

MR. VAN NIEKERK: My lords, may it please your lordships. I start with the accused Peter Selepe, accused No.18. I beg leave to hand in the written argument, my lords. 1

First there is the index, my lords, and then on page 1 there is the Overt Acts set out, and I might say at the outset that as far as Overt Acts 3, 4 and 5 are concerned on page 1, that at the end of the argument the Crown will intimate that it will not rely on Overt Acts 3, 4, and 5 as overt acts, but respectfully suggest that these be taken into account. 5 10

RUMPF J: I don't follow; you are not relying on which?

MR. VAN NIEKERK: Overt acts Nos. 3, 4 and 5, my lord, as overt acts, but the Crown respectfully suggests that these -- they refer to meetings, my lords -- that they be taken into consideration when it is considered whether or not the accused participated in the conspiracy. Adhered to the conspiracy, my lords. 15

Now your lordships will see that the first overt act is the conspiracy as set out in part B of the Indictment, and the second one is that the accused attended the Congress of the People on the 25th and 26th June, 1955, as set out in Part E of the indictment. 20

Now, my lords, on page 2 I deal with the membership of the accused. Accused is stated to be a member of the A.N.C. and often spoke at meetings, as testified to by Sgt. Masilele at page 8805. He was active in the African National Congress since 1950 - Sg. Sharp - page 10684; and according to Mandela at page 16157 Selepe was a member of the African National Congress and was 25 30

active in in Alexandra Township. 1

It is also stated in evidence that accused attended Communist Party meetings prior to 1950. Sgt. Kruger, page 10845, - that he first came to the notice of Sharp when he attended a meeting of the Communist Party in Alexandra in 1950 - also Sgt. Sharp, page 10683, and Sharp saw him at the Communist Party Meetings at Alexandra in 1950 and also at Congress meetings at the same time. 5

Section C, my lords, deals with the searches.

1) On the 27th September, 1955 Sgt. Mokoena accompanied.... 10

BEKKER J: Well, you've set those out.

MR. VAN NIEKERK: I've set it out, my lords, and I've set out the documents that were taken from the accused, and in Schedule - Section D I deal with the contents of these documents, my lords. 15

The first one is PS.1 - A.N.C. Membership card in the name of - as stated in the record Chabel - P.Selepe. PS.4, notice of an A.N.C. meeting Dube branch.....

RUMPF J: You've set out the documents.

MR. VAN NIEKERK: I've set out the documents, my lords. 20

RUMPF J: Is there anything to which you wish to draw our attention?

MR. VAN NIEKERK: In the document PS.3, my lords, at the bottom of page 4, there is reference to the portion to which I wish to draw the Court's attention, where it talks about "The usual motley crowd of the ultra left fortunists, right-wing reactionary and Government stooges, is screaming its opposition to a serious struggle against Malanite oppression. All these groups are united 25 30

in one important respect. They do not want any steps  
taken to halt the march towards Fascism." 1

RUMPF J: That you have described as a type-  
written document, undated and unsigned.

MR. VAN NIEKERK: That is correct, my lords,  
it is undated and unsigned; it was found in his possession,  
and it refers to the political consciousness of the masses  
and it is only through active participation in struggles  
against the enemy that the masses can be taught the  
value of united action and organisation, and never  
through lectures by political scientists." 5 10

Now, my lords, on page 5 there is a reference  
to a document, Congress Volunteer, PS.13; my lords, this  
document has been referred to on previous occasions and  
it sets out that the duties of a volunteer are that they  
must teach people and inter alia, how they must distribute  
Congress leaflets and pamphlets, publications like 'Liber-  
ation', 'New Age', 'Fighting Talk', 'Congress Voice', and  
the Transvaal A.N.C. Bulletin, which support the Congress. 15

Then PS.5, my lords, Second National Con-  
ference of the Federation of South African Women held  
on the 11th and 12th August, 1956; report of the main  
speeches and resolutions - - this is the same as C.1004  
read into the record at page 2131, and then I set out  
certain topics which this document deals with - that  
it is time for action and that the F.S.A.W. is a link  
with women in all parts of Africa. It supports the  
Anti-Pass Campaign; it supports the Liberation Movement;  
it supports the Freedom Charter; it refers to the  
whites as robbers of the land, and that they, the people,  
will not wait for changes but will make those changes 20 25 30



themselves - tomorrow; suggests drawing inspiration from  
the liberation of the so called Socialist Countries; states  
South Africa is still part of the world where people are  
exploited, but South Africa will not learn from history,  
but must be taught.

My lords, then section E deals with the meetings  
- a summary of the meetings that the accused attended, pages  
6 and 7, and then on page 8, my lords, I refer to particu-  
lars of speeches at these meetings and, my lords, referring  
to the meeting of the 28th February, 1954, which was an  
African National Congress meeting at Alexandra; witness  
Sgt. Maduta. Now, my lords, Sgt. Maduta was criticised  
by the Defence on page 10223 to 4 of the record, that the  
meeting took two to three hours and that he reported this  
meeting on three pages of typescript.

My lords, apparently there has been no criticism  
or no cross examination on Maduta's ability to take down  
speeches at this meeting . . .

KENNEDY J: I'm afraid I still haven't got the  
number of the page.

MR. VAN NIEKERK: I'm sorry, my lord, page 10223  
to 4. Now, my lords, at this meeting Nene was the  
chairman and the first speaker was Madzunja and I've set  
out extracts from his speech on page 8, and I wish to  
refer the Court to the latter part of Madzunja's speech,  
"All Africans are fighting for freedom in our own country  
of Africa, and Europeans are going to stop us when we  
want freedom, and say 'You will get it when you die';  
and they will take your leaders away so that you cannot  
understand each other. Those Africans in Kenya, they are  
fighting for their country and they are called Mau Mau

RUMFF J: What does that mean, 'You will get it when you die, and they will take your leaders away so that you cannot understand each other'. 1

MR. VAN NIEKERK: My lords, it means that - - I think it would be better if I read the whole quotation, my lord. "As Moses in the bible has called the Israelites to be together so that they must not be oppressed by the Egyptians, and they have walked away forward, we must do the same, and all Africans are fighting for freedom in our own country of Africa, and Europeans are going to stop us when we want freedom, and say 'You will get it when you die'; and they will take your leaders away so that you cannot understand each other. Those Africans in Kenya are fighting for their country and they are called Mau Mau and they are to be killed, and here when we want higher wages and fight for our country they are calling Communists. We got no houses and we are not allowed to build where we like." 5 10 15

With respect, my lords, the submission here is that this is support for Kenya and the suggestion that violence might be used here, and that violence will be used against people. 20

Then Selepe, the accused, stated, inter alia, "Unless you fight for your freedom you remain slaves, and Malan is changing your education to be under Native Affairs. And Malan is afraid of us because he did not buy this country. No law shall prevent Africans to fight for their freedom and if they take me you must come and take my position - as a soldier dies another one shall take over." 25

My lords, there is this reference to the soldiers, 30

and then Motsele, my lords, said: "We shall organise at  
any place, and I want to warn the Government that these  
detectives that they are going to let them down and they  
are going to A.N.C." and furthermore I warn the Government  
that we are not going to be frightened by the point of a gun,  
the struggle will continue as India, China and Kenya. Today  
Kenyata who was the leader of Kenya is serving seven years  
and here it will be the same, but freedom will come." 1  
5

Then Mavuso said, my lords: "So Europeans must  
not come and tell us that our people are foreigners, and  
this laws it will be against. I have come to tell you the  
danger of this laws which is made in Parliament, and this  
Riotous Assemblies Act is formed to abolish meetings of  
A.N.C. in Alexandra. This Government has combined them  
to be free from the English Government which was oppressing  
them, so we can fight for freedom; when you come join the  
Congress. You must tell these people that we are Africans  
and we shall die together but not to be controlled by the  
white people who are foreigners here." 10  
15

RUMPF J: Is the relevance in this extract  
the reference to the violence? To the 'We shall die to-  
gether'. 20

MR. VAN NIEKERK: As your lordship pleases.

RUMPF J: Well, I don't think it's necessary  
to read the whole passage; if you would perhaps just draw  
our attention to the sentence which you think is relevant. 25

MR. VAN NIEKERK: As your lordship pleases.  
My lords, then I refer to the second meeting of the 28th  
March, 1954, an A.N.C. meeting at Alexandra, and the witness  
is Masilele. Masilele was XX- examined on this meeting, my  
lords page 89<sup>8</sup> to 9. 30



RUMPF J: Repeat that? Page.....? 1

MR. VAN NIEKERK: Page 8918 to 8919, my lord.  
Masilele was cross examined on this meeting but there was  
no criticism at all.

BEKKER J: What was the line of cross examination?

MR. VAN NIEKERK: My lords, the witness was 5  
asked . . .

BEKKER J: Give me the line of cross examina-  
tion,

MR. VAN NIEKERK: The witness was asked to read  
in certain passages from his notes which had been omitted 10  
by the Crown, my lord. There was no attack . . .

RUMPF J: Have you got those passages here?  
The passages that were read in.

MR. VAN NIEKERK: My lords, I haven't got them  
in here. 15

BEKKER J: Should we not have it?

MR. VAN NIEKERK: My lords, I shall read the  
cross examination, it's very short.

The next is G.12, meeting of the 28th March,  
1954, and just briefly at page 3 in the second paragraph 20  
he says "Well, whether I go to gaol I don't care, or  
whether I am shot I don't care because my life....."

RUMPF J: Who is speaking there?

MR. VANNIEKEKER: "is not so important....."

RUMPF J: Mr. van Niekerk, who is the witness, 25  
about which this Masilele is giving evidence?

MR. VAN NIEKERK: The speaker, I think, is  
Motseleà, my lords. Yes, my lords, it appears to be  
Motsele, Motsele's speech.

RUMPF J: You say he was asked to read in some- 30

thing? 1

MR. VAN NIEKERK: He was asked to read in something, my lord . . .

RUMPF J: From the report of Motsele.

MR. VAN NIEKERK: Yes, my lord. 5

RUMPF J: Have you got that passage?

MR. VAN NIEKERK: My lords, with respect, it does not alter the sense of what the Crown has read into the record. My lords, I wish to draw the Court's attention to Motsele's speech; Nene was chairman, as I said; he referred to the Bantu Education, the Western Areas removal, and then Motsele said, "Death is for everyone, nobody will live for ever." And then lower down, referring to Sophiatown - that is about six lines from the bottom - "Sophiatown will not go - if it goes we are next to go. If it goes it must go under the dead bodies of the Africans." Then Selepe the accused said: "You will be the new soldiers. We have been told that in former times the Europeans was never a liar." Then he refers to the Europeans, and on page 10 "They say the whites have manufactured the Tsotsi. And then he asks the question, "Are you going to allow Sophiatown to go? and there is the reply 'No'. "You are all delegates, tell your people at home." 10 15 20

Then the witness explains that that 'no' - - "Can you explain that no? They were the people who said No." 25

My lords, the next meeting is a meeting of the Transvaal Action Council of the 4th April, 1954, at Alexandra. Witness Masilele, and he gives evidence on this meeting, my lords. There was cross examination on this 30



meeting on page 8919 of the record, where the witness is  
asked to read into the record certain portions of a speech  
of a person by the name of Majundja.

RUMPF J: Is that all?

MR. VAN NIEKERK: That is all the cross examination  
and my lords, I wish to refer to the speech of Nene where  
he said that in Parliament we have noticed that there is  
no opposition, we cannot depend upon the United Party  
because they are all Boers, and he further goes on to say  
"We are now appealing to every African, everybody to  
sacrifice by everything he can. Next week we will speak  
about the buses because they will move from here."

And then Selepe says they were oppressed by the  
Afrikaners and the English and speaks against the Bantu  
Education Act, and he said that Malan will be the last  
Prime Minister and that if the mind of a child is enslaved  
that will be under his dead body.

Molewa was the next speaker, my lords, and he re-  
ferred to battlefields and to uniforms, and on page 11  
to Bantu Education . . . .

RUMPF J: What does he say about battlefields and  
uniforms?

MR. VAN NIEKERK: He says, my lords, "You know in  
battlefields soldiers wear different uniforms. Now this  
is your uniform. Although there are always people pretend-  
ing to be Africans they are our enemies." Then he refers  
to the Bantu Education . . . .

RUMPF J: What is the uniform he refers to?

MR. VAN NIEKERK: My lord, I don't think he said  
what the uniform was.

RUMPF J: What point do you make of battlefields

MR. VAN NIEKERK

and uniform? 1

MR. VAN NIEKERK: My lords, it's significant that Nene speaks about the people should sacrifice - then Selepe said that if the mind of a child is enslaved it will be 'under my dead body', and then immediately after that, Molewa talks about a battlefield and a uniform. 5

BEKKER J: What is the significance in your submission?

MR. VAN NIEKERK: My lord, the significance is in respect that it seems to suggest . . .

RUMPF J: Do you mean it suggests violence? 10

MR. VAN NIEKERK: It suggests violence, my lord.

RUMPF J: Why? 'You know that on a battlefield soldiers wear different uniforms; this is your uniform'.

MR. VAN NIEKERK: With respect, my lords, a reference to a battlefield in a meeting of this nature - - 15 why, my lords, unless it is opposed to something . . it does not seem to have any . . . .

RUMPF J: I'm not on the battlefield, I'm on the uniform.

MR. VAN NIEKERK: As your lordship pleases. 20

RUMPF J: Now this is your uniform; what does that mean?

MR. VAN NIEKERK: I won't take it any further, Then on page 11 "Our struggle is not against any particular person but we are against the system imposed on us." 25

Mavuso goes on, my lords, to say "Down with the unjust laws." and halfway down the page he refers to the fact that the world is divided into two spheres, the Imperialist government of America and the English and only to enslave the various people in their different countries. 30

In order to plunge the whole world into another war to put  
up the minds of the people fear." I think there is . . . 1

RUMPF J: We are certain something is left out.  
Have you got submissions on the speeches?

MR. VAN NIEKERK: I make my submissions on the  
speeches when I deal with the proof of Overt Acts on page 5  
26, my lords. There I deal with the speeches in order.

RUMPF J: Yes. Go on?

MR. VAN NIEKERK: My lords, then Mavuso goes on  
to say, page 11, "The people of Russia and China are fol-  
lowed by workers of different countries including our orga- 10  
nisation. The whole people fight to defend their rights.  
Neutrality is very important in a situation like this.  
Coming to our own South Africa we see the division still  
here. The ruling class depend on American money to defend  
the Imperialists. They have introduced suppression of 15  
Communism Act to crush the Liberatory Movement in order to  
suppress our workers in the interest of the American money.  
They do these things only in the interest of the Americans.  
In the Unity Movement people speak the same language like  
Swart. These people claim to help the Africans, yet they 20  
support the Government, and the Putco to exploit our  
people."

Then he refers to the Re-settlement Bill which  
will enslave the African people and the Government will  
only like them to remain slaves. He then proceeded: 25  
"We call upon everybody to oppose the removal because it  
has no benefit to you. You will only be there for 30  
years. When Verwoerd will again decide. I say the time  
has come to make a halt to the ruthless suppression move-  
ment. Let us make no secret and say here we die - nothing 30  
else."



Then later on he says "The African National Congress will defeat Frith and the Government and the American Imperialism." Frith is the name of the Bus company, my lords. 1

RUMPF J: In what capacity was Selepe present here? Was he in the audience, was he on the platform? 5

MR. VAN NIEKERK: It doesn't say, my lords, but he was on the platform when he spoke.....

BEKKER J: Was he on the platform?

MR. VAN NIEKERK: He spoke at the meeting, my lord. He was the second speaker, my lords., after the chairman Nene. 10

KENNEDY J: Yes, but did he speak from the platform? Or did he speak from the audience?

MR. VAN NIEKERK: My lord, there is no reference as far as I can recollect, whether he spoke from the platform or not, but it appears that these were speakers who spoke from the platform. 15

Then I refer to page 13, and that is the meeting.....

RUMPF J: Before you go to page 13, the last entry on page 12, page 8846 - Nene spoke, Identity 8840 read with 8804. 20

MR. VAN NIEKERK: I'm sorry, my lord . . .

RUMPF J: First of all, what must we infer from the fact that Nene spoke?

MR. VAN NIEKERK: Nothing, my lords. 25

RUMPF J: We needn't look at it?

MR. VAN NIEKERK: Your lordships need not look at it.

RUMPF J: Identity 8804 read with 8804. Whose identity is that? 30

MR. VAN NIEKERK: It's the identity of Selepe, 1  
my lords; of the accused; testified to by Masilele at  
page 8840 of the record, and read with 8804, my lords.

The next meeting, my lords, is the one of the  
9th May, 1954, an A.N.C. meeting at Alexandra; witness  
Maselele and he gave evidence on this meeting. My lords 5  
there was no cross examination at all on this meeting.

MadZunya refers to "The soldiers must always  
be ready for anything that may happen. The life of every  
African is in danger." Then he refers to the Korean War  
where the Congress did not support the attacker of the 10  
Koreans, . . .

TUMPF J: That is Motsele.

MR. VAN NIEKERK: I'm sorry, my lords, that is  
Motsele.

RUMPF J: This is badly typed; one cannot make 15  
out who the speakers are. They should be typed in in capital  
letters.

MR. VAN NIEKERK: As your lordship pleases.  
It says: "In Kenya the English are killing our people and  
call them the Mau Mau and the South African Government 20  
wanted to go and help the British. We of the A.N.C. are  
determined to fight for the truth, no matter whether we can  
die for that. We call you to come and join the Congress  
and unite. I know we will have strength and the whites  
will be frightened. The whites carry a bible in one hand, 25  
under the pulpit there is a gun." Then it goes on:  
"Be ready because your blood sweat will flow and the tree  
of freedom will grow and all those things will be manure.  
The tree of freedom has been watered from 1950 May Day.  
The oppressors shot these people only to frighten you not 30

to come to meetings like this one." 1

After this Selepe spoke, my lords, and he said:  
"Today you can forget of Western civilization because it  
is the Western Fascism". He then refers to passes and Bantu  
Education and said: "I say as time goes on we will rule  
the whites. I do not say 300 years, or 500 years to 5  
come. They brought confusion among Africans that is why  
we do not unite. The white man is not suitable for South  
Africa. Even the climate does not suit his skin. Are  
we to allow the white man to exploit us? Why should we  
particularly receive Bantu Education, a different education 10  
from other countries? There is no other home in Heaven.  
The Indians were oppressed but they struggled to free them-  
selves. The Gold Coast got their freedom. Why should we  
allow the whites to exploit us? Moses refused the gold 15  
offered by Pharoah, but why should we say not until our  
people are free? We must form a united struggle to crush  
the white Imperialism. We must unite and fight the enemy.  
During the war they came to you. They did not care about  
your standard of education, they knew that you were use-  
ful. You read of Korea, Indo-China, they do not know what 20  
will happen tomorrow. The Imperialist Government must be  
driven out of Indo-China; we will do the same here. If  
we are united the enemy will not penetrate our ranks. The  
Africans murder each other, because of the white man."  
"I will fight the Nationalist Government to the last day of 25  
my life. I wish to warn you not to listen to them because  
I hear there is war somewhere. If they come to me to go  
and help I can rather go to gaol. We have no freedom of  
choice of work assemble and work. We will rule in our  
country during our life time before Malan dies." 30



Then Maloao said, my lords, "The oppressors will not go away from any country; they can rather die for that country. History tells us like that if we look in Indonesia the French will not live but can rather die. Yesterday the Indonesians have taken one big village which the French have been holding and many French people were killed. In Kenya the same thing happens where the English are killing the Kenya people."

My lords, the I refer to a meeting of the African National Congress on the 4th July, 1954, at Alexandra. Nene was the chairman of this meeting, and Masilele was the witness, and the cross examination of Masilele is found on page 8919 of the record and it refers to a speech, a summary of a speech made by Madzunya which was not read into the record, and which was not apparently read into the record by the Crown, and with respect it does not take the matter any further.

BEKKER J: Was the witness asked to read in a passage?

MR. VAN NIEKERK: He was asked to read in a summary of the speech of this person.

Now, my lords, this meeting was originally laid as an overt act against the accused and Nene was the chairman and he said, "You have heard that Chief Luthuli has said at Cape Conference that people are wanted since freedom is wanted. So you should have come by hundreds to hear what Luthuli has said. He has already told us to organise the people and have people who would defend Sophiatown when the Government starts moving it. It is the aim of the Congress to overthrow Malan and Luthuli must take his place. The Government Cabinet is afraid

since Luthuli has appealed for volunteers. The strength of the African National Congress is not strong yet the day it is strength it will take over the Government. We have not yet received instructions from the headquarters to ask for volunteers but that day is coming. I wish you must come early at No.2 Square next Sunday because we have too much to do." 1 5

Masimolu then spoke, my lords and he said:

"When our people first saw the white man they thought he was a human being. But later they say he was an intruder. I appeal to you all here to organise our people and we must be the first to die when the tanks of Verwoerd destroy Sophiatown. We will fight for Africa freedom". 10

Motsele then said, my lords: "We are knocking at the doors of Parliament. We want to rule this country. The forces of liberation are many all over as far as Indo-China. I appeal to the youths, men and women, that the danger is at our doorsteps, so we have to go and support the people of Sophiatown. It will be removed over the bodies of dead Africans. We will show the Government on that day. Where is Hitler what has happened to the S.S? All Hitler guards are running from place to place, they are being pursued. We may be prisoners for long terms. Africa is our land, we want it." 15 20

Then Selepe said, "The freedom you have to fight is yours, we have not stopped yet but we will fight and you must have solidarity to face the Dutchman with his rifle with your bare hands. They deceived us with their religion. We must fight the Nationalists in the sea, on the land and in the air. Taking away of our leaders will 25 30

not stop our struggle. Our rights are not privileges. 1  
Let us preach the doctrine of solidarity. We must asso-  
ciate ourselves with everybody. History repeats itself.  
The climate of South Africa does not suit the skin of  
the whites, therefore they must go."

I next turn, my lords, to the meeting of the 5  
18th July, 1954, also reported by Sgt. Masilele. My  
lords, there was no cross examination on this meeting at  
all.

Nene was the chairman, page 18, my lords, and  
he said: "So I want to tell you that A.N.C. is at war with 10  
the Government of South Africa. African National Congress  
is the opposition of the Government. The Nationalist  
Government is real at war the Africans will not be  
frightened by the meeting of S.S. Bengu."

He then spoke about Defiance and Volunteers 15  
and said, "The day we are ordered - the day we are ordered  
we will have to pay high prices for defiance. The day  
we are ordered we will march forward and defy though  
Swart has ordered the police to shoot. Swart is waiting  
his time in ordering the police because the guns will 20  
not stop the march of the A.N.C. Everybody must prepare  
himself to accept the order the day it comes, because the  
guns will not stop the march of the A.N.C. Everybody  
must prepare himself to accept the order the day it  
comes, because if you do not do so the Dutch people will 25  
say we have beaten them. So you must join volunteers corps  
to-day and from now on we will begin to organise everybody  
to hoin volunteers."

Then Selepe, the accused, spoke on the Western  
Areas Removal, my lords, and said, inter alia, "There is 30



still time to check Malan. Malan is so bad to us because 1  
 he sees the end of the road. Not Liberal or United  
 Party but African National Congress. Only Malan will not  
 be free unless Africans are liberated they will not  
 rest. That is why they employ watchboys to watch their  
 properties because they know that the owners of the 5  
 country may come and take their belongings. The police  
 also are in that same line with us. The Government does  
 not trust him."

He goes on to say, my lords: "We are not trained  
 here in South Africa because the white man realises the 10  
 danger. We were trained over the borders of South Africa.  
 Africans fought at Alamein till victory was achieved.  
 What I saw in Europe will happen to Malan. The Africans  
 are not left behind during war. African bodies are lying 15  
 in the desert. The freedom of the country depends in  
 your hands. You have to remove Malan out of this  
 country. He will travel in the same way which was  
 travelled by Hitler. Malan must not be permitted to....."

Then Makiwana said, inter alia, "Africa, sons  
 and daughters of Africa, in fact I did not prepare myself 20  
 to speak - the time of speech is passed. All over the  
 world we read of revolution, all over in Indo-China,  
 Kenya, Malaya, Gold Coast, people are fighting the cause  
 that demand their rights. These people have shown us the  
 way. India fought out the British. The war in Indo- 25  
 China they do not read about it. When the war of Kenya  
 started the British said it was only a mere fight of  
 gangsters but today it is already two years. The people  
 of Kenya have shown the British that the black man can  
 fight. We are not lagging behind in South Africa. 30

There are preparations being made about Western Areas. 1  
 Volunteer corps are prepared. The Congress has appealed  
 to youths to fight against Bantu Education. Malan does  
 not want us to work in towns but to work in kitchens,  
 and farms . . . . I know the teachers are afraid to defy  
 this, but such traitors will be taken out. Are we going 5  
 to allow Verwoerd to do what he likes with our schools?  
 We will have to take away our children out of Malan's  
 schools. In Kenya they have 300 schools out of the  
 Government. The Government is very scared, that is why  
 you see many police at all meetings. It is better for a 10  
 man to die standing than to die sitting down. It is your  
 duty to rally everyone to join Congress long live Africa."

Then, my lords, J. Molife spoke and said:

"We are the owners of this country. How can you expect 15  
 these people of Europe to be of any good to us while  
 they were thrown out of Europe because they were gangsters.  
 Van Riebeeck was thrown out of Holland because he was a  
 gabgster." "In Kenya though the British have aeroplanes  
 but the Kenya people march forward to freedom. In every 20  
 colonial territory you always see that there is oppres-  
 sion. All these rich people of industrialists like  
 Oppenheimer always dictate to Malan such laws to pass on  
 natives. We are now far too tired for this oppression  
 and domination of white people on us. The white people 25  
 so stupid they think South Africa will be their paradise  
 forever; they think their rule of master and servant will  
 perpetuate forever but we know that the time will come when  
 a change will come and we will rule this country. In  
 life when a thing is born, but as time goes on it will  
 grow old and will die. You cannot check the progress 30

of the thing that is developing. We have been growing politically no matter how weak we may be one day we will rule. Our Liberatory Movement is growing and becoming stronger; that is why we will rule one day. The present social system has grown up and become strong but now at the moment is growing older now the Liberatory Movement is taking its place. So, friends, we must decide here what we must do about this atrocious thing. We can protect or send deputations to the Government, but at this moment we cannot, only a mass action can work. The people of Sophiatown are going to be removed. The President has asked for volunteers to defend Sophiatown. So we must be ready to answer the Call. These volunteers we are asking for is more than 1952 volunteers. We are going to meet harder punishment."

Molewa then spoke, my lords, "We are gathered here because we are oppressed. This time is not a time of speaking. I believe as we are here we are ready for action. Therefore let us accept the call of the President. Many people in other countries are oppressed and they are struggling for their freedom. Here, near us in Kenya those people are struggling for their freedom. How is that a person can be satisfied about oppression? People of Indo-China, they fight their oppressors. The Korean people showed by fighting against Imperialist Government. The Indo-China people fight against the very powerful government of France. The masses of the people are fighting for their freedom. Now this is the time for the people to join the volunteers for liberation. In order to strengthen our liberation we must join

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today to participate in the liberation of our people. 1  
 The volunteers have never failed if the people of South  
 Africa during the war were forced to join why can't  
 you join now? When I call upon the volunteers to enroll  
 no African must turn back because we will be fighting for  
 the interests of the African people. Bantu Education 5  
 has been introduced. No other schools will be allowed  
 to go on except the Government schools. Swart is busy  
 banning our leaders. Schoeman is also busy to stop  
 people from being employed. Don't turn back from the  
 battle," 10

The next meeting, my lords, is the one of the  
 10th April, 1955; Sgt. Makoena testified to this meeting,  
 my lords, and he was cross examined at page 9593 to 9596.  
 The criticism levelled against him, my lords, was that a 15  
 meeting lasted for 4 hours and 40 minutes, and the report  
 of Makoena is contained in 4½ pages of typescript. My  
 lords, then he is questioned on the meaning of certain  
 phrases and at the bottom of page 9593 he is asked:  
 ("Q) Those detectives who are taking notes in future,  
 Verwoerd will send them to gaol; I am sure you will see. 20  
 Look what he is doing. They said one teach should only  
 teach 200 children a day in five hours. Do you know what  
 that means?-- (A) It means, my lords, that one teacher  
 must teach 200 children per day. Some of them must come 25  
 in the forenoon and others in the afternoon."  
 ("Q) Is that what it means?-- (A) Yes."  
 ("Q) And that is what you get from this sentence, 'Look  
 what they are doing, one teacher should only teach 200  
 children a day in five hours'?-- (A) Yes." 3

"Q) You know that one of the complaints regularly made  
against Bantu Education was that there should be two  
shifts, don't you?— (A) Yes." 1

"Q) But look at the next speaker Selepe with whom you  
dealt in chief. You see him at the foot of the page.  
"You police, I can assure you your life is always..... 5  
and what is the next word?— (A) It should be .....(?)"

"Q) I want you to spell it?— (A) Linematas..."

"Q) So the sentence reads 'you police, I can assure you  
that your life is always linematas since the A.N.C. has  
come, is that correct?— (A) Yes." 10

"Q) And what does that mean?— It means that their life is  
in danger."

"Q) Why does it mean that?— It means, my lords, that the  
lives of the police are in danger." 15

"Q) You say linemaas means their lives are in danger?—

(A) Yes, my lords."

"Q) What is the word you would use in your language to  
convey the sense of linematas as understood by you?—"  
and he gives the Bantu equivalent, and -

"Q) What does this mean", and the interpreter says it  
means your lives will be in danger. 20

My lords, then the cross examination goes on:

"Q) You see, Makoena, I want you to go on. 'I feel  
that any police will decide here in Dube they must be  
chased away;' just go on from there, 'You all know they  
are dangerous to us?— Yes, I do." 25

"Q) So whose danger was being talked about?— It is meant  
that the police are dangerous to them."

"Q) That is what it is, not so?— Because they live together  
in the same place." 30

"Q) Now let us leave these details; would you look  
lower down towards the end of that speech. Selepe was  
dealing - you remember - as it was read out to you, about  
getting freedom. Van Riebeeck and the Gold Coast; then he  
went on to talk about a man who was still willing to take  
part on Bantu Education committees and school boards. 5  
Now I want you to throw back your mind; do you remember  
that the speaker was discussing a particular person who  
had been busy organising others to take part in school  
boards instituted with regard to the new Bantu Education  
?-- (A) I don't know which person he was referring to." 10  
"Q) Do you remember he was speaking about a particular  
person?-- No, I don't know whether he was speaking about  
a particular person."  
"Q) Might he have been speaking about a particular person  
?-- I don't know what was in his mind." 15  
"Q) Just one further point about this speech; you will  
cast your eye a little higher up; do you remember that  
this was read out: 'I understand that subjects like His-  
tory are going to be abolished'. Do you see that? 'And  
why the Nationalists have decided to abolish them is 20  
because Van Riebeeck came to South Africa; later in  
Africa he was forced to move out'. Have you got that?--Yes,  
I have."  
"Q) Do you think that is what the speaker said?-- Yes, that  
is what he said." 25  
"Q) You see he said he would use the Gold Coast merely as  
an illustration of how the people can obtain freedom, not  
as an illustration of how van Riebeeck moved out?-- It was  
a way of explaining how, as you say, Gold Coast got their  
liberation." 30



That is the end of the cross examination on 1  
this meeting, my lords.

BEKKER J: Well, what do you say about it?

MR. VAN NIEKERK: My lords, I suspect there is  
quite a lot in this meeting which apparently doesn't seem  
to make sense; apart from that there is quite a lot that 5  
does make sense, your lordships, and my submission is that  
as the witness testified - - he said he took it down as he  
heard it, and my submission is that those portions which  
do make sense can be relied upon, especially, my lords,  
because it seems to fit in mostly with what was said at 10  
the meeting that was described by Masilele, and at this  
meeting, my lords, Selepe, the accused, said - referring  
to Bantu Education - "We don't want this education. I speak  
openly that my enemies should understand me clearly. I  
do say, Verwoerd, we are going to stop him. Why these 15  
African police always come and take notes when we have  
got meetings, as if their children are not suffering as  
our children?"

He goes on, my lords, "They will be moved out  
like those who were moved at the Gold Coast. We are going 20  
to do the same and let us all say tomorrow we are going to  
move National Government. I say to you detectives that your  
life is eliminated. You will be sent very far from this  
country. In conclusion I say a man who is still willing  
to take part in Bantu Education Committees and School Boards, 25  
he must be brought out in this Square and be cut out a  
man's human being so that he may never make some children  
any more. I want more young men who will stand and say  
'I will take the place of J.B. Marks, Mandela, Kotane....." 30

MR. VAN NIEKERK

BEKKER J: Well, if his knowledge of man's anatomy  
is so weak can we rely on his reporting of this meeting  
in any way?. I assume he means a man's private parts there.

MR. VAN NIEKERK: I don't stress this unduly, my  
lords, but the point is this, although it is poorly recorded  
the theme is the same - - it is against Bantu Education,  
and Masina speaks about the volunteers later on, and an  
unknown man says . . . .

BEKKER J: Have you decided not to rely on him?

MR. VAN NIEKERK: Well, my lord, as your lordship  
pleases.

The next meeting, my lords, is a meeting of the  
19th June, 1955, which is again an African National Con-  
gress meeting at Dube, and again reported by Sgt. Maselele.  
My lords, there was no cross examination on this meeting.  
And Selepe was the chairman at this meeting, my lords.

Sekoba, secretary of the Congress at Dube, said  
"Who are the people? You are the people. The Government  
is made of a few Europeans who are exploiting you;" and  
then he refers to C.O.P. "You will remember this country  
is yours; you are the only ones to correct things. Our  
oppressors, foreigners who are exploiting, are only  
temporary. Never you be deceived that this country is  
European country. You must stand up and shake the bondage  
of the exploiters. Nobody surely is satisfied with the  
ruling class. So the C.O.P. must be held. The Capitalists  
have made these laws for us only to tie us to their jobs.  
With passes we have no freedom at all. We shall form a  
strong force which will fight Verwoerd and we shall kick  
him. Because that would be the will of the people....."

My note is, my lords, that then Selepe said: 1  
 "This is not a democratic country but a police state.  
 We have no freedom of movement, freedom of assembly. To-  
 morrow you will be refused to meet your wife."

And then there's a question by the presiding  
 Judge, ("Q) Yes, and a little farther down did he say 5  
 the white people are their enemies?-- (A) Yes."

And Masina said "The country is theirs and the  
 white people must have fear when they meet. The fore-  
 fathers of Europeans - bad people - Europeans want to get  
 rich without sweat. Tell your children this country is 10  
 theirs." He then refers to Bantu Education, "You know  
 about the French Revolution and how China got its Free-  
 dom in 1949."

After having dealt with these meetings, my lords,  
 I go on to 'G', Proof of the Overt Acts; there is the 15  
 usual submission, that the first overt act, that of con-  
 spiracy, as set out in Part B of the Indictment has been  
 proved: And it is further submitted that his hostile  
 intent and his adherence to the conspiracy should be in-  
 ferred from his activities. Now his activities, my lords, 20  
 are set out:

He was an active member of the African National  
 Congress in Alexandra Township; he attended Communist  
 meetings, he had in his possession the documents set out in  
 part (c) hereof; the contents of these documents are set 25  
 out in Part D hereof, and it is submitted that these docu-  
 ments contain the following matter:

Supporter for the Anti-Pass Campaign; support  
 for the Liberation Movement and a suggestion of a struggle  
 between the people and the Government; support for the 3



Freedom Charter; reference to the whites as robbers of land; statement that they will not wait for changes, but will make those changes themselves - tomorrow; A statement that inspiration is drawn from the Liberation of the Socialist countries; a statement that South Africa is part of the world where people are exploited, and that South Africa will not learn from history, but must be taught;

Now, my lords, the Crown further relies on the fact that the accused attended the meetings set out in Part E hereof, some of which meetings he addressed.

Particulars of speeches at those meetings appear in Part F.

Now, at the meeting of the African National Congress at Alexandra on the 28th February, 1954, which accused attended and addressed, Madzunya . . . . .

RUMPF J: Are those the meetings that you've dealt with?

MR. VAN NIEKERK: I've dealt with those meetings, my lords, seriatum, and as regards the first meeting I say it is submitted that this was in furtherance of unconstitutional and illegal action leading to violence - this meeting of the 28th February, 1954.

And the meeting of the 28th March, 1954, where it refers to soldiers, my lords, "You will be the new soldiers" . . .

RUMPF J: Where are you reading from now?

MR. VAN NIEKERK: Page 27, my lord. I am referring to the meeting of the 28th March, 1954. I'm giving a summary, a short summary of the meeting, my lord . . .

BEKKER J: And the material on which you rely?

MR. VAN NIEKERK

MR. VAN NIEKERK: I beg your pardon, my lord? 1

BEKKER J: And the material on which you rely  
from the speeches taken at that meeting?

MR. VAN NIEKERK: As your lordship pleases.

RUMPF J: Which is the speech that we should  
delete? It isn't here. 5

MR. VAN NIEKERK: I shall give your lordships  
the reference now.

KENNEDY J: Well, it would seem you have not  
included it in your Overt Acts. You make a reference to  
Overt Act No.2 and none of the others which you set out. . 10  
It would seem you have only dealt with Overt Act No,2, you  
have not included it as overt acts - those, Nos. 3, 4, and  
5, which you originally asked us to strike out.

MR. VAN NIEKERK: No; my lords; with respect  
I asked that the Court would take that into consideration  
in dealing with the conspiracy. 15

KENNEDY J: With hostile intent...

MR. VAN NIEKERK: And the conspiracy, my lords.  
Then a portion on page 33, my lords; your lordship asked,  
if I heard your lordship correctly, what portion of this  
argument was to be deleted. 20

RUMPF J: Is that 7?

MR. VAN NIEKERK: That is 7, my lord.

RUMPF J: Yes.

MR. VAN NIEKERK: Now, my lords, as regards  
the meeting of the 28th March, 1954 - top of page 28 - -  
I say that it is submitted that this is incitement to  
violent opposition to the removal of the Western Areas.  
My lords, there is an error in the typescript here. 25  
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RUMPF J: Where is the error? 1

MR. VAN NIEKERK: The third line, on page 28, my lord. 'Violent opposition' it should be, my lords.

RUMPF J: Yes.

MR. VAN NIEKERK: My lord, the same mistake is in the last line on page 27; it is submitted it suggests 5  
violent opposition to removal - - and those killed "will be the first people to die for freedom" and then asked whether the audience will allow Sophiatown to go and they respond 'No.'

Then, my lords, the meeting of the Transport Action 10  
Council at Alexandra on 4th April, 1954 . . .

RUMPF J: Well, your submission on that meeting is to be found at page 29 - - oh, I see . . . yes.

MR. VAN NIEKERK: Yes, my lord; I say that it is submitted on page 28 that this accused, Selepe, attacks the 15  
Bantu Education Act, and after Selepe Maloewa spoke about the soldiers, and Maloewa further stated that "our struggle is not against any particular person . . . ."

BEKKER J: Just to get you back, Mr. van Niekerk; if a mind of a child is enslaved that would be under my 20  
dead body', "Malan will be the last Prime Minister" - This you submit implies violence, violent resistance to the administration of the Bantu Education Act . .

MR. VAN NIEKERK: I'm sorry, my lords, that is my submission, that this implies violent resistance to the 25  
administration of the Bantu Education Act.

BEKKER J: Based on the words 'will be under my dead body'?

MR. VAN NIEKERK: Yes, my lords, the child to be saved, 'will be under my dead body'. 30



MR. VAN NIEKERK

KENNEDY J: It may be metaphorical, I don't know.... 1

MR. VAN NIEKERK: With respect, my lord, there is the reference to the removal of the Western Areas, and that will only happen over the dead bodies of the Africans. My submission is that it bears the same meaning, and that that implies violence, my lords. 5

Then, my lords, regarding the second submission on this meeting, page 28, that is just after Moloewa's portion, where it says it is submitted that this is an attack on the system in vogue in South Africa and a suggestion to change it." 10

BEKKER J: Mr. van Niekerk, I want to ask you something. I suppose you will concede that the words 'We will die', 'Over my dead body' - or 'under my dead body' -- sometimes those words are used in a metaphorical sense; sometimes it may be used in the literal sense. 15  
Now when - what test should we apply in looking at these speeches to decide in which sense it is being used?

MR. VAN NIEKERK: With respect, my lords, unless there is anything in the context to show that it's used metaphorically my submission with respect is that the ordinary meaning of the language should be taken into account, and the ordinary meaning for 'under my dead body' is that they'll 'have to kill me before this will happen'. So that implies violence, my lords. 20 25

KENNEDY J: Well, when the Natal Executive Committee said of an official about to be appointed to a senior educational appointment in Natal, 'his appointment will be over our dead bodies'; if you look at the ordinary meaning of that, of those words, do you say that 30

implies violence? 1

MR. VAN NIEKERK: On the ordinary meaning, my lord?

KENNEDY J: Yes, on the ordinary meaning.

MR. VAN NIEKERK: On the ordinary meaning it implies violence, my lord. 5

KENNEDY J: Yes. And would you say that that in fact was violence?

MR. VAN NIEKERK: I don't know whether there is any evidence to that effect, my lords. 10

KENNEDY J: I'm just putting it to you because that is the sort of language that has been used commonly; it was commonly used at that particular time, over this particular topic.

MR. VAN NIEKERK: No, my lord, I cannot comment on that. 15

My lords, then Mavuso - at the bottom of page 28, said "Down with the unjust laws". He described the world as divided into two spheres - the Imperialist government of America and the English only to enslave the various people in their different countries, in order to plunge the world into another war, and "The people of Russia - China, are followed by workers of different countries including our organisation." 20

He attacks the ruling class who 'depend on American money to defend the imperialist'. They have introduced the Suppression of Communism Act to crush the Liberatory Movement in order to suppress our workers in the interest of American money. 25

This, my lords, it is submitted is an attack on the Capitalist system, and an expression in favour of the 30

Communist bloc. This view, it is respectfully submitted, 1  
is strengthened by the concluding remarks of the African  
National Congress will defeat Frith, i.e. Putco Bus Service,  
and the Government, and the American Imperialism.

Mavuso further attacked the Western Areas Removal 5  
Scheme and stated that the Government wanted to enslave  
the Africans, and he called upon everybody to oppose the  
removal and stated "Let us make no secret and say here we  
die - nothing else."

This it is submitted, my lords, is a condemnation 10  
of the present State by the whole meeting; it's a condemna-  
tion of the present State and incitement to violent resist-  
ance of the Western Areas removal, and on the whole meeting  
I'm sorry, my lords, at which the accused spoke, it is submitted  
that it attacked the Bantu Education Act, the Western Areas  
Act and incited to violent resistance to these acts. 15

Attack on the Capitalist system in South Africa;  
attack on the Capitalist world, support for the Liberation  
Movement and suggests a change of State form.

Now, my lords, as regards the meeting of the 9th 20  
May, 1954, it is submitted that the speech of accused must  
be read together with the speech of Motsele who stated  
that 'The soldiers must always be ready for anything that  
may happen and be ready because your blood and sweat will  
flow and the tree of freedom will grow, and all these things 25  
will be the Manure."

Then Selepe does not disassociate himself from  
this speech but refers to Western civilisation as Fascism.  
"We must form a united struggle to crush the white Imperial-  
ism; we must united and fight the enemy." 30

Then he refers to Korea as follows: "You read



MR. VAN NIEKERK

of Korea, Indo-China, they do not know what will happen 1  
tomorrow. The Imperialist government must be driven out  
of Indo-China, we will do the same here. If we are united  
the enemy cannot penetrate our ranks."

It is submitted, my lords, with respect that  
this is incitement to revolution, to get the government out 5  
of the country.

Now the meeting of the 4th July, 1954 . . .

KENNEDY J: Is it necessary to recapitulate what  
you have already said?

MR. VAN NIEKERK: No, my lord. My submissions 10  
are there, my lords.

RUMPF J: Dealing with the next meeting you say  
- you submit that what was said in that meeting is an incite-  
ment to violent action against the Constitutional authority  
in South Africa. 15

MR. VAN NIEKERK: As your lordship pleases.

RUMPF J: Well, then the next meeting . . .

MR. VAN NIEKERK: My submissions here, my lords,  
at page 32, it says - recapitulating what was said, my  
lords, it is submitted that by this means, he means unconsti- 20  
tutional action to obtain what they want, that is freedom  
of speech, freedom of movement and a free State in South  
Africa.

This submission of unconstitutional action is  
strengthened by his further statement, "You have to remove 25  
Malan out of this country. He will travel the same way  
which Hitler travelled."

In advocating of violence at this meeting is  
further shown by the speech of Makiwana who suggests revo-  
lution, and that the persons should be prepared for action 30

and revolution. . . . 1

RUMPF J: Well, you need not read that.

MR. VAN NIEKERK: That I think has been quoted, my lords, and ....

RUMPF J: At the top of page 33 it says 'This it  
is submitted suggests the overthrow of the present system 5  
and the creation of a new system.

MR. VAN NIEKERK: Yes, my lord, it is submitted this  
suggests the overthrow of the present system and the creation  
of a new system. Molife concluded his speech by referring  
to the Western Areas Removal, my lords, and then he suggest....10

RUMPF J: Well, at the middle of the page you  
say it is respectfully submitted that at this meeting revo-  
lution, unconstitutional and illegal and violent action was  
advocated.

MR. VAN NIEKERK: It also supported the 15  
Liberation Movement, and the Volunteers.

RUMPF J: Yes.

MR. VAN NIEKERK: Then meeting No.7, my lords,  
that I am not relying on.

Meeting No. 8, my lords, it is submitted at this 20  
meeting the present State was condemned as oppressive, as a  
Police State, that no one must be satisfied with the ruling  
class and that a strong force will be formed to oust Verwoerd.  
It is submitted that this is an incitement to violent action. 25

It is submitted in paragraph 9 - - this is really  
a recapitulation, a short recapitulation, my lords, of these  
meetings and I do not think I need read it.

Then, my lords, I go to Overt Act No.2, that is  
page 36, my lords. The accused Selepe attended the confer- 30

MR. VAN NIEKERK

ence referred to as the "Congress of the People" at Klip-  
town, Johannesburg, on the 25th and 26th June, 1955.

RUMPF J: You set out the evidence on this.

MR. VAN NIEKERK: Yes, my lord, I set out the  
evidence on these meetings and then I set out the speech  
he made . . .

BEKKER J: Was this a shorthand recording?

MR. VAN NIEKERK: This is a shorthand recording, my  
lords, and it is my submission, my lords, that this Overt  
Act has been proved against the accused Selepe.

Then my final submission, as I said at the be-  
ginning, is that the accused - - those three meetings are  
not to be taken into account as overt acts, but I suggest  
that the evidence on them be taken into account in proving  
the conspiracy and adherence thereto, and that the accused  
is guilty of the other two Overt Acts as charged.

That concludes my argument in respect of this  
accused, Selepe, my lords.

(COURT ADJOURNED)

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