noticed that it was No. 8  
Alpheus Bokaba. He indicated to me to stop. I stopped.

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He then informed me that Nos. 1 and 3 are coming along in a motorcar and that I had to wait for them and then go with them. I waited and the car approached, arrived. When the car arrived, I saw four persons in the car. It was the driver and another Basuto woman who was with the driver and No. 1 Accused was also sitting in front with the woman and the driver, and No. 3 Accused was sitting on the backseat. Then I got onto the backseat with No. 3 and then the car drove off. We then went to Lady Selbourne.

Leaving No. 8 Accused behind?---We left him 10  
behind there, yes.

And did you go to No. 4's house in Lady Selbourne?---Yes.

Was No. 4 there or not?---He was not at home.

And at his house, was it then just the three of you - No. 1, No. 3 and yourself who conferred?---That is so, yes.

Now, what took place there?---I then asked No. 4's wife, where he No. 4 was. She said "I do not know, he has not arrived yet". I then asked her whether there was 20  
not any talk about any visitor coming there. She said that I was the visitor that she had expected there. I then asked her to leave the house, and she left, and we went into the house - the three of us. That is No. 1, No. 3 and myself. We closed the door. No. 1 Accused opened this bag, took something from it.

Can you describe that something John?---It was a packet which contained black powder, and then he took out two sticks of dynamite also from the bag, and some fuse - two lengths of fuse, and then he also pro- 30  
duced small bottles that contained acid, and another packet

that contained what looked like white pills.

And did No. 1 say what they were?---He explained all these articles to us.

How many bottles did he produce?---Two.

Is this one of the bottles? (Bottle shown to witness).---Yes, it was wrapped up in paper.

Bottle handed in as Exhibit 3. And you at a later stage, just to jump ahead for the moment, handed this over to the police?---Yes, after my arrest.

Was this found by the police in your possession?---Yes. 10

BY THE COURT TO WITNESS: Was the other bottle of that size also?---It is small little medicine bottles my lord, that you buy peppermint drops and all sorts of patent medicines in.

EXAMINATION BY MR. BEYERS (CONTINUED):

Did you also hand that to the police?---I did, I gave that to the police as well, and also those white tablets, Perment of Chloride tablets.

Pills handed in as Exhibit 4.---Yes, they were in a small white envelope. I also handed them to the police when I was arrested. 20

Now John, you say he produced these things - this permanent of chloride and the bottle that you have identified, and another little bottle, and you have also told us about two sticks of dynamite?---Yes.

And what did he do then?---Then he proceeded to build a bomb.

How?---Then a little box was required. I then ran to a café to try and get such a box, I could not find such a one, and then I remember that I had a shoe box 30

in my house. I ran there and fetched it, so we did the building of this thing in that box then.

Yes, describe how it was built?---In the bottom of the box he put in some black powder.

Was this the black powder that you told us you produced?---The black powder that we fabricated, that we made ourselves, and then he produced a pencil from his pocket, then he added the dynamite. Then he asked me whether I know how to handle this, I said yes, I still remember that a pencil or a stick of wood must be used. 10  
I said I know about that, and then he made a hole in the dynamite with the pencil, and he put the fuse in, and tied it again with a piece of string, he did the second stick in the same way. These two sticks of dynamite were then placed in the box on top of the black powder, and through the side walls of the box he made two holes through which the fuse wire was put. He had this solution tape, and the box was bound round with that to close it. Then he asked me who was going to do this particular job, and I said No. 3 Accused. We then showed No. 3 Accused exactly how he 20  
must do this, and how he had to ignite it with a cigarette, a burning cigarette. When we were finished with it, we put it on one side. He then ... he was then going to show us how these acids and these pills are used and this other medicine, but we did not have capsules. Then he ground the pills into a powder.

All the pills?---He took two of them, and then he mixed them with Permanganate of Potash...

Condi's Crystals in this bottle?---Yes.

In this bottle?---Yes.

With Permanganate of Potash he says my lord, 30

from the bottle Exhibit 5. Yes, and did he mix that with the pills?---He said because we did not have a capsule, he will put a little bit of this acid, he will drop a little bit of the acid on that mixture to show us, and he did so, and it set off.

It ignited straight away?---Yes, he said that is how it should be done. The acid should be put into a capsule. Then he gave them to me and told me to keep those, those would be for myself. Then I took them and I went away with them. I left him with No. 3. At the time it was raining. I then left them there, he was going to wait until the rain was lower so that he could go away, and then it was arranged that if it...the job was successful, No. 3 would report to me and then I would report to No. 1, and then we separated. 10

Yes, what happened? Was the job successful or tell us what happened?---It took several days before there was an opportunity to attack it.

And what was the occasion when it was decided that the job would be done?---Yes, I will explain that - this was in December now already, 1963, and we thought of the 16th of December because on the 16th of December, was actually the birthday of our organisation, namely Umkonto We Ziswe, and that day something had to be done to indicate that that was our day, but we realised that on the 16th of December, the police would have kept their eyes wide open, because we realised that they, knowing that the 16th of December was the birthday of this organisation, they would be wide awake. The place was being watched on the 13th it would not be done, on the 14th it could not be done, and on the 15th it could not be done, on account of 20 30

it not being safe.

Do you know this of your knowledge, or was it as a result of reports that were made?---Reports received that there was always either a policeman there....

Who made these reports to you?---No. 3 Accused, and again when No. 3 wanted to do the job the soldiers were not there, and sometimes they would be waiting for him and he would arrive late, there was always some difficulty. These reports about those difficulties annoyed me, because I was ...at the hotel I was on night duty, therefore, during the day I had to rest, and then I decided that I just had to go and do it myself in the daytime now, although I am on night duty. No. 3 was urging me to drop this idea of attacking the Magistrate's Court, and go and attack some other places. I told him that this bomb I made specially for the Magistrate's Court, and the Magistrate's Court has to be attacked, and then on the 16th we waited, on the 17th No. 1 Accused came to me and he instructed me then to dismantle this bomb, because it was not going to be used. I spoke to No. 3 Accused, he then suggested let us go and use it on the Church in Eastland. I said "No, leave the church alone, let us go and use it at the target which is the Post Office in Waterkloof". That was then arranged for the 18th. 10 20

And did you tell No. 1 that you had made this change in the plan?---On the 17th I spoke to No. 1. He asked me whether I dismantled, and I said no, I have found a use for it now, although I personally wanted to use it on the Magistrate's Court, but now I will go and use it on this place that he and I had been to and which I had indicated to him before, namely the Post Office at Waterkloof, 30

and then he went away. And then on the 18th, that was ...that attack was carried out. It was successful.

And who did you appoint to do the work?---  
No. 3 Accused and Petrus Segwarithle who is not here.  
The report that I received the next day was to that fact, that the two of them did it. I bought the Rand Daily Mail the next morning to see whether it was successful, but I saw nothing. I then bought the Star in the afternoon. I looked at the Star, I saw nothing in the Star. As I was looking through the Star No. 3 Accused arrived to report, 10 he had the Pretoria News, City Late, he told me that the job was done, it was successful. I told him that I looked through the papers and did not see anything. He said "Look here, here it is", and then I saw in the Pretoria News there was a photograph of Colonel van Niekerk standing on a ladder and looking in, and then according to our regulations, I took him by his hand, shook his hand and said "You are a man, you have done a good job", and I told him that he must now go to Petrus, take him by the hand and shake his hand thoroughly and tell him the same. 20 I told him that I was very happy, that my heart was white, in other words, that I was very happy about it. He then told me that that contraption took 15 minutes before it went off. He said he had hardly been out of the fence when it went off, then I was wondering how this happened. Then Petrus Segwarithle came to me, I then understood from him that they were still manoeuvring around there, and wasted a little time. They looked at something and thought of something, and then they were loitering around a little.... 30

BY THE COURT TO WITNESS: Who was loitering around?---At

the spot a little too long, they did not get away soon enough, that is why they were still so close by when it went off. Then I asked No. 3, I then said to No. 3 "I told you that when you go to do work like that you must not have a lot of unnecessary things in your pockets". For instance, he should not have his pass on him, because it might accidentally drop there, and that might give the police a clue, and he might get arrested on account of that, and then after wards, No. 1 Accused arrived to find out how it worked, what happened, but I was not here then, I 10 was out on the farm, but he had heard over the radio that the explosion did take place. I then told him that he was successful, and he asked me in which paper it was, and I told him that it was in the Pretoria News, in the City Late. He then asked me to obtain that paper for him so that he could see it himself. I got the paper, gave it to him, and he saw it himself. Then he asked me to get another newspaper for him. He said he wanted the High Command to see it themselves. He gave me 5 cents to go and buy one, but I did not buy it, and then on that day, the 20 17th, it was going towards the end of December I, with my region, that is No. 3 Accused and Johannes Letoboko, we then discussed means of getting hold of revolvers.

EXAMINATION BY MR. BEYERS (CONTINUED):

What did you want the revolvers for?---Because we were soldiers we felt that we should have revolvers in our pockets, we did not know when a disturbance would take place.

There would be a need to use them in other words?---Yes, because at that time it was obvious that 30 the government was doing several things in different ways,

and we as soldiers, felt that we should be ready, because at that time many of our leaders had been arrested, and we were at that time, very annoyed, very irritated.

Now, was there any particular person or persons with whom you or any of your associates were annoyed, who were a particular thorn in your flesh?---We had no grudge against any individual, against any person, but against the Government and those laws, and because the laws are made by the Ministers, our attention was particularly on the Ministers, but not as individuals. 10

And did you do anything about getting a revolver?---Yes, after I had arranged with my men....

With which men? With which members of your section in particular?---No. 3 Accused and Johannes Letoboko - those three of us.

Did either of them want a revolver for a particular purpose?---I said to them that we, as soldiers, should have revolvers. I then told them that I would approach No. 1 Accused, and find out whether he could obtain any revolvers. I met No. 1. I told him that I wanted 20 revolvers. He then thought the matter over and then asked me what I wanted to do with revolvers. I told him that I was a soldier and that I ought to have a revolver, and my soldiers ought to have revolvers. He said no, "I have only got one revolver, and I could only lend you that". At that stage, here in Pretoria particularly, there were two Bantu policemen who were of the Special Branch, and those two people were having their eyes on us particularly.

Who were they?---Kwele and Kumalo, and we had already discussed the fact that those two people must be put out of our way, but I had to discuss it with No. 1 30

first, and when I spoke to him about it, that is in regard to those two men, he said no, our law is we must not kill, and then No. 2 Accused, before he was arrested had also given the instruction and said we must not kill anybody. I then realised that here are two of our leaders who say the same thing. Then I said to him "Well, if you want to lend me this revolver, then what do you want me to do with it". He said "Well, if you want to attack a target, for instance, there might be a night watch, you might just frighten him by using a revolver". Then I said to him, "Well, if we could fire a revolver just to frighten a night watch, we might as well shoot him, what difference does it make". Then I noticed that I had got him into such a position that he did not know how to reply to that. He/then in such a corner, that he in a sort of disgusting way said, "Well, alright, you have got your own region in Pretoria, you do what you think you ought to do".

10

Decide for yourself in other words.---Decide for yourself. After he left then....

Before you go on now, when was this that you had this discussion, before or after the blowing up of this post office in Waterkloof?---Well, when we discussed these things, because whilst we were doing these jobs, and it was continuously discussing this and that, and attacking these targets all more or less at the same time.

20

Yes, now what happened eventually about your getting a revolver?---Well, then as I said he then went away. After he left I thought this over, I went to my region, I told them what had happened, my discussion with No. 1, I told them then that a revolver might be procured at any time. We then investigated as to who might know

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where these two people reside and so on. I knew that Kumalo was in Atteridgeville, but I did not know where in Atteridgeville. Kgwele I knew was in Mamelodi in Vlakfontein, but also I did not know where his house was. So the soldiers had to find out exactly where those houses were. In the meantime, up to that stage, just before that, I had worked these people up in my region (I am going to use the word propaganda for the want of another word), a propaganda I had worked these people up to a climax of hate towards these two people. I told Levy, that is No. 3, 10 to instruct Mampane to find out where Kgwele actually lives in Vlakfontein. In the meantime they were getting so excited about it and so anxious, that they were continually wanting to know when the revolver would arrive, but the way in which No. 1 Accused spoke to me, his attitude was an indication to me that I had upset him, and that started worrying me, but by that time I had already worked my people up to a certain stage. As a result of that Petrus came up to me and said ... and suggested that this carrying out of this idea of getting rid of those people must be 20 speeded up, it must be hastened. I then said to him "Yes, it is alright but go and find out first where their homes are, and to find out a way of getting there to their places", and then just about that time, in a few days, No. 1 Accused arrived again, he came to Schoeman Street where I was employed. He said to me "I have brought those parcels of yours".

Can you remember when this was John?----That was towards the 20th of December, 1963, roundabout those days. He said that he had brought the parcels that I had 30 asked for. At the place where I was employed at that time,

there was a day watch, a watchboy who was watchboy during the day. I asked him for permission to use a little room on the premises where these things could be handed over to me. He gave me permission to use the room. No. 1 and I went into this little room. There he opened the briefcase, produced brown paper, this is the paper, and a revolver was parcelled up in this paper. He unwrapped the paper and showed it to me, it is this revolver now before the Court.

In this little leather holster?—Yes, the strap and everything - complete as it is. 10

Paper, Revolver, Magazine and Holster handed in as Exhibit 6.

AT THIS STAGE THE COURT ADJOURNS FOR TEA.

ON RESUMING:

JOHN TSELENG MASUPYE, still under oath

EXAMINATION BY MR. BEYERS (CONTINUED):

Now John, you got the stage of telling us that you got into this little room and that Accused No. 1 had given you the pistol?—Yes. 20

Did you know how to use a pistol?—No, I did not know.

Well, what did you do then?—I did not know how to use a pistol at that time.

And what did Accused No. 1 do then?—He then took it out from the holster. He opened it and he took out the magazine that contained the cartridges, showed me that there were seven in there.

The magazine which is with the pistol?—Yes, that one. 30

And with the cartridges that are now in it?—

Yes, the seven cartridges. He put the magazine back again to show me how it is put back again. On the side is a little metal thing with which you can open and close it. If you turn it to a particular point, then it is locked, then the weapon is locked. If you push it down, then it is open, and then if you pulled it, he stretched it open to show me how it is done.

Here is the pistol -- will you show us what he showed you? I have removed the magazine and made certain there is nothing in there.---(Witness demonstrates). 10  
Here is the catch that I was speaking about.

The witness indicates the safety catch, my lord.---And this is how it is pulled back. It is pretty safe.

If he takes off the safety catch, he will get it to work.---He pulls it back, but then it slips out of his hand. He cannot take it out altogether.

My lord, I ask your lordship to take notice that the witness does have some difficulty in manipulating it. Yes, and then did he hand this over to you?---Yes, he 20  
then gave it to me. He told me that when I use it, I must hold it tight. He said actually a person ought to be trained now to use it, but there is no time to train me. Then he took out £1-10-0 from his pocket, gave it to me. I was short of funds to buy the necessary materials, I had reported to him that I was short of a few shillings. He said that I must give the 10/- to No. 3 Accused to use for fare if I should happen to send him, No. 3, to No. 1 Accused where he resides, and that the £1 I could use to buy the necessary materials. 30

For what kind of materials?---The materials

required to make the black powder. It was on the day when we discussed this particular target in regard to which he wanted me to buy one of the City Late Pretoria News for him. He then went away and I went back to my work. I put this pistol in my jacket pocket at the place where I was employed, and in the afternoon when I knocked off work I went home and hid it away there, not in my house, somewhere else. The next day I took it and I put it at the same place where these other materials were kept, and then the next day I went to Levy where he was employed, that is 10, No. 3 Accused. I then reported to him that the revolver had arrived. I also gave him this 10/- that he could use for transport purposes, then he said he will use it for the purposes of going to Mampane to ... in connection with a target that he had in mind.

What was this target?---That is at this meeting place of the chiefs in Vlakfontein. Then I went to No. 1 Accused, I gave him the newspaper and I came back. When I arrived in town I bought a big box of charcoal, 50 cents worth of charcoal. 20

Why did you not buy the tablets at the chemist any more John?---It was difficult to get things at the chemist shop. I decided to buy a box of this charcoal, pieces or lumps and go and grind it myself, so that I could get more.

Is this Exhibit 7 the box with some charcoal in it of the quantity you bought?---Yes, this is it. I bought this in Andries Street at a coal depot. I then took it to Lady Selbourne to where I live. I put that also at the place where I had hidden the other materials. 30

Where was this that you had hidden the other

material?---There were two places - the black powders and things, I put away at the place which is called the bank. That is in the mountain, and the other smaller articles I hid away on the premises which I rented from a certain woman. She had no knowledge of it, of course.

While we are on this point John, did you subsequently point out all the places where you had hidden things to the police?---Yes, I did. I pointed out all the places to the police.

And they took possession of everything that was still there?---Yes. 10

Yes, you got this charcoal you say, and you went and hid it - what else did you get?---I went back to my work. When I came back there I asked No. 3, I then told him to tell Petrus Segwarithle, he is not here, and No. 4 Accused, Nelson Diale, and Johannes Letoboko - he is also not here. I told him to tell them to come and get their share of this material, that they could go and grind it. I then said to No. 3 that he had not learnt how to handle these things and should have. That is the mixing and the making of black powder, and that he should have been taught how to do it already, so that he could be able to teach the others how to do it. I then told him to come on Sunday to a certain place which will be arranged in Lady Selbourne, where I would meet him and teach him to mix and make these materials. Whilst I was talking to him, Petrus Segwarithle arrived. He then repeated to Petrus Segwarithle what I had just told him, and then Petrus said he will come and collect his share, and then they left. Nelson Diale came for his share, Petrus Segwarithle came and took his share. Johannes Letoboko 20 30

Belt 14

came and fetched his. I just want to think now my lord, I am not so certain that he did come. Anyway, I took my share and I ground my share, so that I could show them with my share how it is done. Other materials, like the salpetre like I had already bought. The sulphur I still had of the quantity I had bought before for 35 cents. I then found a house at my aunt's place in Gotsholo(?) Street in Lady Selbourne where I could go and work. She had a stove. I then told her that on Sunday I wanted to use her stove. She said well, the stove will be in the house, she will be away to church, I could use it. Then I took money and I bought coal to make the fire in the stove with. Then I told Petrus Segwarithle and Johannes Letoboko where to come to, and I told Levy to come to me and go with me to that place. Levy did not turn up. Only Petrus and Johannes turned up.

Well, did you show Johannes and Petrus how to make powder?---I did, how it was made, I showed them, and I told them to tell Levy that I wanted to see him on Monday to find out why he did not turn up, and I also told them to take the materials that they had made to the bank, in the mountain in the evening. 20

Now, where was the revolver all this time? ---It was then also placed in the bank. I had taken it from this woman's place and put it in the bank in the mountain. I had put it in a tin - this is actually the tin.

Tin Exhibit 8---I had it in this tin.

With a plastic bag?---Yes, I wrapped it up in this plastic paper. 30

Which is now still in the tin?---Yes.

Now, had you spoken to any of the members of your section, about having got the revolver?---Yes, I showed it to them when we went to the mountain, and I also showed them how to handle it.

Now, to whom did you show it?---Petrus Segwarithle, Alpheus Bokaba.

That is no. 8?---And Johannes Masemula was also present - he is not here.

Now, was there any discussion with anybody about using the revolver?---Yes, I showed them how it was operated, and at the same time we were discussing a certain job that we had to do. 10

What was that job?---In connection with the revolver.

Yes now, what was that job?---The shooting of those two persons that I have mentioned.

Now, who did you discuss that with - anybody in particular?---No. 3, and Petrus Segwarithle, who is not here and Johannes Letoboko who is not here. Those were the three that I actually spoke to particularly. 20

Together or separately?---We were all together.

On each occasion when you spoke about it, or did you only speak about it once?---No, no, on many occasions. Whenever we met, we always discussed.

Were you always together, all four of you, when you spoke about it?---No, I was the one who was actually going around seeing this one and that one and the other, but mostly with No. 3 Accused, because he is my deputy.

Yes now, did you and No. 3 decide whether or not this shooting of these people was to take place?--- 30

When we came to that point of discussing that, we had definitely decided that they must be shot. At that stage, I was persuading No. 3 Accused that the shooting should be done. He was against it. I then realised that I had gone a little too far, I had made a mistake by ... I had found that I had worked them up to a stage in excess of what I should have done. That made things a bit difficult for me. Then I asked No. 3 Accused to go and discuss it with the other two men, that is Petrus Segwarithle and Johannes Letoboko. He then left, I take it he then went to go 10 and speak to them, because he told me later they had come to an agreement.

What was the agreement?---That they had more or less come to an agreement that these people could be shot. Then I said "Well now, just give me time, I just want to think the matter over", and then No. 1 Accused came over...

Can you remember when this was?---That was now towards the latter portion of the month of December, towards the end of December - after the 20th. 20

Of 1963?---Yes.

Now, were any other targets considered in the meantime, apart from the shooting of these policemen?--- There were only two targets as far as I was concerned that I was anxious about. It was the one - the gathering place of the chiefs in Mamelodi, and then I wanted to mix stuff again for the Synagogue.

And did you discuss this with anybody?---Yes, there was some sort of disagreement in a way. They were anxious to have the shooting done first, and I said no, 30 we must have these targets done first, and "I am your

officer, and you must carry out my instructions". They wanted to argue about it, but there was nothing to do about it, because I was the one who was giving instructions.

Now, did you tell No. 1 about these targets?

---Yes, about this target in Mamelodi, Mampane came to me and he told me that that target was in order, but whilst I was talking to Mampane, to me he appeared to be rather confused. He said it was in order and it could be done, and yet he could not make it quite clear how it could be done. This man Mampane, in my mind was not a person that I was only satisfied with that I could implicitly trust in, but because he was picked by my leader No. 2 Accused, I let it go at that. He said the target was alright, but he would have liked me or No. 3 Accused, Levy, first to come and inspect it ourselves and see what it is like. I said to him "You are the leader there, this is your target, and you yourself will inspect it, and do the job yourself. You will have to go in there". I could see that he was rather agitated about it, and because at that stage, I had not shown him how this acid applied, how it works, then I thought I had to show him first how it is done, and then just at that stage Levy, No. 3 Accused, was arrested for a night pass contravention, that was the day before New Year's day. When I came to find Levy, Petrus Segwarithle reported to me that he was arrested. Then I immediately made Petrus Segwarithle my deputy in the place of No. 3 Accused. Then I decided that I would have to go and remove the bank in the mountain, because the possibility was there that Levy might be locked up under the 90 days law, and he might talk and go and point out the bank. So I had to remove the bank from that spot.

Belt 15

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We then did so, we removed it to another spot.

Who are we?---Petrust Segwarithle and myself, and Johannes Masemula, and Johannes Letoboko.

Now, you were talking about capsules - did you have capsules? Did you have capsules?---Yes, I had.

Where did you get them?---The big ones were given to me by No. 1 Accused. The small ones I bought myself.

And did you put these in the bank?---Yes.

And were they recovered by the police?---Yes, 10 that is where the police recovered them afterwards.

They are empty capsule cases - Exhibit 9 they will be my lord?---Yes.

They were found in different places - the big ones were found in the mountain, and the small ones at your house?---This one is the big size. These were recovered in the bank in the mountain, and the small ones were at the place which I had hired from this woman I had referred to, in Lady Selbourne.

Even though they were found in different 20 places, we refer to them as one Exhibit. And how were they supposed to be used John?---You put acid into this empty capsule.

The big or the small one?---Well, any one, the big one or the small one. The only difference is the way you want to time it. If you want long timing, you can put the acid into the small capsule, and then wipe it off and clean it thoroughly, and then you can put it inside the bigger one. So that it will take a considerable while to go through. I spoke to No. 1, and he 30 told me to make a test myself as to how long this timing was.

How long the acid would take to eat through the capsule?---Yes, how long it would take for the acid for instance, to go through both. I did make the test with Johannes Letoboko.

Yes, did you put the acid in the capsule then - what are you supposed to do with the capsule?---Well, the white tablets had to be ground and mixed with the Permanganate of Potash and then with the black powder, those would be mixed separately, and then you would pour the acid into the capsule, close it up, and then when you had your actual target where you want to place it, you have your quantity required, or necessary quantity of black powder - you have that, then you have tissue paper. Then the mixed powder of the ground tablet and the Permanganate of Potash mixed, is wrapped up together with the capsules in this tissue paper. You put them together at the time when you are actually doing the loading. If the white tablets is not included, then the capsules with the acid, and the condis crystals will cause an ignition. And on the other hand, without the condis crystals, the pills and the acid will also cause an ignition.

Now, did you show anybody else how to do this?---The acid will then be in the capsule, and the timing will be the time that it takes for the acid to eat through the capsule, then the explosion will take place.

Did you show this to anybody else?---I did not demonstrate it to them. I just told them. I just explained to them.

Now when you say...?---No. 3 Accused, Petrus Segwarithle who is not here, and Johannes Letoboko. I just told them how it is done, I did not demonstrate it.

Now, to get back to these targets - you say that you had two targets that you were keen on - one was the Synagogue. Was anything done about a second attempt to damage the Synagogue, apart from the discussion that you had already spoken about?---Levy No. 3, went to the one in Mamelodi, to the hall. It was then that he was arrested there.

No well, before we get to there. You did not do anything about the Synagogue?---No, I was going to attack this hall first, and then immediately after that, 10 the Synagogue, and then, that was the plan, after attacking the Synagogue, then the shooting of those two people would have followed.

I see. Now, what preparations were made to do the job at Mamelodi - let us just concentrate on that? ---I have already explained now how Mampane was connected with us . In regard to that now I must say that I then met No. 1. I then reported to him the attitude of Mampane and what he said, and then he said that he was in agreement, the same as I said, that that was Mampane's target, 20 and he had to do that job. Then No. 1 accused warned, he said that this is the type of thing that will cause us to be arrested, and he said I must warn Mampane and remind him that he is a section leader, and that he must carry out his instructions, and he must do his job, so that if it is not successful it will be his unsuccessful job, and then No. 1 left. On that day No. 1 also asked me where the revolver was. I told him I still had it. He asked me why I had not used it for its purpose, and then he said "Give that revolver back to me, that re- 30 volver is just going to get us into trouble". I said to

him it "Is mine now, and it will not be returned to you unless it has served the purpose for which I required it. Then I will hand it back to you". He did not say anything on that, he just walked away. Just then he must have contacted Accused No. 3 and Petrus Segwarithle, we then discussed again this shooting business. They said when they discussed it with No. 1 Accused, No. 1 Accused said to them that he had left it all with me, it was at my decision, I would decide what to do. Then I said "Well, he told you correctly". I then said to them that was quite correct. "He told you the correct thing. It is I that has to decide, and my decision is that firstly the job at Mamelodi at the hall should be done, then the Synagogue only then we will..." 10

Yes?---At that time I was beginning to get annoyed with all this, because I wanted to work it the way I planned it out.

Well, having planned it out, did you do anything about - let us concentrate on Mamelodi now - forget about the revolver and the Synagogue for the moment. Now, 20 what did you do about Mamelodi? Did you get material, did you give material to anybody, or what did you do?--- On Sunday the 26th...

Of what month?---The 26th of January this year, Levy was to come to my place to fetch the material. During all that time just prior to that, Mampane was lying after me and wanting this job to be done. He was worrying me. At the same time I was not happy about his general attitude.

His ability?---Yes, he was worrying me and continually saying "When are you coming? When are you 30

coming? When are you coming?" In the meantime, I was the man who was making the arrangements.

Now, you say that you arranged for No. 3 Accused to come to you on the 26th. Did he come?---That is right.

Alone?---Yes, he was supposed to come alone.

Did he come, and did he come alone?---He came, now I have got to explain in sequence what happened, but I can cut it short.

Yes, do not cut out anything important though? 10  
---No. 3 and Johannes Letoboko came to me, I am coming to the point now. I then tried to get hold of a tin in which I could put the black powder. The black powder I had seemed to be not sufficient, and I had not time to go to the mountain and fetch more, but I then got this tin at my home - this tin here.

Exhibit 10.---I put the black powder in there.

There is still black powder in there my lord.  
---I then got hold of those little things called eye drops, a little glass tube. I drew out acid with it - this is it. 20

Exhibit 11 - you put some acid into a little Eye Geen bottle, Exhibit 11 you say?---Yes. I bought this, not because I wanted to use the contents of it, I bought it just because I wanted this little bottle. Yes, this is it.

Has it still got acid in it? Yes, there are a few drops in there still.---I then took a small empty capsule, showed No. 3 how to put the acid in the capsule. I explained to him how to put it in, how to close it, how to wipe it clean. I then took two of the 30  
white tablets and ground them into a powder, and mixed

them with the Permanganate of Potash. I wrapped them up in tissue paper. I then showed him at the spot how to put the acid into the capsule.

Is this tissue paper of the kind...?---Yes, his type of tissue paper.

Exhibit 12.---I then showed him to put the acid into the capsule, how to put the capsule with the mixed powders, and how to wrap them up and how to put them in the black powder. I gave him 5/- and told him to buy petrol with that, and he used the petrol at the same time, 10 and how to use it. He had also seen the revolver by that time. Then he said ... then he asked me to go and show him how to operate this revolver. I told him that the revolver was in the bank. It was then reported to me that they had already taken the revolver from the bank, and that it was now in town in possession of Bokaba. Alpheus Bokaba, No. 8.

Who told you that?---Johannes Letoboko told me that on Saturday the 22nd. I told them Petrus Segwarithle was then arrested, so I told them to go to the mountain and go and fetch the revolver away from there. So in case he goes and points out that place, that the revolver should not be found then. So the revolver was then in the possession of Alpheus Bokaba.

That was on a report. You only knew that as the result of what Letoboko told you?---Yes, Johannes told me.

Yes, let us get back now - what do you want to tell us about the revolver in connection with this day when you gave this black powder and all these other things to Accused No. 3 - that is what I want to know now? 30

---They wanted me to go with them to Alpheus Bokaba's place to go...to Johannes Letoboko's place to go and show them how to handle this revolver. Levy then took these materials, and then went to Letoboko's place, I followed them there. The revolver was then produced, and I showed them...

Who produced the revolver?---Letoboko.

At his house? How did it get there?---This is what I want to tell you - on that Sunday, Levy, on the 26th, Levy came to me and told me and that they, he and Letoboko had fetched the revolver from Alpheus' place. Actually it fits in this way - that he No. 3, Levy, went to Alpheus' place took the revolver, and took it to Lady Selbourne to Letoboko's place and left it there. 10

Did No. 3 say this?---And left it then at Johannes Letoboko's place, and then they came to where I was, and then they fetched the stuff that I had burnt.

Then you all went to Johannes Letoboko's house?

---That is so, yes,

And you showed them how to use the revolver? 20

---That is so.

Now, when was this damaging at Mamelodi supposed to happen - that same Sunday or any other day?--- Yes, on Sunday the 26th. Then Levy said that Mampane had said to him that the Synagogue and the shooting of Kgwele should be done on the same day at the same time.

Where was this? At Letoboko's house?---No, as we were on our way to the target. Now we are on our way to the target at Mamelodi. Now that came to me as rather a surprise. How would he suggest that these two 30 targets could be worked in one day? Then I said to Levy

"now you carry out my instructions. You are going to do that job in Mamelodi first". Then Levy said "Yes, but Mampane says to be able to do that job, he wants the revolver". I then realised that there was something wrong with Mampane.

My lord, Mampane seems to be very unpopular with this witness. I have been trying to get him away from Mampane, but he will not.---I thought he had something to do with the police. Why does he want the revolver now, and why did he suggest that these two things should 10 be done on the same day, and I was suspicious. I then instructed Letoboko to go and take the revolver and put it back in the bank. That is Sunday, and then we separated, and then on Monday the 27th, I bought a newspaper again, to be able to see whether the job was done, at Mamelodi. I saw that it was not. I then went to where Levy was employed - that was before 8 o'clock in the morning, and I found him standing with Letoboko. They wanted to know why I was there so early and I told them that I was anxious to find out whether the job was done, and I knew that if 20 I did not come early, I would find No. 3 gone already and I would not be able to see him, because I was anxious to know what happened. Then Levy told me that the job did not come off on the 26th. I said "Why? What is the matter?" He said that he had to go with Frans Mashilo to Mamemlodi, but Frans Mashilo did not turn up, and that prevented him from going to Mamelodi on Sunday the 26th, I said "Well, when can you do it?" He said "Today", on the 27th, but there was something that troubled me very much, because that night I dreamt that No. 3 Accused, 30 Levy was arrested, and that I was also about to be arrested.

Belt 16

Yes, well, just let us leave that and let us go on with what happened.---Then I decided to go and warn him not to go to Vlakfontein. He said he will go in the evening. I said "Alright then". That is on the 27th, and then on the afternoon of the 27th, I bought The Star newspaper. I then saw in The Star that there had been a sabotage at the Union Buildings. Then because I realised that the police would be very active now, I decided to rush to Levy at his place where he was employed to go and tell him to leave this arranged attack, but when I arrived 10 there he was gone - he was not there. I came back in the evening to my work, knocked off at 10 o'clock. I was with Frank Masimalo who was employed with me. As we were walking through this passage Fountain Lane, I heard a voice ahead of me. The voice said "There he is coming". It was in Afrikaans - "Daar kom Masupye". I then realised that there was danger ahead, and as I walked along, I saw two European detectives approach and a Bantu detective, and as they came close they said "Watter een is Masupye", and I replied "Ek is Masupye". They then arrested me and 20 searched me and they said "Die grote het niks by hom nie", and then they said to me "Masupye, we have got you". Then we went down to where the vehicles were. Then they pointed out somebody and they said "Do you see that man there?" I said "Which man?" They said "Look in that motor vehicle there?" When I looked I saw Accused No. 3. He was handcuffed, and this tin was alongside him. They said "Who is he?" I said it is Levy. Then they said to me "Where had you sent him to?" I said to Vlakfontein...

Did the police know then that you had sent Levy?---Well, it was obvious that they knew because they 30

knew...It was obvious that they went to his place...

And they referred to you as "Die Grote"?--It was obvious that they were...it was obvious to me that at that stage they were going round looking for me. They knew that I was the Regional Commander of Umkonto We Ziswe of Pretoria. They knew all that. Anyway, the last thing he said was "They asked me whether I knew that man...They asked me whether I had sent him to Mamelodi". The other way round - they said "Where did you send him to?" I said "To Mamelodi". "To where in Mamelodi?" and I replied "To the house that is used by the chiefs". They said "Alright, we have got you. We are arresting you".

MR. BEYERS: No further questions.

MR. FISCHER informs the Court that as the result of not being able to consult with the accused properly, he wants Mr. Beyers to meet him and call the next witness.

MR. BEYERS opposes the application and gives his reasons.

MR. FISCHER addresses the Court on this aspect again, and asks that if Mr. Beyers cannot call other witnesses, to be allowed an adjournment until tomorrow afternoon. 20

Mr. Fischer informs the Court that he can ask for an adjournment until tomorrow morning and cross-examine as far as he can, and if necessary, ask for a further adjournment. He is not even sure if he will be able to consult this afternoon, he assumes it will be possible.

MR. BEYERS asks, should the Court grant an adjournment, that the police authorities should make some arrangements so that there is an opportunity to discuss. (Further discussion ensues on this aspect between Court, Mr. Beyers and Mr. Fischer on this matter). 30

BY THE COURT: Well, I would then grant an adjournment till

tomorrow morning. I would request the police in charge and the prison authorities to make every possible effort to allow defence counsel to consult this afternoon, and if possible, later than 4 o'clock. There is no reason why such an exception should not be made.

AT THIS STAGE THE COURT ADJOURNS UNTIL

11.30 A.M. ON 18TH AUGUST, 1964.

ON RESUMING ON THE 18TH AUGUST, 1964

JOHN TSELENG MASUPYE, still under oath

CROSS-EXAMINATION BY MR. FISCHER:

Masupye, you were telling us that you were chairman of the Domestic Workers Union?---Yes. I just wanted to ask something first my lord - I want to ask your lordship to allow me first before I reply to any questions, whether I could ask counsel for the defence something first? There are four things I would like to know.

If you want to tell the Court what your questions are, perhaps the Court will listen to them - I do not know.---No, I wanted to put the questions to counsel directly, on account of knowing that he had spoken to the accused. 10

Well, let me hear what your questions are, but make them short?---Firstly, I want to know whether these accused people, all of them, did or did not tell you that they were members of the Umkonto We Ziswe? Whether they denied it or not.

I take it that will come out. Yes, what is your next question?---Secondly, do they deny or do they admit that they are members of the African National Congress? 20

Your third question?---And if they are asked whether they are not all members of the South African Congress of Trade Unions, would they deny that? Fourthly, whether they have not told you that they are fighters for freedom.

We will let them give evidence in good time. ---With all the respect I am abound to show the Court, I just want to say that when I started, I asked his lordship 30

a few questions and I have not got a reply. Now I am asking counsel a few questions - again I am not getting a reply. I am not being told what I want to know.

BY THE COURT TO WITNESS: But all that will come out in due course!---I thank your lordship.

CROSS-EXAMINATION BY MR. FISCHER (CONTINUED):

Now Masupye, let me ask you one question - do you want all the accused to go to gaol?---They have prepared themselves beforehand to go to gaol. Just as I have prepared myself before, I am to go to gaol. 10

Now answer my question - do you want them to go to gaol?---Yes, with me, and myself.

So, you do want them to go to gaol?---Yes, I want to go to gaol too.

Let us go back to the point I was dealing with - you were the chairman, you told us, of the Domestic Workers' Union?---That is correct.

You smile, you were pleased about it, were you?---Yes, I am still very pleased that I was.

And was that a big Union?---It was small when I started it and it grew to a large organisation. 20

Did you bear it up into one of the biggest Unions in Pretoria?---There are other organisations in Pretoria which were larger, but this one was also a large organisation.

And you told us also that you did a lot of work before it was banned?---Which one was that?

The African National Congress?---Yes, so we are on the African National Congress now?

Yes?---That is correct. 30

So you knew many people through that activity

as well?---That is correct.

You had a big following there too?---That is correct.

You are pleased about that too?---Yes, I am still glad about it.

Then a little bit later when there was formed a regional committee of S.A.C.T.U., you became the chairman of that?---That is correct.

You smile again - you were pleased with that too?---Yes, and I am still.

And eventually, on your evidence, to turn now to the fourth organisation, you were the leader of Umkonto in Pretoria?---That is so.

In fact, Masupye, it pleases you to be the leader of whatever organisation you are in?---Yes, if I know that that organisation knows what it wants.

Well, then we have got this position that you were well known to many workers and many Africans?--- That is correct.

And you were known as a , what I think is called a militant politician?---That is correct.

And you have had a considerable amount of political and Trade Union experience?---Yes, and I learnt it from others who are in higher positions than I was.

Yes, I will ask you to help the Court a little bit presently from your own experience, you see. Now, I think you indicated yesterday or the day before Masupye, that you were also well known to members of the Special Branch, the Security Police?--- Yes, because of the work that I was doing, I was well known.

And in fact, you must have known quite a number

of special branch members?---Mostly Bantus, yes.

Yes, but you also knew Europeans?---Yes, those that I came in contact with, and I came to know here when I was doing this work.

Well, for instance, Sergeant Victor took a statement from you last year?---The first statement, yes.

And you know Mr. Ferreira?---I also knew him from the time that I made this statement.

The first statement?---No, this statement. The one we are working on now.

10

Well, so much for your position then. Now, I want you to turn for a moment to the position of Mogano, Accused No. 2, he also was a very highly respected man in the community?---Do you mean in the Pretoria area?

In the Pretoria area?---That is correct.

And he was, when the African National Congress was still legal, he was the volunteer-in-chief?--- That is correct.

Masupye, let us just get one thing clear, because lots of people do not understand this - the volunteers in the A.N.C. were people who were prepared to do the hard work - that is what they volunteered for?--- That is correct.

20

They were not people who were violent?--- That was the policy, and that still is the policy.

So, then Masupye, would it be fair to say that you yourself had the greatest respect for Mogano, No. 2?---That is correct, and that still applies.

He was a man you would trust?---Yes, and I still trust him.

30

Could you say the same of Accused No. 1, Andrew

Mashaba?---Yes, from the time that I came to know him until this day, yes.

Finally, just while we are doing this, I want you to give the Court some information about Molefe, Accused No. 3. He was the Secretary of the Domestic Workers Union?---That is correct.

And he used to work under you, therefore?---Yes.

You said he was your right hand man in Trade Union affairs?---Yes, up to date.

In Trade Union Affairs?---That is so, yes. 10

Incidentally, what language do you speak with him?---We speak in Sekgata, that is a Suthu dialect, one of the Suthu languages.

He speaks English but not very easily?---As far as I know, he knows English a little better than I do.

But he speaks no Afrikaans?---No, he cannot speak Afrikaans.

Now may I turn, just briefly, to some of the activities of these organisations - S.A.C.T.U. carried on you told us, for some time until the money ran out, from an office in Boom Street?---Yes. 20

I gathered from you that you thought its activities were important?---Yes.

That is why you became a leader?---Yes.

Now, that was an organisation which had to look after the interests of the workers?---Yes,

And then you mentioned various people who were secretaries or honorary secretaries of the Trade Unions - like Matibela?---Yes.

He was secretary of the Steel Workers?---Yes. 30

And then Nohabaleng, Accused No. 10 was

secretary of the Shop and Office Workers?---Yes.

Abd Molefe was your secretary?---Yes.

Just while we are dealing with this union of yours the Domestic Workers Union - it is true it it not, that Molefe used to bring difficult matters to you?---That is correct. That is as it should be, because I was the chairman. Anything that he found any difficulty with, he had to come and discuss with me, then I would also go into it, and decide.

Yes, <sup>it</sup> / was then you who would make the deci- 10  
sion?---Yes.

In fact, Molefe was under your instructions, was he not?---That is correct.

You remember you told us yesterday that on one occasion when you asked him to be at a particular place on a Sunday and you heard that he had gone to Johannesburg? ---Yes.

Then you choked him off?---That is correct.

And you felt you were entitled to do that?---  
That is correct. 20

Well now, I just want you to tell the Court what the main objects of S.A.C.T.U. were - you see if I tell them to you, you can just tell me if I am right or wrong, it will save time. First of all, what do the letters stand for?---It is the South African Congress of Trade Unions.

So, it was a body to which the Trade Unions affiliated?---That is correct.

And what it has always worked for, is better conditions for workers?---Yes. 30

They ran campaigns for instance, like for R2

per day wages?---That is correct.

And it was open to workers of all races, was it not?---Yes, that is what I stood for.

No, but S.A.C.T.U. was open for that?---That is correct.

Now, it therefore, had this special function for workers?---That is so, yes.

I want to deal with one or two of these, because it may be of importance - the African National Congress you knew well?---Yes.

10

You were an executive member?---That is so, yes.

Now, you know that right up until 1952, it had always worked on strictly legal constitutional methods? ---At that time, I had not been a member of it, I had only joined it in 1956.

Yes, but you knew what its history was?---

Only since 1954 did I actually come to know about the African National Congress and its aims and objects, through reading in the newspapers - in 1954.

You must remember what was called the Defiance Campaign?---I heard about that after I had become a member of the African National Congress.

Then you heard that that was a campaign in which laws were broken?---That is correct.

But completely peacefully?---That is correct.

Now, those laws that were broken were some of the grievances you were talking about?---That is so, yes.

When you started your evidence?---The Defiance Campaign was against the laws and regulations which offended us, which we did not want.

30

I do not want to go into any details, because I

just want to come to the stage where you started yesterday with the Pietermaritzburg conference - do you remember? That there are any such laws which you think offend you?

---Yes.

Then in 1960, the African National Congress was declared illegal?---Yes.

And in 1961, as you told us, there was what was called in all-in conference at Pietermaritzburg?---Yes, for Bantus only, all Bantu.

Yes, I want you to give the Court the right view of that conference. That conference asked the Government it would call a national convention?---The answer is yes. I would like how to be allowed to explain in my own words about this conference. 10

I think you will have to do that later if the Advocate for the State wants it, you see. I just want the outlines. You see the decision then was that if the Government did not call a convention, then the decision was that there should be a 3 day strike?---That is correct.

So, it was not what you said yesterday, that each one would just decide for himself what he would do? ---No, not in that way. 20

Now I want to go back to the African National Congress for one minute - would it be correct to say that it was the political organisation of the African people?---That is correct.

And it was for Africans only?---Well, there again it will require an explanation to make it quite clear.

Well, it did not allow members of other races. A European could not belong to the African National 30

Congress?---That is what I mean, I will have to explain that.

Just answer my question - were there any Europeans in the African National Congress?---Yes.

Who?---Any nationality of whites, any white person could.

Do you really believe that Masupye?---Yes, just as I say that this country is for white and black and all nationalities, and that is what I was fighting for.

Have you ever known a European who was a member of the African National Congress?---No, I cannot name one, but I know that the organisation does not ... because there is a wall, the Government does not allow Europeans to become members. 10

You have never known of one. Have you ever known of an Indian who was a member of the African National Congress?---No, I cannot name one.

You see, I am correct therefore, surely, when I say that the African National Congress, as you have agreed was a political organisation of the African people, trying to do away with differences between Africans and Europeans?---Yes, since it was started in 1912. 20

Now, we must not waste time Masupye, just like that, there is a South African Indian Congress to which Indians belong?---That is correct.

There is a Coloured People's Congress to which Coloured people belong?---Yes.

And there was a Congress of Democrats, a separate congress, to which Europeans belong?---Yes.

Then there was a South African Federation of South African Women to which women belonged?---Yes, that 30

Federation of Women was of all races.

Belt 17

Quite right, and each one of these organisations, looked after the interests of its own members?---  
That is correct, yes.

Just before I come to a different point Masuoye, I want to know whether you know how Umkonto came to be formed?---I did not know how it came into existence and how it was formed, but I was informed afterwards, what it stands for, what its aims and objects.

We will come to that in a minute - you know 10  
that up until 1961, the A.N.C. refused to allow any of its members to take part in any violence?---Yes, up to the time as you say, till it was banned, and I go further and say even up to this date, it is still the same.

That is correct - even up to this day the A.N.C. does not approve of the A.N.C. being violent?---  
That is right.

You know in 1961, there was a decision that if Umkonto was formed, Umkonto could take part in a particular kind of violence?---I will put it this way - the 20  
way I consider it, Umkonto We Ziswe, the objects of the Umkonto We Ziswe was more or less like a higher class or a strike on a higher level, not the ordinary strike as we know it.

Well, you have put it quite well yesterday when you said that you planned one explosion, hoping that that would get the Minister to listen to you?---  
That is correct, yes.

Now what is clear Masupye, is that the A.N.C. was one organisation, and Umkonto was another organisation? 3  
---The Umkonto We Ziswe, was about the same type of orga-

nisation as the former volunteers of the A.N.C. were. It is an organisation under the charge of the A.M.C.

Well, let me put it as it was put correctly I think, by some of the leaders in another trial, Umkonto agreed that it would not change its policy at all without the consent of the leaders of the A.N.C.?---Yes, because it was formed by the National Executive of the A.N.C.

Now, just to make it quite clear - what that policy was, was to try and damage, the policy of Umkonto was to try and damage property that represented Apartheid? 10  
---Yes, I will put it this way - that was the decision at the Pietermaritzburg conference, that this organisation, Umkonto We Ziswe, was going to be the means by which we were going to press the Government to listen to what we were asking for, and to cause difficulty for the Government to govern the country. That was its object, to hamper the Government.

In other words, it was Government property that it was going to attack?---That is so, yes.

And above all, as you said the day before 20 yesterday, the object was that no one should get injured?  
---That is so, yes.

That is why you discarded target after target, because there might be someone there when the bomb went off?---That is correct, yes.

Masupye, who arrested you on the 27th of January?---At the time when I was arrested, I did not know these people's names even now, but I could point them out. I know them. I could point them out and say "That one, this one, and that one", but I cannot give you the names. 30

Were they European detectives?---Yes, and

there were Bantus with them.

And was Sgt. Ferreira there?---I saw him afterwards.

Ek glo jou nie! You see it was in Fountain Lane was it not, or you had just come down Fountain Lane?  
---In Fountain Lane.

That is near the Police Station?---Yes.

Is it next to the Police Station?---That is so, yes.

And you were on your way home?---Yes. 10

And then the detectives who were there saw you?---Yes,

I will come back to that later. I want to deal with something else Masupye. You remember you told us yesterday that you were not at all satisfied with Mampane at Mamelodi?---That is so, yes.

First of all, he did not want to carry out the job himself?---Before, shall I say in the early stages, he was rather hesitant and then afterwards again, he was over anxious. 20

Yes, but even afterwards when he was over anxious, you remember you told us he did not want to do it by himself and you spoke to No. 1 about it?---That is quite correct.

He wanted Molefe?---That is so, yes.

Or someone else?---That is so, yes.

And then you said this "I was very suspicious, why did Mampane want the revolver on the same day as they were going to do the guest house?"---That is correct.

Now, what was suspicious about that?---I got 30  
the suspicion that he was working with the police.

Yes, and that he wanted someone to be caught with the revolver?—The revolver and the other stuff.

And the other stuff, yes?—That is so.

And that is what you thought?—Yes.

So it was Mampane, who was pressing you to have the revolver there?—When he spoke to No. 3, he was talking to No. 3 Accused, and No. 3 reported that to me, that he had said to No. 3 that that target to be attacked must be done at the same time as the carrying out of the other target, the shooting of that person, that would be done at the same time. 10

You say No. 3 reported to you, Molefe that is, reported to you that Mampane wanted that?—That is so, yes.

But you must have heard it from Mampane himself?—No, not personally.

At some stage or other?—This plan of carrying out that attack at Vlakfontein, the idea or plan about the shooting of that person and of the destruction of that hall, were two separate items, and I had discussed both those items at different stages with Mampane personally, and I told Mampane that those two acts could not be done at the same time, on the same date, and then it appeared to me that after that he thought he could get round No. 3 Accused and persuade No. 3 Accused to persuade me, because he found that with me he was at a dead end, he could not persuade me. 20

Just summarise this - first of all then, Mampane tried to persuade you that the revolver should be there that same night?—Yes. 30

He could not manage with you and he tried to

persuade No. 3?---Yes.

You see, this will fit in with some evidence No. 3 will give?---Yes, I will accept that.

That when the police arrested him, he was ... they said to him "But we expected to find a revolver on you"? ---Yes, that of course, I do not know.

Well then Masupye, as far as you were concerned, you suspected that Mampane was an informer?---Yes, I still believe that he is the man who had us arrested.

Did you know a man Lukas, who was with Mampane and Molefe the night they were arrested?---No, I do not know him. 10

You know, of course, that Mampane was not arrested?---Yes, I have been asking the Special Branch people all along, right up to date, where is Mampane. They said he has fled, they have not got him yet.

Now, a little bit more about your arrest Masupye you were arrested in the street were you not?---Yes.

And then you were taken to the van where Molefe was?---Yes, I saw him in the vehicle when I came there. 20

And the police asked you if you knew this man? ---Yes, that is correct.

And you said yes?---Yes, that is correct.

And then you started talking to him?---No, I did not start talking to him. There, if you will allow me, I will explain what happened. When the detectives arrived there, we were two together. The police then said "Who of you is Masupye", I said "I am", then they arrested me, searched me into my pockets. Then they said "This man has not got anything in his pockets, as if 30

they were expecting to find something in my pockets, then they went with me. Then we went in the direction where Levy was.

Look, I do not want all the detail you know, we must get finished some time. Then that conversation took place that you have just told us about. They asked you if you knew Molefe and you said yes?---Yes, that is so.

Now, then both of you were taken inside the Police Station?---Yes.

You were taken into separate rooms?---No, 10  
into one place.

And after that into separate rooms?---I was only separated from him when I was taken to Wonderpoort.

Do you know that he was struck that night?---

.....

Why does it amuse you Masupye?---I laughed, because it is so well known that the police assault the people. That is the law we are against, because the Government lets the police assault us. That is the thing that we are fighting against! The police themselves seem 20  
to hate us, but they do not know/<sup>why</sup>they hate us, it is just the laws. It is the fault of the laws.

You see Masupye, I do not want a political discussion every time. I just want to know where it did happen - he was struck?---Yes, we were struck.

About his face?---Yes, both of us.

And you were bleeding from your mouth?---I will say that not one of these men were assaulted like I was. Not one of them.

Were you assaulted the worst of all? ---Yes. 30

That night?---Yes.

Other times as well?---No, that was the last. I was never assaulted after that.

Was it a very severe assault?---Yes.

Now when that was finished, you spoke to Molefe, No. 3?---I am in difficulty, if I answer that question just by yes or no, then it will not be clear what happened. Whilst...If I was assaulted because I was asked questions to which I refused to reply, then I could see a reason for my being assaulted. I considered it this way, and I accepted the fact that it was that way, that I was assaulted because here I was caught now I was known, my work that I was doing was known to them, and I was being beaten because I was doing that sort of work. 10

Masupye, you know perfectly well that at that time, you were well aware of the 90 day law and that it was used for purposes of interrogation?---That is correct.

You told the Court you were expecting to be arrested any time?---Yes.

From May onwards?---Yes.

Now let me get back to this - did you speak to Molefe No. 3, after you had been struck?---Yes, I did. 20

You remember you told him that he must take ..go with the police to show them where the revolver was? ---That is so, yes.

I think they continued beating you even after you had told that to Molefe?---No, I had already been beaten then. It was at that stage that Sgt. Ferreira came on the scene, that I saw him for the first time, and he immediately said "No", and he stopped that, and then he said to me "Where is the revolver". 30

And you said to Molefe go and show him the

revolver?---No, I did not reply to him directly. I then just addressed Molefe, I said "Molefe, go and show him where the revolver is".

Molefe argued with you?---He replied "I do not know where the revolver is". Then I said to him "Levy, I am instructing you. Go and give them the revolver".

That is right, and he said if you wanted to show them the revolver, you could show it to them yourself? ---He did not. He just immediately obeyed my instructions, and went and showed them where the revolver was, and then 10 after that I was handcuffed and I was taken to Wonderboom.

You saw Molefe again after that, did you not? ---The next day, yes.

Where was that?---At the detectives' office.

And what was happening to him there?---We were together all to be questioned, because we were arrested then, and we had to be questioned. At that stage, there was a certain Bantuman who was sitting in a chair... at that stage when we were called together there, there was a Bantuman who was sitting in the chair at the time. 20 Then Sgt. Ferreira pointed at that person with his finger and he said "There is your great pimp". Then on that No. 3 Accused replied "Yes, that is correct. That is the man who was with me yesterday when I was arrested".

BY THE COURT TO WITNESS: Did I hear correctly - Sgt. Ferreira pointed at that man and said "Here is you...?"--- He said there is your great pimp, and that is informer. Whereupon No. 3, Levy, replied "Yes, he was with me yesterday when I was arrested".

CROSS-EXAMINATION BY MR. FISCHER (CONTINUED):

Was this man a detective who was sitting

there?---I knew some of the detectives in Pretoria, but that particular person I saw for the first time and the last time. I have not seen him again, but if I am correct, that person is here now.

Can you see him here?---Outside here.

Well, that night he was not under arrest?---  
The next day, after my arrest, No. 3 Accused told me about that. He told me that when he was arrested this particular person and Mampane were with him. When he was arrested, they looked as if they were pretending to run, as if they ran away a little distance and then stood and then looked back at him. No. 3 told me that afterwards. At the same time he told me, that at that stage, Sgt. Kgwele fired off a shot, and then one of the Europeans said "Who is that firing?", and then he replied, he said "Yes, I fired the shot". He said he was doing that just to cause confusion.

10

Masupye, now please, I am not asking you about that just now. I am asking you about another occasion when you saw Molefe at the police station?---Yes.

20

Belt 19

Do you remember an occasion when he had been assaulted again?---Do you mean there at the police station when we were there.

No, some other time later on?---I saw a Bantu detective hit him. That Bantu detective is also here. No. 3 said to me "You see what this man is doing now". I said yes, I see.

Was that a Bantu detective, I think his name was Simon Magena?---That is so, yes.

Was he hitting him severely?.....

30

MR. BEYERS objects, as he feels that it is not relevant.

MR. FISCHER explains that it is with regard to the validity of this witness's statement.

CROSS-EXAMINATION BY MR. FISCHER (CONTINUED):

You see, I just want one further question Masupye...?---The reply to the last question was, he gave him a smash with the open hand.

You said "Molefe, I do not want to see you being assaulted any more"?---That was on the day when we were assaulted.

And you said make a statement?---Yes, that is 10 correct.

And you made a statement yourself?---I did.

When did you make a statement?---I made a statement a while afterwards. First I was prepared and I decided to go and show the police everything, because by that time I realised that the police knew everything, and also that I should make a statement. I decided that.

Was this a few days after you had been arrested? ---At the time when I was asked who this person was and I said it was Molefe, I realised then and decided then that 20 I will make a statement.

I am sorry I did not catch that?---When I was asked whether I knew this person, Molefe, and when I said yes, then at that stage, I realised what was going on, and I decided that I was going to make a statement.

Straight away?---Before I was assaulted by anybody.

Because you knew that if you did not make a statement, you might be held for 90 days and 90 days and 90 days?---No, I was not afraid of the 90 days. I pre- 30  
pared myself long ago for the 90 days. I was not worried

about that.

What were you afraid of?---Nothing at all. There was nothing at all that frightened me. I knew that everything is known now. There is nothing they do not know. And if they do not do the one thing that is left over, and that is to come to Court, and I expect that the man who had us arrested will come to this Court and come and tell the Court what his job was.

Now let us just get this clear before you go further. That decision that you now must tell everything, because everything is known, you tell the Court you made even before you Spoke to Molefe in the van?---Yes, before I spoke to him but after I had seen him and realised that he has now been arrested for the same things that I did. There was nothing else to do. 10

At that stage, whatever you have said to your friends, your colleagues that you were not going to talk, nobody must talk, you just abandoned that?---That I can explain to you, if I am given the opportunity.

Did you just abandon that straight away... 20

MR. BEYERS Objects.

CROSS-EXAMINATION BY MR. FISCHER (CONTINUED):

You told us in your evidence in chief Masupye, that one of the fixed rules, the law of this organisation was that no one should speak?---That was part of the organisation and I always respected that too, but what I was saying to you now was that if I am given the opportunity, I will tell you why I did not observe that, why I spoke.

Because you thought everything was known?--- Yes, that is all, then you need not go any further. 30

And you were not afraid at all?---Even now, I

am not afraid of anything.

Well, we will test that in a minute Masupye. You remember in 1962/1963 meetings were held in the afternoons I think, on an open plot at the corner of Skinner Street and Visagie Street?---Yes.

These were meetings of S.A.C.T.U. members?---  
African National Congress.

You see, three of the accused were charged in respect of those meetings?---That is correct.

Peter Mogano? Jackson Ntsoane, No. 5, and 10  
Nohabaleng, No. 16?---Yes, and three others.

And three others?---Yes, there were six all together.

But you also attended the meetings?---I was also there and I gave evidence in Court that I was there.

And before ever they were arrested, you made a statement to Sgt. Victor?---No, after they were arrested.

Well, I looked up your evidence yesterday, but I think you said it was before they were arrested?---  
No, I made my statement after they were arrested. 20

I see, but at that time you were not taken into detention were you? You told us that yesterday?---  
If I remember correctly, I think I stated clearly yesterday or the day before, that I was on an occasion brought in and I was surprised, knowing that there was a 90 day law by which a person can be locked up and questioned, and I was surprised that I was not locked up and questioned. That gave me the impression ... I came to the conclusion that the reason for me not being locked up for 90 days and kept as I was, was to bring the masses 30  
the organisations under the impression that I had sold

them out, and today as I am here, I was working along with them. Today they are sitting there as accused, here I am standing in the box as a witness. I should be No . 3 Accused there in that dock now, that was my place.

Yes Masupye, we will deal with that in a moment. It is most unlucky for you is it not, that on two occasions you were not the accused?---Yes, that does worry me.

And you think the people generally, think that you are an informer?---Yes, I am certain now that many of 10 them have come to that conclusion.

That is why you made a speech in the other Court, and you made a speech here to say you should be a criminal?---That is now the reason why, before I spoke a word, I asked his lordship to explain to me what I am supposed to be, whether I am supposed to be a witness or an accused, as I requested.

Could that also be the reason why you invented a bomb attack on the Magistrate's Court while the case was going on there?---Yes, perhaps if I explode a bomb, 20 then they will see what my work is and then they will take me and then they will put me back with my people.

As a leader?---That is what I consider myself to be.

And what you want above all?---Yes, then it will show that I know what I want, what I am seeking. Even now as I am standing here, I am still waiting for the answer to the question to the requests that we have made, my lord.

Masupye, when you gave evidence in the Magis- 30 trate's Court, you gave it on a statement which you had

given to the police without any threats at all, they made no threats?---Yes, I made that statement, and the reason for that was because Sgt. Victor was coupling me up with two other persons.

BY THE COURT TO WITNESS: Sgt. Victor was?---Sgt. Victor was sort of coupling me up with two other persons - one was a 90 day detention man, Jackson somebody, he made a statement and he said....

Jackson?---This Jackson, yes, and he spoke he made a statement and spoke, and I was holding back, and then another one was fetched, another person was fetched by the name of Motaong. He came and told them, he told them how he fetched me and how he brought me to the African National Congress, that satisfied me then that they know everything, they have been told everything, and then I made my statement also. That caused me to make my statement. 10

CROSS-EXAMINATION BY MR. FISCHER (CONTINUED):

Masupye, now you must stop, I have not been asking you about these things - I want to know if you gave evidence...?---INTERPRETER: I am afraid I will just have to interpret now what the witness has said. 20

I am sorry, I should not have interrupted my lord, it is very difficult?---But I did it with a clear conscience.

Yes, we will examine that too Masupye. When you gave evidence, did you give it in accordance with your statement?---Yes.

Do you know what the effect of your evidence was? I will read you one or two of the passages. At page 136 of the record you said "Ek is verbaas dat S.A.C.T.U.30 nie ook verban is saam met die A.N.C. nie"?---Yes, I

said that.

And you said, you were asked "Hoekom is jy daaroor verbaas?", and you answered "Omrede dat dit een ding was"?---That is quite correct.

And then you said at page 178 to 179 when you were cross-examined, you said "So far as I am concerned, we are only all of us fighting for our freedom"?---Yes, I was referring to those two organisations then.

And when you said "So far as I am concerned, we are only all of us fighting for our freedom"?---Yes, 10 that is correct.

And then you went on to enlarge this, and you said that the Nationalist Party and the United Party were identical too?---Yes, if you look at them clearly, (I am sorry about my language, it is difficult sometimes to get the word up), they appear to be exactly the same.

And the real essence of your evidence was to say that S.A.C.T.U. and the A.N.C. were the same thing? ---But not to the extent of the National and the United Party, not to that extent. 20

You see, here you make it quite clear at page 191, when you were being cross-examined. The question was - "Let us start again - before 1960, was S.A.C.T.U. and the A.N.C. the same thing"?---The term, the same thing, I must be careful about that. For instance, it has not got the same name, it is like my body I have got a left hand and I have got a right hand, but those two arms belong to my body. That is the same with S.A.C.T.U. and A.N.C.

Let me just read what your answer was - "I told the Court already that as far as I am concerned, it was one thing."---That is correct. 30

And you went on "But we are working together as well, but they are two organisations",---That is correct.

You were finally driven to say this in answer to the Court - the Magistrate said to you "Met respek, jy het baie dinge gesê en baie opinies uitgespreek en baie iedees hier in die Hof gegee. Kan ek jou getuienis opsom dat sover as jy weet was S.A.C.T.U., A.N.C., Congress Alliance en Federation of South African Women een en dieselfde", and you said...?---In my view, yes.

That is right, and it was on evidence of that 10 kind that your colleagues were convicted?---That is so, yes.

Did you know they would be convicted?---As I said, yes, and I say so again. Even now here we all expect to be convicted, to be found guilty.

You know, just one last point on this matter Masupye, you know that at that Court too, you said you were giving evidence for the defence?---Now let us just understand clearly, and I am asking his lordship that same question again - as I am giving evidence now, as I have said, what am I giving evidence now? It can be others too from 20 the evidence that I am giving where I am standing.

Where you want the people to think you are standing?---The one who can hear will hear and know where I am standing,

Yes well, we will ask the Court to draw an inference from the ease with which you give evidence!

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

ON RESUMING:

JOHN TSELENG MASUPYE, still under oath

CROSS-EXAMINATION BY MR. FISCHER (CONTINUED):

30

Masupye. there are just one or two more questions

about your detention I want to ask you about - are you still in detention?---Yes, I am under 90 days now.

You have been there since the 27th of January?

---Yes.

You were taken from your cell to go and talk to some of the other prisoners, were you not?---That is correct.

You want for instance, to Seoma No. 6?---...

Is that correct?---Yes, that is correct.

And you suggested he should make a full statement?---Yes. 10

Did you tell him it was hopeless?---That is so, yes.

Why were you trying to get him to make a statement?---It requires an explanation also, because I am their leader and I have got to lead them and I must give them advice and I did not want that to be done to them that was done to me, and I knew that there is a Court that will decide.

What is it that you did not want done to them? 20  
---Because when you are a leader of soldiers and you fell into a ditch, you do not want your soldiers also to fall into a ditch, you still have to lead them. Taking it as a whole, I did not want my followers to be tried by the police, I wanted them to be tried by a Court of Law here, before this Court. Therefore, I told them that I am making a statement, and I am bringing out all the articles that I used in this work, and "I want you people also to make statements".

You wanted them to do what you have done?--- 30  
That is so.

Even if it took them to gaol?---Understand me now clearly - we, in our position, there was only three options - gaol, death or liberty.

BY THE COURT TO WITNESS: I did not hear?---With us there are only three options.

Yes?---It is gaol, death - a sentence of death, and liberty, freedom, either one of those three.

CROSS-EXAMINATION BY MR. FISCHER (CONTINUED):

Jackson Ntsoane, No. 5, did he tell you he had been assaulted?---I did not get contact with him, he was arrested before me. 10

I am sorry, did Andries Seoma, get assaulted? ---I cannot say, he was arrested after me, I was already in. I did not discuss it, he did not tell me. If these people had been assaulted by the police I can only say this, that I instructed them to make a statement. If the police assaulted them in any case, that is the police's trouble.

Well, who else did you instruct to make a statement?---Those who are here - No. 3, No. 4, No. 6 and No. 8, and others who are not here, who are outside. 20

Where did you tell No. 4 to make a statement? Was that at Marabastad?---Yes

You did not actually see him, you shouted to him?---I was outside, he was inside, and I called to him and I spoke to him.

And you said he must tell everything?---I did, yes.

Was that to get out of 90 days?---Yes, everybody is thinking that why I am talking, is that I want to get out.. That is not so, I am also going where they are going. 30

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