

I N D I C T M E N T .

IN THE SUPREME COURT OF SOUTH AFRICA.

NATAL PROVINCIAL DIVISION.

Bernardus Gerhardus van der Walt, Attorney-General for the Province of Natal, who prosecutes for and on behalf of the State, presents and gives the Court to be informed that

ROBERT HAROLD STRACHAN

hereinafter called the accused, who is resident in the Republic and who, at all relevant times, was an office bearer, officer, member or active supporter of the African National Congress and Umkonto ~~Weizwe~~<sup>Weziswe</sup> and Spear of the Nation, is guilty of the crimes of

1. CONTRAVENING SECTION 11(b) TER READ WITH SECTION 11(i) BIS OF ACT 44 OF 1950 AND READ WITH PROCLAMATION 119 OF 8th APRIL, 1960 AS AMENDED BY SECTION 22 OF ACT 93 OF 1963 AND READ WITH PROCLAMATIONS 93 AND 94 OF 10th MAY, 1963.

*when, where, on how many occasions*

In that during or about the period 1st October, 1961 to 16th December, 1961 and at or near Durban, in the district of Durban, in the Province of Natal, and in the Republic of South Africa, the said accused wrongfully and unlawfully incited, instigated, commanded, aided, advised, encouraged or procured the persons set out in Annexure "A" to undergo training which could be of use in furthering the achievement of any of the objects of communism referred to by section 1(ii)(b) of Act 44 of 1950 and/or of the African National Congress and Umkonto ~~Weizwe~~<sup>Weziswe</sup> or Spear of the Nation, organisations which by Proclamation 119 of 1960 as amended by section 22 of Act 93 of 1963, read with Proclamations 93 and 94 of 10th May, 1963 had been declared unlawful organisations by virtue of the provisions of the Unlawful Organisations Act, 1960 (Act No. 34 of 1960) to wit, the accused wrongfully and unlawfully trained the persons mentioned in Annexure "A",

- (i) in the manufacture, preparation and use of explosives, bombs, incendiary substances, timing devices and arms

and

(ii) in/....

- (ii) in the commission of acts of sabotage  
and
- (iii) in the organisation, recruiting of members for  
and methods of conducting the affairs of a  
subversive and sabotage organisation.

2. CONTRAVENING SECTION 27(1)(c) OF ACT 26 OF 1956.

In that on or about the 15th day of December, 1961 and at or near Durban, in the district of Durban, in the Province of Natal, the accused acting in concert with the persons mentioned in Annexure "A" and in furtherance of a common purpose did wrongfully, unlawfully and wilfully cause an explosion whereby life and/or property, to wit, the office of the Durban Municipal Department of the Bantu Administration in Ordnance Road, Durban, were endangered as envisaged by section 27(1)(c) of Act 26 of 1956.

ALTERNATIVELY :

CONTRAVENING SECTION 18(2)(a) OF ACT 17 OF 1956  
READ WITH SECTION 27(1)(c) OF ACT 26 OF 1956.

In that during or about the period 1st October, 1961 to 16th December, 1961 and at or near Durban, in the district of Durban, in the Province of Natal, the said accused did wrongfully and unlawfully conspire with the persons mentioned in Annexure "A" to wrongfully, unlawfully and wilfully cause an explosion whereby life and/or property, to wit, the offices of the Durban Municipal Department of the Bantu Administration in Ordnance Road, Durban and/or various similar places would have been endangered as envisaged by section 27(1)(c) of Act 26 of 1956.

ALTERNATIVELY :

CONTRAVENING SECTION 18(2)(b) OF ACT 17 OF 1956  
READ WITH SECTION 27(1)(c) OF ACT 26 OF 1956.

In that during or about the period 1st October, 1961 to 16th December, 1961 and at or near Durban, in the district of Durban, in the Province of Natal, the said accused wrongfully

and/....

and unlawfully incited, instigated, ~~com~~anded or procured the persons mentioned in Annexure "A" to cause explosions at Government buildings and installations, Government and Municipal Bantu Administration offices and various other public buildings and installations, whereby life and/or property would have been endangered as envisaged by section 27(1)(c) of Act 26 of 1956.

WHEREFORE, upon due proof and conviction thereof, the said Attorney-General prays the judgment of the Court against the accused, according to law.

(SGD.) B.G. VAN DER WALT.  
ATTORNEY-GENERAL : NATAL.

TO THE WITHINNAMED  
ROBERT HAROLD STRACHAN.

TAKE NOTICE that you will be tried on the Indictment whereof this is a copy at the sitting of the Court for the Natal Provincial Division commencing at Pietermaritzburg on 31st March, 1965.

(SGD.) B.G. VAN DER WALT.  
ATTORNEY-GENERAL : NATAL.

ANNEXURE "A".

CURNICK NDHLOVU.

BILLY NAIR.

RONNIE KASRILS.

ERIC MTSHALI.

BRIAN CHAITOW.

BRUNO MTOLO.

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Collection Number: AD1901

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court  
Records 1958-1978**

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IN THE SUPREME COURT OF SOUTH AFRICA.

NATAL PROVINCIAL DIVISION.

In re :-

THE STATE

versus

ROBERT HAROLD STRACHAN.

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REPLY TO REQUEST FOR FURTHER PARTICULARS.

COUNT 1.

(1) As to where :

(i) At a flat described as Kasrils' flat at Ridge Road, Durban and/or the flat in Ridge Road where Eleanor Anderson was staying

and/or

(ii) At or near a place described as a Reservoir near Kasrils' flat and/or near the flat in Ridge Road where Eleanor Anderson was staying

and/or

(iii) At a flat variously described as Brian's flat or Chaitow's flat in Durban

and/or

(iv) At a place described as the house of Eric Mtshali in Claremont Township, Durban.

(v) At an isolated place in or near the Claremont Township, Durban

and

(vi) At divers other places in Durban.

As to when :

During or about the period 1st October, 1961 to 16th December, 1961.

As to the acts of the accused.

Please refer to paragraph 2(ii) below.

(2) As to where :

(i) The accused trained the persons referred to in Annexure A at the places referred to in the first paragraph hereof.

(ii) As to the manner in which the accused trained the persons.

(a) The accused explained to the persons mentioned in Annexure A inter alia :-

(i) The formation and the purposes of the formation of a "Military Wing of the African National Congress".

(ii) The proposed launching of a sabotage campaign throughout the country on or about 16th December, 1961 by The African National Congress acting as or through Umkonto Weziswa, The Spear of the Nation, The Sabotage, The Sabotage Group or Organisation, The High Command or M.K.

(iii) That they were expected to and that they should, participate in the aforementioned sabotage campaign that was to be launched on about 16th December, 1961.

(iv) The methods of and the necessity for maintaining secrecy

and

(b) The accused taught, lectured, demonstrated to and trained the persons mentioned in Annexure A how to make, prepare and use for sabotage purposes

(a) petrol bombs

(b) dry charges

(c) Molotov cocktails

(d) detonators or initiating devices

and

(e) timing devices.

(c) The accused encouraged the persons mentioned in Annexure A to experiment with and devise methods of making timing devices, bombs and explosives.

(3) (a) The accused and the persons mentioned in Annexure A formed a common purpose to further the achievement of the objects of communism and/or of the African National Congress acting as and through Umkonto Weziswa or Spear of the Nation, The Sabotage, The Sabotage Organisation or Group, The High Command and M.K.

(b) The accused and the persons mentioned in Annexure A became parties to the said common purpose during the period 1st October, 1961 to 16th December, 1961 at the places mentioned in paragraph 1 hereof.



- (c) The manner in which the accused and the persons mentioned in Annexure A became parties to the common purpose is not an essential element of the offence.

COUNT 2.

- (1) The accused acted in concert with the persons referred to in Annexure A.
- (i) As to the time :
- At all relevant times.
- (ii) As to when :
- The reply is the same as that furnished under the heading Count 1.
- (iii) As to the manner :
- By training them in
- (a) the manufacture, preparation and use of explosives, bombs, incendiary substances, timing devices and arms
- and
- (b) the commission of acts of sabotage
- and
- (iv) by inciting, instigating, advising, encouraging or procuring them to cause explosions whereby life and/or property would be endangered at Government buildings and installations and Government and Municipal Bantu Administration Offices in Durban on or about 16th December, 1961
- and
- (v) by making available to them certain chemicals and other materials for use in making "bombs" and explosives.
- (2) Each person and the accused became a party to the common purpose during the period 1st October, 1961 to 16th December, 1961 at Durban, in the district of Durban.

First Alternative to Count 2.

As to where :

The reply is the same as that furnished under the heading Count 1.

As to when :

During or about the period 1st October, 1961 to 16th December, 1961.

As to the manner :

The reply is the same as that furnished under the heading Count 2.

Second Alternative to Count 2.

As to when :

During the period 1st October, 1961 to 16th December, 1961.

As to where :

The reply is the same as that furnished under count 1.

As to the manner:

The reply is the same as that furnished under count 2.

B.G. VAN DER WALT.  
ATTORNEY-GENERAL : NATAL.

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STATE v. STRACHAN

LEGAL SUBMISSIONS

The main evidence against the Accused is that of two accomplices Bruno Mtolo and Chaitow and of a third witness Mdwayi. Apart from this a great deal of evidence was led to suggest a technical link between the Accused and the various explosions in the Republic. In addition evidence was also led to indicate the policy which operated in respect of the programme of violence. It is however respectfully submitted that if the Court is not able to accept the evidence of the two Durban accomplices and is unable to find serious fault with the evidence of the Accused then the Accused is entitled to his acquittal. The evidence of Mdwayi was for the purpose of corroborating Mtolo and Chaitow. In analysing the evidence it will be urged that the evidence of Mdwayi should be rejected in toto.

The defence concedes that under certain circumstances the evidence of an accomplice may be corroborated by the evidence of another accomplice. This principle was settled in the State v. Avon Bottle Store (Proprietary)

Limited and Others 1963 (2) S.A. 389 (A.D.) at page 393. The attention of the Court however is directed to the qualification of this principle in the judgment of Botha J.A. at page 393 where the learned Judge said,

"The independent testimony of an accomplice is competent evidence, and I can see no reason why corroboration of one accomplice by another implicating the Accused cannot, if the latter is reliable reduce the risk of false incrimination."

It will be defence submission that upon an analysis of the evidence neither Mtololo nor Chelton can be found to be satisfactory. In view of the major contradictions in their evidence reliance will also be placed upon the judgment of Burne J. in the case of

The Avon Bottle Store judgment was discussed by the Federal Supreme Court in R v. Tela 1964 (2) S.A. 436 at 441. In Paragraph H after a discussion of the various authorities Clayden C.J. held that where an accomplice is not regarded as reliable then the Court should not accept the evidence of that accomplice for the purposes of corroboration of another accomplice.

The authorities were again discussed by Milne J.P. in S v. Ismail and Others 1965 (1) 452 at pages 455 and 456. The Court is referred to Paragraph B of the observations of the learned

Judge/...

Judge President. It is submitted that the two witnesses Mtolu and Chaitow did not fall with the reservations described by the Learned Judge President. The two accomplices had ample opportunity of comparing their stories before they came to Court. The evidence will show that after the arrest of the Accused in December, 1961 they were in constant contact with each other. Although it cannot be urged that the police deliberately prompted the two witnesses to give false evidence it is nevertheless contended that the police without deliberately intending to do so inspired the two witnesses falsely to implicate the Accused. There is no onus upon the Accused to explain why witnesses should bear false testimony against him. R v. Rosen 1937 (2) Prentice Hall H 227.

The attention of the Court is also directed to Paragraphs D and E of the judgment in Ismail's case at page 456.

Apart from the fact that the Accused are accomplices certain other factors are of great importance in considering their evidence. The Court is referred to the following authorities:

R v. Norman 1956 (3) S.A. 700  
(F.C.) at 703 Paragraphs D - H.

This judgment was approved of in the case of R v. Ngemtweni and Another 1959 (1) S.A. 894 at 898.

The/...

The Court is also referred to the  
Appellate Division judgment in  
R v. Mbonambi 1957 (3) S.A. 232  
at 236

The witnesses in this case undoubtedly made statements to the police because they were expecting clemency. It will be submitted in due course that both witnesses were ready to implicate others while minimising their own participation.

Apart from the evidence of the accomplices and Mdneyi there is as has already been stated a mass of circumstantial evidence. In this regard it is submitted that if the Accused gives a reasonable explanation which might be true in regard to the circumstantial evidence he is entitled to his acquittal if the Court finds itself unable to accept the evidence of Mtolu, Chaitow and Mdneyi. The wellknown principle laid down in R v. Difford 1937 A.D. at page 373 is relied upon as authority for this submission.

The issue as to how far the evidence of the events in Port Elizabeth serves to support a conviction in respect of the Durban explosions is not easy. The defence refers the Court to the following authorities which may help it to reach a conclusion.

Sheik/...

Sheik and Others v. Rex 1950 (2) Prentice Hall H 207 (Appellate Division). The headnote to this case sets out the basis for reliance of the evidence on one count to support the conviction on another. The link between the Port Elizabeth and Durban counts is provided by the evidence of the three witnesses already mentioned and also by technical similarities. If however the direct evidence falls away then the circumstantial evidence in itself is not sufficient to establish the necessary connection. In this regard the Court is also referred to R v. D 1958 (4) S.A. 364 (A.D.) and the judgment of the Transvaal Provincial Division overruled this case reported in 1958 (2) S.A. H 322. The Court is also referred to R v. Roots and Another 1954 (3) S.A. 512 (A.D.) at pages 520 and 521. The principle of "similar facts" evidence is also discussed by the Appellate Division in the State v. Green 1962 (3) S.A. 886 at page 893 and the pages following. At page 894 the learned Judge describes the type of connection between the facts of the crime charged and the facts proved in evidence. While it has to be conceded that there may have been similarities in the explosions in Port Elizabeth, Durban and elsewhere it must not be overlooked that in Durban itself the two accomplices were active participants in the explosions at every material stage. They were members of the violence movement and were the people in Port Elizabeth and the type of explosion in the two Cities may be ascribed to a plot on a national scale and not necessarily to the special knowledge of the Accused.

If/...



If the two accomplices had not given evidence against the Accused it would not have been possible to charge him with the Durban crime. Similarly the Accused could not be charged because explosions took place in Johannesburg, Cape Town and other places on the 16th December, 1961. The real link between Port Elizabeth and Durban is the direct evidence of the two accomplices and the supporting evidence of Mdwayi. As already submitted if the evidence of these three witnesses is not found credible then nexus between the Port Elizabeth and Durban explosions is broken.

Chambers,  
JOHANNESBURG.

12th May, 1965.

THE STATE v. STRACHAN.

SUPPLEMENTARY LEGAL SUBMISSIONS.

A perusal of the technical evidence relating to explosions in Port Elizabeth, Johannesburg and Durban shows that there is no true link between the events in these three Cities. The State seeks to rely on "similar facts" and to a large extent must depend upon the similarity in the means used to attack targets. It appears that in Durban the saboteurs used Thermite as an essential ingredient in their explosives. The evidence of the State witnesses was to the effect that it was the Accused who had instructed them in the use of Thermite, and the explosions to take place were planned on the basis of this instruction. In Johannesburg dynamite was used, and in Port Elizabeth no trace of Thermite could be found in the explosives used.

These material dissimilarities considerably weaken the so-called nexus between Port Elizabeth and Durban. The bombing as effected in Port Elizabeth is inconsistent with the instructions allegedly given by the Accused to the Durban Group.

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*State v. Straker*

EVIDENCE OF CHAITOW:

It will be submitted that this witness was also very evasive on a number of matters. The circumstances under which he made a statement also suggest that he may have gone further than necessary. On some material aspects he was both evasive and vague. He also contradicted Mtolo on many important matters which have already been listed. Chaitow was also a qualified and practising pharmacist and was therefore in a far better position than the accused to instruct on the making and use of bombs.

The qualifications of Chaitow appear from the evidence at pages 19, 20, 21 and 22. In the second portion of the record under cross examination by defence counsel Chaitow was cross examined as to his failure to give the same evidence in Ismael's case as in the present case and the relevant passages are found at page 5. Here Chaitow was unable to explain why he had/...

had not mentioned that the accused came to tell the gathering about a switch from non-violence to violence. It appears from page 6 that he was clearly asked to explain the purpose of the meeting. In Ismael's case as in almost every other political case the question of the resort to violence was all important. At page 7 Chaitow tried to explain matters by suggesting that there was a shift of emphasis. Then he proceeded to tell the Court that he may have received the impression from the police that references to Strachan were not important. It is, however, quite clear that the birth of the violence movement in Durban was the occasion when Strachan addressed the small coterie of saboteurs. This was undoubtedly a momentous occasion in the history of the violence movement, more particularly for a nervous type like Chaitow who was now becoming associated as a professional man with a body of lawbreakers. See also pages 12, 13, 14 and 15. It is even more significant because at page 18 Chaitow told the Court that the accused had lied and misled the group.

It is also very strange that although Chaitow enjoyed the confidences of Kasrils he knew nothing about the Regional Command, the representation of the technical committee on the Regional Command, the High Command, etc. It would appear that the accused did not give this information or alternative that the witness is trying to play down his own part and implicate the accused.

At/...

At page 22 the witness tries to explain that he was more interested in the technical aspects but under cross examination by Mr. Wilson it is quite clear that he was also weak on the technical aspects. At page 27 Chaitow tells the Court that he never bothered to discuss the dangerous position of the conspirators after the arrest of the accused. The accused was arrested immediately after the bombing of the 16th December 1961 at Port Elizabeth. It was known to Chaitow, a very nervous type, that this bombing was part of a nation-wide effort. He himself must have realised that it was inevitable that the Durban police would investigate the matter. There was also the possible danger that Strachan might give him away. It is therefore incredible that he should never have raised this matter with the others.

At page 37 Chaitow says that he joined the movement the day before Strachan arrived. This also seems very improbable particularly as he enjoyed the full confidence of Kasrils. He had also become a Communist in April 1961. Bernstein had come to Durban a month before the accused and had apparently launched the programme of violence.

At page 41 the witness said he may have cut down his evidence because the police had told him that Strachan was not likely to be prosecuted. This, it is however submitted, would have encouraged Chaitow to give even more evidence against the accused. Immediately he was apprehended he proceeded to give a 16-page statement to the police and he can hardly  
be/...

be heard to suggest that he was an unwilling informer.

At page 47 Chaitow tells the Court that he had never heard of Bernstein.

REASONS FOR MAKING A STATEMENT TO THE POLICE:

The evidence relating to this heading is found at pages 23 to 25 in part I and pages 40 to 42 in part II. At page 23 he says that it was clear to him that the police had a very full picture of what had been going on. He made a voluntary statement to avoid being detained under the 90-day detention clause. If he had this fear one can well understand that Chaitow would have done everything possible to make absolutely sure that he was not locked up. He was also promised an indemnity. He was afraid of his own personal welfare and had a great deal to lose by not making a statement.

At page 24, lines 16 and 7, the witness admitted that the police had put a lot of information to him involving his personal part in the offence - matters which he could not deny.

INCONSISTENCIES:

A material part of his inconsistent evidence relates to the technical aspect and is to be dealt with by Mr. Wilson. At page 12 it was put to the witness that he could not have been confused in his mind if his evidence about the visit is true. The learned judge also commented on this aspect of the evidence. See also page 13.

At page 29 there is a reference to untruthful evidence by the witness in another case. The inconsistency carries on at pages 30 and 31. All these passages, it is respectfully submitted, indicate strongly that Chaitow was a very unsatisfactory witness.

At pages 39 and 40 another major inconsistency comes to light. Chaitow expands on his previous evidence as to what he said in other proceedings.

At page 150 is an excerpt from Chaitow's statement to the police where he says "Harold Strachan started the proceedings explaining the difficulty he had in developing his timing device." It is not clear whether this means the actual meeting or the demonstration.

Examples of vagueness appear at pages 28 and 29 of part I and pages 23, 25, 26, 38, 43, 44, 45, 47 and 49 of part II and pages 154, 155 and 158 of the record.

At page 38 Chaitow first admits that the name of Strachan must have been mentioned by the police-page 15- but at line 20 he says that the police did not mention his name. At page 43 he is hopelessly vague about the change of dates. At page 44 his evidence as to how and when he first met the accused is also very shaky. At page 45 he is very weak as to the appointment of the technical committee. At page 48 he is equally uncertain as to whether the accused took part in the selection of targets.



At a later stage the witness was recalled by the Court. At the pages mentioned he is extremely hesitant about all matters on which he was questioned by the judge. Every answer seemed to indicate uncertainty. One of his explanations at page 155 seems to be untruthful. At page 158 the witness is very uncertain as to the preparation of charges.

Chambers,  
JOHANNESBURG.

12th May 1965.

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*State vs Stokor*

EVIDENCE OF MDWAYI:

This witness implicated the accused in a major degree. He gave detailed evidence of what took place in Port Elizabeth and also testified as to admissions by the accused to establish that he took part in the preparations for the Durban bombing. Like Mtolo, this witness has given evidence in a number of political cases. He was never charged. On his own admissions he was a ruthless thug who was prepared to burn people alive and derail trains carrying passengers. He was also an active participant in the murder of a State witness. In his evidence he tried to suggest that it was the accused who had laid down the rule that injured or arrested people must be destroyed. This is undoubtedly an extremely serious matter yet in no proceedings at all did the witness ever mention that this murder rule had been laid down by the accused as part and parcel of the High Command policy.

He/...

He apparently met the accused in the last week of November. (See page 6.)

There can be no doubt that in the light of the evidence given in the present case the accused launched the violence programme which took shape on the 16th December 1961. Even although the witness only became an active member of the Spear of the Nation in January 1962 he had been present at a lecture on the making of bombs and had assisted on the night of the 16th December in the transport of the bombs. It is inexplicable why this evidence was not given in the murder trial. He had to cover a vast amount of territory starting from the very beginnings of the revolutionary movement. His evidence covered 125 pages. He was examined and cross examined at great length. See page 1 of the record relating to the hearing on the 7th April 1965.

When the witness first met the accused there were very important conversations about the violence movement and these should have been mentioned by the witness. The 16th was also a day on which Nationalist Cabinet Ministers must be interrupted by explosions. Clearly this vital piece of evidence should have figured in the murder trial. What is significant is that not only did the witness fail to mention the events but the name of the accused was never given to the Court. At page 3 of the record the witness says that the accused and Mbeki belonged to the High Command with its headquarters in Johannesburg. The witness agreed that all the evidence read out to him was

of/...

of great importance. It was a vital piece of history. It was extremely important in regard to the birth of the Spear of the Nation, etc. See pages 4 and 5.

At page 6 the witness tried to justify the situation by saying that he only had to speak about the time he became a full member. This is nonsense as the High Command was in existence before he became an active member. In any event the witness was already active on the night of the 16th. At page 8 passages were quoted which showed that the question of the policy of violence was important in the murder trial. See also pages 9, 10, 11, 12, 13 and 14. At pages 13 and 14 appear some blatant untruths. See also pages 15, 16, 17, 18 and 19. At page 19 the witness was asked to explain why he did not mention the accused's membership of the High Command. His only reply was "well I might have left him out". This answer was given despite the fact that at page 20 he agreed that the High Command was in control of violence. At pages 20 to 23 is the extraordinary evidence about the killing of injured persons and witnesses. See also pages 26 and 27.

At page 28 the witness says that he first obtained the information about sabotage and violence from the accused. This makes it even more remarkable that he did not mention this fact in the murder case. There is also some evasive evidence at pages 30 and 31 to which reference should be made.

Chambers,  
JOHANNESBURG.

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# Mdwayi

1. His admissions not made for a noble motive - indemnified and never charged - no different from any murderer or robber used as a state witness.
2. Evidence accepted in murder trial because of acceptable corroboration.
3. Knowledge - obtained from P. E. trial.
4. Making of foms on 16 R - knowledge acquired from P. E. trial and Rep Ex.
5. Mdwayi's evidence to be interpreted in context of his living conditions. - an amazing rule of evidence. M. elected to give evidence in English. Evidence to kill given in chief at p 5.

1. I had no contact with Mtolo and X.

Reply Both members of the MK. ok.  
Contact between branches.  
Mdwayi did not make a statement until some time after the conclusion of Accds Trial.

2. Witnesses testify to events 3 1/2 years ago

No witness raised this excuse. X refreshed memory - gave great thought to his statement. I said it was not necessary for him to refresh his memory, Mtolo denied need to look at his statement - very definite that accd. in Durban not more than 5 days before 16TR

p 67 Line 7 Accd. More 5 days  
p 66 " 27 Not quite a week had gone by  
Mtolo put accd. in Durban from 5TR - 10TR jec.

3. Accus In all case Mtolo said Strachan made the jumps  
Consistency not proof - can't corroborate himself.



Mtolo p 2

4. Rees says Mtolo not obliged to incriminate himself in Nduli case. Question of incrimination never arose

See pp 34/35

5. North Coast Train

p 85 Line 13 onwards - Rees defence has no merit

6. Reg. Command not on trial at Rivonia

a) Quite clear that every ramifications of the High Command was part of State Case

Collection Number: AD1901

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court  
Records 1958-1978**

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THE STATE vs. STRACHAN

HEADS OF ARGUMENT

WITNESS: BRUNO MTOLO:

The general submissions to be made about this witness can be summed up as follows:

- (a) He has indicated a constant readiness to testify without the slightest hesitation against anybody whatsoever. He has found no difficulty in betraying his erstwhile comrades, friends and public heroes.
- (b) On all material issues which affected his credibility he was extremely evasive and untruthful. A striking example is his various explanations for becoming a State witness.
- (c) In selling out others he was prepared dishonestly to conceal from the Court his own degree of guilt.
- (d) There/...

- (d) There are many serious major inconsistencies between the evidence of himself and Chaitow.
  - (e) In some instances he was prepared falsely to implicate others.
  - (f) His own evidence at various stages shows discrepancies, not of a ~~minor~~ <sup>major</sup> nature.
  - (g) He is a self-confessed convict, his crimes involving dishonesty.
- 

ANALYSIS OF THE EVIDENCE:

The cross examination of Mtolo opened with a reference to the Nduli case. His evidence at pages 23, 24, 25, 26, 27 and 28 was extremely evasive although the issue was very simple, namely, whether he had given evidence about a bomb during the Nduli case. He was re-examined at page 123 and there, in reply to a question by the learned Judge, agreed that one of the issues in the Rivonia Trial was the extent of the involvement of the Regional Command in the Nduli affair.

It appears from page 28 that although Mtolo was prepared to testify against Nduli he carefully concealed from the police that he had supplied the bomb. He was asked to explain this and said that he was not questioned by the police about the matter. It is respectfully submitted/...

submitted that this explanation should be rejected because in the first place it would be highly unlikely that the police would fail to question him on the essential aspect of the case, namely, the attempt to cause a bomb explosion or in fact causing an actual explosion. Quite apart from this a witness was called who in fact referred to Mtolo's part in the bomb episode. Obviously the police would have questioned Mtolo in the light of the information received from the witness Mlombo to whose evidence reference will be made later herein.

It appears from pages 33 onwards that when giving evidence in the Rivonia trial the witness was prepared to say that the Durban Regional Command had planned the use of the bomb. The clear references to the Regional Command appear at pages 33, 44 and 35. Under cross examination in the Rivonia trial Mtolo had to concede that the Regional Command had not in fact issued such an order. At page 38 is a reference to evidence given by Mlombo in the Nduli trial. Mlombo who gave evidence before Mtolo told the Court that Mtolo was going to bring him a bomb to be put in the induna's room. At pages 41 and 42 the effect of the evidence is summed up by Counsel.

From page 45 onwards the witness gives all kinds of exculpatory explanations for his turning State witness. He attributed very lofty motives to himself such as saving the whole of the African people from the Communists, a/...

a redress of grievances against dishonest leaders, etc. At page 49 Mtolo was referred to his reply to Berrange in the Rivonia trial where he said "not to assist the African Congress alone but all the people in South Africa". It is respectfully submitted that most of these explanations are highly coloured. Mtolo was prepared to give away his own people even although they were the victims of the Communists. This he was doing in order to save them from themselves. He also claimed that he had a deep respect for Mandela and he was betrayed because he was ignorant of what the Communists were doing. He also sold out a Bergville Chief for the same reason. His behaviour was not inconsistent with his alleged motives. Early in 1963 he went into hiding but emerged in order to take part with the Regional Command in further acts of sabotage. The reason he advanced at page 49 was that the High Command had promised to meet his grievances. At page 50 he agreed that this was the only reason for his conduct. In the Rivonia trial however he gave a totally different reason, namely that he was in fear of his life. The references will be found at page 50. This reason which he gave at the Rivonia trial was not one which he could or should easily have forgotten. In regard to Mandela he explained that he had to mention him to the police because he was at the head of affairs, whereas in the Rivonia trial he relied upon Mandela's alleged ignorance. At page 52 he gives the same reason for giving evidence against the Bergville Chiefs.

One of the clearest indications of Mtolo's keen desire to look after himself appears from page 53. He was advised by the police that a statement which amounted to a confession could not be used against him and he therefore refused to sign his statement before a Magistrate. In another case Mtolo said that he did not see the purpose in signing a statement before a Magistrate as he had told the truth. This seems to be a very poor reason. This evidence appears at page 55. Obviously if he had told the full truth Mtolo had nothing to fear at signing before a Magistrate. It is also clear from his evidence that he was frequently questioned by the police and that the police indicated to him that they knew almost everything that had taken place. From the evidence at page 59 it emerges that in what is known as the Khanyile case Mtolo did have to admit the true reasons for giving evidence namely the hope of escape from conviction. See also pages 61 and 62. The evidence of his interrogation by the police also appears at page 62.

Mtolo was questioned at length about the creation of the technical committee. The cross examination covers several pages but at page 80 in reply to a question by the learned judge he was forced to concede that he really did not know who had established the technical committee. It is submitted that all the evidence in this regard was another attempt  
by/...

by Mtolo to implicate Strachan in the Durban offence.

Mtolo was also cross examined about the enterprise known as the bombing of the North Coast train. It is submitted that the evidence at page 84 to 86 shows that in the first instance Mtolo tried to put the blame on to the Regional Command. Under cross examination he was compelled to admit that this was an effort by individuals which, however, later carried the approval of the Regional Command. The North Coast bombing was referred to again in re-examination at pages 129 and 130. There appears the explanation of Mtolo as to why he had mentioned the Regional Command.

One would have expected that when Strachan was arrested in Port Elizabeth for the very same type of offence which had been committed in Durban, that there would have been some alarm on the part of Mtolo but at page 89, line 25, he denied any fear. At page 90, however, he admitted that he frequently discussed the matter with Chaitow and mentioned that they could be shot by the police or arrested. Chaitow denied such conversations.

INCONSISTENCIES BETWEEN MTOLO AND CHAITOW:

The following passages indicate serious major inconsistencies between Mtolo and Chaitow:



(a) Page 6:

According to Mtolo at line 26 the accused at his first meeting taught those present how to make a Molotov cocktail. This evidence was denied by Chaitow who stated that he had heard of Molotov bombs from Kasrils.

(b) Page 7, line 5:

According to Mtolo the accused told the meeting to look for hidden weapons and break into premises in order to steal them. If dynamite was seen it was to be removed. This evidence was denied by Chaitow.

(c) Page 7, line 20:

Mtolo says that Chaitow gave the accused information about picric acid. Chaitow's evidence was, however, to the effect that it was the accused who just prior to his departure for Port Elizabeth introduced the topic of picric acid. At pages 8 and 9 Mtolo says that there were two separate meetings involving lectures and demonstrations. The demonstration at the reservoir took place after the second meeting. Chaitow, however, stated there was only one meeting. It should not be overlooked that there were three meetings in all (see page 10, lines 11 to 12).

*line 16 p 7  
p 9 line 9*

(d) According/...

(d) According to Mtolo, Chaitow

at the third meeting said that his wife was pregnant and they should not delay very long. On the suggestion of Mtshali the party, excluding Chaitow adjourned to Mtshali's home. Chaitow himself in dealing with this question at page 155 merely said that he did not go along with the others because his wife did not want to be left alone although she was living in a built-up area. Molo's evidence is found at page 10.

(e) Page 83:

Mtolo makes it quite clear that Chaitow was fully aware of the use of military ranks in the Regional Command. He also said that Chaitow would have known that he was the representative of the technical committee of the Regional Command. Chaitow of course denied all this evidence.

(f) Pages 91, 92 and 93:

There are further differences relating to what actually took place by the way of demonstration and preparation. At page 92 there is a more detailed reference as to the use of picric acid. It is respectfully submitted that the differences at these pages are vital to the State case. At page 94 one of the major inconsistencies is dealt with at greater length namely the manufacture of Molotov cocktails.

(g) Page/...

(g) Page 95:

Mtolo gives a very evasive explanation for his vagueness about certain aspects relating to the meetings. This will be dealt with at a later stage.

(h) Page 97:

A further contradiction emerges. According to a passage of evidence cited Chaitow said that the charge for the explosion of the 15th was prepared at his flat by himself, Mtolo and others and that the fuses were also made by himself. Mtolo denies that the charges were made by Chaitow. Mtolo also denies the evidence of Chaitow that the thermite bomb was made at his place on the night of the 14th December 1961.

(i) Page 101: - Contains more details references to the use of designations such as captain, comrade, etc. It appears from page 102 that all the facts which Chaitow said he was unaware of should in fact have been known to him.

(j) According to Mtolo the accused quoted Cuba and China as examples of the revolutionary front. Chaitow denied knowledge of this.

(k)/...

(k) Page 103:

There is a further difference disclosed, namely the question as to what should be done if the police interfered or if a person was wounded. Here the real conflict is between Mtolo and Mđwayi.

(l) Page 104:

Further discrepancies between Mtolo and Chaitow appear. It seems most improbable that Chaitow is telling the truth when he says he was unaware of the existence of the Regional Command and the High Command or that Mtolo represented the technical committee on the Regional Command. It emerges from the evidence of Mtolo that Chaitow was a keen revolutionary.

(m) According to Mtolo, Chaitow never raised any difficulties about supplying the sabotage material. Chaitow himself, however, said that he continually wanted to put an end to the matter, probably trying to minimise his part.

(n) Mtolo, at page 107, also says that he does not remember discussing with Chaitow that it was dangerous for Chaitow to keep these chemicals at his place of business.

(o) Page 108:

There was a further reference to the manufacture of Molotov cocktails and the discrepancy between the two witnesses. At page 108 Mtolo now becomes doubtful whether/...

whether it was the first or second meeting addressed by Strachan at which Molotov cocktails were discussed.

(p) Page 109:

There is another major difference between the two witnesses as to why the bombing took place on the night of the 15th instead of the night of the 16th.

(q) Page 110:

It emerges that Mtolo in his evidence in chief stated that Molotov cocktails were mentioned at the first meeting.

(r) Pages 135, 136 and 137:

There are further discrepancies as to what exactly took place at Chaitow's flat on various occasions.

(s) Chaitow's evidence relating to these inconsistencies will be found at the following pages. In part I of his evidence at pages 3, 4, 5, 6, 7, 8, 9, 23, 26, 28, 29 and 30. In part II of his evidence at pages 2, 5, 7, 11, 12, 19, 20, 21, 22, 25, 26, 27, 28, 31, 35, 36, 37, 43, 45, 47 and 51.

EVASIVENESS OF THE WITNESS MTOLO:

Instances of Mtolo's evasiveness are to be found at the following pages.

Page 20:

Re the difference between a state witness and a defence witness. This evidence is to be compared with what was said at pages 27 and 28.

Page 23:

Mtolo refuses to give a simple answer to a simple question as to whether there was mention of a bomb in Nduli's case. This evasiveness continues over several pages. The Court is also referred to the comment of the learned judge at page 32.

Page 44:

Here again the witness tries to pretend ignorance as to whether he was a state or a defence witness. Although himself a convicted criminal who had already given evidence in several cases Mtolo still tries to let the Court believe that he was not sure whether he was a State witness or a defence witness.

Pages 57 and 58:

In the Rivonia case Mtolo put up the excuse of mental fatigue owing to his detention in terms of the 90-days law. He does not rely on that in the present case.

Page 59:

Mtolo told the Court that although people had betrayed him he bore them no ill-will.

Page 95:

There is considerable hedging by the witness as to what happened at the respective first and second meetings.

Page 100:

There is another instance of his evasiveness in regard to essential dates. See also page 101.

Page 106:

The learned judge had to rebuke the witness for his evasive replies.

Page 121:

Here too, the witness would not come to the point in regard to the use of thermite.

DISCREPANCIES IN MTOLO'S OWN EVIDENCE:

In his own evidence Mtollo faces a number of difficulties, when trying to satisfy the Court that Strachan had appointed the technical committee.

Page 7, line 16:

The accused asked Chaitow and Mtollo why they had been elected to the technical committee. This is inconsistent with the suggestion that the accused appointed the technical committee.

Page 11:

Here Mtollo suggests that the targets for the 16th were discussed with the accused and agreement was reached as to which buildings were to be bombed. This appears to be inconsistent with his later evidence at page 112. From page 64 onwards Mtollo gives very unsatisfactory evidence as to the exact date of the meetings addressed by the accused.

Page 69:

Mtolo introduces for the first time evidence about means to avoid leaving finger prints.

Page 70:

The witness begins to vary his evidence as to what took place at the various meetings.

Page 72:

The witness becomes even more uncertain as to how the technical committee was appointed. See also pages 73, 74 and 75. Mtolo tried to persuade the Court that the Regional Command had not yet gone into action at the time the accused arrived in Durban. But at page 76 he describes how the organization was set up by Strachan. The inconsistencies carry on at page 78.

Page 80:

After very lengthy cross examination and all kinds of inferential answers the witness admits that he does not know who established the Regional Command.

Pages 81 and 82:

He seems to depart from this evidence and at page 94 he, however, again says that the technical committee was appointed when the accused arrived. This is obviously false as according to his previous evidence he was put on the technical committee by Billy Nair.



Page 108:

Mtolo is unable to say whether Molotov cocktails were mentioned at the first or the second meeting - a very obvious departure from his evidence in chief.

Page 120:

Mtolo says that the bombs were prepared with the help of Strachan four or five days before the actual bombing took place. This is a radical departure from his evidence in chief that Strachan had come to Durban at the end of November or the beginning of December.

PREVIOUS CONVICTIONS:

Mtolo's previous convictions are found at pages 62 and 63.

*p 20 Whether State or by witness  
p 54 Questioning by police  
p 69 - Cutex*

*Summary Agreement*

Chambers,  
JOHANNESBURG.

12th May 1965.

Collection Number: AD1901

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court  
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MTOLO

*Sub-*

*Strachan*

SUMMARY OF THE EVIDENCE OF BRUNO MTOLO

Page 2:

The Regional Command issued instructions for the commission of acts of sabotage. The Durban Regional Command in turn received its instructions from the National High Command on the Rand.

Page 3:

Mtolo joined the A.N.C. in 1957 and the Communist Party in 1961.

Page 15:

Towards the end of 1961 the A.N.C. changed from a policy of non-violence to one of violence as directed by the new sabotage organisation under the orders of the Regional Command. The orders of sabotage to be committed on the 16th December, 1961 were brought by Bernstein and by the present accused. The Regional Command of Natal accepted this instruction and sabotage was actually commenced on the 15th December.

Page 16:

Mtolo was the assistant to Brian Chaitow a chemist and described as a technical officer. The captain was Curnick Ndhlovu. Eric Mshali was known as the sergeant. Ronnie Kasrils was the lieutenant. Chaitow was actually not a member of the Regional Command. According to Strachan a separate technical committee had to be arranged and this committee would have one representative on the Regional Command.

*Put to Chaitow  
5*

Page 17:

The Technical Committee was composed of Chaitow and Mtolo. Bernstein, the first European to visit Durban, established the Committee and Strachan came and taught them to manufacture bombs, petrol bombs, dry charges, Molotov cocktails etc.

Page 19:

Billy Nair, Mtolo, Ndhlovu, Mchali belonged to the same cell of the Communist Party and were members of the Regional Command of the Regional Section. Mtolo did not know whether Kasrils and Chaitow were actually members of the Communist Party but they agreed with everything.

Page 20:

The instructions were that the military section must fight the government by destroying government property and the property of those in agreement with the government such as municipalities. Particular attention was to be given to the Bantu Administration Section of those municipalities where passes are issued.

Page 23:

Strachan said that something had already been tried out in Port Elizabeth. There had been an experiment with what was known as a dry charge and also with a petrol bomb. Strachan advised that the saboteurs must be very careful not to fall into the hands of the police. If they had any feeling that they were under suspicion they were to report to the Command immediately.

Page 24:

Between July and August, of 1962 Nelson Mandela came and

told/...

told them that the name of the new organisation was to be Umkonto We Sizwe. (Attention is drawn to the details given in the Indictment which all refer to 1961). Strachan gave the Technical Committee all the training. He told them what they were to attack and how they were to attack. Mtolo himself had personal knowledge of electrical work.

Page 25:

Strachan made Mtolo prove himself and his knowledge by the construction of some electrical apparatus which could issue a spark at a particular time i.e. a timing device. Mtolo improved on Strachan's suggestions and devised something of his own. He received R4.00 from Billy Nair for funds.

Page 26:

The very day after the first meeting Mtolo showed Harold Strachan the device which he had made but Strachan explained to him that this device was not suitable because it would not destroy itself when exploded and was also too expensive. Chaitow was instructed to select chemicals with which to manufacture bombs and he did so.

Page 27:

Strachan instructed Mtolo in the manufacture of certain types of bombs and at page 27 these are described in detail by Mtolo;

Page 29:

Strachan also gave Mtolo certain instructions about plastic tubes used in explosives where glycerine and sand were also

used. Later Mtolo demonstrated this to Commander Spiller of the South African Defence Force and to a Railway official from Durban.

Page 30:

Mtolo demonstrated the manufacture of the petrol bomb as he had been taught by Strachan. There were two exhibits before the Court and Mtolo said that the manufacture of one was taught by Hodgson and the other by Strachan.

Page 31:

Strachan made a sample of this and this was tested on a water tower in Ridge Road close to Kasrils's flat. Strachan put the glycerine in the explosive. The following were present:-

Kasrils, Nair, Ndhlovu, Chaitow and Mchali.

After 13 minutes the bomb exploded.

Page 32:

Mtolo described in detail the manufacture of the Moletov cocktail. He also said that he received lectures on detonators the only instructor being Strachan. The instructions and lectures were given in Kasrils's flat but on the third day they went to Chaitow's flat. The real bombs were made at Mchali's place.

Page 33:

A dry charge was prepared and exploded.

Page 34:

Four dry charge bombs were made and one of these was to be placed in the Bantu Administration Office at 132 Ordinance

Road. (See Count 2). The next two bombs were to be placed in the Bantu Commissioner's Office in Stanger Street and the fourth and last bomb in the offices of the Coloured Affairs Department, Masonic Grove.

Page 36:

The detonators for the three charges were prepared by Chaitow and Mtolo. Strachan had explained to them how to prepare them and how to use the chemicals. The detonators were kept in Mtolo's room.

Page 37:

Strachan told them that the 16th December, 1961 had been selected by the National High Command and explosions would start right throughout the country. Strachan did not remain with them in order to help explode the bombs as he was in a hurry to get away to Port Elizabeth to show them there how to do it. He left by plane.

Page 39:

After the bombs had been manufactured and all targets examined it was decided to start on the night of the 15th.

Page 40:

Harold Strachan had explained to them to wear gloves to avoid fingerprints or as an alternative socks. Strachan showed them how to apply Cutex to their hands to clean the bombs and fix the detonators. They were then wrapped neatly in Christmas wrappings. (The way the evidence reads all this was done on the evening of the 15th when Strachan had already left by plane.

Page 43:

The use of bags of sand was on the instruction of Strachan.

Page 44:

One of the duties of the saboteurs was to steal dynamite. Strachan had instructed them to do this and to look out for places where the government hid its weapons. Where **in** such places wire was found a report had to be made to the Regional Command. The date of the theft of the dynamite is not clear on the Record.

Page 45:

Towards the end of January, 1962 Chaitow was leaving the Executive Committee and Mtolo took his place.

Page 46:

Strachan had told Mtolo that dynamite could be found where there were two red boxes enclosed with wire fencing.

Page 74:

Mtolo says he taught the sergeants who were in charge of various groups and used the methods he had learned from Hodgson. He considered the Strachan method dangerous.

Page 87:

There was a special meeting of the Regional Command when it was learned that Mandela had been convicted but not yet sentenced. It was decided to show the government that they were protesting and further acts of sabotage were to be committed.



Mandela was sentenced on Friday and on the Sunday night following the acts of sabotage were committed. Many places were attacked including the office of the Special Branch in Durban, the office of the Coloured Sergeant at Masonic Grove and the Municipal Offices at Kwamashu. A petrol bomb was put inside a train that was going on the north coast route. (This was probably in 1963 and Berrange's cross-examination on this point must be referred to at page ).

Page 90:

It was decided to use petrol bombs except at Hammansdale where the signal wire was to be cut. The petrol bomb was also to be put on the train.

Page 98:

The use of gloves to avoid leaving fingerprints was based throughout on Strachan's instructions.

Page 100:

Mtolo thought that these bombings took place between October and November, 1962.

Page 179:

Mtolo had to teach people how to make weapons that could, for example, blow up bridges and when he did train people Mtolo used the methods taught to him by Hodgson and Strachan.

Page 180:

*Cv 84*  
Mtolo explains why his heart was no longer with the Spear of the Nation. e.g. He was never given money as promised, was taken out of fixed employment, no interest was taken

in the recruits for their security, the leaders lived in luxury etc. (See Berrange's cross-examination at page ).

Page 199:

CV 24  
Mtolo explains why he became disillusioned with the Regional Command from the beginning of 1963 right through the whole year. Thus twenty-four hours after his arrest he had decided to tell the police all he knew. The reasons for this were that he was not getting the money which he had been promised, the high-ups did not care for the security of the recruits, Mandela and Sisulu were very well off and the leaders had left the country. (This is under cross-examination by Berrange).

Page 201:

CV 24  
Mtolo says he agreed with what the Spear was doing when it was doing it for the A.N.C. but became disillusioned when the Spear was doing it for the Communists and also because of the manner in which they were deceiving the people. Most of the members of the A.N.C. did not know that the leaders were Communists. Mtolo himself was a member of the Communist Party and agreed with what the Communist Party was doing. Namely the very things to which he objected in Court. He went along with them wholeheartedly.

Page 202:

CV 24  
From the beginning of 1963 it became clear that the Spear was acting for the Communists and not for the A.N.C.

Page 203:

CV 24  
Mtolo agreed with what was laid down in the Freedom Charter and also conceded that most of it was in line with Communist

Policy.

Pages 204/5:

The A.N.C. had all kinds of political affiliations and it did not matter to what party these belonged. The Communist Party supported the A.N.C. in its demand and worked hard to see that they were implemented.

Page 210:

The Communists were actually deceiving the A.N.C. instead of helping them and this was one of the reasons why Mtolo was prepared to tell the police everything. He still believed in the A.N.C. and its aims and objects but without the Communists. Asked if he was prepared to betray those members of the A.N.C. because of this Mtolo replied that he had never harmed the members of the A.N.C. and he had done them a favour.

Page 211:

Mtolo was asked about the betrayal of those members of the A.N.C. who were not Communists. His answer was that the A.N.C. members were prepared to go to jail for their cause but should not go to jail because they were deceived.

Page 212:

It was pointed out to Mtolo that he had given reasons for making the statement to the police which had not been given at any earlier stage. His reply was that he had not been questioned about the A.N.C. when giving evidence in chief.

Page 217:

Mtolo stated that he continued to belong to the Communist Party although he did not believe in it because he was

involved/...

involved in so many cases that he could not back out. Had he backed out he would have been killed and many of the people with whom he had become friendly.

Page 218:

Mtolo maintained that he had given a statement to the police not only to assist the A.N.C. but to assist all the people in South Africa. He also stressed that he had a deep respect for other people's property and that is that he did not agree with the Freedom Charter that proposed taking property away from + people.

Page 220:

924  
U  
Mtolo admits that he was involved in a number of cases one of which was attempted murder, the accused being Nduli. He told the Court that it was not a political case but under later cross-examination at page he admitted that this attempted murder was in fact political. At page 220 Mtolo specifically said that this attempted murder was a personal crime, a personal grudge unconnected with the organisation. He admitted further that he had made a bomb which was used. He further admitted that he was a State witness but concealed from the police that he in fact had made this bomb.

Page 221:

Mtolo admits his previous convictions the sentences for which total 6 years. The offences committed were theft from a railway truck.

Page 222:/...

Page 222:

Mtolo says that he was convicted about three times for theft and that this taught him to respect property. Earlier Mtolo had given as a reason for his departure from the Communist Party that he objected to their taking property and giving it to workers and not to all the people. He also admitted that despite his respect for property he was blowing up other people's property.

Page 223:

Mtolo stated that he agreed with the blowing up of installations in houses by the Spear of the Nation provided the people of South Africa were in opposition against the government but not when other states were called in.

Page 227:

Mtolo maintains that he made a statement to the police in order to ensure the safety of all the people of South Africa including the members of the A.N.C.

Page 235:

Mtolo admits that despite his respect for Mandela he betrayed him because he did not think that Mandela knew that the people would turn as they had done.

Page 257:

There is a dispute as to the dates upon which acts of sabotage were committed. Mtolo apparently maintained that the acts of sabotage were in protest against Mandela's conviction.

It was put to him that the acts of sabotage were committed on the 14th of October before Mandela was brought to trial. According to the cross-examination Mandela was convicted and sentenced on the same day, the 7th of November.

Page 262:

Mtolo says that he cannot remember that Strachan had told them to go into the open and the bushes to fight guerilla wars which would later turn into a wholesale war.

Page 263:

*Cret* Mtolo explains his various mistakes by saying that he was tired and confused because he had been on 90 days. He stated that he could not sort out matters.

Page 264:

Mtolo says that the various points put to him were included in an address by Strachan, e.g. one had to learn from the ways of the Communists in China, the fighting in Cuba, guerilla warfare etc.

Page 265:

Mtolo says that Strachan raised all these points at a particular meeting prior to the 15th of December, 1961.

*1/98  
C* Berrange points out that a number of matters which were not testified in chief were said in the cross-examination, e.g. Strachan told the Regional Command that he had been sent by the High Command which had been formed in Johannesburg, that the High Command was in charge of sabotage, that Strachan gave Mtolo a plan of the sabotage groups, that there were to be four in a group etc.

Page 266:

The same type of cross-examination continues.

Page 267:

The Judge does not agree with Berrange. Berrange points out that a number of things were said before Strachan came to Durban and that Mtolo may be mixing up the two meetings.

*Cr 84*  
Berrange points out that at the first meeting of the Regional Command Strachan was not there.

Page 268:

*Cr 84*  
Mtolo now says that he cannot dispute the fact that various matters were mentioned at the first meeting at which Strachan was not present but he says that Strachan repeated these matters when he arrived. Berrange points out further matters which suggest that Mtolo may be confused as to what was said at a particular meeting.

Page 269:

*Cr 84*  
There was only one meeting where Strachan addressed the Regional Command. Other meetings were those when Strachan was demonstrating or when Mtolo was demonstrating.

Page 294:

Mtolo says that the bombing of the Nataller was contrary to instructions.

Page 298:

*Cr 84*  
The African Congress was divided into two categories, the bad members, the Communists and the good members whom Mtolo was trying to save. When asked about the Native Chief at

Bergville Mtolo said that as the Chief could be easily bluffed it was in the interest of the A.N.C. that he should be betrayed.

Page 302:

Mtolo admits that he was very anxious that the police should believe him. He wanted to do the A.N.C. a favour and also possibly help himself along.

Page 303:

Mtolo says that he did not know he was to get any benefit. He had to make his statement complete and therefore had to involve all the people concerned. He did however admit that to a certain extent he was helping himself.

Page 304:

Mtolo says his state of mind was that he could tell the police everything and they could then cut his throat. Later however he admits that after sometime he was told that if he was prepared to go to Court and tell the Court what he had told the police he might be released. He admits that he knew that people were given indemnities for giving evidence against others but says that he did not know that it extended so far to a case where you had yourself instructed people to do things. Arising out of this he admitted that he had to be very co-operative with the police because he had done damage.

Page 330:

The Regional Command had not instructed that the train on the north coast should be attacked. It is pointed out to him

however/...



however that when giving certain other evidence he did mention that they were to put a petrol bomb on the train. He admitted giving this evidence.

Page 331:

Mtolo explains the contradiction by saying that although the Regional Command did not order the train job it approved of it after receiving a report. He is however forced to admit that it was a mistake to say that it was on the instruction of the Regional Command. Berrange points out that but for the cross-examination the Court would have accepted that the bombing of the north coast train was authorised by the Regional Command. Mtolo admits this.

Pages 333/334:

Further cross-examination about the bombing of the train Mtolo says that he did not hold anything back, he had forgotten his evidence. He appears to have remembered when giving evidence in Durban.

Page 336:

Mtolo gives very unsatisfactory evidence as to the bombing of the Induna's room. He tells the Court that there were two bombings, one in the Induna's room and one in the room of a friend. He says that this was not on the instruction of the Regional Command.

Page 337:

Mtolo says that the bomb was not placed in the Induna's room but in his friend's place. In the Rivonia Trial,

however/...

however, he stated that the bomb had to be placed in the Induna's room. Mtolo says that he coupled this with the friend's house. Mtolo was unable to explain why they should frighten the Induna by putting a bomb in his friend's room.

Page 338:

Has the same evidence.

Page 339:

However, it was pointed out that the attempted murder charge related to the bomb put into the Induna's room. In the Rivonia case Mtolo clearly said that the bombing of Induna's room was not political.

Page 340:

Berrange points out that in chief Mtolo had stated that the placing of the bomb in the Induna's room was an act of sabotage with the full approval of the Regional Organisation. Under cross-examination he stated that the matter was entirely non-political. Berrange points out that at no time did Mtolo mention that a bomb should be place in the friend's room.

Page 341:

Mtolo admits that he never gave evidence about placing the bomb in the room of the Induna's friend. Berrange points out that when cross-examined about the type of evidence he had given etc. Mtolo had said that the placing of the bomb in the Induna's room was a mistake. When he went to Maritzburg to give evidence Mtolo told the story that the authorised act was one in which the bomb was placed in the friends room.

Page 342:/...

Page 342:

It appears very doubtful whether Mtolo ever told the police that there were two bombings.

Page 343:

Mtolo appears to admit that he had not told the police that the bombing of the Induna's room was a mistake. It is pointed out that Dr. Yutar led the evidence from the police statements. At the preparatory examination in the attempted murder case nothing was said by Mtolo of his having handed the bomb to anybody.

Page 344:

Mtolo says that he concealed from the police and the Court the fact that he had acquired the bomb and given it to Nduli because he was not questioned about it.

Page 345:

Berrange points out that evidence had been given by another witness Mlambo that Mtolo was going to bring a bomb to be put in the Induna's room. Mlambo gave evidence before Mtolo and it would be inconceivable that the police had not questioned Mtolo on this aspect.

Page 346:

The Court is referred to page 1773 and 1971 of the Maritzburg Record in regard to the attack on a signal box. In the Rivonia case in his evidence in chief he said he was not present at the meeting in which it was decided to attack the signal box but was over at Table Mountain or Johannesburg.

At 1971 of the Pietermaritzburg Record, however, he stated "I did not prepare the fuse but I was present when the decision was taken".

Page 347:

Mtolo tries to explain that he was confused about the locality of the signal box.

Page 350:

The same cross-examination was found at page 349 and 350.

Page 351:

C 24 | Mtolo says that the Regional Command decided that he should blow three pipe bombs to be placed in the homes of members of the Advisory Board. But at page 352 it is pointed out that in the Pietermaritzburg case when asked whether the acts of sabotage committed at Kwamashu were unauthorised the witness said he did not remember.

Page 354:

Mtolo at the Pietermaritzburg Trial was unable to say whether the attack on the passenger train was criticised by the High Command in Johannesburg. He stated that the matter was not mentioned when he was in Johannesburg. The matter, according to the evidence, was taken up with the Regional Command, then with the High Command and both of them criticised the attack on the passenger train. He mentioned this for the first time in Maritzburg.

Page 357:

It would appear that Mtolo made his statement to the police because he was under the impression that because the police knew a great deal about matters he would tell the truth. Originally he refused to answer. During the night however he came to the conclusion that people who had been arrested must have made statements.

Page 358:

C. G.  
According to his evidence at Pietermaritzburg he said that he had started the statement between two or three weeks after his arrest and the statement took a long time. He was asked why it took such a long time and he replied that at the commencement the police were not satisfied with what he said. It is extremely important to know that although he was prepared to make a statement to the police he was not prepared to make the same statement before a Magistrate. He knew that a statement to the police which amounted to a confession could not be used against him at the criminal trial. He admitted that the police had told him this.

Page 359:

B. G. ||  
It is abundantly clear that Mtolo was fully aware of the legal implications of a statement made to the police but not sworn to before a Magistrate.

GENERAL POINTS

Mtolo was arrested on the 3rd August, 1963 and was still in custody at the conclusion of his cross-examination on the 28th February, 1964.

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*Neare return.  
f.*

*Duba*

NOTES FOR CROSS-EXAMINATION OF  
BRUNO MTOLO

---

*Strachan*

1. Mtolo gave evidence in a matter in which Joseph Nduli was charged with attempted murder. Mtolo was used as a State witness but did not disclose to the police that he had prepared the bomb and handed it to Joseph Nduli. The submissions to be made in the course of cross-examination are that Mtolo was prepared to betray his own friend and at the same time minimise, as far as possible, his own share in the commission of the crime.

REFERENCES:

(a) At p. 108 of the Rivonia Record Mtolo testified that the Induna was to be frightened because he was in disagreement with the Workers' Union of the hospital. According to Mtolo it was Nduli who frightened the Induna with a pipe bomb. He went on to testify that the expedition was successful and a report to this effect was made to the Regional Command. At p. 109 Mtolo stated that the bomb had been placed in the Induna's room. Further at p. 109 he told the Court that at the same time, when it was decided to place the bomb at the Induna's place, it was also decided to do something at the offices of the Nationalist Party. Both attacks were to be made on the same night.

It is clear from the evidence at pp. 108 and

109 that Mtolo testified that the bombing of the Induna's room was ordered by the Regional Command and was done for a political motive.

- (b) P. 220. At p. 220 Mtolo says that the bombing of the Induna's room had no connection with the organisation and that it was a personal crime arising from a personal grudge. He admits that he gave evidence for the State, but did not tell the police that he had made the bomb. He hid it from them.
- (c) p. 334. Mtolo was confronted with his evidence at p. 108 and now says that there were actually two bombings, the first bomb was to be placed in the home of the Induna's friend in order to frighten the Induna. At p. 336 Mtolo says that the placing of the bomb in the Induna's room was not an instruction of the Regional Command. At p. 337 when he is cornered the witness says that he coupled the Induna's room with the room of his friend. The witness was also unable to explain at p. 337 why a bomb should be placed in a friend's room when the purpose was to frighten the Induna himself.
- (d) PP. 339 and 340. Berrange puts it to the witness that in chief his evidence was to the effect that the bombing of the Induna's room was political.

/Then ...



Then at p. 220, according to Berrange, Molo had stated that he had never given evidence in political cases. Because of this answer, he was forced to change his evidence under cross-examination and say that the attack on the Induna's room was not part of the instruction given by the Regional Command. At p. 341 Berrange points out that the witness had at no time stated that it had been decided by the Regional Command that the Induna's friend had to be frightened by a bomb? Further at p. 341 Berrange puts it to Mtolo that when he went to give evidence in P.M. he had to adhere to the story of the bombing of the friend's room.

- (e) P. 342. Berrange points out that Yutar led Mtolo in evidence from a statement to the police. No evidence was led by Dr. Yutar about the bomb in the friend's room.
- (f) P. 343. The witness admits that he neither told the police nor the Magistrate at P.E. that he had handed the bomb to Nduli.
- (g) p. 344. The witness says he did not tell the police about the handing of the bomb to Nduli, because he was not questioned by the police, but at p. 345 it is pointed out that Patrick Mlambo gave evidence before him in which he said that

/Mtolo .....

Mtolo was going to bring him a bomb because he had been hurt by a policeman and he was going to put it in the Induna's room. Because of this it is self-evident that the police would have questioned Mtolo.

Further evidence about the bombing of the Induna's room is found in the P.M. Record at p. 1866 and the pages following. At p. 1866 Mtolo admits that he manufactured the bomb. He says that he did not know that he was a State witness. It seems strange that a man who had previous convictions and who had given evidence in the Rivonia Trial would not know that he was a State witness. At p. 1868 Mtolo says that he had no idea that the second bomb was to be used on the Induna. He had been told that the first bomb had failed to go off and had to be replaced. At p. 1870 Gurwitz reads certain evidence given by Mtolo in which he said that the one bomb was to be used on the Induna's friend and the next one was to be used on the Induna personally. Further references are found at p. 1900 and the pages following in the P.M. Record. Mtolo adheres to the story that the attack on the Induna was a personal matter.

2. Mtolo in the Rivonia case gave all kinds of reasons for his betrayal of his associates in the Communist Party,

/the .....

the A.N.C. and other bodies. The references will be found at pp. 8 - 10 of the Summary of his evidence. The pages in the Rivonia record are:

P. 199. Here Mtolo explains that he decided within 24 hours of his arrest to tell the police all he knew. This was because he had a number of grievances.

At p. 201 he says that he agreed with what the M.K. was doing while it was doing it for the A.N.C. He became disillusioned while it was being done for the Communists because this was deceiving the people. It was pointed out that Mtolo, himself, was a member of the Communist Party and agreed with what the Communist Party was doing. Although he was dissatisfied at the beginning of 1963, he nevertheless went into hiding and thereafter emerged and took further part in acts of sabotage.

At pp. 204 and 205. The witness admitted that the A.N.C. could have any political affiliations it wanted. The Communist Party supported the A.N.C. in its policy.

At p. 210. Mtolo told the Court that the Communists were deceiving the A.N.C. and that is why he was prepared to tell the police everything. He believed in the A.N.C., but without the Communists.

At p. 211 Mtolo said that he was quite prepared to betray members of the A.N.C. who were not Communists because, in any event, they like himself were prepared to

/go .....

*But see p 15  
Khanyile  
p 29 - 30 - 33*

*cp p23 Khanyile*

go to gaol for their cause. Despite this Mtolo was not prepared to make a confession to the Magistrate.

P. 212. Berrange points out that under cross-examination Mtolo had added reasons for making the statement to the police, reasons which had not been given earlier.

p. 217. Mtolo stated that he continued to belong to the Communist Party although he did not believe in it, because he was involved in so many causes, he could not back out. He might have been killed.

p. 218. Mtolo now goes further and says he wanted to help all the people in South Africa by making a statement. He also stressed his deep respect for other people's property. He did not agree with the Freedom Charter that proposed taking property away from the people. A similar statement is found at p. 227.

p. 235. Mtolo had previously expressed deep respect for Mandela and explains that he betrayed him because he did not think that Mandela knew that the people would turn as they had done.

p. 298. Mtolo says that the African Congress was divided into categories, the bad members being the Communists and the good members those who Mtolo was trying to save. He went on to say that it was

/necessary ...

necessary to betray the chief at Bergville, because he might easily have been bluffed by the Communists.

At p. 302, Mtolo admits that he was very anxious that the police should believe him.

p. 303. He said that he wanted to make a complete statement and, therefore, had to involve all the people concerned. He admitted, however, that he was also helping himself.

p. 304. Mtolo says that he was prepared to tell the police everything and take the risk. He does, however, admit that he was told that, if he was prepared to go to Court to tell the Court what he had told the police, he might be released. He also admits that, because of his large part in the sabotage, he had to be very cooperative with the police.

*why not  
reject the  
in demerit  
- show his  
people  
where he  
stood.*

*cp p26 Khanyeli*

p. 357. Mtolo says that he made his statement to the police because he was under the impression that the police knew a great deal about matters. He came to the conclusion that people who had been arrested must have made statements. This would, of course, give Mtolo a motive for vindictive lying.

p. 358. At P.M. he had told the Court that he started his statement two or three weeks after his arrest. When asked why it took such a long time, he

/said .....

said that originally the police either did not believe him or were not satisfied with what he said. He was prepared to make a statement to the police, but not prepared to make the same statement before a magistrate. He had been informed by the police that his statement, although it amounted to a confession, would not be used against him. See also p. 359.

At p. 1842 of the P.M. Record, Mtolo admitted to the J.P. that he remained a member of the ANC after it was banned. He never resigned nor was he expelled.

At p. 1843 he says that he realised that the Communists were deceiving him after his arrest.

At p. 1848. Mtolo admitted that he realised in 1963 that the ANC had nothing to do with M.K., but he took part in sabotage right until June, 1963. He says he did this because there was no turning back.

At p. 1849 he says he was present when a decision was made to commit the last act of sabotage, and that he had come out of hiding in order to take part in a meeting of the Regional Command.

At p. 1830, Mtolo said that, after he had said certain things to one policeman, he was asked the same things by others. The questions asked by the police

/were ...

were four times as many as he was asked in Court.

At p. 1831 he says that he thought that many of the people who had been arrested must have made statements. He then decided the next day that he will tell the truth.

At p. 1836, Mtolo gives all the reasons for making a statement, but does not mention that he was trying to save the people of the Republic.

At p. 1944 he stated that, although he was disillusioned, he kept on attending Regional Command meetings because it was difficult to get out of it and promises were continually made that he would get money.

At p. 1863 Mtolo gives some very strange reasons for not making a statement to the magistrate.

At p. 1995 he admits that he was questioned at great length by the police after his arrest.

P. 1997. Mtolo deals with the effects of the 90 days' detention, and continues this evidence at p.1998.

3. Mtolo admits his various previous convictions for dishonesty at pp. 221 and 222 of the Rivonia Record and p. 1864 of the P.M. Record.

4. At p. 359 of the Rivonia Record Mtolo admits that he was told by the police that his statement was not admissible. Further references are found at pp. 1861 and 1963 of the P.M. Record.

5. Mtolo should be asked how he remembers all the minute details of his evidence. If his memory has in any way been refreshed, reliance should be placed on Wagner's case. *Ident. hearing*

6. Mtolo should be cross-examined on his own knowledge of electricity and explosives. He admitted that he designed a timing device to be used during bombings. It can later be argued that Mtolo was imputing to others what he, himself, knew and did.

7. Chaitow and Mtolo should be cross-examined to fix the date when Strachan left for P.E. in order to establish that Strachan was not in a hurry to get away. The evidence at p. 40 of the Rivonia trial suggests that Strachan gave all kinds of instructions on the 15th December. This cannot be correct, as he had left some time before the 15th. He was in P.E. on the 12th December to be present at the birth of his child.

8. Mtolo is to be asked how many times he has given evidence.



9. The evidence of Mtolo on the relationship between the ANC and the M.K. at p. 1848 is to be contrasted with the evidence at p. 1854. At p. 1932 of the P.M. Record Mtolo seems to admit that he is mixed up as to what he was told at various meetings.

According to the evidence at p. 16 of the Rivonia Record, Strachan established the Technical Committee and arranged for its composition. In the case of Mkwayi and others at p. 9 Mtolo stated that Strachan already knew that Mtolo was on the Technical Committee when he first arrived in Durban.

Another major discrepancy in the evidence of Mtolo relates to an attack on a North Coast train. At p. 90 of the Rivonia Record he makes it perfectly clear that the Regional Command decided that this train should be bombed. It was one of several other projects.

At p. 92 he gave evidence that the attack was successful, and had been reported as such. In P.M., however, he testified that the office of one Kajee had to be attacked. No reference made to the North Coast train; the bombers were afraid to bomb Kajee's office because of the presence of the night-watchman and the bomb was then put on a passenger train going up the North Coast. He also said that the Regional Command was frightened about this, but Kasrils told them that the matter was in order because the coach was empty. The

references to the P.M. case are at pp. 1745 onwards and are also to be found at p. 329 and the pages following in the Rivonia Record.

In P.M. he also stated that the attack on the North Coast train was unauthorised. In order to explain the discrepancy, he said that the Regional Command had approved of the bombing, although it had not given an instruction. At the Rivonia Trial he said his evidence in Pretoria was a mistake when he said that the bombing of the train was on the instruction of the Regional Command. In P.M. he had given a detailed explanation about the report back in Pretoria. He said he just did not remember. Later he says in the Rivonia case that he did not mention it in Pretoria because he was not asked by the prosecutor. p. 333.

At p. 334 he again relies on a loss of memory. It is submitted that the evidence at P.M. was given to coincide with the evidence of Ferunal, although Mtolo denies knowing Ferunal. See pp. 90, 91 and 328 of the Rivonia Record.

CHAITOW:

The following evidence should be borne in mind in the cross-examination of Chaitow.

p. 17 Rivonia Trial.

pp. 1932 P.M.

*Med & Ps. Board.  
Psychiatric Treatment.*

/At .....

At p. 12 of the Mkwazi Record Mtolo says that, before Strachan left Durban, it was agreed to commit acts of sabotage and Strachan helped to prepare the bombs that were required. After this, Strachan left Durban. This interpretation is confirmed by the second count in the Indictment.

At p. 8 of the Naidoo Record, Mtolo's evidence makes it clear that Strachan was not present when arrangements were made for the bombings to be carried out on the 16th December. The evidence at p. 5 given by Chaitow suggests that Strachan left material behind but the making of the explosives was done after his departure. He also says at p. 5 that he did not know of any Committee having been formed. This contradicts the evidence of Mtolo that Strachan formed a Technical Committee. Also Chaitow's evidence on p. 10 that the charges were only prepared after Strachan had left.

Mtolo

a) exactly what a/cd said at first meeting

b) Visits to Chaitow's shop - discussions - what he bought

c) Effect of a/cd's arrest

d) Chaitow's knowledge of organization.

e) Chaitow's knowledge???

f) Jidacca speak about guerilla war fare, Cuba, Red China, etc.

g) ~~Comrade Captain, etc~~

h) ~~Repe of tech committee on Reg. Command.~~

i) ~~Repe of dynamite police.~~

j) ~~there was demonstr of discharges (Chaitow)~~

k) Manoff  
Chaitow - 6/12/40  
207/5/1940  
Chaitow

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Then Mr. Rees dealt with the evidence of the witness who has been referred to as Mr. 'Y'. 'Y' was the witness who testified to the accused's instructions to the small group in Port Elizabeth and who said in the course of his evidence that the accused had come there and said to them that he had recently come from Durban where he had instructed a group in the sabotage campaign. Now, this is obviously evidence of the utmost importance. If true, it would serve to act as corroboration of what Mtolo and 'X' said and would reduce the risk which is inherent in acting on the accomplice evidence. Now, let me say at once and let me say it emphatically and without any of the reservations which I have mentioned in regard to both 'X' and Mtolo, that as far as 'Y' is concerned not one of the three of us sitting on this bench would be prepared to act on his evidence as given in this Court unless it were corroborated or unless it were fully consistent with the objective facts. 'Y' is a self-confessed murderer - not only his evidence but in the very manner of his evidence he satisfied us that he was a completely callous individual indifferent to the sanctity of human life. On his own showing he would deliberately burn huts in which innocent people were sleeping and would not hesitate, and did not hesitate, to kill or give instructions to kill. Judging him by his performance in the witness box, he appeared to us to be a most unimpressive witness but it is safer, indeed, to judge him on the quality of his evidence than on our impressions.

His evidence is that the accused, when he first met him in Port Elizabeth, was virtually in command of the Port Elizabeth bombing and he says that he, the most important official of the African National Congress in the Eastern Cape, learnt from the accused for the first time

on that occasion of the African National Congress' change of policy from non-violence to violence. This seems to us to be most unlikely, if not fantastic. He said that the accused gave him definite instructions to kill people who were potential informers but made no mention of the sanctity of life in regard to the bombing, as was stated by both 'X' and Mtolo. One is constrained to wonder whether it was really the accused who told 'Y' that they were to kill any potential informers or whether this was 'Y's own idea derived from his own intimate knowledge of the African National Congress and which he, so obviously on his own showing, was prepared to and had put into practice. It is a significant thing that in his evidence he said "It was the incitement that he was doing to us to kill these people" - extraordinary language for 'Y' to use, particularly in the context of his situation in regard to the activities of these organisations as a whole. Here was a man inciting him - and he uses that work - inciting him to kill people. Although he gave evidence in the trial in the Eastern Province, the trial of his fellow-murderers, and entered into details concerning the organisation and how it came about that these people were killed, it appears that he never once mentioned the accused as one who carried the instructions and conveyed the instructions to them to kill or as one who was active in these things. It was put to him by counsel that at the trial in the Eastern Province he dealt with the high command, he mentioned members thereof, including Mbeki, with whom he associated in Port Elizabeth, but that he did not mention the accused. When asked why, he said in his evidence in this Court "Well, I might have left him out". Although devoid of technical knowledge he gave detailed

descriptions...../

descriptions how bombs were to be made with reference to permanganate of potash and aluminium powder. These were names which he said he remembered from the one occasion on which the accused taught him of them, described them: in his case I would say a remarkable performance particularly when in so many other respects he forgot to give important details as to the composition of the organisation with which he was concerned and forgot to mention the accused's name. He gave evidence which I can only describe as ridiculous or unintelligible concerning how he could not participate in the sabotage campaign unless he was a member of the militant wing, yet admits that he took part before he became a member of that wing and was at a loss for an explanation. As I said, we regard this witness as an unscrupulous and completely unreliable witness and would not act with any feeling of safety upon anything he said, unless it was corroborated by dependable witnesses or by uncontraverted facts. It was brought to our notice that his evidence was in fact acted upon in another case. I can only say that the facts of every case are different and that no doubt there was ample corroborative evidence.

The next point which Mr. Rees made in meeting the apparent weaknesses in the evidence of Mtolu and 'X' was that the accused himself gave untruthful evidence. It is perfectly correct, as I have pointed out, that if the accused enters the witness box and gives untruthful evidence in material respects, that is a factor which might lessens the risk which the Court otherwise runs of convicting on uncorroborated accomplice evidence. Now, the accused's evidence, broadly summarised, is that he is a sympathiser with the aims and objects.....I should say was a sympathiser with the aims and objects of the organisations, that he was

concerned...../

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