

life an individual is not likely to find, in other words it's a secret hiding place, secret to the extent that one wouldn't stumble on it by mistake and it is in such letter boxes that, it is around such letter boxes that a system of communication works. In the case of Jeanette Curtis she sent a number of letters which were to be put by me into a dead letter box for a certain Molly Anderson who is a registered (noise) communist, at a pre-arranged time with a pre-arranged signal. After my departure from the said letter box, Molly Anderson would come to it and unload that box, in other words take out the message (10) or letter that I had placed in there, and similarly the process worked in reverse. The object of having a dead letter box, obviously, is so that nobody can come across your secret communications, in other words it is designed for secret communication.

As a communicating with each other without being seen to communicate. -- That is correct.

NO FURTHER QUESTIONS.

--o00o--

MEMBERS OF PUBLIC ARE ALLOWED TO RETURN TO THE COURT ROOM. (20)

PROSECUTOR CALLS CAPTAIN WILLIAMSON.

CRAIG MICHAEL WILLIAMSON duly sworn states.

EXAMINATION BY PROSECUTOR:

Captain, are you a commissioned officer in the South African Police with the rank of Captain? -- That is correct.

Are you presently attached to Security Headquarters of the South African Police in Pretoria? -- That is correct.

When did you first join the South African Police, Captain? -- I first joined in 1968. (30)

When were you transferred to the Security Police?

-- I/.....

-- I subsequently joined the Security Police in 1972."

And what did you do in 1972? -- I also registered as a full time student at the University of the Witwatersrand.

And how long were you a full-time student at Wits?

-- I was full time at Wits during 1972, 1973 and 1974. In 1974 I was elected to the National Executive of NUSAS, the National Union of South African Students and I served on the National Executive as finance officer for 1975, during which year I was re-elected to the National (end of Belt 26)

BELT 27 : 18.2.1981.

COURT: Mr Prosecutor (indistinct)...see if there is another deck available for the top one, perhaps get from the control, we will have to replace it, yes.

PROSECUTOR: Perhaps it would be a good idea to have a technician look at the...

COURT: The machine has not been recording, it has been defective. I intend reading out to the witness what he has said from the stage that it stopped recording. You say in 1974 elected to the National Executive NUSAS as finance officer (10 until 1975. --- For 1975.

For 1975.

And during the year re-elected to the Executive as finance officer and vice-president for 1976. They were fulltime posts based at NUSAS head office, Cape Town. In 1977 I left the Republic of South Africa and travelled to Gaborone, Botswana, via Lusaka and to Geneva, Switzerland, where I took a job as information officer with the association known as International University Exchange Fund - I.U.E.F. (interrupted). Pardon? --- Sorry your worship, it is I left South Africa, travelled to (20 Gaborone, Botswana, and then travelled to Geneva, Switzerland viat Lusaka.

Gaborone. --- Then to Geneva via Lusaka.

And via Lusaka to Geneva. --- That is correct.

Where I took up a job as information officer with the I.U.E.F., you gave the name as International University Exchange Fund. I remained with the I.U.E.F. until January, 1980 when I returned to South Africa. In mid 1978 I was promoted to deputy director of the I.U.E.F., made contact and infiltrated into the A.N.C. My first contact with the A.N.C. and S.A.C.P. (30 Is that correct? --- That is correct.

/Was...

Was in 1975 in London while touring Europe as official of NUSAS. It was arranged by the director of the I.U.E.F., Mr Lars ^{Gunnar} ~~Guller~~ Eriksen, that I meet with two members of the A.N.C., one the regional chief representative, Reg September, and the other the treasurer general Thomas Nkobi. The first meeting took place at ticket office of Good~~y~~ Street, Good~~y~~ Street Tube Station. During that meeting the two individuals questioned me extensively regarding political affairs in South Africa and in particular student affairs, and they wound up by requesting that I supply their organisation with information. In general (10 information regarding the Black and White student politics, students involved in trade unions, Unisa's Wages Commission as well as special information relating to labour movements in South Africa. In general such as what various organisations existed, the nature, objects and activities thereof and information regarding individuals involved, not only the names but a general biographical detail including their political approach or attitude. Is that right? --- Correct.

Per Sketch!

The action on - I had prior to my - this meeting I had received instructions that if I was approached in this regard I (20 should agree. The individuals told me (interrupted)

PROSECUTOR: I therefore agreed.

COURT: Pardon?

PROSECUTOR: I therefore agreed.

COURT: Oh, you therefore agreed, is that correct? --- That is correct.

Individuals told me that I would have to participate in a further meeting with people in charge of or who dealt with the various underground activities in South Africa. I had a further meeting with a person who identified himself as Ismail Essop (30 who I came to know later as Azis ^{? P?} ~~Essop~~ ^{Pahad}. The arrangements /were...

were then made final. Is that still correct? --- Yes.

At the end of the tour I returned to South Africa and during the following year I implemented the arrangements which had been made. I supplied them with the information of the nature they required. The first meeting was in September 1975. During 1976, after the arrest of various individuals in South Africa concerned in the illegal distribution of A.N.C. and S.A.C.P. propaganda material, I received a request from my A.N.C. contact who goes under the code name of Nevin, that I and someone associated with me come to London to continue or to arrange to (10 continue the work of those convicted. So I then left on the 5th January 1977, I left to join the I.U.E.F. I had in the mid 1976 received an offer of employment by the I.U.E.F. En route to Geneva I made - you started saying en route to Geneva I made contact, you said you went via or through Lusaka, met various individuals involved in the I.U.E.F. in Lusaka. Is that correct? --- Yes.

You were asked about the attitude of the A.N.C., your A.N.C. superiors to your taking up the employment, and your reply was very soon after my arrival at Geneva, you estimate approximately (20 a month, you say it was during February 1977, I went to London in order to have a personal meeting with the superiors, my superiors in the A.N.C. and to discuss my future involvement in the A.N.C. I was met by Azis ^PBrahad who introduced me to a European male, Ronnie ^{Casrils}Cassell. We discussed in broad detail the work I did inside the R.S.A. for the A.N.C. as well as my future work. ^{Casrils}Cassell and ^PBrahad were very happy that I managed to get the position with the I.U.E.F. and instructed me to do everything to entrench my position and to report regularly to them on activities of the I.U.E.F, particularly those relating (30 to South Africa. I was also told that I should take all

/necessary...

necessary steps to enlarge and develop the embryo A.N.C. network which I had commenced in 1975. My instructions were in two sections, the one was the gathering of intelligence and the other dealing with the direct actions including armed propoganda and ultimately sabotage. --- Excuse me your worship, the instructions were to establish two sections.

Instructions were to establish two sections, one the gathering of intelligence and the other dealing with direct action including armed propoganda and ultimately sabotage. Armed propoganda in its most simple form was for instance the

explosions and then the more sophisticated form would be rocket launchers, ^{you say} it would be a rocket device to launch pamphlets for spreading. --- Correct.

Is that correct, and the highest form would be isolated acts of terrorism, and you gave an example, e.g. attacks on police stations, to show the flag of the A.N.C. Finally you were also instructed to travel to Lusaka and make contact with Professor Jack Simon and his wife Rae Simon neé Alexander. They were concentrating on gathering information, as previously mentioned in your evidence, and in particular general intelligence and regarding - one moment, I think I have got this wrong. Can you perhaps just take it up from there because I think from there, it is just a little small section, you spoke to them, and you say that - who do you mean? Have you perhaps got it there Mr Kuny? That is after the name.

MR KUNY: Yes, at that stage more (indistinct) emphasis on general intelligence particularly the - I think the witness said the socalled Black Consciousness Movement.

COURT: Can you perhaps take it from there then, we can just take your evidence from there again. This is just (inter- (30 rupted)

/Mr Kuny...

MR KUNY: He said I went to Lusaka to see the Simons, this is towards the end of 1977 that I was once again in Lusaka and I visited (interrupted)

COURT: Sorry Mr Prosecutor, were you going to say something?

PROSECUTOR: No, I agree.

COURT: Yes. The they that you were referring to, they were at that stage they were generally concentrating on gathering information as previously mentioned and in... --- If I remember correction, the prosecution asked me the question what intelligence did Azis ^p ~~Brahad~~ and Ronnie ^{Cassell} ~~Cassell~~ wished us to gather. (1)

I see, and that was then you say that (interrupted) --- I said the same as I had previously done, already stated to the Court, as well as more general political intelligence and in particular intelligence on (indistinct)...relating to the so-called Black Consciousness Movement.

MR KUNY: Fine, thank you.

COURT: And then, I carry on, you proceeded to Lusaka and you think, you believe it was towards the end of February 1977, I once again in Lusaka and had occasion to visit Professor and Mrs Simon. I was initially given what I can only describe as a grilling in Lusaka at the residence of Professor and Mrs Simon and you were questioned mainly by the professor. --- Correct.

PROSECUTOR: Also used the word interrogation. --- Virtually an interrogation.

COURT: Wasn't in the form of an interrogation. --- I said it was a grilling, virtually an interrogation.

At the residence of Professor and Mrs Simon it was done mainly your questions, you were questioned mainly by the professor. It was quite clear that the object of the exercise at that stage was whether I was not some form of security risk (3) to the A.N.C. To the A.N.C. did you say? --- That is correct,

/at...

at that stage the prosecution asked me whether it was to the A.N.C., to which I replied in the affirmative.

And secondly they were obviously interested in my political outlook and my degree of adherence to the Marxist policy. --- Correct.

Is that correct.

Mr Prosecutor (interrupted) --- I originally said doctrinaire Marxism. Doctrinaire Marxism.

The doctrinaire, adherence to (interrupted) --- When I repeated it I said my adherence to Marxist policy. (10

Are you satisfied with that Mr Kuny?

MR KUNY: Yes, at the stage that we stopped, he was saying the outcome of this interrogation was - and then the machine cut out.

COURT: Yes, well then I realised the machine (indistinct). Do you confirm that that was your evidence, and you adhere to that evidence? --- That is correct.

COURT ADJOURNS.

COURT RESUMES.

COURT: Captain you are still under oath, to tell the truth.

PROSECUTOR: Captain you were about to tell us the result of (20 the interrogation and the grilling that you went through at the hands of Professor Simon. --- That is correct. After some time and a lot of questions about my personal background and political attitudes, the discussion became far more general and more friendly and we started discussing topics such as the A.N.C., the struggle for so-called liberation in South Africa, the role of Whites in this so-called struggle.

And were you briefed on any of these matters? --- Yes. It was made very clear to me that the professor and Mrs Simon were strong supporters of the technique of armed struggle as being (30 vital to the success of the A.N.C. led so-called national libera-
/tion...

tion struggle.

COURT: The success of? --- Armed struggle, as a technique vital.

Vital? --- To the success of the A.N.C. led so-called national liberation struggle and in the very nature of things, particularly considering the history of Professor Simon and Rae Alexander, the discussion turned naturally to the role of SACTU, the South African Congress of Trade Unions, SACTU.

Turned to the role of the? --- Of the South African...

SACTU? --- Congress of Trade Unions, SACTU, yes. The (10 discussion went on, centering mainly on what could perhaps be called theoretical issues such as whether a trade union organisation should concentrate on economic benefits for their members or whether...

The trade union should what? --- Whether the trade union should concentrate merely on providing economic benefits for their members or whether they should in fact become integrally involved in the achievement of political emancipation or political rights in a situation where it is felt that there is a lack of such rights. (20

Lack of such? --- Rights.

PROSECUTOR: Were you briefed what your attitude should be as an A.N.C. operator? --- It was made very clear to me that the attitude of the Simons was very much that a trade union in the South African context and in particular SACTU as an organisation should lend its wholehearted support to the struggle for what was called political liberation, and that the main tool by which this aim could be achieved in South Africa was the armed struggle as being conducted by what is called the national liberation movement headed by the A.N.C. I was told that (30 there could be no economic liberation without political libera-
/tion...

tion and I was further told that SACTU was part of what was called a revolutionary alliance led or headed by the A.N.C. and that SACTU (interrupted)

*Note
- he
does
not
say he
knows
it*

MR KUNY: I have listened with some interest to what the witness has been saying now about this discussion. I am not sure on what basis My Learned Friend motivates this hearsy evidence, whether he is now trying to get this in on the basis that it is a... that it constitutes executive statement, but before the witness continues, and before it is understood that I am letting this evidence in, which in any event I cannot do, My Learned Friend can motivate the basis on which he is leading this evidence. (10)

COURT: Yes Mr Prosecutor?

PROSECUTOR: Your worship the basis of the relevance of this evidence, in the submission of the State it is found in paragraph (a)(11) of count 2, that is on page 4 of the Annexure A to the charge sheet, where SACTU is being described, being alleged to be the trade union movement or wing of the A.N.C.

(Not in microphone - inaudible).

PROSECUTOR: Yes, that is the Annexure to the charge sheet, on page 4, paragraph (a)(11) and I quote from about the 8th line from the bottom on that page, page 4. The said information is to be used by the said I.R.D.C. to bring the said Fosatu and/or individual trade union within the sphere of influence of the South African Congress of Trade Unions, hereinafter referred to as SACTU, the said SACTU being the trade union movement or wing of the said A.N.C. or alternatively to discredit Fosatu as a possible competition to SACTU as far as trade union activities in the Republic is concerned. Further your worship in count 7 on page 15 of the same Annexure the allegations are more or less repeated, that the trade union information allegedly /acquired...

acquired by the accused No. 1 was for the purpose of the A.N.C. and it is part of the State's case that this was through the SACTU. This your worship of course is (indistinct) should be read in conjunction with paragraph 3 of the further particulars to the charge on page 2 of the further particulars, and that is to say that the common purpose alleged by the State to further the aims and the objects of the A.N.C. and then the long term aims and the shorter term aims as set out. In my submission your worship the State's case is therefore that the accused promoted the A.N.C. by getting this information and as part of (1 the State's case the State ^{must} prove that link between SACTU and the A.N.C., which the State has already begun to do so in the evidence of Professor Van der Merwe, that line of proof is now being continued with by the State. Although your worship that the State does not allege a common purpose between the accused, or a conspiracy between the accused and Professor Simon for example, in the nature of things inherent in all the allegations in the charge sheet as particularised contained (indistinct)...implicit, not explicit, the implicit allegation that he furthered the aims and objects of the A.N.C. together with (20 other members and office bearers of the A.N.C. Therefore your worship it is the State's contention that it is a statement made by an office bearer or members of the A.N.C. and SACTU would be admissible as an exception to the hearsay rules, even though this was said long before the accused got involved in the A.N.C. The fact that the statements were made before the accused joined in the conspiracy to overthrow the government of South Africa, my submission, no bar to the admissibility of that evidence and I would refer your worship to firstly, the book Law of Evidence in South Africa by O'dowd and I quote from (3 page 45 thereof, 45. In dealing with the hearsay rule exception

/admissions...

admissions and confessions, the learned author states on page 44 that the proper understanding of this rule requires an analysis of the different uses to which evidence of acts or declarations of co-conspirators may be put. The acts of different persons may be used as the basis for an inference that an agreement existed between those persons as was said in R v FROST, and then a quote is made from R v FROST, reported in 4, volume 4, State Trials (N.S.) 87, , at page 243, and I quote:-

It is very true that one mode of showing conclusively (1
that a conspiracy has been entered into between various
persons by showing antecedent acts or acts which may
bring them together, but that is not the only mode.
Another mode is by showing various acts subsequently
in which they have concurred. Acts done by them
leaving it afterwards to be inferred by the jury
from the agreement or disagreement of those facts
reference to a common design, whether such common de-
sign existed or not."

Then I quote further from the book:-

the (20
"If the prosecution relies on this line of reasoning
it may lead evidence of the acts of A against B
before any agreement between A and B has been
proved. It may go further, if a conspiracy is
alleged between A and B to which C later adheres,
the acts of A and B in forcing adherence may be
relevant as against C to show the nature of the
agreement with which he subsequently adhered,
but of course if the evidence led eventually fails
to prove the agreement alleged, no conclusions can (30
be drawn against an accused not personally responsible

/for...

for the acts proved."

The same your worship is said in the very authoritative book in my submission, Fipson on Evidence, the 11th edition, and I quote from paragraph 2(6)(4), common purpose.

"The acts and declarations of other conspirators before any particular defendant joins the association are only receivable against him to prove the origin, character and object of the conspiracy and not his own participation therein or liability therefor, and if they were not in the furtherance of a common purpose, for example the narrative, descriptions or admissions of past events or were done or made after his connection with the conspiracy at seed, they will not be admissible against him." (10

So therefore your worship it is my submission that transpose to the present facts to which Captain Williamson is testifying, it is my submission that the State cannot prove this, cannot hold this against the two accused as their intent or design, but to show the intent or design of the A.N.C. and SACTU to which the State alleges that the accused subsequently entered, (20 or joined. Further that these statements were made in a briefing session to instruct Captain Williamson as to his role in the (A.N.C.) and that they are therefore (indistinct) statements, and in this regard it is my submission that they stand very much on the same footing as the statement made by Jeanette Schoon to Mr A when Mr A testified yesterday. I would respectfully refer you worship to your worship's decision in that (indistinct). Once again too I would urge your worship at this stage to allow this evidence and at the end of the trial to be authoritatively in a position to make a definite ruling as to (30 its inclusion or exclusion as part of the body of evidential /material...

material against the accused.

COURT: Mr Kuny?

MR KUNY: Your worship I am not arguing that statements which may have been made prior to the date of the alleged conspiracy are not admissible, I think the authorities on this are quite clear. My argument is that this type of hearsay statement is only admissible if it is made by a co-conspirator in furtherance of the conspiracy or common purpose and there is no evidence whatsoever, nor is there any allegation I may say, that Professor and Mrs Simon were co-conspirators and I would in this regard (10 specifically draw your worship's attention to page 2 of the further particulars. The question was asked in paragraph 2.1.2 when, where and in what manner and between whom was such common purpose formed or agreed upon, assuming the common purpose again to be the conspiracy, and then (interrupted)

COURT: What page is that?

MR KUNY: Page 2 of the request for further particulars, paragraph 2.1.2 and then paragraph 2.1.3, the names of the divers other persons are required. Your worship will have seen (20 from the preamble that it was alleged - the preamble to count 2 - that there was a common purpose between the accused and divers other persons. Right, sorry, it was in the original, it is taken out, but the point is that the question is asked who are the divers other persons and the answer given on page 3 of the further particulars is it is unknown to the State when, where and in what manner the common purpose was formed or agreed upon. The State alleges, however, that such common purpose did exist between the two accused and Richer, Vlotman, Schoon, Schoon, Danzig and ^{S. ng SRam} ~~Sichra~~ also known as ^{RAJ} (Indistinct) It is unknown whether there were other parties to this common purpose. It (30 is unknown and the question put is who were the divers other /persons...

persons and the question is answered it is not understood to which divers other persons are referred to. If it is intended to refer to other parties to the common purpose, the State repeats the names set out in paragraph 4 Supra, that is to say those names given there. Now neither Professor nor Mrs Simon are named as co-conspirators. There is no indication on the evidence that they are co-conspirators. There is no indication at all that they were members, active supporters of the A.N.C. or of SACTU and (interrupted)

COURT: There is no what? Repeat that last...? (10

MR KUNY: There is no evidence that they were members or active supporters of the A.N.C. or SACTU, and certainly Captain Williamson in giving the evidence he has given has not said that, and in my submission this discussion which he had with them does not appear to be a discussion which resulted in what the law requires, namely executive statements by people who are co-conspirators, before those statements become admissible in evidence against an accused person who was not present at the time, who is not in a position to rebut, contradict or in any way deal with whatever Mr Williamson may say was said at that (20 meeting and therefore your worship the law, being very clear on the point, is very cautious as to what type of evidence of a hearsay nature, is allowed, and I submit that in the absence of anything more than what has already been said, this evidence is not admissible against the accused. It is pure hearsay evidence and it does not come in on the basis of being executive statements made by co-conspirators.

PROSECUTOR: Your worship may I reply on one point only.

COURT: Yes.

PROSECUTOR: To My Learned Friend's argument that there is no (30 proof of a common purpose or conspiracy or no allegation thereof,

/vis-à-vis...

vis-à-vis the accused and Professor Simon. I concede that to be so. It is not part of the State's case that the accused and Professor Simon and Mrs Alexander conspired with each other. However, it is the case of the State that during - when was this - February 1977, when this conversation took place, this conspiracy to which the accused entered many months thereafter, had already been formed, that on that basis the extent and the nature of the aim of the organisation to which the accused later associated themselves can be proved, if of course it is an executive statement. That is to the first leg of My Learned (10 Friend's argument. The second leg is there is no proof of the accused's association with the African National Congress. Oh, I am sorry, My Learned Friend has just enlightened me that I (indistinct) a...apropos the Simon's position in the A.N.C. your worship I may say that they a...he was referred to them and he was given an interrogation for reasons of security of the A.N.C. and clearly demarcating then as being associated with the A.N.C. and the second, the last leg of it being executive and not narrative statement, as I have said this was in a briefing session to inform the captain what his position as a A.N.C. (20 operative would be and should be.

COURT: Repeat?

PROSECUTOR: What his position as an A.N.C. operative or operator must be.

COURT: Have you anything else to add Mr Kuny? I do not want to go on ad finitum, (interrupted)

MR KUNY: No, only this, on My Learned Friend's argument it is correct, it would mean that if a person in 1978, 1979, or whenever it may be, associates himself with the A.N.C. and is subsequently charged with that association, then he may be (30 confronted with anything said by any member of the A.N.C. at

/any...

any time in the past to any person if somehow or other that can be brought within the ambit of being an executive statement and I submit your worship that there is a limit to the extent to which this type of evidence is allowed. Now My Learned Friend says that these were clearly executive statements because this was in the course of a briefing session. I do not know whether this evidence amounts to a briefing session, he was having a discussion and he was hearing their views. The captain has not said this was a briefing session, My Learned Friend says it was a briefing session. Perhaps now, having heard this (1 argument, he will say it is a briefing session, but that has not been the evidence up until now.

COURT: The captain did refer to a...this discussion there.

MR KUNY: Yes.

COURT: As briefed about it and made clear to me that they - I was briefed about it. That was his evidence.

MR KUNY: He said it was made very clear to me that the attitude of the Simons was that (interrupted)

COURT: Yes, but then the question was put to him were you (20 briefed about it, and he said yes, it was made clear to me. I can go back on the machine if you like.

MR KUNY: Well my note is (interrupted)

COURT: No, we just check it. I have just played it back there Mr Kuny and the witness - you have heard what the witness did say there. You started talking before the machine was on.

MR KUNY: Yes.

COURT: Will just take it up from there again.

MR KUNY: No, my submission simply sir is that the mere fact that My Learned Friend chooses to use the word briefed does not mean that it converts everything that was said in the course of (3 this discussion by Professor and Mrs Simon to the witness into

/an...

an executive statement which becomes admissible in this trial against this accused. That is my submission.

COURT: The Court is going to allow that pending the final link up, if there is no link up the Court will hold that it is inadmissible at a later stage.

PROSECUTOR: As your worship pleases. Just to get this clear captain, I have asked you if you were instructed what your views as an A.N.C. operative should be. Were you told that by Professor Simon or Mrs Simon during this occasion? --- Yes, I think I should make clear that in my original meeting (10 with Azis ^pBrahad and Ronnie ^{Cassels}Cassell in London I had been given not only instruction in the policy, aims and objects of the A.N.C., but had also been given literature to read and that it was related to this instruction which I was undergoing that I was told to go and see Professor Simon and Mrs Rae Alexander. I may also (interrupted)

COURT: In connection with what do you say? --- With the instruction that I was receiving on behalf of the A.N.C.

With the instruction to go? --- Well it was in relation to the instruction they were giving me in the policy, aims and (20 objects of the A.N.C. that they then said I should go to Lusaka and consult or visit Professor Simon and Mrs Rae Alexander or Rae Simon. I may also add that during the discussion I had in the Simon house, one of the topics we discussed was in fact the so-called Cadres - C-a-d-r-e-s - in the ^UImkhonto we Sizwe (interrupted)

Repeat that again, one of the topics was? --- The cadres - they call them, the individuals, they are called cadres - c-a-d-r-e-s - of Imkhonto we Sizwe - U-m-k-h... in the camps in Angola. (30

In the camps in? --- In Angola, and Professor Simon told

/me...

me that he gave lectures of a similar nature to what, or to the instruction he was giving me, to the people in those camps. He went on to remark on how high he found their spirit.

PROSECUTOR: In any case captain I think we are a...we should come back. You were busy with a sentence about the major tool of the struggle or an important tool of the struggle. --- I think of armed struggle.

Oh yes, I am sorry, I think we...we... that is covered ground. I am sorry your worship. Now later on captain did you again go to London? --- That is correct. (10)

When was that? --- I believe in the first few days of June 1977.

To see who? --- I had been summoned to see Ronnie ^{Cassell} Cassell by Stephanie Kemp.

COURT: By Stephanie? --- Kemp, K-e-m-p.

Yes, carry on.

PROSECUTOR: Was anything mentioned at that stage about labour to you by Ronnie ^{Cassell} Cassell? --- Yes, after I obeyed my instructions and contacted Ronnie Cassell in London, I was given by Cassell a copy of a leaflet or pamphlet on rice paper. (20)

Is this the pamphlet, entitled "Countrymen, workers, parents teachers, students and youths, let us strike a mighty blow for freedom. Strike, strike, strike, strike"? --- That is correct.

Your worship I beg leave to hand this in as EXHIBIT L.1 would it be.

COURT: Have you got a copy of this Mr Kuny?

MR KUNY: I do.

PROSECUTOR: I do not think it is necessary to read out the whole pamphlet. In summing up, this is a call for a general strike between June 16 to June 18 1977? --- That is correct. (30)

^{Cassell} Cassell told me that it was the intention of the A.N.C. assisted

/by...

by the South African Communist Party and SACTU to bring about a general strike in South Africa on the dates mentioned in the pamphlet.

Were you assigned any role? Were you assigned any role?

--- Yes. I was asked, as a matter of urgency, to arrange for the distribution of a large quantity of such pamphlets within the Republic.

Was there a wider import to this general strike?

COURT: I am sorry, I missed that again?

PROSECUTOR: Was there a wider import of this general strike? (1)

--- ^{Cassell} Cassell told me that this strategy which had been decided upon to coincide with the first anniversary of the June 1976 riots.

COURT: Repeat your sentence again? --- That this action by the A.N.C. had been decided upon to coincide with the first anniversary of the outbreak of rioting in Soweto in 1976. He went on to tell me that the A.N.C. and their two organisations assisting the A.N.C. wished (interrupted)

PROSECUTOR: Which organisations? --- That is the S.A.C.P. and SACTU felt that the time had come to encourage greater worker participation in the so-called liberation struggle, with which or because they had been disappointed by the so-called level of consciousness.

COURT: By the so-called? --- Level of consciousness amongst Black workers.

PROSECUTOR: Captain later that month, during June 1977, were you in Geneva during the International Labour Conference?

COURT: In 1976?

PROSECUTOR: 1977.

COURT: 7. --- That is correct. (30

PROSECUTOR: Did you actually attend that conference? --- That /is...

is correct. Not as a delegate or as an official observer but as a private observer.

Did any SACTU personalities - I am sorry, was SACTU represented on that conference? --- SACTU was represented. There was, on that point, some procedural discussion about whether the formal organisation present was SACTU or the A.N.C. and I (interrupted)

COURT: There was procedural discussion? --- About whether SACTU per se had the right to have a delegate present or whether it was the A.N.C. (10)

PROSECUTOR: In other words whether the delegate was representing the A.N.C. or was representing SACTU? --- That is correct.

And how was it resolved? --- It was resolved in the long run by the SACTU representative sitting at the desk labelled A.N.C.

COURT: With the SACTU representative sitting? --- At the table which had a label on it A.N.C.

PROSECUTOR: Who was the SACTU representative? --- The SACTU was represented by John Gaetsewe - G-a-e-t-s-e-w-e, who is the SACTU secretary general. There were other SACTU individuals also present, including Eli Weinberg.

COURT: Eli? --- Weinberg. I believe it is W-e-i-n-b-e-r-g.

PROSECUTOR: Who is Eli Weinberg? --- He is a White South African and is an administrative secretary. I am not sure of the official title he holds, but he has an official position with SACTU and I believe that he had only left South Africa very shortly before this conference, as well as a certain James Stuart - S-t-u-a-r-t.

COURT: He was also present? --- That is correct. (30)

James Stuart? --- Correct.

/Prosecutor...

PROSECUTOR: Did you meet with these gentlemen? --- I met with them on various occasions.

During the conference? --- That is correct, and it was quite clear to me that they knew who I was.

Being a commissioned officer in the South African Police? --- No. That they knew of my association with the A.N.C. and in fact we discussed my providing them with information relating (interrupted)

COURT: I am sorry, repeat that? --- We discussed my providing them with information and we also discussed the planned general(10 strike.

PROSECUTOR: Referred to on exhibit L.1? --- Correct.

Were you handed anything at that stage during the conference? Were you handed anything?

COURT: Yes, carry on? --- I was. I was given several (in-distinct) documents.

Are those two the documents you have in front of you captain? --- Yes.

We will make the first one L.2 if it would please your worship. What is L.2? Just mark it please. --- There is (20 one factory document entitled South African Congress of Trade Unions, memorandum submitted by the South African Congress of Trade Unions to the sixty third session of the International Labour Organisation held in Geneva in June 1977. L.2. If I may just refer your worship to the document, it has an address on it, it says offices 49 Rathbone Street, London, W.1, A. 4 N.L.

COURT: London? --- W.1 A. 4 N.L. I may just comment that from personal experience I know that at that time that was the offices of the African National Congress in London. (30

PROSECUTOR: I see the last page is coming loose, can I just

/staple...

staple them? --- They have, however, subsequently moved.

And was, to your knowledge, this memorandum actually submitted? --- That is correct. It was available at the congress.

And the next document which we will mark L.3 with your worship's permission. --- L. 3, a document entitled speech of the World Federation of Trade Unions.

COURT: Speech? --- Speech. It is a printed version of an address which was given at the conference. At the second International Trade Union conference against "Apartheid", Geneva, 10 to 11 June 1977. This document was also handed to me by (1) the SACTU delegation who told me that SACTU was a member of the World Federation of Trade Unions which is based in Prague, Scheckoslovakia.

COURT: SACTU was a member of the World? --- World Federation of Trade Unions, usually known as W.F.T.U., which is based in Prague.

Known as W? --- W.F.T.U.

Based at Prague? --- Prague, Scheckoslovakia.

PROSECUTOR: Captain the following month, that would be in July 1977, did you again a...went to London to see Ronnie Cassell^{Combs}? (2)
--- That is correct. My main purpose in travelling to London to see ^{Combs}Cassell at that time was to report back to him about the distribution of the leaflets referred to, I think exhibit L.1.

L.1. --- At the same time we had a further discussion about the increasing amount of information (interrupted)

COURT: Increasing amount? --- Increasing amount relating to labour matters in South Africa which I had been sending him. //

PROSECUTOR: That is information emanating from South Africa?
--- That is correct.

Through your network? --- That is correct, in fulfillment (1) of our instructions from him.

/Court...

down with
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COURT: In fulfillment of what did you say? --- Of the instructions which I had received from him in the past. He told me that he would like to follow a new procedure and that in future I should send all information relating to labour matters direct to a certain Solly Smith who has for many years been an administrative secretary in the A.N.C. offices in London. He is (interrupted)

Administrative? --- Secretary. He is, however, also connected in some way to SACTU though I have no knowledge of the formal link he has. (10)

PROSECUTOR: What was the stated object of this changed procedure? --- The object was to give SACTU quicker and more direct access to the information of a labour nature.

Emanating from your network? --- That is correct.

COURT: Quicker and? --- More direct access. that the

Is information you had submitted? --- That is correct.

Or had to submit, through the network? --- Correct.

PROSECUTOR: And this was an ongoing process? --- This was a continual process, the supplying of intelligence on the topics that we have discussed before. (20)

During that trip to London captain did you meet with other gentlemen except Ronnie Cassell? --- That is correct. Approximately two days after my initial meeting with Cassell (interrupted)

COURT: You mean on that particular trip or you...? --- No, that particular trip, approximately two days later.

PROSECUTOR: Whilst still in London? --- Correct. I once again met Cassell. This time, however, I was accompanied by two individuals visiting London from South Africa. Mr Cassell, when we met with him, walked ahead of us and led us to a meeting-room where Solly Smith was present. (30)

Yes? --- The meeting, the purpose of the meeting, was for

/the...

the two individuals concerned to meet with the A.N.C. and to be briefed by them on matters relating to A.N.C. policy, etcetera.

Were you told anything by Solly Smith pertaining to the request or the instruction by Ronnie Cassell two days ago? --- That is correct. In amongst many other topics discussed, Solly Smith raised the question as to whether we - myself and the other two individuals - were aware that the SACTU publication "Workers Unity..."

COURT: Repeat that. If we were aware that? --- That the SACTU publication "Workers Unity" was seen inside South Africa (10 on a regular basis or not.

PROSECUTOR: Captain can I perhaps restrict you and ask you if Smith told you anything about a...pertaining to the instruction by Ronnie Cassell two days ago? Prior? --- Thereafter Smith stated that he would like us, again the three individuals, to arrange to gather certain information inside South Africa on behalf of SACTU and the A.N.C., which information would relate to certain foreign companies operating in the Republic:

What purpose? --- The purpose of such information would be to assist SACTU and the A.N.C. in their campaign against (20 foreign investment in South Africa. I was to be the person to whom the information would be directed and I would channel it to SACTU and the A.N.C. via Solly Smith.

COURT: You would? --- I would channel this information to SACTU and the A.N.C. via Solly Smith. We were also requested to supply any student publications relating to labour issues in South Africa.

Student publications relating to? --- Labour issues.

Labour issues. Yes?

PROSECUTOR: Were the names mentioned of foreign companies to (30 be covered in such intelligence gathering? --- Sorry, I do not..?

/Stated...

Stated Black working conditions and what foreign companies?

--- Do you wish me to name the companies?

Yes.

COURT: Were there any companies named, that was the question (indistinct). --- The companies were named, yes.

PROSECUTOR: Yes, and they were? --- Ford, Leyland, Olivetti, Fiat, Alpha Romeo. *(not the German Companies)*

Captain did you at any stage meet with a man called Mac Maharaj? --- I have met several times with Mac Maharaj, first name M-a-c , second name M-a-h-a-r-a-j. The first time I met(10 him was on 11 November 1977 in New York where we were both attending at the United Nations.

As a delegation? --- In a way. I was representing the I.U.E.F., he was representing the African National Congress.

COURT: You were representing? --- The I.U.E.F. and Maharaj was representing the A.N.C.

PROSECUTOR: Where? At what? --- It is an annual event held in the United Nations, I believe every the 11th November, the day commemorating so-called South African political prisoners. Maharaj was there as a recently released person who had just (20 completed his sentence on Robben Island.

What position did Maharaj occupy at that stage in the A.N.C.? --- I am not entirely certain of his formal position, however, he told me that he was at that stage involved in the international department of the A.N.C. However (interrupted)

COURT: He was in what, the? --- International department.

Involved? --- He was involved, yes, which is why he was at this international meeting. However, he said that as I would know he was in fact an Umkhonto we Sizwe man.

He was? --- In fact an Umkhonto we Sizwe man, and that (30 he had served a sentence (interrupted)

/Mr Kony...

MR KUNY: Is this (noise in microphone - inaudible)...to be an executive statement too your worship?

PROSECUTOR: No, your worship I will phrase the question thus, were you given any instructions by Mac Maharaj? --- Yes. He questioned me about my duties for the A.N.C. and then told me that I would shortly be hearing from him as the activities which I was co-ordinating were to be incorporated...

COURT: The activities you were operating? --- Co-ordinating on behalf of the A.N.C.

Would shortly? --- Were shortly to be incorporated in a (10 unit which would be headed by himself and which would fall under the discipline of Umkhonto we Sizwe and of the revolutionary council.

PROSECUTOR: That being your network of gathering intelligence in South Africa and distributing propaganda material? --- That was specifically mentioned.

COURT: Gathering?

PROSECUTOR: Gathering intelligence and spreading propaganda material. --- The two sections of the activities which I mentioned before. (20

That was in November 1977, in New York? --- Correct.

The next month were you in London? --- Yes.

When was that? --- I was in London in mid-December 1977 where amongst other things I attended a celebration or a commemoration held by the A.N.C. on the occasion of what they call Heroes Day on the 16th December each year.

COURT: What date in each year? --- 16 December.

PROSECUTOR: Were you there as a spectator or as a representative? --- I was there as an A.N.C. member.

COURT: As an A.N.C.? --- Member. (30

PROSECUTOR: Where was this commemoration occasion held?

/Where...

--- Where?

Yes. --- In a venue, in a hall, in a building called Friends House.

COURT: Repeat that? --- It was in a hall within a building, the name of which was Friends House, in London.

PROSECUTOR: The nature of things, speeches were held? --- That is correct.

COURT: Sorry?

PROSECUTOR: Speeches were held. Captain was there anybody representing SACTU at that occasion? --- That is correct. (10
SACTU was represented by its president, a certain Stephen Dhlamini.

COURT: Stephen? --- Dhlamini.

PROSECUTOR: What was the gist of Dhlamini's speech? --- Dhlamini's speech centred around the role which the worker should play in the A.N. - well the planned A.N.C. led revolution.

COURT: Play in the? --- The planned A.N.C. led revolution.

PROSECUTOR: And did Dhlamini say anything about the leadership of the A.N.C. in this struggle?

COURT: Say anything about? (20

PROSECUTOR: The leadership of the A.N.C. in this struggle. --- Yes, as I have said, he discussed the role of the worker in the A.N.C. led revolution and made it very clear that SACTU as an organisation representing workers deferred to the A.N.C. in the matter of political leadership.

COURT: The matter of political? --- Leadership.

PROSECUTOR: Who was the speaker preceding Mr Dhlamini? --- Just before Mr Dhlamini spoke, there was a speech by a certain Joe Slovo, who was speaking on behalf of the revolutionary council.

What is this revolutionary council? --- The revolutionary (30 council is the body which oversees Umkhonto we Sizwe. It is

/an...

an organ made up of representatives from various organisations.

COURT: Which oversees the body and? --- Oversees the activities of Umkhonto we Sizwe, and is the body which is meant to be co-ordinating the A.N.C. and Communist Party revolutionary assault on South Africa. During his speech Slovo told the meeting that he brought them greetings from the assembled M.K. army in Angola.

PROSECUTOR: That is Umkhonto? --- Umkhonto.

COURT: (Indistinct). --- Army.

Did you say army? --- Army in Angola, and he mentioned the fact that he had recently been to Cuba.

PROSECUTOR: Yes? --- The upshot of what his speech was about was to encourage us to support and to join Umkhonto we Sizwe. His last words were "it is not enough to be prepared to kill - to die for the revolution (interrupted)

COURT: Repeat? --- It is not enough to be prepared to die for the revolution, what I want to know is are you prepared to kill.

PROSECUTOR: During that occasion captain did you receive a publication from Mr Dhlamini? --- Yes, after the speeches had ended, I spoke to Mr Dhlamini and he gave me a SACTU booklet. (20

The booklet will be handed in as EXHIBIT L.4, entitled Economic Crises in South Africa, sub-title The Workers' Burden. --- That is correct.

What was the purpose of him giving you this? --- It was so that I could read for myself SACTU policy, but I was also supposed to distribute it to the other members of my network.

Your worship my next subject will be a rather long one and will bring us closer home, in Botswana. I am not sure to what time your worship would like to sit this afternoon.

COURT: (Indistinct) to adjourn at this stage, we carry on for (3 some time still.

/Mr Kuny...

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MR KUNY: I do not know how long My Learned Friend will be with the next subject, he said it is rather a long one, I do not know whether the last was short. I do not know how far we will get this afternoon, but we are happy to continue for a while at any rate.

COURT: Can you continue for some time Mr Prosecutor?

PROSECUTOR: Your worship it would be a bit inconvenient. I am afraid I might have to leave in the middle of the a...

COURT: Well in that case I think I will grant the adjournment at this stage. I want to suggest Mr Prosecutor that as near (10 as possible we sit the full hours. I know it is neither your fault, nor the defence, nor mine, but somehow or other I am not sitting quite as long as I would like to sit on every day. The matter is postponed until tomorrow. Accused remanded in custody.

CASE POSTPONED TO 19.2.1981.

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(END OF BELT 32).

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