

I N D E X.

APPEAL NO. C.A. 435/63.

CASE NO. C 295/63.

Evidence 123 pages

THE STATE versus JAIRUS NTSOANE.

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<u>FURTHER PARTICULARS:</u>	1(d) --1(e)
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Johannes Arnoldus Nicolaas Gloete	19 - 20 - <i>Citation</i>
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Gysbertus Rynier Kloppers ✓	27 - 28 - <i>acc. amount</i>
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<u>Cynthia Lichaba</u>	30 - 45 - <i>3 pages</i>
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Ex -6-980/63

J. 174.

CHARGE SHEET: REGIONAL DIVISION.

R31-7-"D"

No. C 295/63 19__
 Have finger-prints been taken? Yes
 Police Station Marshall Square
 R.C.A. No. 253/3/63

IN THE COURT OF THE MAGISTRATE.

For the Division of SOUTH TRANSVAAL, held at JOHANNESBURG
 Before O.G. GUSH Esquire,
 Magistrate for the said Division, on the 13th day of June, 1963

THE STATE *verses*

JAIRUS NTSOANE,

Bantu male, 32 years,

Employed by S.A. Institute of Race Relations,
S.A. Born - 363 Tladi.

Insert following particulars after each accused's name:—
 Sex.
 Race
 (whether South African born or otherwise).
 Occupation.
 Approximate age.

(hereinafter called the accused),
 charged with the offence of 1. C/SEC.11(c) READ WITH SEC. 3(1)(a)(i)
ACT NO.44 of 1950. 2. C/SEC. 11(c) READ WITH SEC. 3(1)
(a)(iv) ACT NO. 44 OF 1950.

in that, upon (or about) the _____ day of _____ 19__
 and _____

_____ in the said Division,
 the said accused did wrongfully and unlawfully _____

AS PER ANNEXURE

The accused, being arraigned, pleaded ON 29/7/63. NOT GUILTY BOTH CHARGES.

Judgment ON 26/8/63. GUILTY BOTH CHARGES.

Sentence ON EACH COUNT.

3 YEARS IMPRISONMENT.
BAIL FIXED AT R6000 PENDING LODGING OF AND THE
RESULT OF THE APPEAL.

O.G. GUSH

26/8/63.

Magistrate of Regional Division.

FOR THE STATE: A.O.S. MAREE

FOR DEFENCE: MR SWARTZMAN. Instructed by JAMES KANTOR & PARTNERS.

INTERPRETER: MNR. UYS.

Remanded to 30/7/63 "D" Regional Court. Bail R400-00.
N.W.E. DAINES - Act. Reg. Magt. 13/6/63.

KLAGTESTAAT: STREEKAFDELING.

No.	_____ 19
Is vingerafdrukke geneem?	_____
Polisiekantoor	_____
R.A.A. No.	_____

IN DIE LANDDROSHOF.

Vir die Afdeling _____ gehou te _____

Voor mnr. _____

Landdros vir voormelde Afdeling, op die _____ dag van _____ 19 _____

Vul die volgende besonderhede in na die naam van elke beskuldigde:—
 Geslag,
 Ras (of in Suid-Afrika gebore),
 Beroop, Ouderdom (ongeveer.)

DIE STAAT teen

[hieronder die beskuldigde(s) genoem]

beskuldig van misdryf van _____

deurdag genoemde beskuldigde(s), op (of omtrent) die _____ dag van _____ 19 _____

en _____ in voormelde Afdeling,

wederregtelik en onwettiglik _____

Die beskuldigde het by verskyning voor die Hof _____

gepleit.

Uitspraak _____

Vonnis _____

Landdros van Streekafdeling.

VIR DIE STAAT: _____

VIR BESKULDIGDE: _____

TOLK: _____

1 (b)

CASE NO: C295/63.

A N N E X U R E.

THE STATE versus:-

JAIRUS NTSOANE.

COUNT 1:-

THAT the said accused is guilty of the offence of having contravened Section 11(c), read with Sections 3(1)(a)(i), 1 and 11(i) and 12 of Act No. 44 of 1950, as amended, further read with Sections 1 and 2 of Act No. 34 of 1960, as amended, and also read with the Proclamation No.119 of 1960, promulgated in Government Gazette No. 6414 of the 8th April, 1960, and further read with Section 22 of Act No. 93 of 1963.

IN THAT during the period from the 8th day of April, 1960, to the 23rd day of MARCH, 1963, and at or near JOHANNESBURG in the Regional Division of South Transvaal, the accused (the one, the other or all of them) did wrongfully, unlawfully and in contravention of the provisions of paragraph (a) of subsection 1 of Section three become or continue to be an office-bearer, officer or member of an unlawful organization, to wit the PAN AFRICANIST CONGRESS.

COUNT 2:-

THAT the said accused is guilty of the offence of having contravened Section 11(c), read with Sections 3(1)(a)(iv), 1 and 11(i) and 12 of Act No.44 of 1950, as amended, further read with Sections 1 and 2 of Act No.34 of 1960, as amended, and also read with Proclamation No.119 of 1960, promulgated in Government Gazette No.6414 of the 8th April, 1960, and further read with Section 22 of Act No. 93 of 1963.

IN THAT during the period from the 8th day of April, 1960, to the 23rd day of MARCH, 1963, and at or near JOHANNESBURG in the Regional Division of South Transvaal, the accused (the one, the other or all of them) did wrongfully, unlawfully and in contravention of the provisions of paragraph (a) of sub-section (1) of Section 3 take part in an activity or activities of an unlawful organization to wit the PAN AFRICANIST CONGRESS or carry on in the direct or indirect interest of the said unlawful organization an activity or activities in which it was or could have been engaged during the said period.

- 1(d) -

CASE NO. RC. C 295/63

IN THE COURT OF THE MAGISTRATE FOR THE
 REGIONAL DIVISION OF SOUTH TRANSVAAL
 & HELD AT JOHANNESBURG.

In the matter between:

THE STATE

vs.

JAIRUS NTSOANE

FURTHER PARTICULARS.

PLEASE TAKE notice that in relation to Count 2 the State, Inter alia, alleges that the accused took part in one or more or all of the following activities, to wit:-

- (i) Canvassing of members for the Pan Africanist Congress hereinafter referred to as the P.A.C. and the administering of the oath of allegiance of the P.A.C. to new members and/or
- (ii) Collecting membership fees from members of the P.A.C. and/or
- (iii) Organising a branch of the P.A.C. in Johannesburg and/or
- (iv) Organising an attack on the white population of the Republic of South Africa, installations and Government buildings and/or
- (v) Organising the training of Task Force leaders and members of a Task Force and/or
- (vi) Organising the purchasing and acquisition of arms and weapons and/or
- (vii) Organising action against members of the Police Force and informers to the Police Force and/or

(viii)

- (viii) Forwarding information and monies collected to the head office of the P.A.C. in Maseru and/or
- (ix) Conducting correspondence with the head office of the P.A.C. to achieve its aims and objects and/or
- (x) Attending meetings of the P.A.C.

DATED AT JOHANNESBURG THIS 29th day of JULY 1963.

A.O.S. MAREE
REGIONAL COURT PROSECUTOR
JOHANNESBURG.

SAAK NR.

CASE NO: C295/63.

IN DIE LANDEDRSHOF VIR DIE STREEKAFDELING SUID-TRANSVAAL
GEHOU TE:

IN THE MAGISTRATE'S COURT FOR THE REGIONAL DIVISION
OF THE SOUTH TRANSVAAL HILD AT JOHANNESBURG.

BEFORE:

VOOR: MR. O. GUSH
DIE STAAT teen
THE STATE versus JAIRUS NISHOANE.

AANKLAGER:

PROSECUTOR: MR. A.O.S. MARIE.

CHARGE:

KLAGTE: 1. Become and continue to be officer... unlawful
organisation..
2. take part in activity or activities of
unlawful organisation.

VERDEDIGING

DEFENCE: MR. I. SCHWARTMAN (Advocate) 22-8816

PLEIDOOI:

PLEA: NOT GUILTY BOTH CHARGES.

INTERPRETER: MR. H.C.R. UYS and M. MPHOKELI

TRANSCRIBER: V. HOUGH.

RECORD OF EVIDENCE.

STATE PROSECUTOR PUTS CHARGES:

First charge: C/S 11(c) r/w certain other sections of Act 44 of 1950 and also sections of Act 34 of 1960.
became and continue to be office-bearer officer or member of unlawful organisation to wit P.A.C.

Count 2: C/S 11 (c) r/w S 3 (1) (a) (iv) and others of A/44/50 and certain sections of Act 34 of 1960.
take part in an activity or activities of unlawful organisation to wit P.A.C. or carry on in direct or indirect interest of said unlawful organisation an activity or activities in which it was or could have been engaged during the period..

PLEA: First charge: NOT GUILTY

Count 2: NOT GUILTY

BY STATE PROSECUTOR:

There are also further particulars attached to the charge - further particulars in relation to Count 2.

BY MR. I. SCHWARTZMAN:

I appear for the accused.

BY STATE PROSECUTOR:

I don't know by whom Mr. Swartzman is instructed - I wonder whether the Court could please enquire that on the record.

BY COUNSEL:

Instructed by James Kantor & Partners... 1

BY/ . . .

BY STATE PROSECUTOR:

Could the Court bear with me for a few seconds. First of all I would like to refer the Court to Proclamation 119 promulgated in Extraordinary Government Gazette No. 6414 dated 8th of April, 1960 in terms whereof the Pan-Africanist Congress was banned. I read this proclamation:

"By virtue of the powers vested in me by sub-section (1) of Section (1) of the Unlawful Organisations Act 1960 Act 34 of 1960 I hereby declare the body known as Pan Africanist Congress and the body known as the African National Congress including all branches sections or committees thereof, and all local regional or subsidiary bodies forming part thereof, to be unlawful organisations. This proclamation shall remain in force until the 8th day of April 1961."

In that connection I refer the Court to Section 22 Act 93 of 1963, which reads:

"Proclamation No. 119 of 1960" the one I've just mentioned -

"is hereby amended by deletion of the words 'this proclamation shall remain in force until the 8th day of April 1961' etc."

I also wish to refer the Court to Proclamation No. 92 - if I may start off with Proclamation 91.. I'm

sorry/...

sorry ... 91... promulgated in Government Gazette No. 499 dated the 10th of May 1963 - it reads:

"... where I am of the opinion that an organisation known by the name of Poqo is in existence and was in existence after the 7th day of April, 1960 and whereas..." etc.. In this proclamation

the organisation of Poqo is also proclaimed. Proclamation No. 92 - the same date - the same Government Gazette - an organisation known by the name Dance Association was proclaimed - then Proclamation No. 133 of 1963 promulgated in Government Gazette No. 556 dated 12th July 1963 "the organisation known by the name of S.A.A. Football League"... Proclamation No. 184 of 1963 the same Government Gazette: the organisation known by the name of Football League. Proclamation No. 185 of 1963 in the same Government Gazette - the organisation known as Football Club. In terms of the provisions of Section 12 (4) (c) of Act 44 of 1950 I wish to hand in the following documents:

EXHIBIT A the constitution of the Pan Africanist Congress.

BY COURT:

--- They are not.

BY STATE PROSECUTOR:

EXHIBIT B -The Pan Africanist Disciplinary Code.

EXHIBIT/ . . .

EXHIBIT C - the Africanist Volume 5 (v).
No. 1 May/June 1959.

EXHIBIT D - the Africanist "Affidavit" Volume VI
No. 5 December 1959.

EXHIBIT E - a call to P.A.C. leaders .

EXHIBIT F - the Pan Africanist Oath of Allegiance.

EXHIBIT G - Urgent Warning issued by Acting
Director Dance Association.

EXHIBIT H - To All Dance Hall Assistant Proprietors.

EXHIBIT J - The Second Warning to Dancers.

EXHIBIT K - Attention Please.

BY COURT:

This one you say... --- Unfortunately I didn't
have the necessary copies to supply... that is
EXHIBIT K.

BY STATE PROSECUTOR:

EXHIBIT L - Latest Developments.

EXHIBIT M - Dance Association.

EXHIBIT N - Nicholas Football League

EXHIBIT O - Press Release.

EXHIBIT P - Attention Players Please...

Mr. Schwartz has't got one of these either..

EXHIBIT Q - The Pan Africanist Congress
Newsletter Volume III. No. 2.

EXHIBIT R - P.A.C. Replied to Snyman-Vorster
Report in Parliament, Cape Town.

EXHIBIT S - British Treachery and Savagery.

BY MR. SCHWARTZMAN:

I haven't had an opportunity of reading
through/...

through any of these documents and therefore I am not in a position to make any submissions as to their admissibility or not - once I have had the opportunity of studying them - if necessary I will argue the admissibility of any one..

BY COURT:

When were they supplied to you Mr. Schwartzman?
--- Just before Your Worship walked into court.
You have just received them?--- That is so.

THE STATE CALLS:

JAN HENDRIK HENABER, Beddig verklaar:

VERHOOR DEUR DIE STAATSAANKLAGER:

U is 'n speurdarkekonstabel in die Suid-Afrikaanse Polisie gestasioneer te Johannesburg? En verbonde...---Ja..
Verbonde aan die Veiligheidsafdeling te The Grays, Johannesburg?--- Dit is korrek.

Op die 23ste Maart 1963 om ongeveer 5 v.m. ^{23/3/63}
Is u vergeesol van ander lede van die polisie na Tladi lokasie Johannesburg - distrik Johannesburg - in hierdie Streekafdeling - Is dit korrek?--- Die korrek.

Watter adres het u besoek?--- 303 Tladi lokasie, Johannesburg. Ek het vergeesol van Speurdersopvoer Postbusse die huis betree ..

Ja?--- Beskuldigde nou voor die Hof was aanwesig - hy was in kennis gestel van die doel van ons besoek daar - volgens inligting tot ons beskikking het daar

rede/...

rede bestaan en te vermoed dat hy 'n lid is van 'n verbode organisasie te wete P.A.C. of Poqo, en dat ons sy huis gaan deursoek.

Ja?--- Terwyl ons bezig was met die deursoek van sy huis het beskuldigde 'n astrante houding ingeneem - hy het boeke afgestamp van 'n boekrak wat teen die muur gestaan het - dit het op die grond geval. Ek het drie pamflette op die grond opgetel ..

Is hierdie die pamflette wat u op die grond opgetel het? BEWYSSTUK T - The Prime Minister's

Note: This not included in the record 7/21/72

letter to Reverend John Pieterse - --- Dit is korrek. ---

BEWYSSTUK T - sal u net daarna kyk asseblief?---

see r. in case a is shown

Dit is dieselfde bewysstuk - dit is korrek. Die volgende was 'n pamflet ..

BEWYSSTUK U - is dit die pamflet: Sharpeville - the living Symbol.. - kyk net daarna asseblief?---
Dit is korrek.

BEWYSSTUK V - pamflet - Africa - kyk na hierdie pamflet - sê nou of dit die pamflet is wat u op die vloer opgetel het?--- Dit is die pamflet.

NOT INCLUDED

Ons het die stadium bereik waar u sê waar u daardie drie pamflette opgetel het nadat hulle van die boekrak afgestamp was - ek dink dit is die woorde wat u gebruik het - en daarvandaan Mr. Wienaber?--- In 'n.. op .. oor 'n stoel wat langs die boekrak gestaan het het 'n bandjie gehang. Ek het die bandjie van die stoel afgehaal en gevra aan wie die bandjie behoort. Beskuldigde het gesê dat dit sy bandjie is.

In/...

In die binnesak van die baadjie het ek 'n brief gevind.

Is dit die brief wat jy in die binnesak gevind het - BEWYSSTUK of Kyk net daarna - dit is ^{only an envelope} 'n koevert en 'n brief?--- 'n Oopgeskeurde koevert, ja. ^{letter}

En die brief daar binne-in?--- Met die getikte brief daar binne-in, ja.

Gee hom net vir my - ek wil hom lees asseblief - ^{note: Hall + code - the code but could not read} same address - 16th January 1963 - it is a matter of

vital importance that each and every hall that has ^{members} sent its list of digits to the night-club without ^{P.A.C.} ^{neg. digits - p 59}

having paid its subs and levies, must do so as early as possible. ^{P.A.C.} The night-club is faced with the most "and" difficult position in assessing matters that are arising

from time to time. We are therefore unable to attend and straighten up certain urgent matters that are ^{in-v-p-see p-55-c} entirely affecting the halls in particular. It is

our urgent wish therefore that you will make your utmost endeavours to keep up to your promises, marshalling

your halls, and lastly, to adhere to the instructions as mentioned above. In view of the tasks that lie

ahead of us I wish to remind you once more that no ^{P.A.C.} administration at a night-club can continue without

digits and essential requirements such as money et cetera. Halls must realise that it is their ^{P.A.C.} responsibility to keep the night-club moving.

Remember that the various cinema proprietors ^{BLACK CAPTAIN} will always be responsible to see that all the

necessary instructions are being carried out without any/ . . .

any waste of time. Nam Petersen." It is typed Petersen and also signed Nam Petersen - is dit die dokument waarvan u gepraat het?--- Dit is korrek.

En daarvandaan?--- Hierop het speurderserfant Posthumus die beskuldigde voor die Hof gewaarsku volgens hegtersreëls - hy het ontken dat die brief wat in sy baadjiesak gevind was, aan hom gerig was of aan hom behoort. Hy het bygevoeg dat iemand dit onder die deur gesteek het.

Ek het nie mooi gehoor nie - het u gesê hy het ontken of erken?--- Hy het ontken dat die brief gedresseer aan Dintwin Molefe aan hom behoort of aan hom gerig was.

DEUR HOF:

Het hy gesê dat die brief onder sy deur ingestoot was?--- Hy het bygevoeg dat die brief deur iemand onder sy deur deurgestoot was.

DEUR STAATSAANKLAER:

Enigiets verder?--- Ons het op die genoemde bewysstukke beslag gelê en beskuldigde in hegtenis geneem. Hy is aangehou te Marshallplein, daarna.

DEUR STAATSAANKLAER: GENEW VERDEENS VRAE.

KRUISVERHOOR DEUR MNR. SCHWARTMAN:

Hierdie dokumente is deur 'n konstabel.. Afrika en Sharpeville.. was hulle in 'n papier opgemaak?--- Nee hulle het op die grond gelê saam met die ander boeke wat

hy/ . . .

hy afgestaan het van die rak af.

Maar het hulle los gelê of was hulle toegemaak in 'n papier of nie?--- Ek kan my nie herinner dat hulle toegemaak was met 'n papier nie.

Toe jy daar - in watter kamer het jy .. hierdie boekrak gestaan?--- Dit was in die voorkamer.

Is jy seker?--- Ja.

Nie in die slaapkamer nie?--- Nie in die slaapkamer nie.

In het julle julle flitsligte daar gebruik om die huis deur te soek?--- Ons het flitse gehad maar die beskuldigde het 'n kers - 'n lampie opgesteek ook.

Is jy seker daarvan?--- Ja ek is seker daarvan.

Die beskuldigde sal sê dat hierdie twee pamflette - Sharpeville en Afri ka - dat hulle was toegemaak in 'n papier - en dat jy het hom gevra om dit oop te sny sodat jy kan daarin sien?--- Soe dit is nie so nie - dit was in 'n papier toegedraai gewees het - en met die afval van die boekrak was dit oopgegaan het - ek kan nie onthou dat ek enige pamflette in 'n papier gesien het sover ek..

DEUR HOP:

Het jy hom gevra om dit oop te maak?--- See.

DEUR HENR. SCHWARTZMAN:

In watter taal het Bersant Poethums met die beskuldigde gepraat?--- Engels.

En waar het jy gestaan toe hy met hom gepraat het?--- Ons was 'n paar tree van mekaar af in dieselfde kamer.

En/ . . .

En was die beskuldigde gevra wanneer die brief onder sy deur gesteek was?--- Ons het hom gevra maar hy kon nie met sekerheid daarop antwoord nie.

Die beskuldigde sal sê Speurderkonstabel, dat hy hierdie brief by sy huis gevind het toe hy saterdag van sy werk teruggekom het - dat hy nie gesê het dat iemand dit onder sy deur gesteek het nie?--- Ek onthou baie goed dat hy gesê het dat dit onder sy deur deurgesteek was.

Het jy hom gevra of hy daar was toe dit gebeur het?--- Nee ek het dit nie gevra nie.

En is daar 'n posbus daar by sy huisvir briewe? --- Ek is nie seker daarvan nie.

En dit was u - speurderkonstabel Posthumus en was daar ook twee Bantoe-konstabels saam met julle? --- Bantoespeurdersersant Caswell was ook teenwoordig.

Het die drie van julle? - En is jy seker dat dit beskuldigde was wie teen die boekrak gestamp het? --- Ja ek het dit self gesien.

En vir hoe lank was die drie van julle in beskuldigde se huis?--- Dit is ongeveer 'n half-uur na 'n drie-kwart uur.

En voordat jy na Marshallplein toe gegaan het het julle eers na Moroka gegaan?--- Dit is korrek.

En hoe laat was dit?---

DEUR HOF:

Naarheen?--- Na Moroko Polisie-stasie.

DEUR MNR. SCHWARTZ:

En/ . . .

En hoe laat was dit toe julle by Marshallplein gekom het?--- By Marshallplein?

Ja?--- Dit was omtreks 6.30 - tussen 6.30 en 7 uur dat ons daar gekom het.

V.m. of namiddag?---Voormiddag

En by Moroka?--- Omtrent so kwart voor ses. Tien voor ses daar rond.

Maar die tye is woe skattings ..---

DEUR HOP:

Skattings?--- Ja.

DEUR MNR. SCHWARTMAN.

Maar die ding is dat dit nog donker was toe jy by die beskuldigde se huis gekom het?--- Ja.

Het jy die beskuldigde se klerekas deurgesoek? --- Ja ons het oral gekyk.. in die huis..

Maar het julle in sy klerekas gekyk?--- Ons het.

En was daar andere jasse ook in sy klerekas.. verskoon sy baadjies?.. in sy klerekas?--- Daar was verskillende kledingstukke in die klerekas - ek kan nie wiesies wthou wat dit alles uitgemaak het nie..

En wie het die klerekas deurgesoek?--- Ek persoonlik het nie in die klerekas gekyk nie. Dit moet of sersant Posthumus wese of Bantcoersant Caswell.

En wat het hulle met die klere gemaak nadat hulle deur die klere gegaan het?---

Het hulle dit weer ingesit of uitgejaat?---

Nee ons het die klere weer in die kas gesit - gewoonlik

sit/...

gewoonlik sit ons iets terug waar ons dit kry.

DEUR HOP:

weet jy of dit gedoen was?--- Dit was gedoen, ja.
Dit was teruggesit in die kas.

DEUR MRR. SCHWARTMAN:

En wie het daardie baadjie waarin die brief gevind was, gevind?--- Ek het dit persoonlik van die stoel afgehaal - dit was 'n bruinerige baadjie.

Bruinerige baadjie ..--- wat oor die stoel gehang het, ja.

En weet jy hoe dit daar gekom het?--- Hoe ek weet nie hoe dit daar gekom het nie.

Is dit moontlik dat iemand dit uit die klerekas daardie aand geneem het - of speurderkonstabel Posthumus of Caswell?--- Dit is nie moontlik nie.

Waarom?--- Omdat die baadjie op die stoel gehang het toe ons inkom - in die kamer ingekom het.

Is ek jou hoofgetuionie verstaan het jy gesê die beskuldigde was permanentig toe jy daar gekom het?--- Ja net nadat hy in kennis gestel was van ons besoek en ons doel vir die besoek het by 'n astrante houding ingeneem.

Dit sal die beskuldigde ontken. Het enigeen van julle gevra om.. die beskuldigde of iemand anders die kerse aan te sit - of die lampe aan te sit?--- Ja een van ons het die gevra - ek kan nie.. ek dink

dit/ . . .

dit is sersant Posthumus.

Kan u onthou of dit gedoen was of nie?---

Dit was gedoen, ja.

DEUR MNR. SCHAMMAN: GEM. VANDERE VRAE.

DEUR STAATSAANKLAER: GEM. WEEVERHOOR.

CAREL JOSEF DIRKER Beëdig verklaar:

VERHOOR DEUR STAATSAANKLAER:

U is 'n speurderadjutantoffisier in die Suid-Afrikaanse Polisie gestasioneer te Johannesburg en verbode aan die Veiligheidsafdeling The Grays Johannesburg?--- Ek is.

Het u op sekere dokumente beslag gelê Mnr. Dirker?--- Ek het.

Ek toon u nou die eerste koevert en 'n klein briefie BEVYSSTUK X - kyk daarna asseblief?--- Ja op die 17de van Mei 1963 het ek twee Ministersbevele uitgereik in terme van Artikel 118 van die Poskantoorwet ontvang van die Seniorsaanklaer Johannesburg en op die 18de Mei die volgende dag het ek na die Jappestraat Poskantoor gegaan, Johannesburg, waar ek op .. waar ek beslag gelê het op posstukke soos gemeld is in die twee Ministersbevele - die posstuk nou hier voor my was een van die posstukke waarop ek beslag gelê het.

Die koevert is geadresseer aan..?--- Aan Ditwln Molere 363 Tledi P.O. Moroka Johannesburg.

In die notatjie is in 'n Bantoetaal geskryf u kan dit nie verstaan nie?--- Dit is so.

Was die notatjie binne-in die brief?---

Die nota was binne-in daardie brief - in die koevert.

In die koevert wat ingehandig is?--- Ja.

Ek/ . . .

Ek toon u nou 'n fotostatiese afdruk van 'n brief: "same address - 30th March 1963 - Dear Sir, re: Nbeni case.." kan u daarna kyk asseblief Wnr. Dirker?--- Ja dit is ook een.. dit is 'n fotostatiese afdruk van 'n posstuk wat ek ook op die 18de in beslag geneem het by die Jempestraat Poskantoor.

Was dit in 'n koevert geweë?--- Dit was in 'n koevert.

'n Koevert geadresseer aan?--- Aan Mr. Lewis B. Miller, P.O. Box 356, Maseru Basutoland. Ek moet daarby meld daar was ook 'n koerant uitknipsel by die brief ingeheg geweë.

En is die koerantuitknipsel - of 'n fotostatiese afdruk van die koerant uitknipsel aangeheg aan daardie BEWYSSTUK Y --- Dit is.

Kan ek net die volgende vraag stel - dan kan dit vir u moontlik makliker wees, adelaagbare - om die Hof behulpsaam te wees is daar - daardie brief getik - en ek wil vir Wnr. Dirker vra of hierdie die getikte brief is van BEWYSSTUK Y - en ons handig dan hierdie getikte brief in as BEWYSSTUK Z... --- Ja - dit is..

Ken u daardie brief?--- Ek ken.. dit is dieselfde as die brief wat ek nou net ingehaandig het.

En behalwe dat daardie maar getik is vir gerieflikheidshalwe?--- Ja.

Ken/ . . .

Ken u die volgende persone : Cyprian Botondoshe
Joseph Maano - Nathaniel Siliwe - -- Ek ken hulle.
 Ek was behulpsaam met die ondersoek tydens hulle arrestasie
 in Maart van hierdie jaar - ek het hulle aangekla -
 na arrestasie - en ek het hulle ook gespreek na arrestasie .
 Weet u van waar hulle afkomstig is?--- Van Malodi
 lokasie. Ek is jammer Ngani lokasie.

Ngani?--- Ja.

Ken u ons sê waar hierdie 3 persone aangehou was?---
 Ja.. Maano was aangehou by die Auckland Park Polisieselle..

DRUR HOP:

Wie is dit?--- Maano.. Joseph Maano..

Auckland Park?--- Ja - Cyprian Botondoshe
was aangehou by Marshallpleinselle en ook Siliwe .
DEUR STAATSAANKLAGER:

Ken u 'n persoon met die naam van P.K. Leballo?
 --- Ek ken hom sedert 1952.

Het u sy politieke aktiwiteite geken?--- Ja.
 Hy was - toe ek hom leer ken het - was hy 'n lid van
 die African National Congress - gedurende 1958 het
 deel van die African National Congress weggebreek
 en hulle het die organisasie gestig - die Pan Africanist
 Congress. Met 'n konferensie wat laasgenoemde, die
 P.A.C. gehou het in Orlando 1959 was P.K. Leballo
 verkies as die Algemene Sekretaris van die P.A.C.
 Gedurende 1960 het ek hom gearresteer en ek was in bevel
 van 'n saak van aanhitsing teen Landawette - dit het
 voortgespuit/ . . .

voortgespruit uit die bewysboekveldtog van die P.A.C. - hy was gevonnisd tot twee jaar gevangenisstraf.. na sy ontslag uit die gevangenis was hy gedeporteer na Zoeloland toe en kort na sy aankoms in Zoeloland het hy uitgewyk na Basoetoeland na Maseru toe.

Weet u hoe daar algemeen na hom verwys word in 'n briefwisseling of in 'n gesprek - is hy Mr. Leballe of Potlako of Kitchener of hoe word daar na hom verwys?--- P.K.

P.K. --- Ja.

Ken jy 'n persoon R.M. Sobukwe of Robert Mangaliso Sobukwe?--- Ja. Ek ken hom sedert 1957 - hy was ook lid van die nou inbangedoene African National Congress en gedurende 1958 was hy ook een van die persone wie weggebreek het van die African National Congress en was een van die stigterslede van die Pan Africanist Congress; met die Desember 1959 konferensie van hierdie organisasie was hy verkies tot President van die organisasie. Gedurende 1960 was hy saam met P.A. Leballe gearresteer vir aanhitsing en gevonnisd tot 3 jaar gevangenisstraf vir sy deelname teen die veldtog teen bewysboeke - hy is tans nog in gevangenskap op Robben Eiland.

Ken u 'n persoon by name Mfaza - as u hom nie ken nie maak dit nie saak nie - of u is nie bewus van die feit dat ek die vrae aan u gaan stel nie?--- Ek ken hom nie persoonlik nie maar.. deur my werk vir

die/ . . .

1912-jare het dit onder my aandag gekom dat hy 'n leidende rol gespeel het in die stigting van die P.A.C. en hy was op die Uitvoerende Komitee van die P.A.C.

DEUR ROF:

Wat het u gesê van stigting?--- Hy was een van die - ook van die stigterslede.. in soverre ek kan onthou is hy van Oos Londen.

DEUR STAATSAANKLAER:

Weet u waar hy tans is?---

Of laat ek dit sò stel.. --- Ja sover as my kennis strek bevind hy hom vandag in Swaziland.

Laat ek dit lievers so stel - weet u waar Mfana hom bevind het ongeveer aan die begin van hierdie jaar - dit wil sê January, Februarie, Maart, 1963 - as u nie weet nie maak dit nie saak nie?--- Ja Nee die sal ek nou nie kan sê nie.

Ken u 'n persoon by name Qobose ?--- Ek ken hom nie. Maar daar is 'n persoon met daardie naam wat hom in Basoetoeland bevind het wat ook volgens my kennis wat ek opgedoen het, deelgeneem het aan die P.A.C. bedrywighede.

Ken u 'n persoon G.B. Molefe?--- Ek ken hom persoonlik. Hy was ook een van die lede wat behulpsaam was met die stigting van die P.A.C. en het ook op die Uitvoerende Komitee gedien - van die P.A.C. - hy was voorsien afkomstig van Swatzen Transvaal.

Weet u waar hy hom ongeveer die begin van die jaar - die eerste drie maande omtrent bevind het?--- Ja in Maseru in Basoetoeland. Hy is 'n voortvlugter

daar/ . . .

daar is 'n driejaarvonnis wat vir hom wag - maar hy het uitgewyk.

Weet u wat die amptelike mondstuk van die P.A.C. was voordat dit in ban gedoen is - wat ek bedoel by mondstuk is...--- 'n Tydskrif..

'n Tydskrif...--- wat hulle uitgegee het.. ja die Africanist ..

Ek toon u nou bewysstukke C en D - sê my of u hierdie pamflette al gesien het voorheen in u loopbaan op die veiligheidspolisie?--- Ja.

Is dit fotostatiese afdrukke van...--- Afdrukke van die Africanist Desember 1959.

En die ander een?--- The Africanist May/June 1960.

Kan u nie die datum daar mooi uitmaak nie?--- Hee.

Maar ken u daardie twee tydskrifte?--- Ja.

Is dit die amptelike mondstuk?--- Van die P.A.C.

Ek toon u BEWYSSTUKKE A en B - The Constitution of the Pan Africanist Congress and the Pan Africanist Disciplinary Code - ken u hierdie twee dokumente?--- Ja as ek nou net hier kan weer dit regstel - dit is Mei/Junie 1959 ..

BEWYSSTUK ...?--- C

Mei /Junie 1959 --- 1959..

En BEWYSSTUKKE A en B ken u daardie dokumente? --- Ja BEWYSSTUK A is die grondwet van die P.A.C. ek het dit al voorheen gesien - en dan BEWYSSTUK B is die

Disciplinary/...

Disciplinary Code.. van die P.A.C. ek het dit voorheen gesien..

DEUR STAATSAANKLAER: GEEN VERDERE VRAE.

KRUISVERHOOR DEUR HR. SCHWARTZ: GEEN

JHANNES ARNOUDUS NICOLAAS CLOETE: Beëdig verklaar:

VERHOOR DEUR DIE STAATSAANKLAER:

Ek is 'n sersant in die Suid-Afrikaanse Polisie gestasioneer te Ladybrand..

O.V.S. Ja?--- Op die 29ste dag van Maart 1963 - was ek op diens by die Maserubrug - die brug is oor die Galdenrivier wat Basoetoeland van die Republiek skei .. ek was in die Republiek-kant - die Vrystaatkant op diens. Ongeveer 10 v.m. op dieselfde dag het ek 'n passasiersbus wat uit Basoetoeland oor die brug die Vrystaat binnegekom het, voorgekeer. Ek het die persone in die bus nagegaan en onder andere het ek 'n Bantoe vrou Cynthia Mchaba in die bus aangetref en in haar besit 70 briewe gevind. Die briewe was geadresseer aan verskillende persone oor die Republiek.

Ek toon u nou BEWYSSTUK AA..

DEUR HOF:

Verskillende persone...--- Oor die Republiek geadresseer - die brief nou voor die Hof is een van die briewe..

DEUR STAATSAANKLAER:

Dit is geadresseer aan...--- Ditweng Molere.
Adres?--- 363 Fladi P.O. Moroko Johannesburg.
EN/ . . .

En net voor ek verder gaan - het u die briewe oopgemaak?--- Ja ek het die briewe oopgemaak.

Was daar iets in die briewe - die koeverte?--- Ja daar was iets in die koeverte wat in Sesoetoe geskryf was.

En is die strokie wat in hierdie betrokke koevert gevind was nou voor die Hof?--- Dit is die strokie wat hier aangeheg is.

Aan BEWYSSTUK AA - u kan dit nie verstaan nie?--- Nee - dis Sesoetoe.

Ja enigiets verder?--- .. beslag gelê op hierdie briewe en hierdie Bantoe vrou aangehoi.

Ek wil net aan u 'n getuie toon - en dan moet u vir my sê of dit die Bantoe vrou is waarvan u melding maak - Mnr. Claassen Cynthia Michaba asseblief ... ken u die Bantoevrou wie nou daar in die deur.--- Ek ken die Bantoevrou - dit is Cynthia.

DEUR STAATSAANKLAER: GEBU VERDERE VRAE.

BY MR. SCHWARTMAN: NO QUESTIONS.

CAROL GIDEON HENRIK POSTHUMUS Seëdig verklaar:

VERHOOR DEUR DIE STAATSAANKLAER:

U is 'n speurdersersant in die Suid-Afrikaanse Polisie gestasioneer te The Grays Johannesburg?--- Korrek.

En verbonde aan die Veiligheidsafdeling?--- Korrek.

Ken u die beskuldigde?--- Ek ken die beskuldigde.

Was/ . . .

Was u teenwoordig toe hy gearresteer was?---

Ek was.

Kan u onthou waar dit was?--- 363 Tladi,

Tladilokasie Johannesburg in hierdie streekafdeling?

--- Korrek.

Wie het u vergesel?--- Speurderkonstabel Nienaber
en Bantoespeurdersersant Caswell Makoro.

Ek dink dit sal noodsaaklik wees as u min of
meer kan onthou wat die aand in die huis plaasgevind het
asseblief Mnr. Posthumus?--- Ons het die huis betree nadat
die beskuldigde die deur vir ons oopgemaak het.

Hoe laat was dit ongeveer?--- Dit was om en by
5 v.m. op die 23ste.

Sam. en.
23ste Maart
1963

Die 23ste Maart?--- Korrek.

Ja?--- Ons het die huis betree en in die slaapkamer
het ons begin visenteer ..

Ja?--- Speurderkonstabel Nienaber het 'n brief aan
my getoon wat hy in 'n baadjiesak gevind het.

Is dit die brief BEWYSSTUK W... net vir rekord
doeleindes BEWYSSTUK W is die brief wat speurderkonstabel
Nienaber ingehandig het - BEWYSSTUK X die brief deur
Mnr. Dirker ingehandig en BEWYSSTUK AA deur Sersant Cloete
- daar is dieselfde brief drie keer - ek soek nou W ..---
Dit is die brief.

Was die brief oopgeskeur gewees?--- Dit was oopgeskeur
gewees.

En wat omtrent die brief?--- Die brief het
speurderkonstabel Nienaber uit 'n baadjiesak gehaal.

Ja?--- Ons het toe verder die perseel visenteer
en/...

en ander dokumente gevind.

Het u die beskuldigde gewaarsku?--- Hy is gewaarsku..

Volgens Rogtersreëls?--- Korrek.

Was hy blykbaar by sy volle verstand en nugter?--- Hy was.

In enige mate beïnvloed, gedreig, vergoeding aangebied. of aangerand?--- Nee.

Het jy hom 'n verduideliking gevra omtrent daardie brief BEWYSSSTUK W? --- Ek het.

Wat was sy reaksie daarop gewees?--- Hy het ontken dat hy enige kennisname daarvan dra.

Kan u onthou watter verduideliking hy aangevoer het in verband met daardie brief?--- Hy het beweer dat dit 'n ander persoon se brief is - hy het gesê hy weet nie wie die persoon is nie.

Die volgende getuienis wat ek gaan lei het meereendeel betrekking op BEWYSSSTUK X en Y - dit wil sê die Ndani case - ekskaus Y en Z. Ons sal begin by die persone Cyprian Sotondoshe Joseph Maano en Nathaniel Siliwe - ken jy hierdie persone?--- Ek ken hulle.

Het u enigiets met hulle arrestasie te doen gehad?--- Ek het hulle persoonlik in hegtenis geneem.

Kan u onthou waar?--- 1338. B ēdeni.

Wanneer?--- Op die 6de Maart 1963 om ongeveer

9.15 n.m.

Kan u onthou waar die mense aangehou was nadat hulle arresteer was?--- Hulle is van daardie adres

in/ . . .

in Ndeni na Moroko Polisiestasië geneem, van waer
Cyprian Sotondoshe en Siliwe na Marshallplein geneem
is waar hulle aangehou is en Joseph Maano is na
Auckland Park geneem waar hy aangehou is.

Het u op hierdie dag enige ander mense
in verband met politieke aangeleenthede of vir enige ander
oortreding gearresteer in Mdenilokasie?--- Hierdie drie
betrokke persone was die enigste gewees.

Ken u 'n persoon by name Fakazi John
Mdakane?--- Ek ken hom.

Het u hom gearresteer?--- Ek het.

Wanneer?--- Die 23ste Maart 1963.

Hoe laat ongeveer?--- Ongeveer 3.30 - 4 v.m.

Waar?--- Te 1935b Zola.

1935b Zola - -- Ek wil graag net myself
hier korregeer - by 'n vorige geleentheid het ek gesê
- is Naledilokasie - 1935b Naledilokasie - die twee lokasies
Zola en Naledi grens aanmekaar...

DEUR HOF:

Wanneer het jy dit gesê?--- In die saak van
Sotondoshe..

Nie in my saak nie?--- Nee..

DEUR STAATSAANKLAER:

Wil u u nou net korregeer - is u bang dat daar
reperkussies sal kom of wat is die posisie ?--- Ja ek is
bang daar sal later 'n misverstand kom in verband met die
arres.

Kan u dan sê hoe dit gekom het dat u die fout
moontlik kon gemaak het?--- Soos ek sê die twee lokasies grens
aanmekaar/. . .

aanmekaar en ek het gereken dit is Naledilokasie maar intussen was dit Z olalokasie.

Is daar enige skeidslyn tussen die twee?--- Daar is nie. Blote strate. Daar is nie 'n skeidslyn nie.

Daar is nie.. het u op enigiets beslag gelê by hierdie huis daardie nag?--- Ek het - P.A.C. dokumente - Pan Africanist Congress dokumente.

Kan u onthou of daar enige dokumente uit ander dele van Afrika of in die wêreld aan die persoon geadresseer - dit wil sê John Mdakane in die besit van John Mdakane gevind was?--- Daar was.

Briewe vanaf onder andere...--- Dit is van Tanganyika ek dink - ek is nie doodseker nie maar dit is van daardie lande..

Het u op hierdie nag van die 22ste-23ste Maart 1963 enigiemand anders vir P.A.C. aangeleenthede of vir enige ander oortreding in Zolalikasie gearresteer? --- John Mdakane was die enigste persoon,

DEUR STAATSAANKLAER: GEEN VERDERE VRAE.

KRUISVERHOOR DEUR MNR. SCHWA RTMAN:

Toe u beskuldigde se huis deursoek het - wie het die dokumente wat nou ingehandig is, as BEWYSSTUKKE T en E .. dit is die... I en C.. dit is die een wat genoem Sharpeville is en die ander een wat genoem Afrika is...--- Speurderkonstabel Nienaber.

DEUR HOF:

Watter twee is dit?--- U en V Sharpeville..

U and others?--- U and V..

DEUR/. . .

DEUR MNR. SCHWARTMAN:

En waar was u toe hy hulle gevind het?--- Ek was ook in die kamer gewees - ek was ook by dieselfde plek gewees waar hy gevisenteer het.

En in watter kamer van die huis het sy hierdie dokumente gevind?--- In die slaapkamer.

En was hierdie twee pamflette of dokumente in 'n papier?--- Ek kan nie onthou nie.

Kan u onthou of die beskuldigde gevra is om die papier oop te maak - of die beskuldigde gevra is om die dokument oop te maak?--- Nie sover ek weet nie.

En dan BEWYSSTUK T dit is 'n brief van die Eerste Minister na John Piersma - dit is BEWYSSTUK T - weet u waar dit gevind is...--- Hierdie is ook in die slaapkamer gevind.

DEUR HOF:

Deur wie?--- Deur speurderkonstabel Nienaber.

DEUR MNR. SCHWARTMAN:

Was die huis verlig daardie aand?--- Ons het flitse by ons gehad en ek het die beskuldigde versoek om 'n kers of 'n lamp aan te steek.

Het hy dit gedoen of het hy nie?--- Hy het lig aangesteek ..

Wat was dit - 'n kers of 'n lamp?--- Ek vermoed dit was 'n kers - ek is nie meer seker wat dit was nie - daar was lig gewees.

DEUR MNR. SCHWARTMAN: GEEN VERDERE VRAE.

HERONDERVRAGING DEUR STAA TSAANKLAER:

Sersant Posthumus in verband met die huis kan u ons beskryf hoeveel kamers daar was?--- Dit is 3 of 4 vertrekke.

Watter/ . . .

Watter soort vertrekke was dit?--- Slaapkamer en daar was 'n sitkamer en daar was nog 'n ander kamer gewees.

Daar was daar 'n voorkamer - wat dit ookal mag beteken?--- Wel dit was vermoedelik die sitkamer gewees.

Waar presies was die bewysstukke anders as die brief wat in die sak gevind was - gevind in die slaapkamer soos jy sê?--- Die dokumente het op 'n boekrak gelê en beskuldigde was blykbaar vreeslik vererg oordat ons sy huis visenteer en het die boeke van die boekrak afgeklap. Dit het op die vloer geval.

DEUR STAATSAANKLAER: GEEN VERDERE VRAE.

DEUR HOF:

Jy sien sersant Konstabel Nienaber het die Hof vertel dat die boekrak in die voorkamer was? Voorhuis - stem u nie saam nie?--- Nee die boekrak was in die slaapkamer - die bed het voor die boekrak gestaan.

Het jy gesien waar die brief gevind is?--- Ek het gesien .. dit was .. die baadjie het in die slaapkamer - as 'n mens in die deur inkom aan die linkerkant - daar het die stoel gestaan en die baadjie was oor die stoel gewees.

Was dit oor die stoel - hier agter?--- Ja oor die leuning ..

Leuning van die stoel gehang?--- Korrek.

Mnr. Nienaber sê ook daar as ek nie fout het nie, dat dit in die voorhuis was...

GYSBERTUS/...

GYSBERTUS RYNIER KLOPPERS Beëdig verklaar:

VERHOOR DEUR DIE STAATSAANKLAER:

U is 'n speurdersersant in die Suid-Afrikaanse Polisie gestasioneer te Krugersdorp? --- Ja.

En verbonde aan die veiligheidsafdeling? --- Ja.

Ken u 'n persoon by name Joshua Mkume? --- Ja.

En Daniel Phufu Molefe? --- Ja.

Waar woon die twee persone? --- Josiah Mkume die woon in Manzimvillelokasie Nr. 1382 Krugersdorp en Daniel Phufu Molefe die woon in 986 Manzimvillelokasie.

Is hierdie lokasie in Krugersdorp distrik? --- Ja.

Onder u beheer? --- Ja.

Ek bedoel nie dat die lokasie onder u beheer is nie maar dit is in u gebied? --- Ja.

Is hierdie twee persone gearresteer onlangs sersant? --- Ja.

Wanneer? --- Op die 18de Maart hierdie jaar het ek Josiah Mkume gearresteer weens die besit van die verbode koerantjie New Age. Daar was vyf - eksklus vier eksemplare.

New Age? --- New Age. In die begin van Februarie hierdie jaar het ek vir Daniel Phufu Molefe arresteer wens die besit van vyf van hierdie genoemde New Age koerantjie.

Het u enige ander persone gedurende dieselfde tydperk in Manzimvillelokasie gearresteer vir die besit van New Age koerante? --- Geen.

Het/. . .

What did you find?--- I found documents.

Anything else? --- As well as some ..

A sword - as well as a sword?---

BY COURT:

'n Swaard?--- As well as a sword.

BY STATE PROSECUTOR:

So what happened then?--- After I had questioned Dhlamin^f about these articles and he had admitted that they belong to him - he absconded.

That is the sword and the documents?--- That is so.

Was he arrested since?--- I arrested him again I think about a month after that.

Do you know whether any other person or persons - person by the name of Moses Dhlamini - were arrested - did you say Zola location?--- Yes.

On that night - or subsequent to that night?---

BY COURT:

You must ask specially - any other persons arrested in Zola location that night or subsequently..

BY STATE PROSECUTOR:

In connection with P.A.C. activities?--- On that..

BY COURT:

You mean by him?--- BY STATE PROSECUTOR: Yes, by him.

Did he arrest them..

BY WITNESS:

There were no other people arrested by me that night.

BY STATE PROSECUTOR:

Where/ . . .

Where is Jabulani Location?--- It is situated next to Zola and Maletsani - they are divided by main roads.

BY STATE PROSECUTOR: NO FURTHER QUESTIONS.

BY MR. SCHWARTMAN: NO QUESTIONS.

CYNTHIA LICHABA Sworn States:

EXAMINED BY STATE PROSECUTOR:

Did you at any stage work in Maseru - were you employed there?--- Yes.

How did it come about?--- A certain Bantu man came to our house and said there was employment there.

Where did you live at the time?--- I had been resident in East London at the time.

So this man came to you and he told you about the employment - and then?--- After this man had come there and told me about this employment I proceeded to this employment.

In Maseru?--- Yes.

When did you arrive in Maseru?--- 30th of January.
1963?--- 1963.

Who met you at the station?--- Mr. Mfaxes and Mr. Ntloedide.

Where were you then taken?--- They took me to Leballo's place.

Where was he then?--- He was in his home.

What transpired between you and this Leballo?--- I was introduced to him firstly.

Did you know him before that day?--- I did not know him.

So you met him that day for the first time?--- Yes

Did/ . . .

Did you discuss your employment or not?--- No
this Leballo said we'll meet again the following day.

Did you meet him the following day?--- Yes.

Where?--- At his home again.

The same place?--- Yes.

Did you then discuss your employment?--- Yes.

Did you start work at all?--- I subsequently entered
his employment.

Entered his employment?--- Yes.

What was this employment - for whom were you supposed
to work?--- I was to work for Leballo.

In what capacity?--- As a bookkeeper.

When did you start work?--- I started on the 3rd
of February.

Did you go to an office or did you work in his
house?--- I went to an office. *Arrested on 29th March
on 2/3/63 they were using false name
at address
(P77-122-3)*

How many people were there in this office?---
They were many employees.

Who were they?--- Mfaza, Xobose and one
Gladys and many others who shared the office with them.

And Leballo?--- He was not there.

Did he never at any stage enter this office -
work in this office?--- He had come there on occasions..

On occasions - were you now working for Leballo
or were you working for any organisation or for whom were
you working?--- I was working for Leballo.

Leballo personally?--- I did the work that he was
busy with -

What work was he busy with?---It was called
the/ . . .

the African News Agency.

Were you told that you were working for the African News Agency or how did you find it out?---
I was told so.

By?--- Mr. Leballo told me so.

And were you satisfied that you were in fact working for the African News Agency?--- Yes I was satisfied after my arrival that I work for this agency... worked for this agency.

And tell me are you still satisfied today that you worked for the African News Agency?--- No.

No what?---

Give us the answer - what is it you want to say?
--- I now know that I was working for the P.A.C.

How did you find this out Cynthia?--- I heard them speak at the office.

Speak about what?--- They were discussing about the P.A.C. - they discussed the P.A.C. there.

You started work in this particular office - did you move from the one office to another during the period that you were employed by Leballo?--- Yes we were shifted.

And how many offices did you then occupy - this African News Agency or Leballo?--- They were actually two offices I had been in ..

In the new building?--- Yes.

So who occupied these two offices?--- One office was occupied by Leballo and one by myself.

Only two people in these two offices?--- There were others in these offices that were employed there.

Please/ . . .

Please tell me who they are?--- In Leballo's office there was one Molipe that worked there..

His initials?--- He was Z.B.

And what are the initials of Leballo?--- P.K. are his initials.

How were they referring to these two gentlemen?--- We called them P.K. and Z.B.

So these two were in the one office - and the other office?--- It was myself in the other office and Mr. Mfana.

And who else?--- And Xobose.

And who else?--- Nobody else.

So what were your duties in this office?--- I did the bookkeeping.

Did you have anything to do with the money transactions?
--- No.

Did you not issue receipts or - if you want to do books don't you issue receipts?--- Yes I did.

Tell us about it?--- I also made out receipts.

For what?--- I wrote these receipts in favour.. wrote them out in favour of the African News Agency in connection with monies that came in.

BY COURT:

In favour of - in the name of?--- In the name of..

In the name of African News Agency?--- That is correct.

That means you issued them to other people in the name of the African News Agency.. --- That is correct.

BY STATE PROSECUTOR:

To whom were these receipts made out?--- They were made out and kept in the safe-keeping of the office.

To/ . . .

To whom were they made out - to Mr. A or to O.K. Bazaars?--- They were written out in the name of the place from where the money was coming.

Give us some of these names?--- From Evaton and Mapetla - Orlando - I don't remember them all.

Did you handle the money itself - did you ever see the money?--- I did not handle any money.

Tell me what procedure did you adopt to issue receipts and you never see the money?--- I was instructed by Leballo what I had to do.

What were you supposed to do - give us the procedure please?--- When he received money, he would call me and told me about the receipt of the money from a certain place and then instruct me to make out a receipt for it.

And then - what would you then do with the receipt?--- I kept it.

Do you know from whom these moneys - I mean for what purpose Leballo received these moneys?--- I do not know.

Did you also have typewriters -duplicating machines in this office or offices?--- Yes there were.

How many typewriters?--- There were two.

Who used these typewriters?--- Leballo and Molite (Molipe?) used them.

And who operated this duplicating machine?--- Also Molite and Leballo.

Where was this duplicating machine?--- This duplicating machine was kept in my office.

So the duplicating was done in your office?--- Yes.

In your presence or not?--- Sometimes I was present.

Were/ . . .

Were many documents roneced in your office, or not?

--- Yes they were done in my office.

Now do you know what happened - what they did with these documents?---

Leballo and Molite?--- After they completed them in my office they took them into their office.

Do you know what they did with those documents?--- Sometimes they posted them.

Who did the posting?--- There was a messenger boy who did the posting.

Now where did he get the names and addresses of the people to whom these things were supposed to be sent - this messenger boy?--- The addresses were given by ... the messenger boy got the addresses and the names from Leballo and Leballo in turn got them from his office.

So were these addresses on a piece of paper or on a list or were they given to the messenger boy - Leballo standing there and then the messenger boy addressing the envelopes? --- The addresses were written on the letters by the messenger boy which he got from a list ..

A list of what?--- A list of addresses and names which was kept in Leballo's office.

Did you ever see this list?--- No I did not.

Do you know what was written on this list?---

Yes I saw some addresses on the list.

Tell us what you saw on this list - what did you see?--- There were the names of persons coupled with their addresses.

Anything else?--- Well the name of the person whose address was also on the list.

Was! . . .

Was this list in columns or not?--- Yes it was.

What was written in the first column?--- There was a name in the first column.

A Christian name or a name and a surname?--- Yes
a name and a Christian name.

A name and a surname or a name and a Christian name?
--- I'm sorry .. a name and a surname.

That is the first column - and the second column?
--- The second column contained the addresses.

Of the person?--- Yes.

Were there any other columns?--- Yes there were.

A third column - what was written in the third column?--- The nickname of the person was inserted in the third column.

Was there a fourth column?--- No.

COURT ADJOURNS AND RESUMES.

APPEARANCES AS BEFORE.

BY INTERPRETER:

She has been warned.

BY COURT:

.. that list of the persons' names and nicknames..

STATE PROSECUTOR CONTINUES EXAMINING:

Now what was the purpose of these nicknames appearing on this list?--- Well they used the nicknames -
I don't know for what purpose.

When did they use these nicknames?---When
these letters were written they were written in the nickname.

Did/ . . .

Did they ever make use of the real name of any of the persons - or the real names appearing on this list?---
 The nickname was always used.

D

How do you know
p40 + 41

BY COURT:

.. a question of whether the real names were ever used?--- Only the nicknames were used.

The real names were not used?--- No.

- How do you know
p40 + 41

BY STATE PROSECUTOR:

Did you ever assist in addressing these envelopes?

--- No.

E W #

I am taking them out of sequence unfortunately

- EXHIBIT X - do you know this letter at all?--- Yes I know this letter and address.

Addressed to the acc. address & seized by Dinker on 17/5/63 to: Ditwin Moleka

Who wrote the address on the envelope - on EXHIBIT X?

--- Mr. Mfana.

Is that his handwriting?--- Yes.

Is that letter there forthcoming from the office where you were employed?--- Yes.

And the piece of paper that is in that envelope do you know that at all?--- I do not.

EXHIBIT W - it is also an envelope and a letter - do you know that envelope at all?--- Yes.

Found by Nienaber in acc's pocket.

Whose handwriting is it?--- Mr. Mfana's.

Do you know the letter - read it - take your time and read the whole letter?--- I do not know the letter.

Have you ever seen similar letters perhaps?---

No.

Do you know who Sam Petersen is - do you know Sam Petersen?--- I do not know him.

Have/ . . .

Have you ever seen that name before?---

I have never seen it before.

EXHIBIT AA - do you know this letter?--- I know
this address.

Letter Found in her
possession when arrested
by cloete

BY COURT:

Is that the address of origin or the address
to which it was sent?--- I know - I seem to know the address
on the envelope but I do not know the note attached to
the sheet of paper.

BY STATE PROSECUTOR:

Why do you say you know the address?--- I did not
say that I knew the address but I said that I knew
.. that I seem to know the handwriting, in which this
address is written.

Whose handwriting is it do you know?--- Mr. Mfaha's

Were you at all arrested by the South African
Police?--- Yes.

When?--- On the 29th of March.

Tell us what happened on that day - the 29th of
March 1963 - what happened on that day?--- I was given some
letters by Mr. Leballo with instructions to post them at
Ladybrand.

How many letters?--- 70.

Why did you have to post these letters in Ladybrand?
--- I don't know - I was merely instructed to go and post
them at Ladybrand.

Did you not enquire why you could not post them
in Maseru?--- I did not question him.

So/ . . .

So you were given these letters - were they stamped?

--- No they were not.

What were your instructions in regard to that?---

I was given the money for the stamps which I had to obtain or buy when I get to the post office where I would post them.

So where in fact were you then arrested?---

I was arrested as I crossed the river on my way to Ladybrand.

What happened to these letters you had in your possession?--- The Ladybrand police took them.

Do you know whether EXHIBIT AA is one of the letters that you had in your possession and seized by the Ladybrand police?--- Yes.

Now did this office make use of any post office boxes - the office in Maseru?--- Yes it had.

How many?--- Three.

And the numbers?--- 318/202 and 356.

When Leballo signed any letters or when any of these letters were sent away did he sign them - did he sign his name P.K. Leballo or what did he do?---

In other words did he sign his own name?---

He never wrote his name.

What did he then write?--- He wrote the names Davidson and Petersen .

Are those the only names you can remember?---

Yes.

Do you know the accused at all?--- I do not.

BY STATE PROSECUTOR: NO FURTHER QUESTIONS.

CROSS/. . .

CROSS-EXAMINED BY MR. SCHWARTMAN:

Cynthia what is the name of this messenger -
at the office in Maseru?--- Sipo Tshabalala.

Was it his job to address all the envelopes?---
Yes.

Where did he used to address these envelopes?---
He used to do it in my office.

And on how many occasions did you see him
addressing envelopes?--- Many occasions.

And you never assisted him in his work?--- |||
No.

And did you ever pay any attention to the work || (F)
he was doing?--- No.

And how far away from you did he used to sit?---
His desk was so far away from me as the prosecutor's
desk approximately - whilst mine was where I am now
standing.

BY COURT:

About 4 paces..

BY MR. SCHWARTMAN:

Whilst he was working you never used to go and stand
over him and see what he was doing?--- No I remained seated
at my desk - I never went to his desk to see what he was || (F)
busy with or what he was doing.

You never really knew what he was doing?--- I only | P¹¹
saw him write on the letters - I did not know actually || (F)
what he did.

BY COURT:

What do you mean by "writing on the letters"?---
I only saw him write addresses on the envelopes - not on
the/ . . .

the letters.

You saw that from where you were sitting at your desk?--- Yes.

And you didn't know what he was writing on those letters?---

(S)

On the envelope, sorry?--- I did not know.

Or the persons to whom he was writing those letters.. addressing th letters.. or the persons to whom he was addressing the letters?--- I did not know them - I do not know them.

Now how then can you tell the Court that you saw the list from which he was writing and the columns from which he was taking names?--- I say so because on the 28th of March

I was given - I was handed this particular list and instructed to write the addresses on the envelopes that was given to me. I am referring to these letters that I was handed.. to me to letter "AA" post in Ladybrand.

(F)

But - P 38

is - Mfasa's writing - she did at address the

And who gave you this list?--- Mr. Leballo.

And did he tell you to write from one particular column?--- Yes he showed me what to write.

Is this the only occasion that you saw the list? --- Yes.

And the only occasion that you wrote addresses at all?--- Yes.

And those letters that were in your possession you hadn't as yet posted?--- I had not reached the post for that purpose.

Now was it Sipo Tshabalala's only job to address these letters?--- Yes he was also - it was also his duty

to/...

to fetch the letters from the post.

And what was Mfaxes job in the office? ---
He was working with the correspondence.

What do you mean by that? --- He replied to
the letters that were received.

Did he ever used to address envelopes? ---
He did.

And this EXHIBIT AA which you have been
referred to is this envelope addressed in whose handwriting?
--- It is Mfaxes's.

I have got EXHIBIT W if that is what you
are looking for Your Worship.. and the letters that
were addressed in your handwriting what happened to them?
--- The police took possession of them all - I don't know
what happened to them.

Why did you tell the court in your evidence
in chief that you never assisted in addressing these envelopes?
--- Well I have not been assisting but I only started then - 7/5
I only then for the first time assisted then.

Your answer was: "I never assisted in addressing
envelopes " not that "I only started assisting". ---

BY COURT:

Her answer...? --- BY MR. SCHWARTMAN: Her answer
was "I never assisted in addressing envelopes" .

BY WITNESS:

Well I was referring to what happened first - # J
not what happened subsequently.

BY MR. SCHWARTMAN:

And for how long did you have this list in your
possession? ---

From which you were copying addresses? --- Well I
would/ . . .

would only have it for the purpose of writing the addresses and then it would be taken by Leballo.

BY COURT:

For how long did you have it on the 28th of March?

--- I cannot now tell the Court for what length of time but I did - I had the use of it and wrote after lunch-time.

Half an hour - two hours - three hours...---

It could be half an hour.

BY MR. SCH ARTMAN:

And what was it - on ordinary foolscap paper or was it in longhand or was it a typed list?--- It was in longhand.

And on how many pages?--- Two pages.

And were there headings at the top of each column?--- Each column contained the names or the addresses but there was nothing written at the top or above those columns.

And how many names were there on - I beg your pardon- there was a column containing the name - and then a column containing the address?--- That is correct.

And that is all that was on this piece of paper?--- Yes and on.. there was another one with the nicknames.

BY COURT:

There were three columns - the names and the addresses and the nicknames...--- Yes.

BY MR. SCHWARTMAN:

From which column did you copy names?--- From the third and the second column.

Now what kind of nicknames were these in the third column/. . .

column? --- It was a name as well as a surname.

But was it a nickname in the sense that this person was called Fatty or Skinny or Rock or something like that?

--- No it was a person's name that was used.

BY COURT:

Is it more of a fictitious name?--- Yes.

It was just a fictitious name.

BY MR. SCHWARTMAN:

And did you check at all to see whether the names in the third column were the same.. sometimes the same as the names in the first column?--- I did not.

And did you ever see Mfaza writing names from this list?---Well I had seen him there addressing envelopes.

And you don't know what went into any of these envelopes that were sent out?---

She doesn't know what was put into any of these envelopes .. --- No.

BY MR. SCHWARTMAN : NO FURTHER QUESTIONS.

BY STATE PROSECUTOR: NO RE-EXAMINATION.

BY COURT:

Does this name on the envelope of EXHIBIT AA Ditweng Molere - does that mean anything to you ...--- I do not know the individual referred to by this name.

I thought you said you addressed the 70 envelopes?---
Some of them were addressed by me - not all of them.

You did not address all of them?--- No.

BY/ . . .

BY STATE PROSECUTOR:

Your Worship I wish to apply to have Detective Warrant Officer Dirker called back as your witness - this morning we could not lay our hands on the original of this so-called Mbani letter - I now have it in my possession - I would like him to hand it in.

CAREL JOSEF DIRKER Beëdig verklaar:VERHOOR DEUR DIE STAATSAANKLAER:

Is hierdie die oorspronklike brief - die oorspronklike koevert en die oorspronklike koerant uitknipsel waarvan u vanmôre melding gemaak het toe jy getuienis gegee het? --- Dit is.

Dit wil sê die oorspronklikes van bewysstukke Y en Z...

DEUR HOF:

Watter nommer gaan jy die gee... --- Die nommer is BB. BEWYSSTUK BB - al drie die stukke want dit is eintlik saam.

DEUR STAATSAANKLAER:

Die rede waarom ek hierdie aan die Hof en aan my geleerde vriend toon is omdat ek beoog om daardie dokument weer terug te neem - daar is 'n duplikaat - of ek sal dit só stel - daar is 'n fotostatiese afdruk en 'n getikte afskrif in die rekord en ons gebruik daardie dokument in verskeie ander sake en ek gaan hom onttrek met u toestemming - ek gaan net 'n kruisverwysing tussen die ander bewysstukke maak.

DEUR HOF:

en teruggegee is aan die Aanklaer.. --- Soos die Hof behaag.

DEUR MNR. SCHWARTMAN: GEEN VRAE.

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