

Did you afterwards come across Kenneth, or don't you remember?---No, we met Matthews, Kenneth came up later.

Kenneth did arrive later, did he?---Yes.

And Matthews you say you met there?---Yes.

So, did you go along with the good work picking up these bombs?---Yes.

Did you find bombs like those that are lying on the table there?---Yes.

The same as those four exhibits?---Yes, like all these exhibits. 10

Exhibits 4, 5, 6, & 7, and about how many did you collect then, can you recollect?---About 43 or more.

And what did you do with these things?---Some of them we put in a hide-out there. Others in a hole.

Did you put them in various hiding places?---In two places.

And did you arrange them when you put them there, laying them side by side in the hole?---Yes.

And then, did you see any of the other accused there? ---Accused No. 8 was there. 20

Yes, but I mean apart from those, did you see any there?---You didn't see No. 1 there that day, Jeff?---No.

Well did you come down off the mountain?---Yes.

And what did you do when you came back from your long trek?---Mark then said he was going to report to No. 1 what we had done.

No. 16 said he was going to report to No. 1?---Yes.

Did you go too or not?---No, I did not.

Now before we go any further, I want you to have a look at these photographs. I'm going to show the photographs Exhibits 8 and 9. Now those are photographs of bombs. Do you see them there?---(Handed to witness). Yes. 30

Do you remember, did you pack them away something like those photographs?---Yes.

I don't say those are the particular places where you packed them away, but if you can say that, go ahead and say it?---Yes, this is the way they were put away.

And then you covered them with grass more or less in that way in the bushes?---Yes.

Now do you remember going to a meeting behind the graveyard?---Yes, I do remember.

Now first of all, do you remember who spoke at that meeting?---John Nkosi spoke. 10

Is that Accused No. 4?---Yes.

What did he have to say?---He said it was our work to kill the S.B.'s.

And who were these S.B's?---The Special Branch people.

Of the Police. Did he tell you when you were to do it?---He said we will watch their whereabouts, where they usually walk and go around and then use the pangas to kill them.

Now was there any talk at that stage about fire- 20 arms or the use of firearms to kill the special branch?--- That was said by Accused No. 1.

What did Accused No. 1 have to say?---He said we cannot use explosives but that would be evidence.

Do you mean firearms that make a noise?---Well, he used the word "explosives".

You couldn't use explosives to kill the Special Branch, is that it?---Yes.

Why couldn't the Special Branch be exploded?---He said they would be evidence, they would leave evidence. 30

These exploding things leave evidence, do they?--- That's what he said.

But pangas don't, is that the point?---Yes, he gave us an example for instance, he said we could use a piece of iron or steel, which is underneath a motorcar.

Yes?---Old motorcar, which when we strike, the person can fall at the same time.

And no evidence left?---Yes.

Now was there any discussion at this time, about any particular Special Branch policeman that should be dealt with?--- Yes, he said that those were the people who were selling us. 10

Who said this?---Accused No. 4. He said the Special Branch were the people who were selling us.

And did he name any members of the Special Branch? ---Yes, Harry was named.

Harry?---And Rolty was named. They were the people that we had to start on first.

Start killing first?---Yes, and then the names of Kumalo and Matshene, they were also mentioned.

Now whose name was Kumalo, do you remember?---I didn't know Kumalo then and Matshene, but I came to know 20 them afterwards.

Well, now do you see Harry sitting in Court here, or don't you know Harry?---I know him, yes. (Witness points out Harry).

Now what arrangements were made for the killing of Harry and Rolty?---No, we were just divided up and told which had to concentrate on the killing of Harry.

Now tell me first of all, who divided you up?--- Accused No. 4.

And how did he divide you up?--- Those who were 30 staying in the vicinity or close to Harry's place, must kill him, and those who were staying in the vicinity or close to

Rolty's place must kill Rolty.

And who did you have to kill?----Rolty.

Do you know who had to go and kill Harry?----Do you want me to name the names?

Yes, if you will?----Accused No. 1, Accused No. 16, Kenneth, a name of Della was mentioned, Philbert Mathlaka.

Any of the other accused?----Of those who are here, it's Accused No. 16 and Accused No. 12 and Accused No. 1.

No. 1, 12 and 16, you say were together in the party with Kenneth, you saw?----Yes. 10

Now do you remember what No. 4 called you people, or don't you remember?----I remember, yes.

What?----The 12 Disciples.

Now did you go out on your killing expedition after Rolty, or don't your remember?----Yes, we did.

And I take it you did not succeed?----Yes, we did not succeed.

Did any of the accused go with you?----No, no one of the accused went with me.

None of the Accused went with you. Do you know 20 if any of the people outside went with you?----You mean outside the Court?

Any of the witnesses wa iting outside?----No.

Now do you remember that after this meeting, some time afterwards, certain people were arrested?----Yes.

Did you hear about that?----Yes.

Now after those people were arrested, did any of the accused come to you?----Accused No. 4 came to me.

Was he alone when he came to you?----He came with Hendrik Lebise. 30

Anyone else?----And Philip Mogaswa.

Is that the last witness?----Yes.

Now when he came with them, what did he want?---  
He sent Philip to call me in the house.

Yes?---And then I went to them, and then he told me  
to go and show Hendrik Lebise where the bombs were, and then  
I went and showed him.

And did No. 4 go with you?---No, he went away.

Now then did you speak to him again subsequently?---  
He just said that if anybody asks me whether I had seen I  
must say no. The police were looking for him.

Now after that day, did he come and see you 10  
again?---Yes.

What did he want?---He said I must go and show him  
where the bombs were.

So did you?---Yes.

Up on the Skurweberg, bombs like that?---Yes.

And when you got up there, did you show him the bombs?  
---Yes.

And were you and he alone, or were there others with  
you?---No, there was a third person with us.

Who?---Lazarus Loate. 20

Now you know this last witness Mogaswa?---Yes, I  
know him.

Do you remember if by any chance he was there on  
that second occasion, or only on the first occasion?---Not  
on that occasion. He was there on the third occasion.

Was there another occasion?---Yes.

Tell me what happened then on the second occasion?---  
We took bombs, about five, we put them in the bag.

What sort of a bag?---It is a leather bag that  
fastens over like this, with a flap. 30

Allright, what happened to the bombs?---They were  
put in that bag.

Yes?---And then tied with a string.

Yes, and then?---And Nkosi carried them.

Where did he go with them?---He got into a taxi with them.

With the bombs in the bag?---Yes.

Now you tell me that Philip Mogaswa was not there on that occasion, but you say there was a third occasion?--- That day Philip wasn't there.

Allright, now tell me about the occasion when Philip was there. What happened then?---John Nkosi came there 10 with an unknown person.

Still No. 4?---At about 2 o'clock at my home.

Yes?---I told him that it was too early for us to get out there. The soldiers will see us, so they must come later.

Did they?---They came later.

And then what did you do?---Then we went to Philip Mogaswa.

Yes?---I went to call Philip Mogaswa. I did not call him to tell him to go with us. 20

But he did?---I told him that Nkosi wanted him. I told Nkosi that I didn't want to go alone, because it's far, and it was therefore, that Nkosi told me to call him.

Now let's get to the start - did you and No. 4 and Philip and someone else then go out to the Skurweberg?---Yes, four of us.

And when you got up there, what happened?---We took the bombs.

What bombs?---Bombs like these smaller one.

About how many bombs did you take?---About five. 30

And what did you do with them?---He put them into his suitcase.

And then what happened to the suitcase?---John Nkosi and the unknown person went away with them.

And did you follow after?---From the mountain we came with them, but then we separated.

Allright, do you know where John Nkosi went then with the suitcase with the bombs?---No, I don't know where he went.

You don't know whether he went into a bus or a taxi?---He said that he was going to a taxi. He even asked for money to pay the fare, and Philip gave him a sixpence.10

Towards his taxi fare?---Yes.

Now tell me, at these meetings which you attended, was there any sign given at any time that you can recollect?---Yes.

What was that sign?---The lifting of the right hand with the open palm and saying the word "Iswelethu", and then the answer would be "Ee Afrika".

Now was that done at most of the meetings you were at, or can't you remember?---Every meeting.

Now tell me what were these meetings? Of what 20  
organisation?---P.A.C. meetings.

Is that the Pan Africanist Congress?---Yes.

Everyone of them?---Everyone.

You have told us about the various persons who spoke at these meetings and came out with these various ideas, which you have outlined to us, about the killing of the Special Branch and seizing of the europeans and the killing of them in the Republic and these others things that you've said - what was the reaction of the people who listened to these meetings? Did they applaud what was said by the 30  
speakers, or did they not like what was said by the speakers?  
---They were in agreement with what was said.

Everyone?---Yes.

And did they show that they were in agreement with this, or did they just remain silent?---Yes.

Now look at the accused and tell me, if any of them apart from Mark Schimmers, No. 16, who you have already told me was one, if any of the others were cell leaders of these various cells?---Accused No. 6 was Central cell leader.

Yes?---And Accused No. 1 was the Modala cell leaders.

Yes?---No. 8 Black Rock. That's all I know.

Now do you recollect a meeting one day at the house of Accused No. 16?---Yes, I remember.

Where you went early?---Yes.

Now why did you go early?---Because it was meeting day.

But I mean, you went to have a meeting, and at the meeting you left early, your meeting broke up early?---The meeting broke up early.

Now why did that cell meeting break up early?---Because other people entered.

Now was Accused No. 16 at this meeting at the cell? It was at his house?---Yes, he was there.

And did he tell you why these other people were entering and he wanted to have the room?---He said they were members of the Executive.

And what were they going to do?---No, he didn't say what they were going to do.

But they came in?---Yes.

And when they came in, your meeting broke up?---Yes.

Now who were those members of the Executive that you saw come in? Are any of them here among the accused?---

Accused No. 1, Accused No. 3, John Nkosi was already there.

Did he stay on for this Executive Meeting?---Yes.



Are those the only ones you can remember?---I also remember that Robert Ramasodi was there.

Is that the man who is a witness outside here?---

Yes.

Now do you remember going to a meeting once with Kenneth? Which was attended by No. 6 Accused?---Yes.

Now was this meeting in the dark or during the day?

---In the night.

Do you remember where it was?---Behind the cemetery.

And do you remember anything about this meeting 10 in particular?---We took the oath.

Now how did you take this oath - tell me about it Nathan?---No. 6 said we are now taking the oath. We must raise our right hands and then he started reading the oath to us.

Now you told us it was dark, how did he read?--- Someone struck a match for him.

Yes?---Then he started reading.

What was he reading from?---From a piece of paper.

Yes, and do you remember what the nature of this 20 oath was?---I remember some words.

What do you remember about it?---Not allowed to divulge any secret of the organisation. If I do so, I accept the penalty of death.

Rather grim isn't it? As that all you remember?--- That is what I remember about it.

Now did you have to say this with your hand up?---

Yes.

MR. HARWOOD: No further questions.

CROSS-EXAMINATION BY ACCUSED NO. 1:

30

You said you attended a meeting which was held at Jimmy's place?---I attended the meeting.

N. MOLOPE.

Now you said something about cell division?---Yes.  
Was Kenneth there with you?---Kenneth was not with me, but he was in the house.

He was in that meeting?---Kenneth was not with me, but he was in the house.

So it is proper to conclude that you heard the same things, because the same people spoke. You heard the same things, as you were listening, both of you, to the same things?  
---I can't say that he heard the same things I heard.

What I mean is, when a person addresses that mee- 10  
ting, you will hear what he is saying, as he will hear what he is saying, because you are in the same meeting?---I can't say he will hear what the speaker is saying.

Anyway, after the cells were divided, was there any election of cell leaders? Will you tell us something in that connection?---No, I don't remember.

You don't remember people being elected as cell leaders?---No, I can't remember.

But if I tell you that Kenneth Molatedi said that one or a few people were elected as cell leaders, what would you<sup>20</sup> say?---No, I will say no, that I didn't hear them saying that. I would say that he heard it if he said so, and I would say that I didn't hear it.

Was my name ever mentioned in that meeting?---No, I don't remember your name being mentioned.

Would you say that I was not elected as a cell leader there?---Yes, I can say so, because I didn't see you being elected.

So you would say I was not elected as cell leader?--- I can say so, because I did not see that you were elected<sup>30</sup> there.

It is strange, because both of you attended the same

meeting, where there were cell divisions, and one of you says that I was elected as the cell leader, and you say you don't remember that, or you don't know or you would say that I was not elected!---It can be so, because some of us were talking to each other in the corner.

You spoke about a meeting held behind the railway line, did you? ---Yes, I spoke about that.

And then you said something about volunteers?---Yes.

Who called out for these volunteers?---Nkosi, No. 4

Accused.

10

You are quite sure?---Yes, I'm quite sure.

Very, very sure?---Yes, I'm very sure.

Do you know that Kenneth was asked the same thing whether he was very sure about what he was saying and he said yes, but now if I told you that he didn't say that John asked for volunteers, but I, Accused No. 1 did, what will you say? ---I would say no, because I know John is the one who asked for volunteers.

Now for your information, Kenneth said I did and not John, and that means either you are telling a lie or Kenneth is!---I'm sure that I'm <sup>not</sup>telling a lie.

Just as much as he was sure that he was not telling a lie! Then you came to the time when you went up to the mountain for bombs-- you said I told you to follow me, is that true?

BY THE COURT TO ACCUSED NO. 1: No, he said you told him to go to a certain place, and you would meet them there!

CROSS-EXAMINATION BY ACCUSED NO. 1 (CONTINUED):

So did I go before you, or did I follow you up?--- We parted at the same time.

30

We all went together until we were at Skurweberg?---

No.

Will you shortly tell the Court about what happened there?---We came to a street, then I went straight up the mountain and No. 1 Accused took a different street. Then we went up the mountain and we met him on the other side.

You arrived there as you said, and I showed you a fin of a bomb, is that true?---Yes, that's true.

What did I tell you you must do now?---Then you said we must collect bombs.

I didn't tell you anything about how you would know that it was a bomb here or there isn't?---No, you just said that we'll see tails sticking out.

So you collected these bombs, and how many did you collect?---About 11.

If I said you did not collect about 11 but about 8, what will you say?---I say we collected about 11, but I don't say that's what you say, I say that's what I say.

And what would you say if I said that Kenneth said we collected about 8?---Then that is what Kenneth said, I can't say anything about that.

BY THE COURT: Kenneth said 9 and not 8.

20

CROSS-EXAMINATION BY ACCUSED NO. 1 (CONTINUED):

So whom are to be believed, you or Kenneth?---I don't know who you must believe. Each one was collecting and burying the bombs there, and each one was counting for himself.

Did I, at any stage, tell you something about these bombs?---No.

I did not tell you what they were going to be used for?---No, you didn't tell me what was going to be done with them.

Not even how they were going to be used, whether we were going to get cannons...?---No.

So your friend Kenneth with whom you were at the

Skurweberg, said I did!---You might have said it to him, because we were all over and not in the same place.

Now we come to the stage of the return from the mountain now - you said something about a report that had to be given to me, after you had collected the bombs on a Sunday?

---Yes, I said so.

Would you repeat that shortly to the Court please?---  
No. 16 said that he was going to report to you, Accused No. 1, what we have done.

So it was No. 16 who was supposed to come and re- 10  
port to me?---I don't know who was supposed to. He said he was going to report to you.

Is that what he said? He is going to report to me?  
---Yes.

But then I was telling you, Kenneth and the rest...  
No. 16 was telling you, Kenneth and the rest of the people?  
---No, I can't say he was telling all of us.

What do you mean - he told you alone?---He just  
said it.

When you were all present?---Yes, we were all present. 20  
So you must all have heard what he was telling you?  
---I can't say that they have all heard.

But one thing shows that you <sup>and</sup> Kenneth heard him, because Kenneth gave a report on that too?---I cannot tell you what Kenneth heard, but I heard.

That is not what Kenneth said, he says that No. 16 said that you people will go to No. 1's place to report what you have done for that day, not that he was coming to tell me about what you had done that very day. So you have heard him say that, Kenneth has heard him say that, but you 30  
are giving two different things!---I did not hear him say that. I heard him say that he was going to report.

There's great difference then on a report given by one man to two or more people at the same time. We come to this meeting which you say took place at.....

(Discussion about the above question between Court and Mr. Harwood. The Court also reminds Mr. Harwood that this witness has to be warned on resuming tomorrow morning).

AT THIS STAGE THE COURT ADJOURNS UNTIL 13/6/63.

ON RESUMING ON THE 13TH JUNE, 1963.

NATHAN MOLOPE, still under oath

COURT WARNS WITNESS in terms Section 254 of the Act.

CROSS-EXAMINATION BY ACCUSED NO. 1 (CONTINUED):

You again told the Court about a meeting that was held at the graveyard?---Yes.

You told the Court that John Nkosi was the person who spoke there, is it true?---Yes.

BY THE COURT: That's no. 4 is it?---Yes.

CROSS-EXAMINATION BY ACCUSED NO. 1 (CONTINUED):

Then you said something about using of as you 10  
called them exploders?---Yes.

Who did you say said so?---You No. 1 Accused.

You said I gave a reason why exploders shouldn't be used, is that correct?---Yes.

Then what was the substitute when we were not supposed to use exploders, as you call them?---You said we must find a piece of iron underneath old motorcars.

I said so?---Yes.

You say Kenneth Molatedi was present at this meeting?  
---Yes. 20

There was not a time when you were absent from the meeting for a while?---No.

There is nothing that you might have been told by Kenneth Molatedi that you might have heard very well at that meeting?---No.

But then how do you account for this - according to Kenneth Molatedi it is not I who said that you must use a piece of iron, but John Nkosi who said so!---No, you spoke about exploders.

Does it not appear strange to you that one should 30  
say I and the other would say John did? Whilst you were listening?---No, it is not surprising.

Is it not that you came together and attempted to

create a meeting that never existed and tried to compile evidence about it?---No, I'm just telling the Court what you said at the meeting.

But he was giving the same report too!---I don't understand.

He was giving the same report too, as you are now! Kenneth?---Yes, but I heard you say that.

Very strange, you went on to tell the Court about arrangements that were made concerning the killing the S.B.'s as they are called?---Yes, I did. 10

Now divided the groups?---Nkosi, No. 4 Accused.

According to my notes here, it is not John Nkosi but Jeff Masemula! Does that perhaps help you to refresh your memory?---Yes, John Nkosi divided us.

Are you sure?---Yes, I'm sure.

But Kenneth said it's Jeff, and you were both present at that meeting!---Kenneth was on your side, and I was in John Nkosi's side. So Kenneth might have heard such things from you.

Do you want to tell the Court that because you were 20 on John Nkosi's side, all that I said was said by Nkosi, according to you?---Yes, I heard what John Nkosi said.

That isn't an answer to my question. This is Jeff Masemula, that is John Nkosi. You are on the side of Nkosi, Kenneth is with Masemula. Do you want to tell the Court that what Jeff Masemula said, will be heard as being said by John Nkosi by you?---No, I'm just telling the Court, what John said to me, not what Kenneth said.

BY THE COURT TO WITNESS: What do you mean when you say that No. 4 was on your side?---After the division, I was in the 30 group of John Nkosi.

There were six of you in that group?---Yes.



And Accused No. 4 was with your section?---Yes.

The other six, Kenneth was one of them?---Yes, that is so.

And Accused No. 1 was another you say?---Yes, he was with the group that Kenneth was.

CROSS-EXAMINATION BY ACCUSED NO. I (CONTINUED):

I am not speaking about after the division, you...

BY THE COURT TO ACCUSED NO. I: Look, you asked him why is there this difference. He then said to you because you were on the side of Kenneth and he was on the side of Accused No. 4. So it may be that Accused No. 4 said something to him, and you said something to Kenneth. Now that is the point. Was that what you had said?---Yes, My Lord. I'm speaking about the division of this...

Just a moment. You know my note and the note of my assessor, says No. 4 who said "you have now joined the P.A.C. You've taken the oath. You've work to do." The work that Kenneth then said they had to do was to kill the S.B.'s Rolty and Harry were the two names mentioned. And as far as I can make out, it was No. 4 who then said there would be 20 12 Disciples, and he named the 12 disciples. This statement about the weapons and so forth, apparently came from No. 4, not from you.---It is true, that it is John Nkosi, according to Kenneth's evidence, it is John Nkosi who said those words, but when after questioned about the division of the people, Kenneth said it was Jeff. He was asked that question, he did not give it of his own in his evidence. (Further discussion).

BY THE COURT TO WITNESS: Now who do you say divided you up into groups?---No. 4.

CROSS-EXAMINATION BY ACCUSED NO. I (CONTINUED):

30

After the meeting, did you go away with Kenneth?---  
No.

You walked away alone?---We walked together from the meeting for some distance, and then we separated.

Now ever since that time did you meet with Kenneth and have the occasion of discussing what had been discussed behind the cemetery?---No.

Up to the time when you were arrested?---Yes, until up to the time when I was arrested.

And you spoke about a meeting, that you've alleged took place at No. 16's place? Do you remember the meeting that broke up early?---Yes. 10

It was a cell meeting, was it?---It was a cell meeting.

You say the meeting broke up early? Were you given any reason?---Yes.

By whom?---No. 16.

What did he say?---After the people came in, he said these are now the members of the Executive Meeting, and said this meeting is now finished.

How long was your meeting on, when that announcement was made?---It wasn't a long while. 20

Could it be one hour or half-an-hour?---No, not even half-an-hour. Say 15 minutes.

So when he announced that, you moved out of the room?---Yes.

When you walked out of the room, there was nobody yet who entered, whom you could have said to be one of the Executive members?---No, I went out with the group, I did not notice anybody that I could have thought was an executive member.

In other words, you did not see a single person? 30 Whom you could regard as an Executive member?---No, I didn't notice.

Was Philip Mogaswa present at that meeting?---Yes.

Is it possible perhaps that he could have seen someone enter whom you could not have seen?---Those that I saw were already inside.

Who are these?---No. 3, and you No. 1 and Ramasodi.

You went out with Philip Mogaswa and the other group together?---I can't say that Philip went out with me.

Tell me, when these three people entered the room, not one of you had already gone out of that room?---No, others were already going out. 10

You cannot remember if this Philip Mogaswa was one of the first or one of the last?---He might have been one of the first who went out.

When the three entered, was Philip Mogaswa already out?---I can't say.

Now this Philip Mogaswa with whom you attended that meeting, says that No. 1 and Mr. Ramasodi were standing outside near a window, and No. 3 was already in, so that in itself explains that the three of us did not get into that room at one time, as you are putting it now!---No, I don't 20 say that you people came in at the same time, but you did come inside the house.

Were you at that meeting surely? Was there ever such a meeting?---Yes, I was there.

I put it to you that there has never been such a meeting, nor has there been any announcement by No. 16 that an Executive Meeting was about to take place! It probably is a creation of your own mind!

ACCUSED NO. 1: No further questions.

CROSS-EXAMINATION BY ACCUSED NO. 2:

30

When did you hear about P.A.C. for the first time?  
---This year.

You say on one occasion I came there with Accused No. 16?---Yes.

Was that the first occasion that you heard about P.A.C.?---Yes, that is the first time I heard about it.

And you say that I was at that meeting on that Sunday? ---Yes.

And was that the first time you saw me?---Yes.

Would you say that all the people that were at that meeting that day, did you see all the people? The other people who were at that meeting that day, would you say those people all saw me?---They could have seen you. 11

Molatedi, did you see him there?---Yes, I saw him.

Would you say, from what you saw, could you say whether he saw me?---No, I could not say whether he saw you or not.

ACCUSED NO. 2: No further questions.

CROSS-EXAMINATION BY ACCUSED NO. 3:

You were present at the meeting at the railway lines?---Yes, I was present.

When was it held? What day of the week?---I 20 can't tell when it was held.

Before that meeting took place, did you know me?--- No.

So you only started seeing me for the first time that evening at that meeting?---Yes.

And you said something<sup>about</sup>/you should not be surprised that we should be meeting at such places, am I right? ---Yes.

Did I perhaps tell you the reason why you should not be surprised?---No. 30

I just made a statement for your information?---Yes.

Now I went on further again and said we must get

ready for an attack or something like that?---Yes.

I didn't say whom we were going to attack?---You said the whites of the Republic.

Did I mention when we were going to attack these whites?---You only said the time is already near.

And I went on further to say you must have your weapons ready?---Yes.

Did I explain what type of weapons?---No, you did not explain what type of weapons.

Did I explain why the weapons should have been ready for?---No, you did not explain.

I just made statements?---Yes.

I put it to you, that I never uttered such words!--- I say you did, and you know that you did.

What was the purpose of the meeting, did I tell you? ---I don't remember you saying what the purpose of the meeting was.

I'll refresh your mind - the purpose of the meeting was to come and assess our organisation's strength in Attelidgeville! And our chief aim that evening was to see that membership fees should be paid, and I even requested you that you should see that from that day up to the Wednesday, you should all have paid in your subscription fees! That is what I said at that meeting, and nothing about whites, and I never spoke about weapons. And again about the meeting at No. 16's place....

BY THE COURT TO WITNESS: Well, first of all about the other meeting?---I say that I heard you speak about these weapons.

CROSS-EXAMINATION BY ACCUSED NO. 3 (CONTINUED):

You didn't hear me speak about a membership drive and membership fees and such things?---No, I don't remember.

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That's deliberate lie on your part! Again that meeting that took place at No. 16 -- when No. 1 asked a question here, you said that you are not sure -- correct me if I'm wrong -- you said that you are not sure whether I came in first, and No. 1 and Ramasodi stayed behind. Is that correct?---No, I am sure that you came in first.

And No. 3 and Ramasodi did not follow behind?---No, not simultaneously.

What I mean is this -- some time elapsed, a few minutes or so elapsed before they came in?---Yes. 10

But according to what you told the Court yesterday, you said "people came into the room"?---Yes, that I was referring to when you came in.

Is that people?---Yes.

And you were told that these people were members of the Executive?---Yes.

And these people were 1, 3 and Ramasodi?---Yes.

So, it isn't that I came in first and after some time 1 and Ramasodi came in?---You all came in eventually.

That's what I'm saying -- you say we all came in. 20  
You are now not saying what you said to Accused No. 1!---  
I didn't say that you did not come inside the house, and I didn't say that you came simultaneously. You walked in and the others ones came after, but not immediately after you. Eventually all three of you were inside the house.

So when you told the Court that people came in, you meant I came in, I was the people that came in!---No, I was not particularly mentioning you, I said all of you came in.

Well the Court will say what they think about what 30  
you are saying.

ACCUSED NO. 3: No further questions.

CROSS-EXAMINATION BY ACCUSED NO. 4:

Do you remember a meeting when you said that No. 4 and No. 16 were at that meeting....

BY THE COURT: You will have to speak up, I can't hear you.

CROSS-EXAMINATION BY ACCUSED NO. 4 (CONTINUED):

You said to this Court there was a meeting where No. 4 and No. 16 were?---Yes.

And Jumbo were present at that meeting?---Yes.

And in this meeting Jumbo talked about the one man, one vote?---Yes. 10

And then you later explained to the Court all about one man, one vote?---Yes.

What do you understand about one man, one vote?--- I understand by that that everyone is given the privilege to vote.

That's what you understand?---That is what you said. Not No. 4, Jumbo.

Did he really have to say such things?---But he said it.

And then you spoke again about a meeting where No. 20 4 talked about Chaka?---Yes.

Do I really have to conduct history lessons at meetings?---No, you just said so, I don't know why. You have to know why you said it!

What Standard have you done at school?---Std. 8.

Std. 8. I'm sure you've heard about Chaka for a very long time?---Yes.

And so was it really necessary for me to repeat what you were taught?---To you it was necessary.

You again spoke about a meeting behind the railway 30 lines, is that so?---Yes.

At this meeting, you say that I asked for volunteers?

---Yes.

Are you sure about that?---Yes, I'm sure.

Sure?---Yes, I'm sure.

Was Kenneth at that meeting?---Yes, he was.

I'm sure Kenneth couldn't have made such a mistake, of saying that No. 1 asked for volunteers?---That I can't tell.

But he was at that meeting!---Yes, he was at the meeting.

You again talked about No. 4 saying something 10 of a duty of some people going to kill other people?---Yes.

Do you think really it is a duty for somebody to kill?---Yes, as we are members, you said so to us.

And as you say you were in the group of No. 4, isn't it?---Yes.

And so if this No. 4 says to people that they should go and kill, isn't it?---Yes.

And so this No. 4 later on what happened to him?--- What do you mean what happened to him afterwards?

Did he go to kill these people?---No. 20

Oh so, this No. 4 tells people to go and kill people and then he runs away!---We were still to meet you.

But you never met this No. 4?---No.

After people were arrested, you say that I came to you and said that you should take a certain somebody who accompanied me to the bombs, is that correct?---Yes.

And then later on I came and said that I wanted you to take me to the bombs?---Yes.

But why do you think I should just bring somebody 30 and then tell you to go and show him the bombs? Why couldn't I send...?---No, I can't tell why you had that done.

And then you talked about my carrying bombs in a



suitcase, is that so?---Yes.

Is it perhaps one of these suitcases?---No.

BY MR. HARWOOD: My Lord let us just make it quite clear - these suitcases have nothing to do with this case at all.

BY THE COURT TO ACCUSED NO. 4: Do you understand? These suitcases have nothing to do with the case.---But perhaps it looks like one of them.

WITNESS: Yes, they are of this type but these are bigger, and that one was a little old.

CROSS-EXAMINATION BY ACCUSED NO. 4 (CONTINUED): 10

The colour?---Also the same colour, but a bit darker.

What do you mean by that?

BY THE COURT: It is clear - darker is darker!

CROSS-EXAMINATION BY ACCUSED NO. 4 (CONTINUED):

---Just what I said!

And then later on you said that when the Prosecutor asked you this question that the people at this meeting agreed with what was said?---Yes, and I said yes.

Now if you go to Saulsville Station in the morning, and start talking about low wages and something like that, 20 do you think we'll agree with you?---That is a public place, and we were told come and meet, and we were sure we were going to listen to what was being said there. Saulsville Station, you'll just go there and you'll just shout, you'll just talk!

But I say would the people agree with you, with what you are saying?---I can't say because the people there wouldn't have come specially for that. They would be on their way.

You are trying to evade the question! I say 30 would they agree with what is being said?---Well, I can't tell whether they will agree or not!

ACCUSED NO. 4: No further questions.

ACCUSED NO. 5: No questions.

CROSS-EXAMINATION BY ACCUSED NO. 6:

Have you ever attended any other meeting except your cell meeting...I mean have you ever attended any meeting of the other cells?---I attended a meeting at your place. I attended your meeting, I was not supposed, and my aim was not to attend your meeting. We came to the place where we, our cell was attending a meeting and so our people didn't come. You came to our place then somehow something lo forced to attend our meeting there, because our people didn't come, and your people came. (Answer not interpreted).

As it was not your cell meeting, why didn't you leave? ---I just wanted to hear what was going on, what was going to be said by you at that meeting.

The time when you came at that spot, was there any other person there, I mean except of your cell?---No.

While you were sitting at that place did you hear anybody whistling?---I remember hearing somebody whistling.

Who was that somebody who was whistling?---I'm 20  
airaid I don't remember who was whistling.

I mean was he whistling to you, or just to somebody passing?---I don't know. I can't say.

So by that, I conclude that you never returned that whistle? You never replied to the whistle?---Yes, I did not reply.

Then at this meeting, what happened?---You said that we must take an oath.

I said that you must take an oath?---Yes.

And then?---And you read the oath. 30

And then?---You said we must raise our right hands.

And then?---And then somebody lit a match to you, so that you can see what you are reading.

And then?---Then ofcourse, you said that we must say the words after you.

I read the oath and then you followed me?---Whilst you were reading, we followed you.

You raised the left arm?---The right.

Do you think it is normal for anybody of any cell to attend meetings which are not his cell's?---There I can't tell.

After that, was there anybody who spoke?---No, I don't remember.

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Just recollected what happened! Tell me was there anybody who spoke?---I say I don't remember.

You don't remember?---No.

What would you say if I can tell you that your friend Kenneth said somebody spoke? If I can tell you that, what would you say?---I would say Kenneth said you were speaking, but I didn't say you were speaking.

It's one of the most unusual things that happened - that you attended a meeting which was not of your cell! And as I have said before, I put it to you that you never attended that meeting, and that at that meeting, the thing that happened was that I read the oath to you, you never raised your arms, never did you follow! You are putting a story in your mind, putting yourself in a meeting, whereby you were never there! You were never at that meeting! And I put it to you that you didn't take any oath, as you were not at that meeting, and you didn't follow me, as you were not at that meeting, but I just read the oath!

ACCUSED NO. 6: No further questions.

ACCUSED NO. 7: No questions.

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CROSS-EXAMINATION BY ACCUSED NO. 8:

Were you at the meeting at the golf course?---Yes.

And was Kenneth there also?---Yes.

What did you hear No. 3 Accused say?---He said we must not be surprised to meet at such places, and he said that the time was near, we must get our weapons ready.

Did he speak about weapons?---Yes, I told you now.

And did he talk about fighting the whites?---Yes.

Kenneth was questioned by No. 3 Accused, and he said did you hear me talking about weapons? and Kenneth said no, you did not speak about weapons, and he asked Kenneth "did you hear me talking about fighting the whites"? And Kenneth said "No, you did not talk about that".

MR. HARWOOD: What Kenneth actually did say in his evidence My Lord, was that he could not remember.

BY THE COURT TO ACCUSED NO. 8: The Prosecutor points out that what Kenneth said was not that Accused No. 3 did not say these things, but that he could not remember whether Accused No. 3 said these things.

CROSS-EXAMINATION BY ACCUSED NO. 8 (CONTINUED):

Were you at the meeting behind the cemetery?---Yes.

Did you go with Kenneth to that meeting?---No, Kenneth came with Philbert.

Did Kenneth come with Philbert?---Yes. Accused No.12.

What did you say they spoke at that meeting?---John Nkosi said it was our work to kill the S.B.'s.

When you got to that place, did you know what was going to be said at that meeting?---No.

Do you know whether it was a cell meeting or not?---No.

I put it to you that there was no such meeting!--- You say so.

How many people were at that meeting?---I can't say exactly how many were there.

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There was no such a meeting!----There was! I can tell you the names of people who were there.

ACCUSED NO. 8: No further questions.

ACCUSED NO. 9: No questions.

CROSS-EXAMINATION BY ACCUSED NO. 10:

You say there was a meeting at No. 16's house that ended quite soon?----Yes.

BY THE COURT: Yes, before time. It ended before it was supposed to. It was cut short!----No, the meeting was not held for a long time, because when those people entered, 10 we were ordered to leave.

CROSS-EXAMINATION BY ACCUSED NO. 10 (CONTINUED):

And you say No. 16 said there was going to be an Executive Meeting?----No, he did not say there was going to be an Executive Meeting held. He only said these are the members of the Executive Meeting.

Did he talk about all the people who were inside?---- I think so.

Did he speak to all the people who were inside when he said so?----I can't tell whether he spoke to everybody, 20 but I heard him say that.

But when he spoke, all the people were inside?----I can't say all the people were inside.

When he said that, did you understand that the meeting was finished?----He told us that and ordered us out.

So that when he said that, all the people were inside!----That I can't say, because when Kenneth came back and these people got inside, some might have gone out, but I didn't notice that. Some might have gone out, so I can't tell you that we were all inside. 30

So I say, that when he said that, he was not speaking to the meeting. He wasn't speaking to everybody, because

the meeting was finished!----I don't say the people were already out, I said some people might have already gone out. When he spoke there, the people were inside.

But was the meeting finished?----No.

So the people who were out couldn't have been many, just about one or two?----I think so.

So probably the other people who were there did not hear it?---That I can't tell.

So Mark Shinnors, No. 16 only said "you must go out now there is going to be an Executive Meeting", he didn't 10 show you the people. He just said "now go out, there's going to be an Executive Meeting", is that what happened?--- Yes.

So you deduced that when No. 16 said that and these people came in, that these people were the Executive people, and he was not shown the people. So it shows that this thing was sort of planned and you did not hear everything? ---I only told what I heard at that meeting.

There was never such a meeting and this is just planned, and now you're making the Court understand that 20 you just heard certain things which were said, which I'll call just scraps here and there, and that is what you're telling the Court now - that you heard that, but I put it to you that there was no such meeting at all!----You said that this was just planned and the other could not have heard, so you don't take into account that other people who were at the meeting could have heard, and now you're saying it was just planned. (Witness personally: No. 10 you say that the sort of plan which we might have done, some might not have heard correctly, but that shows that the wit- 30 ness might have heard the right thing which I heard.)

BY THE COURT TO WITNESS: The question is not what was said,

but what had happened, is that correct?---I don't follow the question.

CROSS-EXAMINATION BY ACCUSEE NO. 10 (CONTINUED):

I say it is not what was said, it/<sup>is</sup>what happened and that is why, because if it happened....

BY THE COURT: Look, you must ask the question - that is what the witness is there for! Now do you wish to ask him a question?---I don't wish to ask a question, but I wanted to make it clear to the Court.

Well you'll get an opportunity to make a statement.10  
ACCUSED NO. 10; No further questions.

ACCUSED NOS. 11, 12, 13, 14, 15; No questions.

ACCUSED NO. 16 (CROSS-EXAMINATION):

Bisto you say I was your cell leader?---Yes.

Was I put there as a cell leader, or was I elected?  
---I just knew you as the cell leader, I was told that you are a cell leader.

Now do you remember that during the days when Jumbo was still around, we were sort of struggling with our cell, is that so?---What do you mean by struggle? What kind 20  
of struggle?

I mean to get on with our cell meetings?---I don't understand.

What I want to put is that there was no response, I mean people did not come to cell meetings, is that so?---  
.....Some came!

But I mean the response was very poor?---We did not have many members.

Would you agree with me that on certain occasions, on these days of holding cell meetings, we had to go 30<sup>0</sup>  
around checking on some members?---Yes, I know.

So you would agree with me that when I say that most

of the cell meetings did not actually function, but very few of them did have a ...?---Yes.

Now do you remember at the time when you were told there would be a meeting about...but the venue of the meeting will not be disclosed to you?---No, I don't remember.

Don't you remember the time when you were told we would gather at a particular spot, and then from there we'll move to a second meeting?---No, I don't remember that.

Now you said to the Court that Padima Pathlane and No. 4 addressed the meeting, is that so?---I didn't say 10 Padima addressed the meeting, but I said he said something in the meeting.

So would you say that he did not address the meeting? ---I can't say he addressed the meeting. I only said that he just said something.

And what about No. 4?---No. 4 addressed the meeting. He opened the meeting.

What makes you say that No. 4 addressed the meeting? --- What do you mean....

BY THE COURT TO ACCUSED NO. 16: What do you mean! He says 20 he addressed the meeting! You can ask him about how he addressed the meeting and the like, but you can't ask him "what do you mean he addressed the meeting"?

CROSS-EXAMINATION BY ACCUSED NO. 16 (CONTINUED):

How did he address the meeting?---By speaking to us. But didn't Padima Pathlane speak? I mean...

BY THE COURT TO ACCUSED: Oh you know what the difference is between addressing a meeting and just saying something at a meeting!

CROSS-EXAMINATION BY ACCUSED NO. 16 (CONTINUED):

Now you know that the previous witness Philip?---Yes. Did you ever see him more than once at our cell



meetings?---Yes.

How many times did you see him?---I remember only two meetings where I saw him.

Could you tell me at which meetings were those?---  
The meeting at your home where these people came there, where it was said that there was members of the Executive, and then the same meeting that you are talking about now where Nkosi addressed the meeting.

When was it?---I don't remember when it was.

AT THIS STAGE THE COURT ADJOURNS FOR TEA. 10

ON RESUMING AT 11.40 A.M.

NATHAN MOLOPE, still under oath

CROSS-EXAMINATION BY ACCUSED NO. 16 (CONTINUED):

Which of the meetings took place first - the cell meetings or the meeting beyond the railway line?---Which meeting took place first the one behind the railway line of the cell meeting? Now which cell meeting are you talking about?---The cell meeting was first.

When did the meeting beyond the railway line take place?---I don't know the date. 20

But would you deny it if I say it was the last meeting which I attended before I was arrested?

BY THE COURT TO ACCUSED NO. 16: Which was the last meeting you attended, do you say?---The meeting beyond the railway line.

CROSS-EXAMINATION BY ACCUSED NO. 16 (CONTINUED):

---No, you attended a meeting after that behind the graveyard - that is the 12 disciple meeting.

I put it to you that the meeting beyond the railway line was the last meeting I attended, and that you say 30 that the cell meetings took place before the meeting beyond the railway line!---Yes.

What I remember is that the only meeting that took place at my home was before the one beyond the railway line! ---Yes, that's what I say.

But you said to the Court that on one of the...at one of the meetings, you sa No. 3, and then later you said to the Court that it was beyond the railway line, for the first time that you saw No. 3?---I said that I saw him for the first time at the meeting beyond the railway line.

And not at this meeting that you are saying took place at my home?---That was the second time I saw him. 10

But don't you say the cell meeting took place at my home and then afterwards the meeting beyond the railway line?---I asked you which meeting you were referring to, and then you said the cell meeting.

Then what is it?---I said that the cell meeting took place before the meeting at the railway line. That's why I said you must tell me what particular meeting you are talking about.

So you agree with me when I say that the cell meeting took place before the meeting beyond the railway line?20 ---Some of them. That's why I'm asking you which meeting you're referring to.

Now you say that you saw No. 3 at one of our cell meetings which as you allege, took place. I mean in my opinion I would say that they took place before the meeting at the railway line. Then in the right sense, had you seen him at my home on that particular day, you could have seen him for the second time at the meeting beyond the railway line?---I saw him for the second time at your home.

No, I put it to you that No. 3 never came to my home30 well there was a cell meeting. I don't remember such a meeting!---Then I'll say that you know very well that he came.

And you said that they were members of the Executive, and you know that you said it!

I put it to you that I never said such a thing, and that No. 3 never came to my home! As you make it clear that you saw No. 3 at the meeting first beyond the railway line?---I saw him for the first time there, yes.

If you search your memory very well, you will remember that there was no such meetings after the meeting beyond the railway line?---That one did take place.

You say that....Did you say that on the first occasion when we were to go for bombs, where did we meet? Were we to meet near No. 3's school or at the school?---Do you mean the first time?

The first time, yes?---We were to meet at No. 1's school.

I don't know whether you are making a mistake there, but if at all you are mistaken, I will correct you that it was near the school not at the school?---No, we went inside the school. We were told to meet in the school. Not outside the yard, or outside the school. 20

Now on the second occasion can you deny the fact that when you returned from the mountain, there was sort of excitement?---What type of excitement?

I mean we were talking too much and very happy?---That talk meant the same.

And then I'm trying to remind you of how we were talking, and I mean there was that atmosphere of us being excited?---You may have been excited, I wasn't excited.

And that during our stay there, there were many idle things that were said. I mean that you would say something that you know was very possible to perform yourself?---What are those idle things that you talk about?

I mean there were many things, because I think you could not stay silent. Is that what you are trying to say -that you were silent all the time?---Now what do you mean by silent again? We might have talked generally.

What I want to put to you is that we could have talked, I mean conversations and some jokes, as we went about?---Yes, well it depends what kind of conversation you mean.

But I mean there were?---Yes, we must talk to each other! We are people. 10

So would you agree with me if I say that if I did say that I would make a report No. 1, it could have been one of the idle things that I could have said, if at all I did say so?---You said that on the return, and I heard it from you.

Now did you say did we hide the bombs or take them? ---We hid them away.

Could a person just see them lying there, or were they obscured from view?---We hid them away, so you would not see them. At the second hide-out it was just a hole, 20 and we were told to cover them with grass. If we hadn't covered them with grass, a person could have seen them, and the first hide-out was this small bossies, and we were forced to put them under the bossies. That's why I'm asking you now which of the three you are referring to?

Do you mean that even if someone had his eyes on that particular spot, where the bombs were, he would not see the bombs?---Now which particular spot are you talking about?

Any of the spots!---We covered them with grass, but 30 it was easy to see them if at all you came to them. Now make an example with one particular one of the hide-outs, then

I'll explain.

BY THE COURT TO ACCUSED NO. 16:

I don't want to interfere with your cross-examination but what is the reason for all these questions? There is a statement that these were put under grass. Some of them were apparently visible, you could see something. We have the photographs here. Now what are you investigating?---I just wanted to make it clear that the bombs were not hidden but they were just put together.---

They were not hidden?---No, I mean in my opinion. 10  
We just put them together at a spot, but not hidden.

Well, you can put that to him! He has said differently -- he has said that in one place there was merely a...in one place they were put under some small bushes, and in another case they were put in a hole and grass was put over them, is that correct? (Witness says yes).

BY THE COURT TO WITNESS: And the third one?---The third one was a sort of a hole in the mountain there, and we put them in this hole.

CROSS-EXAMINATION BY ACCUSED NO. 16 (CONTINUED): 20

Well, I put it to you that we never hid the bombs, but we just collected them and put them there, we never hid them?---Well, then why wouldn't we have collected them and put them in an exposed place? Why did we have to go straight to a particular hole or to a particular bossie.

Now you say you saw me at the graveyard meeting, and it was said ....No. 4 said that the Special Branch people should be killed?---Yes.

Now whose names were mentioned, that had to be killed?---Rolt's name was mentioned. Harry was mentioned 30 and Matchini was mentioned, and Kumalo was mentioned there.

Was it at this very meeting when ...where Kenneth

was?---Yes, he was there.

And I take it that he could have heard all the names being read out?---That I can't say.

Now if my memory serves me well, I heard you say that the people were divided in this fashion that those who stayed in the vicinity of that area, came to be in one group?---Yes, that is correct.

Now in which group was I,---You were in No. 1's group.

And what did you say that group had to do?--- 10  
That group had to kill Harry.

Do I live in the vicinity of Harry?---No.

Now how could they place me in a group of people...  
?---They could have run short of one, and they were forced to get you into that group.

I put it to you that had I been there, I would have been in a group in which you were, because we don't stay very far from each other, and that someone that stays near Harry's place could have been selected into that group!---  
But you were there yourself, at that meeting! 20

And I put it...?---Now what do you mean if you say if you could have been there? And you know that you were taken as one of those who had to kill Harry! Because they ran short of one, so they were forced to select from us, the two sections of the 12 disciples.

Were any plans made at this meeting?---No there was no paper used whatsoever. There were no plans.

Do you think at all that when one was taking such a mission, he wouldn't set up a sort of a plan or a scheme, as to how to go about that affair of making sure that you 30 kill these people?---How could you have made a plan there when it was night. You couldn't make a plan in the night!

Well, I put it to you that there was never such a meeting, and even if I tried to search my memory, I can't remember of a meeting where we decided to kill anybody!

ACCUSED NO. 16: No further questions.

RE-EXAMINATION BY MR. HARWOOD:

Were you in the same cell as Accused No. 16?---Yes.

Do you recollect whether, after the various trips that you had with No. 16 to go and collect bombs, whether there were any meetings?---Yes, there was a meeting.

There was certainly one cell meeting that you 10 attended?---No, just a group meeting of the 12 disciples,

After the collection of the bombs?---Yes.

So the group meeting of the 12 disciples was the only meeting that you attended after the occasions that you went with Accused No. 16 to collect bombs?---Yes.

MR. HARWOOD: No further questions.

BY MR. DE VILLIERS TO WITNESS: In the answer to No. 4, you said that he came with someone else and asked you to show them where the bombs were?---To show that person where the bombs were. 20

Is that correct?---Yes.

Now did you have to show No. 4 where the bombs were, or did you have to show that other person where the bombs were?---On a different occasion, afterwards, No. 4 came to me and said I must also go and show him where it was.

Now did No. 4 know where these bombs were? Do you know whether he knew where these bombs were?---He didn't know.

BY THE COURT TO WITNESS: How many times did you go to show people where the bombs were? People who removed the bombs?30  
---Three times.

Now the first time, who did you take?---The first one

that I took was the strange person.

The second one?---No. 4 Accused.

And the third one?---No. 4 Accused again.

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MR. HARWOOD TO COURT: My Lord, before I overlook it, I would like to draw your Lordship's attention to the Provisions of Section 251 of the code. I want to draw Your Lordship's attention to Proclamation No. 91 and Proclamation No. 92, both of the 10th of May, 1963, which are published in Government Gazette No. 499 of the 10th of May. Whose two proclamations are signed by the order of the State President. 10 (Explains). I would also like to draw your Lordship's attention to Proclamation 119 of the 8th of April 1960, which is mentioned in those two proclamations. (Explains). And I would like to draw Your Lordship's attention to Proclamation No. 67 of 1962, which for the period under review of this indictment renewed the requirements of Proclamation No. 119 of 1960. (Explains).

BY THE COURT: Well, I must explain to the accused then, that the effect of what the Prosecutor has said is that by proclamation, the organisation known as the Pan Africanist 20 Congress, has been declared an unlawful organisation in 1960, and it has, from time to time, declared unlawful and at the time when these acts are alleged to have taken place, that is from January to March, that organisation the P.A.C. was an unlawful organisation and there are two further proclamations which say that Pogo and "Dance Association" are the same as P.A.C. Do you follow that?---Yes.

Any questions you wish to ask about that?---No questions by the accused.

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WALTER MASHILOANE, declares under oath



BY THE COURT: The Court is informed by the Public Prosecutor that you are an accomplice of the accused in the offences with which they are charged. Also that you have consented to give evidence, and I must now in terms of the law, tell you that if you do give evidence, and if you reply fully to all the questions which are put to you to the Court's satisfaction, then you will be absolutely free from all liability for prosecution for these offences for which the accused are being tried.---I understand.

(Discussion about corroboration between Court and Mr. Harwood). 10

EXAMINATION BY MR. HARWOOD:

Now you are 16 years of age, and you are still at scholar at the Hoffmeyer High School at Atteridgeville?---  
Yes.

Now during January 1963, did a gentleman called Alfred Molape come to you?---Yes.

And did you go with him to a certain meeting?---Yes.

And did you meet Kenneth Molatedi, one of the previous witnesses, on the way?---Yes.

And when you got to the meeting, did you find that 20 it was to be addressed by one Jimmy?---Yes.

Did you see any of the accused at that meeting?---  
Yes.

Who?---Accused No. 2, No. 4, No.6, No. 15 and No. 16.

Now what did Jimmy have to say at this meeting?---  
We went into the house, we sat in the sitting room, and when we were all in, he stood up, lifted his right hand with the open palm and said "Iswelethu". After that he said "this is the year in which we are going to get our freedom".

And did any of you make a reply to this "Iswelethu" 30

business?---Yes.

What reply did you give?---We said "Ee Afrika" after he said "Iswelethu".

Now what did he say further, this Jimmy?---He said "You, the young people, it is up to you to get our country back".

Now did anyone else speak?---Not that I remember.

Now was there any discussion there that day about cells?---Yes.

Now who spoke about the cells, do you remember?---I O Jimmy.

And did anyone else speak about cells?---No. (1)

Now do you recollect if Accused No. 2 spoke at all at this meeting?---Yes.

What did he say?---At the time when Jimmy spoke about the cells in the lower portion of the township.

What did he mean by that?---Jimmy divided the place into cells, and then after he had finished, then Accused No. 2 said...he spoke to Jimmy, then he said that he was prepared to take the cell right down the lower portion of 20 the township.

You mean to be in charge of the cell?---Yes. (1)

What was the cell that he was prepared to take?--- That is the cell of Muzimadala.

Has it got another name?---No, I just know it by the name of Muzimadala.

Well is that Old Atteridgeville?---That is the old Atteridgeville.

Now as the result of this meeting and various other discussions which you had with certain scholar friends of 30 yours, did you decide to become a member of the Pan Africanist Congress?---Yes.

Do you remember one day at school No. 6 Accused came to you?---Yes.

And what did he want?---He told me that there was going to be a meeting.

Where?---At Ndakie's place.

Is that Accused No. 7?---Yes.

Did you go to that meeting?---Yes.

And when you got there, what happened?---We went into the house.

Yes?---And then Accused No. 6 stood up and lifted 10 the hand and said "Iswelethu", and the answer was "Ee Afrika".

Yes?---And then it was found that Ndakie wasn't there.

Yes?---Then the meeting was postponed.

So you didn't do anything further?---No, nothing further was done.

Now any of the accused there on that occasion, apart from No. 6 you've already mentioned?---Yes.

Who?---Accused No. 11, Accused No. 14.

Accused No. 11 and Accused No. 14?---Yes.

20

Yes?---That's all.

Now about a week later did Accused No. 6 come to you again?---Yes.

As a result of what he said, did you again go to No. 7's house?---He said there would be a meeting at Ndakies place.

And did you go to that meeting?---I went, yes.

And when you got there, was No. 7 Accused there?---  
Yes.

Did he attend the meeting?---Yes.

30

Who else of the accused was at this meeting?---  
Accused No. 11 was there, and No. 14, and No. 6.

Anyone else?---That's all.

And who opened this meeting?---Ndakie.

And who spoke at it?---Ndakie gave the salute, then Dikgang, No. 6 accused,...

Did you all reply to the salute?---Yes, we said "Ee Afrika".

And then No. 6 did what?---Yes, No. 6 then spoke. He said we must recruit more people.

Yes?---He said at the last meeting there was no people. 10

Was there any talk as to what would happen to the recruitment money, or the money...?---Yes.

Who said that?---Accused No. 6.

What did he say about that?---He said we must pay up 2/6, so that we could become full members.

What was going to happen to the 2/6?---They were going to send to somewhere in Basutoland.

For what purpose?---It will be sent to Basutoland, and then we will receive back membership cards.

And what was the money to be used for, did he say? 20 ---He said he would send it to Basutoland.

Now did a gentleman called Vishi Kwakwa speak at this meeting?---Yes, he spoke.

What did he have to say?---He said "you see, we have to get our country".

How did you have to do it, did he say?---He said we'll fight for it against the whites.

And was there any talk of bloodshed?---He said in English blood must be shed.

Whose blood - did he say?---The white people's. 30

Now was that all that happened at that meeting?---Yes.

Now about a week after this meeting, did No. 6

approach you again?---Yes.

And as a result of what he said, did you go to the sports grounds that evening?---Yes.

And before you got to the sports grounds, did you see Accused No. 6?---Yes.

What did he say?---He said there would be a meeting at the sports ground.

And then what happened?---I then went to the sports grounds that evening, and there was a meeting.

And who was at this meeting?---Accused No.6, 10  
No. 11, No. 13, No. 14, No. 15.

And who spoke at this meeting?

ACCUSED NO. 1 is complaining again about the interpreter.---  
Court won't investigate.

EXAMINATION BY MR. HARWOOD (CONTINUED):

Now who spoke at this meeting?---Dikgang, accused  
No. 6.

What did he have to say?---He said we must recruit many people, and we must see that the people we recruited 20 attended the meetings.

And is that about all that happened at that meeting?  
---Yes.

Now do you recollect ever going to a meeting at the house of Accused No. 1?---Yes.

Now was that after this meeting at the sports ground, or don't you remember?---Yes.

Now who was at that meeting, of the accused?---  
Accused No. 1, No. 2, No. 3, No. 4, No. 6, No. 7, No. 10,  
No. 11 and No. 15. 30

Now who opened that meeting?---Accused No. 1.

What did he have to say?---He lifted his hand and

said "Iswelethu".

Yes, and you all said "Ee Afrika"?---We replied "Ee Afrika".

Then what did he say?---He said there was a person coming who was going to address us, from Basutoland.

Yes, and had this person arrived yet?---No.

And did he go and have a look for him?---Yes.

And what were you to do while he was looking for him?---We were singing a certain song. The witness indicates with his hands like this, which indicates that it was on something this size. 10

While you were on something that size singing songs, did the accused No. 1 come back?---Yes.

And did he say that the man from Basutoland had not arrived?---Yes.

Now did someone else then speak?---Yes.

Who?---Accused No. 3.

Stand up No. 3! Was it Accused No. 3 who spoke?---Yes.

And what did he say?---He said we people of this country must fight for our country. 20

Now was there a man in a black blazer there?---Yes, there was.

Who was he, do you remember?---Accused No. 4.

Did he talk at all?---Yes.

What did he say?---He also lifted his hand.

Yes?---He gave the salute, and then we replied "Ee Afrika".

Yes? And then what did he have to say?---He said when we are fighting for our country, there are other people who will help us. 30

And who did he suggest would help you?---He said it

was people who will come from Katanga.

Katanga?---Yes.

And is there any other country that he mentioned apart from Katanga?---No.

Now what help were these people from Katanga going to give you?---When we start fighting against the whites, they will come and help us fight against the whites.

In what manner, did he say at all?---They will bring their own weapons.

Now did anyone else speak that you can recollect, 10 at that meeting?---Accused No. 6.

What did he have to say?---He said we must not forget to tell our parents to see that there is a supply of 180 lbs. of mealie meal.

Yes, what was that for?---Which we would be able to eat when we are fighting.

And was there anything else that he said?---And we must begin, we must start eating dried foods so that we can get used to it.

Just eating that food while the war was on?---Yes. 20

Now was there anything else discussed?---Yes.

What?---Now Accused No. 3 said something.

What did he say?---He said we must see that we recruit more people at school.

No. 3?---Yes.

Brander?---Yes.

Now was there any discussion about clothing at all? ---Yes, Accused No. 6 did.

What did he say about the clothes?---He said we must buy khaki trousers and shirts.

Why?---For us to wear during the wartime.

Now did anyone else speak that you recollect?---

Accused No. 4.

What did No. 4 say, at this meeting?---Accused No. 2 spoke again.

Not No. 4?---No, No. 2.

What did No. 2 say, do you remember?---He also said we must get more people.

And anything else?---No.

Now you know Kenneth Molatedi?---Yes, I know him.

Do you remember if Kenneth was at this meeting, you had just spoken about?---Yes, he was. 10

And do you remember if he was at the other meeting at...do you remember if he was at these other meetings that you spoke about?---Not the meetings that I attended. I did not see him.

But you did see him at this one?---Yes.

Now you don't know all the people who were at these meetings do you?---No, I don't know who they all were.

AT THIS STAGE THE COURT ADJOURNS FOR LUNCH.

ON RESUMING AT 2.20 P.M.:

WALTER MASHILOANE, still under oath

20

EXAMINATION BY MR. HARWOOD (CONTINUED):

Now just before the meeting at Jeff's house, do you remember going to another meeting at the house of Accused No. 7?---Yes.

Was this in connection with the choosing of a cell leader in the Central P.A.C. cell?---Yes.

Is that now the meeting I'm talking about?---Yes.

And who opened that meeting?---Accused No. 7.

What did he have to say?---He said "today we have come to choose the cell leader".

30

And what happened then?---Then he wrote down the names of four people.



Who did?---Accused No. 7.

Was he also at this meeting, is that right?---Yes,  
the meeting was at the house of Accused No. 7.

Yes, but he was also at this meeting?---Yes.

And Accused No. 7 then, you say, wrote down the names  
of four people?---Yes.

What were those four names, do you remember?---Vishi  
Kwakwa, Michael Mahola, and Dikgang Accused No. 6, and he  
himself.

So he wrote down the names then of Vishi Kwakwa, 10  
and Accused No. 10, and Accused No. 7 and Accused No. 6?---  
Yes.

And was No. 10 also at this meeting?---Yes.

Tell me, who else of the accused were at this meeting,  
if you can recollect?---Nos. 14 and 15, were also at that  
meeting.

And do you remember if Kenneth was at that meeting?  
---Yes, he was also there.

Now after these names were written down, did you vote?  
---Yes. 20

Who was chosen cell leader?---Dikgang, Accused No. 6.

And who was chosen as No. 2?---Vishi Kwakwa.

Then did No. 6 speak to you?---Yes, he spoke.

What did he have to say?---He said he thanks us for  
choosing him as the cell leader.

Now was that all that happened at that meeting?---Yes.

Now about a week after the meeting at ~~Jeff~~ Masemula's  
house, Accused No. 1, did you go to a meeting at the rugby  
grounds?---Yes.

Who spoke there?---Accused No. 6. 30

What did he have to say then?---He said we must  
bring our weapons with us, and they must do their best to get

weapons.

Yes, and was there any discussion about the old 2/6 fee again?---Yes, he spoke about that also.

And about the mealie meal?---Yes.

Who were there among the other accused, apart from Accused No. 6? Do you remember?---Accused No. 11 was there and No. 15 was there.

No. 11 and No. 15?---Yes.

Do you remember if Kenneth went to that one or don't you?e---Yes. 10

Now a little while after that meeting, did Accused No. 6 come to you again?---Yes.

And did he tell you there was going to be another meeting?---Yes.

Did you go to it?---Yes.

And did Accused No. 6 speak at it?---Yes.

Did he open it?---Yes.

What did he have to say?---He said those who did not have pangas, could come, he would supply them with some which he had. 20

And did he discuss anything else apart from indicating that he would supply them with pangas?---He said before we attack, we will ask the womenfolk who are working for europeans in the houses to put poison in their food.

Was that going to be before the great day of the start of the fight?---Yes.

Now did he say anything at all apart from this question of poisoning the food of the Europeans?---No.

Now how was this poisoning to be done? Was it domestic servants working for the Europeans who were going to do this?---Yes, and then they had to put the poison in the food where they were employed. 30

On a certain day at a certain time?---Yes.

Who was going to advise them of this time, did he say?---He did not say.

Now was there any talk at all about the Special Branch that night, that you can remember?---Yes, I remember.

What happened about that and who spoke?---Accused No. 6 spoke.

Yes?---He said there was some of the Special Branch members who were attending school and we must try and kill them.

10

BY THE COURT TO WITNESS: Attending school?---Yes, he said they were scholars attending school.

EXAMINATION BY MR. HARWOOD (CONTINUED):

Now who do you regard as being members of the Special Branch. Just Policemen or any other people?---Police.

BY THE COURT TO WITNESS: If they are Police, how can they be at school?---Those who were scholars, they were Police informers and informed the Police.

EXAMINATION BY MR. HARWOOD (CONTINUED):

Now you don't mean...You mean that you don't only include the Police but informers who are youngsters at school?---Yes, not the Police only but the informers also.

20

Now do you recollect anything else happening at that meeting?---No, that's all.

Now do you remember if Kenneth was at that meeting? ---No, I don't remember.

BY THE COURT TO WITNESS: Where was that meeting held?---At the sports grounds.

EXAMINATION BY MR. HARWOOD (CONTINUED):

Now about a week after this, did No. 6 come to you again?---Yes.

30

Did he tell you there was going to be a meeting the

other side of the railway line where people play golf?---

Yes.

Did you go to this meeting?---Yes.

Now first of all tell me, which of the accused did you see at this meeting?---Accused No. 11, No. 15, No. 6 - that's all.

Now who spoke at this meeting?---Accused No. 9.

So I assume he was also there?---Yes.

Now what did Accused No. 9 talk about?---He told us about the bombs. 10

What did he have to say about what bombs?---He showed us methods to make the bombs.

How did he suggest you should make bombs?---One of them is that you must take a big bottle.

Yes?---And fill it half up with sand and then put petrol in.

Yes?---And then put matches in and then close it, and then shake it and then throw it.

I see. Did he have any other ideas about any other types of bombs?---Yes. 20

What other bombs did he suggest to you?---Another bottle again - you fill it half with petrol and then fill it up with benzine.

Yes?---And then take a cloth which is a long one, and put it into the bottle and wet it with petrol, and then put it underneath a motorcar and set a light to it. You must set the light to the rag and then it will burn the car.

And did he have any other bright ideas?---There was one with a bottle, you put sand in, petrol and then you shake it and then you throw it. 30

And did he say what would happen to these things that you threw?---When it strikes the person, if you throw it

at people, it will knock him over.

And was there any suggestion as to what would happen?

---He'll be dead.

What was the petrol for, just to make it more difficult?---Yes.

BY THE COURT TO WITNESS: But why put petrol in, why didn't you put water in?---Well, that is what he told us to do, and shake it.

Was this thing going to burn or not?---Yes, the way he said it, it will burn and then just when it burns then 10 you must throw it.

EXAMINATION BY MR. HARWOOD (CONTINUED):

Now was that all that happened at that meeting?---  
Yes.

Now do you remember another meeting after this one, at which No. 6 spoke?---Yes.

Did he have anything to say about bottles?---Yes.

What did he say?---He said we must try and get as many bottles as possible.

Yes?---To make that type of bomb that he explained.20

Was there anything else said by Accused No. 6 at that time?---Not that I can remember now.

Did anyone have any weapons at this meeting?---  
Accused No. 6 had a panga.

What did he do with this panga?---When he opened the meeting, he held it up in his hand.

Yes?---When he said "Iswelethu".

Now why did he hold it up in his hand?---Well, to indicate to us that when we come to the meetings we must have our weapons.

30

What sort of a panga was it that he had?---It was about this length that I show now. Approximately 12-13", and

it was in the form of an axe.

Now did you see anyone else there with a weapon that night?---Yes.

Who?---Accused No. 11.

What did he have?---A shapp instrument, about 24".

Was it a knife?---Yes, in the form a knife My Lord.

Now who of the accused were at this meeting, apart from Accused No. 6 and Accused No. 11 who had these weapons?  
---Accused No. 13 was there and No. 14 and No. 15.

Is that all?---Yes.

10

Now.....

BY THE COURT TO WITNESS: Where was this meeting held?---On the sports grounds.

EXAMINATION BY MR. HARWOOD (CONTINUED):

Now can you tell me, was anything said by Accused No. 6 about weapons?---Yes.

What did he say?---He said we must tby by all means to get weapons, so that we must be ready at any time.

Was there any talk of ammunition?---And ammunition?  
Yes?---No.

20

Was there any talk of anything which might be used in a war?---No.

Now was there any discussion that you can recollect, at this meeting about Haak's Garage?---Yes.

Who had anything to say about that?---Accused No. 6.

Now where is Haak's Garage?---Somewhere in town here.

Right opposite the Police headquarters?---He said in town.

Now what did he say about Haak's Garage in town?---  
He said we'll set fire to Haak's Garage, and as the people  
rush there to crowd around the fire, then we'll rush them  
and kill them.

30

Was there anything else said by No. 6 at that meeting?---No.

Now do you know Accused No. 5?---Yes.

He was your history teacher wasn't he? He left in January/February 1963?---Yes.

And were you interested in his history lessons?---Yes.

Did he influence you in any way?---(Interpreter has difficulty with question).

Well then just ask him what did Accused No. 5 teach him in history that he can remember?---He said for instance, that the white people came here and chased the black people away from their land. 10

Yes?---And they came here possessing nothing and now they have taken the property of the Bantu people.

And the land as well?---Yes.

And what did he suggest should be done about this? Did he say?---That we must now fight for our land.

Was this in the class at school?---Yes.

Now how did you feel about this when Accused No. 5 taught you these things?---I was pleased to hear it. 20

Did you think it was a good idea?---Yes, the way he said it, I thought it was a good idea.

Now what did you think was a good idea - that the whites had taken the land and the property of the blacks, or that the blacks should fight to get them back?---The fight that we'll put up and get our land back.

That you thought was a good idea?---Yes.

Then tell me, did the other members of the class also think it was a good idea?---I don't know. I can only say how I felt. 30

Do you know Evalt Ramatsue?---Yes.

Was he in your history class at that time?---Yes.

How did Mkgotso introduce this subject about the land? Was it when he told you about the causes of the Great Trek or the causes of the French Revolution, what brought him to this?---He was explaining us as to how the whites came to be in this country.

Now at these earlier meetings that you attended, apart from what Accused No. 5 might have taught you at school were they all Pan Africanist Congress meetings?---Yes.

Were they all introduced by this salute and reply,?---  
Yes. k0

And can you tell me, what in your opinion, was the feeling of the various people who attended these meetings?---

...  
Did they agree with what the various speakers had to say, or did they disagree with them?---They were in agreement with them.

Now how did they show that they were in agreement?---  
By the way they replied "Ee Afrika".

And apart from that, was there any discussion by you people, during the meetings, any exchange of opinion when a speaker made a certain point?---Yes. 20

Now what sort of remarks - let me put it to you this way, did these expressions of opinion lead you to believe that the general body of persons who were at these meetings, agreed with what the speakers said?---Yes.

Do you knowe that axe?---It is similar to the one that Dikgang, No. 6 had when he was addressing the meeting.

Axe handed in as EXHIBIT 12.

MR. HARWOOD: No further questions.

CROSS-EXAMINATION BY ACCUSED NO. 11

You say you were present at the meeting which was held at Himmy's place?---Yes. 30



Were you on time or did you perhaps come late?---  
I was there on time.

You remember very clearly what was said and done there?---No, I don't remember everything.

At any rate you remember about the division of cells?  
---Yes.

Were these cells given leaders, or were leaders chosen for these cells?---No, there was only said that they would be divided.

No cell leaders were chosen?---Except that Jimmy 10 spoke to No. 2 accused that he would take care of the one down there.

Which one do you mean?---Musimadala.

You are quite sure about that?---Yes.

There can't be any mistake?---That is what I heard. I'm sure.

And then you spoke about yet another meeting which took place at Accused No. 1's place?---Yes.

Did you tell the Court who opened that meeting?---Yes.

Who did you say did open that meeting?---Accused 20 No. 1.

About that also you are very sure?---Yes.

Will you briefly tell the Court what I did or said on opening the meeting, and after having opened?---You stood up, lifted your hand and said "Iswelethu", and then you said "gentlemen, we have met here because there is another gentleman that will come from Basutoland to address us".

Do you know who the second speaker was?---No, I cannot say who that was.

But there was a time when I stopped speaking?---Yes. 30

And you say you don't remember who spoke after me?---  
You spoke for a long time. I don't remember who spoke after

you.

Now do you know these people - Philip Mogaswa?---Yes.

Nathan Molohe?---Yes.

Kenneth Molatedi?---Yes.

Were they also present at that meeting?---The one that I saw was Kenneth.

Now then, if I'm not mistaken, not one of them ever mentioned the fact that I spoke at that meeting! Neither did I open the meeting! What do you say about that? Do you think you are wrong?---Well, from what I know and I was 10 there, I saw you.

Remember you said I spoke for a very long time?--- Well, not a very long time.

But it was a long time?---Yes, it was a fairly long time.

Now there is a very great contradiction there - specially when we consider the fact that I was not mentioned as having opened the meeting, nor delivered a speech!---I was present when you opened the meeting.

And you are very sure that I spoke and opened the 20 meeting?---Yes.

ACCUSED NO. 1: No further questions.

CROSS-EXAMINATION BY ACCUSED NO. 2:

You said you saw me at Jimmy's place at that meeting?---Yes.

Did you come on time at that meeting?---Yes.

And you stayed there until the meeting was finished? ---Yes.

Kenneth Molatedi, was he at that meeting?---Yes, he was.

30

Nathan Molohe?---Yes, he was.

And you said that I volunteered that I would be the

leader of the cell Musimadala?---Yes.

Now when I volunteered, did I whisper to Jimmy when I said so, or did I speak loudly?---Jimmy spoke to you with his hand in his mouth, and afterwards Jimmy told us that you volunteered to be the leader of the cell.

Jimmy came to me and he spoke to me as you show with your hand?---Yes.

You did not hear what I said?---No.

So Jimmy then said that I volunteered to be the cell leader there?---After he spoke to you, then Jimmy said to us you have now agreed to be the cell leader of down there.

That could be that I did not volunteer but that I agreed that I would be?---I don't know whether you volunteered, but he spoke to you.

And then did he say that I volunteered?---No, he just pointed at you and he said "he will be the cell leader down there...down below".

And when Jimmy said that, did all the people hear him?---He spoke, I don't know whether everybody heard him, but I heard him.

20

And at the time when he was whispering to me, do you think the other people that were there, also noticed that?---I don't know, some of them were talking to each other.

Was I sitting on the floor, on a chair, on a table, or was I standing at the time?---You were sitting on the table and Jimmy was standing fairly near you.

And when I was sitting there on the table, everybody could see me?---Yes.

Would you say that Kenneth would or could have seen me?---Yes, if he hadn't been perhaps occupied talking to someone else, then he could have seen you.

....through the whole meeting. (Interp. forgot to

interpret question).---No, I wouldn't say through the whole meeting, but whilst you were talking, we amongst each other could talk to each other.

And when I was sitting on the table was he then talking to other people?---I don't know, some people were talkin to each other.

Do you know Nathan Molohe?---I do.

He was also at the meeting?---Yes.

Didn't he go out before the meeting was finished?---  
I did not take notice of that. 10

What Nathan Molohe said that No. 1 was supposed to be the leader of that Musimadala?---No, the way I heard it, was when he pointed you.

And Kenneth Molatedi, never saw me at that meeting?---  
I saw you.

Do you know me for a long time?---No.

And the meeting at the house of Accused No. 1, were you present there through the whole meeting?---Yes.

And I was there?---Yes.

And when Accused No. 1 opened the meeting, was I there?  
---I did not notice you then. 20

When did you notice me?---At the time when we were  
sining there, I noticed you.

When you were singing?---Yes.

Did I stand up and talk?---No, not whilst we were singing. You had not said anything.

Then I was waiting until you had finished singing?  
---No, I don't know whether you waited until we finished, but you did talk.

Was that after you had finished singing?---Yes. 30

Did I speak after Accused No. 1?---No, before him.  
Accused No. 1 was the first who spoke, then another spoke and

then you, you were the third to speak.

Who was the chairman of that meeting?---They didn't say who the chairman was.

There was no one who invited me or told me to speak?  
---No, not that I know of.

I'm surprised, because I never heard No. 1 Accused speak?---I heard him.

I did not hear No. 3 speak either?---I heard him speak.

And I did not hear No. 6 speak?---I heard him, and 10 you were present!

I did not say that I was not present, I said I didn't hear them!---I heard them.

And when they spoke was I present?---Yes, you were.

Don't you remember of anybody who came in late?---  
No, not that I saw.

You didn't see me come in late?---No.

I put it to you that at that meeting I came late, and when I spoke I hadn't heard anybody speak before me and nobody spoke after me, except the person who closed the meeting!---I say that I heard you spoke.

Yes, but I say that I spoke after everybody, and when the others spoke, I wasn't there!---I saw you. When No. 3 spoke, you were there.

When No. 3 spoke?---Yes No. 3.

And No. 1?---And No. 1.

Are you sure?---Yes, I'm sure.

ACCUSED NO. 2: No further questions.

CROSS-EXAMINATION BY ACCUSED NO. 3:

Mashiloane, before this meeting at No. 1's place, 30 did you know me?---No, I didn't know you.

So you saw me for the first time at Accused No. 1's

place?---Yes, that is so.

Tell me, what do you understand by an opening of a meeting?---That means that that is the person who spoke first at the meeting.

I don't understand you!---I say the person who opens the meeting, <sup>and the</sup> is the one who speaks first.

I hear you there, but my question is not who is the first speaker! What do you understand by the opening of a meeting? At what stage is a meeting opened?---It is the person who opens the meeting, that speaks. 10

I see you've got some difficulty there. Now according to what you say, you say Accused No. 1 opened the meeting?---Yes.

And he said that the speak we're waiting on had not arrived?---Yes.

And you say he went on further to say something for some time?---Yes.

That was something independent of the coming of the visitor?---Yes.

Would you perhaps say by way of indication, what 20 aspects his speech touched?---About getting the whites out.

Are you sure you're telling the court the truth?---Yes, I'm telling the truth.

If I'm not wrong, Philip Mogaswa, said that Accused No. 1 only made an announcement that the expected guest has not arrived, and in the meantime whilst we were waiting, go on singing, and there was a song that the accused had written on a piece of paper, which you sang while you were waiting for the guest.

BY THE COURT TO ACCUSED NO. 3: Is this Philip who made that 30 statement?---If I'm not wrong My Lordship, it was Philip.

CROSS-EXAMINATION BY ACCUSED NO. 3 (CONTINUED):

- 535 -

---No, I say I was there when he spoke.

I don't know - you say something and Philip Mogaswa says something else. Now I'll really tell you - what happened is this - that Accused No. 1 had told you that our visitor has not arrived yet and asked you to go on singing, and after you had sung for some time, it was found out that we will wait the whole night and this visitor will not come. Then we decided to go on with the meeting, and I formally opened the meeting!

BY THE COURT TO WITNESS: What do you say to that?---No, 10  
I say Accused No. 1 spoke first, and therefore, I say he opened the meeting.

CROSS-EXAMINATION BY ACCUSED NO. 3 (CONTINUED):

That is your opinion!---Yes, that is what I saw.

After declaring the meeting opened, I tendered an apology, because of the disappointment we met that evening? ~~in~~-that our expected guest did not come, and for your information, that guest was not from Basutoland! You said you listened to my speech?---Yes.

Would you recount to the Court what I said. 20

BY THE COURT: Let's first of all get this. The accused says that he apologised because the guest had not come, and this guest was in any event, not from Basutoland. Now what do you say to that?---No, No. 1 Accused when he opened the meeting, he said to us that we are waiting for a person who comes from Basutoland.

CROSS-EXAMINATION BY ACCUSED NO. 3 (CONTINUED):

No. 1 Accused will say under oath that he never expected anybody from Basutoland!---I heard him say it.

Now could you just tell us briefly, what I said 30  
that evening?---You spoke about the recruiting of people, and you said that we must obtain and keep ready pangas. That'

about all I could say.

That's about all you can remember?---Yes.

Now I put it to you that you are deliberately mis-  
interpreting what I said that evening!---No, that is what  
I heard you say.

Before I prove to the Court that th's a misinter-  
pretation, I would like you to tell me how long were you a  
member of the P.A.C. by then?---You mean at the time of the  
meeting at Accused No. 1.

Yes?---It was just shortly after I joined, it wasn't  
a long time. 10

Could you give us a rough estimation, it doesn't  
have to be exact?---About three weeks.

Did you realise then that organisation had not long  
been started?---No, I didn't realise that.

Didn't you have some discussions with your fellow  
friends?---No, I had not had discussions.

According to you, you were about three weeks a  
member of the organ. then?---Yes.

Do you recall upon what day this meeting took pla- 20  
ce?---It was on a Saturday, but I don't know the date.

The month?---No, not the month either.

Well I'll give you some information there - that  
meeting took place roundabout the 17th or 18th of February!  
And as you had said earlier, you were at a meeting at  
Jimmy's place, and up to then we had not had any word from  
our head office....

BY THE COURT: Do you know about that?---No, I know nothing  
about it.

CROSS-EXAMINATION BY ACCUSED NO. 3 (CONTINUED): 30

5 And we did not have any instruction from them, and=  
because of these facts, we were mainly concerned about get-  
ting new members to join in the organisation! S<sup>h</sup> I agree



with you when you say I appealed to you to recruit more of your schoolmates. There you are definitely correct.

BY THE COURT TO WITNESS: Do you say that is so?---Yes.

CROSS-EXAMINATION BY ACCUSED NO. 3 (CONTINUED):

But I'm afraid to say I disagree with you when you say I spoke on arms and fight! So I put it to you that you didn't hear me speaking about any resurrection or any fight!

---No, I heard you speak about that.

ACCUSED NO. 3: No further questions.

CROSS-EXAMINATION BY ACCUSED NO. 4:

10

Mashiloane, how long have you known me?---I saw you for the first time at the meeting that was at Jimmy's place.

Did you know my name before you were arrested?---

No.

Did you know my name before you were arrested?---Yes, by the time I was arrested, I knew your name.

You knew my name very well?---Yes.

But then how could you say to the police or some other person, somebody with a black blazer addressing a meeting?---Yes, well this black blazer, I saw you wearing 20 at the first meeting at Jimmy's place.

And then at the meeting at No. 1?---No, I did not notice what you were wearing there.

But now the Prosecutor just asked you somebody with a black blazer spoke at this meeting, and you said yes.

BY THE COURT TO ACCUSED NO. 4: Yes, that is quite correct, and then he said was it No. 4 and he said yes. That's the way the question was put, it doesn't mean that this person didn't know your name.---But My Lord, I have the feeling that he never knew my name.

30

Pardon?---I feel that he never knew my name.

You think he never knew your name?---Yes.

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