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IN THE SUPREME COURT OF SOUTH AFRICA.
(TRANSVAAL PROVINCIAL DIVISION).

Pretoria: 15 January, 1964.

BEFORE:

The Honourable Mr. Justice DE WET, Judge President.

In the matter of:

THE STATE versus NELSON MANDELA AND OTHERS.

Charge: Sabotage.

Plea: Not Guilty.

For the State: Dr. P. Yutar, and others.

Mr. Berrange and Others FOR THE DEFENCE.

- EXTRACT OF EVIDENCE -

BRUNO MTOLO (is called.

THE COURT IS CLEARED.

BRUNO MTOLO (Still under oath):

CROSS-EXAMINATION BY MR. BERRANGE: Mr. Mtololo, I believe that at some stage you became the Secretary of the African Municipal Workers Union?---That is correct.

When was this?---Since June, 1962.

You were then still working at McCord's Hospital?---

It was immediately after I left the hospital.

This Union was a Union that was affiliated to S.A.C.T.U.?---Yes.

Because I want to get some of this terminology correct. What was S.A.C.T.U. - what was its proper name?--- South African Congress of Trade Union.

It was an organisation to which trade unions became affiliated?---Yes.

And as such individuals did not join this union?---

They joined the Congress..... Except those who are members of the General Workers Union - they can, individuals, can become members of S.A.C.T.U. , otherwise you become a member of an organisation which is affiliated to S.A.C.T.U.

And that was your position?---Yes, my position was that I was then secretary of the Workers' Union to which I belonged.

The Municipal Workers' Union?---That is correct.

Salary,

You were the secretary of that, and that is what you meant when you said you joined S.A.C.T.U.?---That is so, yes.

What did you get paid in your capacity as secretary of the Municipal Workers' Union?---It had not been arranged in regard to my pay, my lord, because the person who had been secretary before me had run away with some money, and arrangements were still being negotiated as to what I was going to get. The committee still had to decide that.

When was this?---In 1962.

What part?---All of the portion of 1962, and until 1963 it had not been fixed. I was given small amounts, but the salary had not been fixed.

You were paid small amounts from month to month?---Yes.

Approximately how much per month did the Union pay you?---Sometimes £3.0.0', sometimes £6.0.0., sometimes £5.0.0.

I see. And you left McCord Hospital for the purpose of taking up this appointment?---No.

You did take up this appointment as soon as you left McCord's?---I did, yes. But that was not my reason. My reason for leaving McCord was not for the purpose of becoming secretary of this organisation.

So you were a member of this Union then, for about eighteen months, is that correct?---Since June, 1962, to be more or less correct, until May, 1963.

You say there came a time in your association with, what you call, the Regional Command, where you became disillusioned?---Yes.

And that was round about April, 1963, when you had to go to Bergville?---You mean when I started getting disillusioned?

Yes?---I would say that was for the whole of 1963, the whole of 1963, right from the beginning.

And ultimately you were arrested?---Yes.

And you thought matters over?---Yes.

And therefore, at the most, within 24 hours you had decided to tell the police all you knew?---Yes.

And the reasons that you have given us weren't getting the money that you were promised?---Yes.

And that the higher ups did not seem to care for the security of the recruits?---Yes.

That Nelson Mandela and Sisulu seemed to be well-off?---Yes.

That the leaders had left the country?---Yes.

I see! You see you joined the A.N.C. in 1957?---Yes.

Did you have a membership card?---Yes.

Have you still got it?---No.

You can't produce it?---No.

And I suppose you joined the A.N.C. because you were convinced that what the A.N.C. stood for was right?---Yes.

You felt that the AN.C. was expressing in acts and in words the aspirations of the black people?---Yes.

And you became a dedicated worker?---Yes.

You went to their meetings?---Yes.

Did the work that you were asked to do?---Yes.

And ultimately, when you were told that the A.N.C. had felt that all forms of passive resistance could not take

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the Africans anywhere, and that they felt that violence was the only path that was left to them, you agreed with that?--Yes.

You went into it wholeheartedly?---Yes.

You embarked upon many acts of sabotage, you have told us?---Yes.

* You risked your life in doing this?---Yes.

You risked imprisonment in doing this?---Yes.

And then you became disillusioned for the reasons you have given us?---Yes.

ANC Policy appeared still

line 10 What I would like to know, and I would like you to tell his lordship, did you become disillusioned because you no longer thought that that which the A.N.C. and the liberation movement was struggling for was not the right thing?---I will say this, that I thought, all the time, that what the A.N.C. was working for was good, and I still say so now, that it was good, and is good, but what made me feel disillus^{ion}ed was the action of the leaders

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Go on! The action that you have told us about?---Yes, that is correct.

Because of the actions you have told us about?---Yes.

But otherwise you felt, and you still feel that everything that the AN.C. was working for, and the liberation movement was working for was good, to use your expression, and you still feel that way?---That is so.

And because you became disillusioned with the leaders you were prepared, within 24 hours of your arrest, to go and make a statement to expose the whole of this movement which you believed to be in the benefit of the black man?---If I talk about the A.N.C. it must be known that I talk about the A.N.C. and not this thing about the Communists.

What about this thing about the "Spear"?---The Spear is connected with the Communists.

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Spear approved

That is what you say, and we will deal with that in due course. Did you agree with what the Spear was doing?---I agreed with it when it was doing it for the A.N.C.

So you say you became disillusioned with the Spear when it was doing it for the Communists? ---Yes, my lord. And the way in which they were deceiving the people.

How were they deceiving the people? ---Because the majority of the members of the A.N.C. are not aware of the fact that the leaders are Communists.

Now, do you mind telling this court what difference it made to you whether the leaders were Communists, or whether they were members of the Liberal Party, or whether they were members of any sort of party, as long as what they were doing was something which you agreed to and thought was good?---The deception, the deceiving was the thing I ...

What deceiving?---Because they are holding the people under the impression that they are members of the A.N.C. whereas in fact the leaders are members of the Communists.

You still have not answered my question. What difference did it make to you whether the leaders were Communists or whether they belonged to any political party, as long as they were doing for the A.N.C. something which ^{you} believed to be very good?---Because they were not doing it for the A.N.C. but they were doing it for themselves.

Were you a member of the Communist Party?---Yes.

Did you agree with what they were doing?---Yes.

You did. Did you know what they were doing?---Yes.

They were doing the very things to which you are now objecting to.---Yes.

And you went along with them wholeheartedly?---Yes.

Why?---As you have already said, I was in agreement

with it. I was a member of the Communist party, but what we were doing at the time was all being done for the A.N.C.

That is my whole point!---But then, afterwards, in recent times particularly from the beginning of 1963, up to now, it has been quite clear that what is being done is not done for the A.N.C. it is being done for the Communist Party.

How did that become clear to you?---Because the members of the A.N.C. - it became clear to them, afterwards, that the leaders were Communists. In other words, the genuine A.N.C. people - members - it became clear to them, and they realised that the leaders were now the heads of the organisation, and they were not working for the A.N.C. anymore, but they were working for the Communist party.

You are avoiding my question. How did that become clear to you. That members of the Communist Party who were in the A.N.C. were working for the Communist Party, and not for the A.N.C. - how did that manifest itself?---Because, in the beginning of 1963 we were receiving directives that were coming from the Communist party. According to those directives we were advised that because the A.N.C. members are dissatisfied, or don't agree with the Spear of the Nation, but we, who are members of the Communist Party, must get into the A.N.C. organisation and get into the different branches, so that we can get hold of the leadership of those A.N.C. branches.

How did it become clear to you that the Communist Party members, getting the leadership of the A.N.C. branches, were not working for the benefit of the A.N.C. - that is now the third time I am putting this question?---Because it was being discussed then and advised in our Communist Party Cell - people were then instructed and advised that we must gradually take charge of the organisation into...so that the Communists would have the

power.

BY THE COURT: Just a minute! Can you explain to me - is there any difference between the aims and objects of the Communist party and the aims and objects of the A.N.C.?---Yes, there is a difference, my lord.

That is what Counsel wants you to explain - what is the difference?---Because the policy of the A.N.C. is not that the wealth of the country and the Government should go to the workers, my lord.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED): And is that what you suggest is the difference?---Yes.

You spoke about the Freedom Charter.---Yes.

Can you tell us what was in the Freedom Charter?---I know, that, for instance, in regard to the wealth of the country, that that should come to the inhabitants of the country, to the people of the country.

Can you tell us what was in the Freedom Charter?---Also in the Freedom Charter is mentioned in the hope of South Africa - everybody, all the people - would have a say in the Government of the country.

Anything else that you can remember in the Freedom Charter?---The people of the country should govern the country.

Anything else?---Oh, there are many others.

Well, we want you to tell us - you have been telling us all these things. We want you to tell us how much you know about it?---And that all the different races in the country, as a whole, will be looked after. They won't be discriminated against.

Anything else?---I don't remember.

Did you regard the Freedom Charter as being a Communist document?---I would not call it a Communist document, my lord, but most of it goes in line with Communist ideas.

Did you disagree with it?---I agreed with it.

Handwritten initials in blue ink, possibly "MB", with a red vertical line through them.

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I still want to know why, in those circumstances, you should suggest to his lordship that because the Communists, you say, had received directives that they should get into these organisations and take charge of them, why that should do any harm to these organisations?---The Freedom Charter agrees with that, but the difference is this - that is the difference between the ideas of the A.N.C. and the Communist Party. The Communist says that the wealth of the country must come to the worker. In other words, the workers will then rule the country. It is the workers that would then have to decide how this wealth should be shared, or distributed.

What is the distinction that you make?---The difference now is that the policy of the AN.C. - the way they looked at things - was that the wealth of the country would be divided, and shared by the people of the country - not the workers.

So you draw the distinction between the people and the workers?---Yes.

You know, I am beginning to doubt whether you were ever a member of the communist Party. Tell me, the nationalisation of industry - was that one of the objects of the Communist party?---Yes.

Was that one of the objects expressed in the Freedom Charter?---I don't remember if it is.

Would you be surprised to hear that it is so?---No, I would be glad to hear it.

You would be very glad to hear it. What I want to put to you is this - that you are deliberately trying to suggest that the A.N.C. became a tool of the Communist Party? And you are falsely suggesting this and that in truth the position is this - in the A.N.C. they were prepared to take people of all

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political affiliations, as long as they were prepared to work for the aims and objects of the A.N.C.? And in the A.N.C. you had all types of political affiliations?---Yes.

Do you agree with that?---Yes.

And it didn't matter whether they were members of the Communist Party, the Liberal Party, the United Party, or any other Party?---Yes.

And as such the Communist Party supported the A.N.C. in its demands? Do you agree with that?---Yes.

And working as hard as they could to see that their demands were implemented?---Yes.

Now, for how long did you say you were studying the principles of Marxism or Leninism?---Since 1960.

In making this study I understand that you went to classes almost once a week?---Yes.

And I understand that you were also given certain books to read?---Yes.

Such as the Last Frontier?---Yes, and Episode.

Do you remember those books?---I do.

Did you regard those books as being Communist propoganda or did you regard those books as being something that expressed the aspirations of the A.N.C.?---Those two mentioned - especially the Last Frontier, I would say, particuarly, seemd to me was to educate you to the .. to be able to resist something that you feel that you don't really agree with, but to use all your powers to resist that that feeling.

I still want an answer to my question - did you regard this as being Communist literature - something expressing the aims of the Communist Party, or the aims of the A.N.C.?---No, I wouldn't say that.

You wouldn't say what?---That they were Communist Party literature, my lord.

You did say that, you know. In your evidence in chief.
---Do you say that I said that those books are books of the Communist party.

Yes, communist literature, you called them. That is what you called them.---I don't remember ever using the terms that they were Communist literature. I think I referred to them as books that were given to me by Stephen to read.

I will tell you what you said. You mentioned four books.
---Yes.

And you said that you were given these books to read.---
Yes.

By Stephen Dhlamini?---Yes.

And I take it that you were given by him to read in order to educate you into Communism?---Yes, that is different. That is different to your suggesting that I say that they are Communist literature.

Let me go on! You said that all these books, and others, were Communist literature.

DR. YUTAR: My lord, here I must protest. My learned friend is misquoting that page.

MR. BERRANGE: Then I would be very glad if you could show me the correct quotation!

DR. YUTAR: My lord, the witness never said so. He mentioned these four books and referred to others that were communist literature. My lord, whilst I am on my feet may I please appeal to my learned friend not to put his questions, consisting of two or three or four parts, to the witness. It leads to confusion.

BY THE COURT: Yes, I am well aware of that.---It has happened already, my lord.

I am well aware of the fact when the witness understands a question or not, Dr. Yutar!

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Anyway, it can be taken from the record at a later stage in case it is necessary.---Yes, my lord.

CROSS-EXAMINATION BY MR. BERRANGE (Continued): In any event, at least concede this, Mr. Mtolo, you did not regard these two books as being Communist literature?---I don't classify them as Communist literature, but I would say this - that people, reading them, a person who has a certain amount of knowledge, can be trained through them to.. or brought into such a state that you can then afterwards give him other literature to lead him to become a Communist.

Tell me, what did you think about the other two books that you mentioned?---Which are you referring to.

You tell me which other books you were given to read by Stephen Dhlamini? ---Like the one Black and ~~White~~ White in South Africa.

I don't know - you tell me!---Roots of Revolt. Revolt in Africa - not South Africa - in Africa.

Did you regard them as being Communist literature?--- Also those I would not say that they are truly or particularly Communist literature, but they are... they can train and lead you to communism.

You wouldn't call them Communist literature?---No, but they can build up the foundation; although they are not truly Communistic.

Were you given any other books by Stephen Dhlaimini to Read, besides those four?---Yes, he instructed us in dialectical materialism(?)

No, but I am asking you were you given any other books to read?---Lion Awake. There was one, I remember, he gave me, which was Lion, Awake.

Who is the author?---Jack Wobbis.

Wolpe?---No, W.O.B.B.I.S.

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The same man who wrote the Roots of Revolt in Africa, hm?--

-Yes, the same man.

Was that Communist literature?---Those too, to us, the people of South Africa, if you read them... not south Africa, sorry People of Africa - if you read them, and study them, they form a foundation.

Would you call them Communist literature?---I would say, in my opinion, that when you come to the stage of studying that, Lion, Awake, then it becomes Communist Literature.

I don't want to take you through the whole of this book - but do you mind telling me why you say that that book is any different from any other books that you mentioned? ---Because it stabs much more at capitalism.

And the Roots of Revolt?---In that it brings out... you learn you see, how the capitalists took over the ruling and how they get hold of the wealth of the country.

And at the meetings of the African National Congress - what was said there - was it in agreement with these books that you have mentioned?---Yes.

That stabs at capitalism?---Yes.

You are now telling us that the A.N.C. is also an organisation that, like the Communist Party, was opposed to forms of capitalism?---That is correct.

And you realised that from the time that you were a member of the A.N.C.? You, personally?---At that stage I personally only saw it on the face of it, as it was then, but I had not delved deeply into it.

Did you at any time object to this idea ^{of} ~~at~~ stabbing at capitalism?---I was, in the beginning, in agreement with it, but afterwards, when I saw deeper and deeper into this ideal I found that it wasn't actually the stabbing at capitalism, but

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it was something else. I will just repeat it. On the fact of it, as I saw it, I was in agreement with it, but when I got deeper into it, and I was being taught, then I saw then that it was and formed the impression that this stabbing at capitalism was not actually what it was. It was that the wealth of the country should be drawn and given to the workers.

Is that not what you learnt right from the start of your lectures about Communism? Was that not the first think that you learnt - let me put it that way?---Yes, I learnt that after I had become a member of the Communist Party.

And you agreed with it?---Yes.

Did you ever disagree with it?---I have already said that when I came to disagree with it was when the members of the A.N.C. were being deceived.

Did you ever disagree with the idea that the wealth of the country should be taken over by the workers, at any stage? ---Yes, during this year I became to feel that I was not in agreement with that.

During 1963 you began to feel that this was not right, is that so?---Yes.

What made you feel that?---As I have already said, that we, as the Communist Party, had to assist the A.N.C. just as all the other organisations that belonged to it, assisted. But, when I realised that we were not assisting the A.N.C. at all, but we were taking from it, then I changed my mind.

I am still waiting for an answer to my question. What made you change your mind with regard to the ideological principle that the wealth of the country should be taken over by the workers?---Because I was not in agreement that... when I am talking about the people I am now talking about black and white people - that what they worked for should be just taken away from them.

But aren't those the workers?---And hand it over to the workers.

But what made you suddenly decide that, for the third time! ---You mean...

BY THE COURT: He didn't say he suddenly decided that. He said he gradually decided.

CROSS-EXAMINATION BY MR. BERRANGE (Continued): ^{line} 7 What made you lose faith with this idea?---On account of many things that I realised and that I saw. I have mentioned several things already. I felt that the people were being deceived.

In other words, what you felt about it was that, because of the fact that there were Communists working in the A.N.C. and you thought had a different ideological approach to the A.N.C. therefore the A.N.C. was being deceived?---Yes, that they were now actually deceiving them instead of assisting them.

(A)

And that is one of your reasons for ultimately deciding within 24 hours of your arrest, that you were going to tell the police everything?---It is one of the reasons.

Although you still believed in the A.N.C. and its aims and objects and in what it was doing?---The A.N.C. yes, without the Communists. I am still in agreement with that.

(B)

^{June 22} And you were prepared, therefore, if your evidence is true, to betray those members of the A.N.C. for whom you had such a soft feeling, because they were being deceived, merely because of the fact that members of the Communist Party had infiltrated into the ranks of the A.N.C.?---As I am standing here, I am satisfied in my own mind, that I have not dropped or harmed the members of the A.N.C. As a matter of fact, I have done them a favour.

What about those members of the A.N.C. who are not members of the Communist Party, with whose policy you are in agreement?---What about them?

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What about those people who have been betrayed?---Whom?

Those people who have been betrayed by your evidence?---

No.

Are you serious?---Yes.

Well, who have you betrayed?---I have told to the A.N.C. people that those people who were leading in this way were deceiving them.

10 But what about those members of the A.N.C. who have been arrested and sent to gaol, and who will be arrested and sent to gaol, because of the fact that you have exposed if your evidence is true, the whole of this setup? What about them?---

Those who have already been convicted because they were furthering the objects of the movement of the A.N.C. are prepared to go to gaol for their cause, and I am now still prepared to go for that cause, but not to go to gaol through being deceived.

17 [So you do agree then, that your evidence, and your exposures will have resulted in members of the A.N.C. who are not members of the Communist Party, being convicted and sent to gaol?---The people whom I have exposed in my evidence are those people who are deceiving us.)

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In other words, you say the people you have exposed in your evidence, you know to be members of the Communist Party? ---Yes, and members of Umkonto We Sizwe.

And Umkonto We Sizwe - what do you say about that? Was that a Communist Party organisation or an A.N.C. organisation?

---It was one of the ways in which they were deceived. The A.N.C. were under the impression that the Umkonto we Sizwe was an organisation belonging to them, whereas, in fact, it was an organisation belonging to the Communists.

Do you agree with the aims of the Umkonto We Sizwe?---

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---At the beginning I did.

And now? We are talking about their aims?---No.

Why not?---Because I was fortunate to realise what Umkonto We Sizwe was working for. I was fortunate to be able to see it with my own eyes.

Now, you know you gave evidence for many days, last year?

---Yes.

And you gave as a reason for your disillusion a number of reasons which I read out to you this morning?---Yes.

You never at that stage, mentioned at all, any of the reasons that you have given me today! You mentioned the fact that you weren't getting any money, recruits were not being cared for, and the leaders seemed to have a lot of money, the leaders have left the country, and I want to indicate to you in due course that all those reasons are false. When did you think of the reason that you have given us today? ---When I was giving my evidence in chief I was not questioned about the A.N.C. as I am questioned by you now.

You were questioned....?---But those reasons which you have just mentioned now, were in regard to Umkonto We Sizwe.

And you were questioned as to your reasons for becoming disillusioned, and never gave this as one of your reasons. --- I was questioned then, when I gave my evidence in chief, in regard to Umkonto We Sizwe. There are many other things I can say. The more you question me the more I can bring out that I haven't said before.

I am sure! You see, is this the first time that you have ever been in a Court? ---No.

In this Court?---I was here last year.

Is this the only case that you have appeared in?---Do you mean one that is not concerned with politics?

I am just asking you - is this the only case that you

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have appeared in?---I have given evidence in other cases.

AT THIS STAGE THE COURT ADJOURNS FOR 15 MINUTES.

ON RESUMING AT 11.30 a.m.

BRUNO MTCLO (still under oath):

CROSS-EXAMINATION BY MR. BERRANGE (Continued): Mtolo, when did you last attend what you call a Communist Party Cell Meeting?---I would say in about March, 1963.

That is before you came to Rivonia?---Yes.

Did you at any time express your disagreement with what you say the Communist Party was aiming at?---You mean at the cell meeting?

Yes?---No.

Did you express your disagreement when you came to see number (4) accused, and discuss Umkonto We Sizwe with him?
---No.

Did you tell him that you felt it was wrong, that the Communist Party members should be infiltrating into the organisation for their own ends?---No.

Did you ever mention that to the Regional Command?---
Except only that at the Regional Command I complained about this money question and said that if this was not arranged satisfactorily persons would have to go and find something to do for himself, my lord.

Yes, I am coming to that. But you made no complaints at all about the fact that Communist Party members are supposedly infiltrating into the organisation for their own purposes?
No, my lord.

And you have told us that you are in complete agreement with the Freedom charter?---You say that I had been in full agreement and...

And that you are still in agreement with the terms of the Freedom Charter?---Yes.

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(THE WITNESS IS SEATED).

Now, I just want to go shortly through the terms of this charter to have them on record.

BY THE COURT: Is it on record?

MR. BERRANGE: Not yet, my lord.

DR. YUTAR: My lord, I have not mentioned it at all! Not even through this witness, though my learned friend suggests I had.

MR. BERRANGE: The witness gave evidence about the Freedom Charter.

BY THE COURT: I have no recollection of his mentioning it.

In any event, it doesn't matter. He may have mentioned it in passing. It doesn't seem to matter.

CROSS-EXAMINATION BY MR. BERRANGE (Continued): I will put the question to him! Were you led to believe, by the Communist Party, that the Freedom Charter should fully be carried out?---
Yes, my lord.

F. Charter

And the Communist Party made it clear to you that they wanted the policies of the Freedom Charter fully carried out?---

BY THE COURT: Have you ever seen this freedom Charter? ---
I have seen it.

CROSS-EXAMINATION BY MR. BERRANGE (Continued): And you are very well aware of its contents, aren't you?---Yes, I am, although I did not .. I won't be able to testify that I know it by heart, my lord.

We won't worry you about that. But you were led to believe by the Communist Party that the contents thereof should be implemented fully?---Yes.

And the freedom Charter contains the following demands? If I read out anything to you with which you do not agree, or which you think the Freedom Charter does not contain, or if you think I am wrong, please say so! I am not going to read the whole Charter my lord. I am just going to read extracts.

"Every man and woman shall have the right to vote for, and stand as a candidate on all bodies which make laws"?---Yes.

You are in agreement with that?---Yes.

And you know that Africans cannot stand as candidates?---

I do know that.

Nor can they vote?---Yes.

"There shall be equal status on the bodies of state, in the Courts, and in the schools, for all national groups and races"? ---I know that.

"All people shall have equal right to use their own language, to develop their own culture and customs"?---That is correct.

"The national wealth of our country, the heritage of all South Africans, shall be restored to the people"? --Yes.

"The mineral wealth beneath the soil, the banks and monopoly industries shall be transferred to the ownership of the people as a whole?"---Just on that point now - the mineral wealth... That is my point. Now, the members of the A.N.C. who are not members of the Communist Party, will take that as you read it on its face value.

That is how I want you ^{to} take it as.

"The Mineralwealth, beneath the soil, the bank and monopoly industry, shall be transferred to the ownership of the people as a whole".---That is correct.

That is in the Freedom Charter?---Yes.

And that is what you agreed with?---Yes. I am still in agreement with it.

"Restrictions on land ownership on a racial basis shall be ended, and all the land redivided amongst those who work it to banish famine and hunger?" Correct?---Yes.

"Nobody shall be imprisoned, deported or restricted without a fair trial"?---Yes.

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"The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children"?---Yes.

"All who work shall be free to form trade unions, to elect their officers, and to make wage agreements with their employers"?---That's correct.

"All people shall have the right to live where they choose, to be equally housed, and to bring up their families in comfort and security"?---That's correct.

"South Africa to be a fully independent state, who respects the right and sovereignty of all nations"?---Yes.

"South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiations and not be war"?---Yes.

"Peace and friendship amongst all our people shall be secured by giving equal rights, opportunity and status for all"?
---That is so.

"The people in the Protectorate of Basutoland and Swaziland shall be free to decide for themselves their own future"?---Yes.

"The right of all people-~~who live in South Africa~~ of Africa to independent themselves and self government shall be recognised and shall be the basis of close co-operation"?
---Yes.

Those are the main demands in the Freedom Charter?---Yes.

Where you join issue between the Charter, and what you say the Communists wanted, was that the Communists say that the mineral wealth of the country, and the national wealth of the country shall belong to the workers, and/^{not}to the people.
---Yes, I say that it shall be shared. It shall go to the people who live in the country, no matter who they are.

Whether they are capitalists?---Yes.

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Or whether they are socialists? Or Communists?---Yes.

And you have always believed that?---Yes.

I always believed that?---Yes, that that should be so.

Why did you join the Communist Party, if you say there is this distinction?---Just what I said - when I joined the Communist party, then I saw that they don't talk about all the people as a whole.

They talk about the workers?---They classify the people. They put them in classes.

And if you didn't believe in that, why did you join them?

BY THE COURT: He answered, Mr. Berrange, that he only discovered that after he joined the party.

CROSS-EXAMINATION BY MR. BERRANGE (Continued): Why did you continue to belong to the Communist Party, if you didn't believe in that?---Because, by the time I realised that I was so involved in so many cases that there was no way of backing out.

You say you never raised any objections at any time? You never discussed this?---I did not raise any objections anywhere, my lord.

Why not?---The reason is after being involved so far with the sabotage and all these things, if I had backed out, I would have been killed, and so many people with whom I had become familiar and known...

What about them?---Who were in this organisation - they would not have left me alone.

What would they have done?---They would have killed me.

But couldn't you raise these problems without leaving? Couldn't you raise these ideological or political problems?--- There was no point in doing that. At once, when you showed any sign of being against them, you were considered to be a pimp.

And you do 't consider yourself to be that now?---No, not at all.

You have given this evidence, and you have made your statements to the police - for the benefit of the African National Congress? Is that what you want us to believe?---Not to assist the A.N.C. alone, but all the people in South Africa.

But we are talking about the A.N.C. - your organisation. ---Yes. The AN.C. amongst all the people.

And the reason why you disagreed ideologically with the Freedom Charter when they spoke about the wealth of the country going to the people, and the Communists policy, which you say is for the wealth of the country to go to the workers, because you are such a great respecter of property? May I put it more simply, perhaps. You don't believe that property should be taken away from any people at all?---Yes, I don't agree with that.

You are a respecter of people's property?---Yes.

Do you remember the time when you went into hiding? --- Yes.

And you remember the occasion on which there was an attempt to arrest you? And you got away?---An occasion when I was about to be arrested, and I got away?---

Yes?---No, I was never cornered by the police.

Do you know Johannes Phungula... Phungula.---Yes.

Do you know him?---Yes. Phungula.

How long have you known him? --- Since 1962, I will say, my lord.

Is he a friend of yours? ---He was not a friend of mine, but he was a fellow member of S.A.C.T.U.

A fellow member of the Trade Union?e---Yes, our trade union.

There is nothing against him that you know about?

---No.

And he has nothing against you that you know about?---No.

Did you tell him how you resisted arrest at Mariandale? Marianvale.---No, I didn't tell him that. I have no knowledge of Marianvale.

Where were you sleeping at that time - when you were in hiding?---At Georcedale, first.

Yes?---And.... where I used to sleep?

Yes?---And Kloof and Winstonpark.

Did you ever sleep at your cousin's place?---I have many cousins.

Any cousin, once you were in hiding?---"hilst I was in hiding? There were many houses that I slept in. Those I have mentioned, particular ones, where I stayed for considerable times, my lord.

Did you tell Johannes Phungula that the police had come to your door one night, when you were at your cousin's place? That you resisted arrest, and then did you show him a cut on your head, and told him that you had also injured your right shoulder? ---I remember that, yes, but not police.

Not police?---Not police.

What was it then?---Tsotsi's.

And if he says that you told him it was the police then it would not be true?---He would be lying.

Did you say that you had fired two shots with a revolver? ---Yes. I fired at the tsotsi's.

You say they were tsotsi's and not African police?---They were not policemen. Phugula said to me, I remember, "Don't you think that they were police?", and I said "No, I don't know".

Did you say "I don't know"?---I said, "No, I don't know", my lord.

Now, I come back to the question I was asking you just

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before the interval. You say you have given evidence in other cases before?---Yes, but not political cases.

Cases in which you yourself you have been involved? --- Yes, one.

Well? What sort of cases?---Attempted murder.

Who was the accused?---Joseph Nduli.

You say that that was not a political case?---No, that was an attempted murder charge.

Wasn't that a case where a bomb was put in the Kaduna's room?---Yes. 10

One of the acts of sabotage that you have related?---Yes, but the difference is that that person did not attempt to murder this person for the... had no connection with the organisation.

It wasn't a political crime - it was a personal crime?--- Yes.

It was a personal grudge.---Yes. 16

You made the bomb, though, didn't you?---Yes. 17

And you gave evidence about it?---In that case, yes.

And one of the witnesses gave evidence to the effect that he had received a bomb?---He said he received a bomb?

Yes? That he had heard about it? ---Well, when the witnesses were giving evidence in Court we were not listening.

But you must have been questioned by the police?---Well, whether I had made the bomb...

No, you must have been questioned about this incident by the police?---Yes, I was.

You actually gave evidence for the State?---Yes. 2

And did you tell the police that you had made this bomb? ---No, I did not.

You hid that from them?---Yes.

Any other cases in which you have been involved?---

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(The Interpreter: The witness wishes to say something). I just want to know - when you say I hid it from the police, you mean at that time?

Yes!---Yes, that is so.

And you didn't give any evidence about it, although you knew all about it? ---I did not give evidence.

Tell me, have you ever been to a reformatory?---No.

Is that truthful?---Yes.

Have you ever been in gaol?---Many times when I was
10 still a youngster, but not a reformatory.

How many sentences have you served?---In 1950 there were several charges that were taken as one.

May I just....?---I am sorry, my lord. All the sentences taken together amounted to four years. Four and a half.

Four and a half is what you served - six is what you were sentenced to!---I served, actually four and a half years. Two years of that - I am not certain whether it was consecutive or what... A

We are not worrying about whether it was four and a
20 half or six. What was the offence for which you were sent to gaol for 6 years?---It was for taken parcels, articles, from a goods train - a truck.

Stealing?---Yes.

24 That was in 1952?---1950.

Do you remember... Were you ever at Vereeniging?---No.

No?---No, never at Vereeniging.

Were you ever shot at while trying to enter and break into a shop, hm?---No.

Were you not convicted and sentenced to 18 months imprisonment?---No.

L-31 How many convictions have you got - I am only talking

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about convictions in regard to dishonesty. --- I would say three.

Have you been in gaol on every occasion? --- Yes.

And they were all for dishonesty or theft? --- For theft.

And yet you broke from the Communist party and its ideology, because you are a respecter of property? --- Yes, and the reason for that is serving in gaol in 1950 taught me to respect other people's property.

And it taught you so well that you were not prepared to serve in the Communist party when they said the property was to go to the workers, and not to the people? --- Yes.

You were still blowing up other people's property, though weren't you? --- Yes, I was doing that.

And that is because you were completely satisfied that the policy of the African National Congress was the only policy which would enable the African people to achieve what you felt they should be able to achieve? --- Yes.

And you still feel that today? --- Yes.

They can only achieve this by violence? --- The word violence is rather..

Yes, well, by acts of sabotage, and that sort of thing. --- I would say yes.

So, you say you joined the African National Congress in 1957. --- I did.

So you have told us nothing about the years 1958 to 1959? When you were an active member in the Congress? --- I wasn't in full time work. I was just assisting wherever I could.

Do you know that during those years the African National Congress in order to achieve its aims, on policies such as passive resistance, demonstrations, strikes - all sorts of activities that was then legal, but which was later made illegal? --- That is correct.

And then you came to the conclusion that the only way in which you could achieve the ~~demands~~ demands under the Freedom Charter would be by the course of conduct that you have described?

---You mean whether I came to that conclusion?

Yes, the same as everybody else? ---A European came from Johannesburg, though I did not see him personally, he came there, and gave the information that the A.N.C. has now deduced, that...

You have told us that already. I am asking you whether you agreed with that?---Yes.

Do you still agree with it today - you told us that this morning?---Yes, if it is carried out, and done by the A.N.C. and not in conjunction with that other party.

You think that if the Umkonto We Sizwe went and blew up installations and houses, and those types of things, today, you would still be in agreement with it?---I would still agree with it, if the people of South Africa would be in opposition and fight the Government, but not when other States, and other countries are called in.

So you are not prepared to take assistance from other States - is that it?---Particularly the Communists.

No, any State?---It is difficult, even for me now, to know who is a Communist, and who is not, but I say, the people and the country, if they oppose the Government, then I am in agreement in opposing the Government, but not to call in others from outside.

It doesn't matter who they are?---No, it doesn't matter who they are.

But you would still be prepared, at the present moment, to pursue a policy of violence? As long as other people aren't called into it?---You mean as as I feel today?

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Yes!---Then I just want to tell you that I cannot answer that question now, because I don't know what is going on. I am inside. I don't know what is going on outside. I don't know what the position is, but, up to this date, my feelings are .. I feel now, as I am here, that it was a mistake that was made when it was decided to fight.

When did you first realise that?---Whilst I was detained - 90 days.

Coming back to this question of this reaction of yours against the Communists- you have already told us that the Communist party told you that the freedom Charter was to be carried out fully? Correct?---Yes.

And they told you that the distinction between white and non-white should be wiped out- your words!---Yes.

They told you that you should fight those who stood with the Government and do away with the Government - your words! ---Yes.

They taught you that after you got the better of them you will get them... they will get them converted to their ideas. ---Yes.

They taught you that every person was to have the right to vote, irrespective of race, colour or creed?---Yes.

As long as he is a human being?---Yes.

And all those things are what the Freedom Charter taught you?---Yes.

But you are now giving evidence today because you did not agree with this concept that the wealth should go to a certain class of people and not to everyone?---It is not only that. It is one of the reasons that brought me to give evidence in this case.

Well you have given us the other reason - and I propose

to give you the chance of dealing with it. One of the reasons that you gave was the fact that you said that the leaders had run away?---Yes.

Was that true?---Yes.

Who had run away - who had left the country?---Jack Hodgson. Johnny Makatini.

Why do you call him a leader? He went on military Morocco training!---He is in ~~Morocco~~ Now - he was a leader.

A leader of what?---Of the A.N.C.

And he is In Morocco now?---Yes.

What happened to him?---He is staying there.

But he came back?---When?

He went up for training, as I say. Anybody else?--- Many of them - Joe Slovo...

Give me the leaders who ran away at the time when you decided to give evidence for the State? Over that 24 hour period when you got arrested - what leaders had left the country at that stage?---I am not only referring/^{to} what happened in June - I am referring to what was happening all the time. The people - as soon as they were faced with particular difficulties, they fled.

You said that the leaders had left the country, and that is why, when you were arrested, during that night, you decided that you were going to give evidence for the State. I am asking you what leaders had left the country at the time when you came to that decision?---Joe Slovo. Michael Harmel, Jack Hodgson...

They had all left the country at that time!---They had left.

The country?---Yes.

Really! And Nelson Mandela?---Talking about Nelson

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Mandela I want to tell you that he is the only one of the
leaders that I have respect for.

{A

Yes?---Because, you see...

You are talking about a lot of leaders leaving the country. You see a lot of men in the dock here, don't you?---Yes.

Tell me, other than going to gaol for theft, breaking into railway coaches, and that sort of thing, have you ever been banned? Have you ever been put under house arrest?---No.

Have you ever been prohibited from attending meetings?
---No.

Have you ever been sent to gaol for your political beliefs?---No.

That is what happened to most of these men here!--That I admit.

But you, Mr. Mtololo, preferred to give evidence against these men, because you say the leaders had left?---I said one of the reasons, but these people - referring to these people sitting here.....

Why against these people

Yes? Go on?---In regard to them, there are of these also, that I realise that they were playing the fool with us.

I am not worrying about playing the fool with you, but they didn't leave the country, and nor have you suffered any of the things that they have suffered, have you? ---I haven't suffered the suffering that they have suffered, but they are... the deeds that they have done are amongst the same as the deeds of those who fled.

{B

Perhaps you might explain to us then, that you said one of your reasons was because they did not care for the security of recruits?---I said so.

Do you remember telling us about the meeting you had and

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when it was suggested that in future, in order to enable the recruits to have more security, planes would be arranged?---
Yes, and immediately after that meeting, the first batch that was taken away was caught. Secondly, arrangements that were made that I entered in a diary of mine..

We will come to the diary in due course - go on!---...
of a group - it was arranged that we had to send them up.
We arranged for them to be at the Germiston Station..

Yes, we know the story!---They never met them. If I had not been with them they would have been arrested there, and locked up.

So, in order to ensure the safety of the A.N.C. movement decided to make a statement?---In order to... in the interest..

You made a statement? In the interests of the A.N.C.?---
Not the A.N.C. alone. All the people of South Africa.

They would all benefit, and you regarded yourself as a benefactor?---Every person on this Earth ought to think of other people.

Don't you think that that is a bit of sheer hypocrisy?
---No, I am saying that for it is true - from the bottom of my heart, my lord.

Tell me, you went to a party once, and you said that at this party you went and had a look - somebody showed you Walter Sisulu's house?---That is so.

Did you go inside the house?---Yes.

Who was there?---There were some children sitting in the door. We went in and enquired for his wife. She was not there.

Who took you there?---Levy.

Who?---Levy Siloro(?).

Why?---He said he would show me Sisulu's house.

Why? You are at a party - why should he want to show

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you Sisulu's house?---The party had not started yet.

So why should he want to show you Sisulu's house?---He was just going to show me the house of one of the leaders. He was one of the leaders.

But why?---So that I should just know.

Know what?---My leader's house - know my leader's house.

But why?---It was just incidental.

I know, but why - for what reason?---It is natural that if I came to a strange place, that a friend would go and take you and show you your leader's home.

But why? ---So that you would just know it.

But why should you want to know it?---It is not that I wanted to see it. He said to me "Would you like to go and see Sisulu's house?", and I said "Yes, I will be glad".

Yes, but what was the object of it? Why should you want to see it?---Because he is my leader.

I want to suggest to you that this is completely untrue! Did you go inside the house?---Yes, I went inside.

What part of the house did you go into?---We came in from the back.

What part of the house did you go into?---We went through the kitchen, we went to the dining room.

Yes? Anywhere else?---We sat down in the diningroom.

In the absence of Sisulu or his wife? Sat down in the diningroom - what for?---Siloro then asked where Mrs. Sisulu was, and the boy said she is not at home. Then Siloro said "It is alright - you will see him at the party in any case, because he will be there".

So that was your only reason for going to this house? ---That is all.

You went through the kitchen, and into the diningroom?

---Yes.

And were those the only rooms into which you went?---I did not enter any other rooms.

You will be very interested to know that Mr. Sisulu's diningroom suite was bought in 1942 for £60.0.0. and that was the only furniture they ever had in the room!---It is a very nice one.

When was this?---1963.

Yes, but when in 1963?---Towards the end of April.

But by that time you had already become disillusioned with your leaders?---That does not mean to say that I would not agree to go to the house.

Had you already become disillusioned then? Had you or had you not?---Let me put it to you - at that time we were in opposition to the Government. If you then said to me "Come along, I will show you the house of the Prime Minister", I would gladly have gone along with you and had a look at it.

Maybe, but where you at that time disillusioned?---Yes.

Then I still want to know why you went to his house?--- I have put this example to you to show that even if you hated anybody - no matter how you hated him - even if at that time I was in opposition to the Government, if you had told me you would take me to look at the house of the Prime Minister, I would gladly have gone.

You were in opposition to Sisulu at that time, then?---

Were you? Were you?---At that stage I was suspecting everyone - all the leaders. Not anyone in particular - I suspected all.

For the reasons you have given us?---Yes, gradually as things developed .

And at that time you were in hiding, weren't you?---

Yes.

Do you think it is a very safe thing for you to go to Sisulu's house under the circumstances, when you are supposed to be in hiding? ---The police in Johannesburg do not know me.

Coming back to these Communist party lectures - that you have told us about. You said, amongst other things, "after we have got the better of them" - that is your language - "and get them converted to our ideas, each person is to have the right to vote, irrespective of race, colour or creed, as long as he is a human being". You told us that that is what you were taught in the Communist Party? You have told us that capitalism was to be replaced by socialism, and socialism was thereafter to be replaced by Communism.---Yes.

As far as you are concerned, you want capitalism to remain?---I told you that when you read the Freedom Charter, as you read it there it gives you the impression that it refers to all the people. You don't see that there is a catch in it.

I don't suggest that there is. You have already told us that as far as the Freedom Charter is concerned, you read that as meaning the wealth should belong to everybody. I say, you want capitalism to remain?---Capitalism should remain, but then the country itself must not be up for sale ...

You really want us to believe that that is the sort of thing that you were taught by the Communists? Tell me, what is the difference between socialism and communism?---I just want to say something.

Yes, alright - go ahead!---I didn't tell you that the Communists taught me that - I told you that I, personally, did not want the people's property to be taken away from them.

In other words, capitalism should remain?---Yes.

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What is the difference between socialism and communism?

---There are different kinds of socialism.

Well, tell us the difference between socialism and communism. You raised the matter - I did not raise it!---There is a socialism which is the foundation of communism.

What is the difference between the two, please? You tell us that you have attended Marxist study classes once a week for a number of years, and I have already suggested to you that I am beginning to doubt whether you were ever a member of the Communist Party. Now, I am asking you a basic question - what is the difference between socialism and communism? There is nothing more basic!---Socialism - with that the wealth of the country is in the hands of the workers, but there would still then be capitalists.

Let me get this clear - the wealth of the country would be in the hands of the workers, but there would still be capitalists - under socialism?---Yes.

Go on!---Then gradually the capitalists will be eliminated, but now, the difference is this, if the Government is taken over by force, then it will be an immediate break.

What?---Capitalism will be broken immediately. There then the property will be taken and confiscated.

Are you really seriously saying - you who have attended Marxist study classes, and so on - can you say that you have been told that under socialism the wealth of the country is divided between the people and capitalism remains - is that what you are really seriously telling the Court?---Yes, the change will take.. the elimination of the capitalism will be by degrees - gradually - but if it.. it depends what is decided. If it is decided that the working people take over by violence, then capitalism will be eliminated immediately. They

will be finished off immediately.

I am very much indebted to you! I sat for years on the treason trial, but this is the first time I have heard this definition.

BY THE COURT: What is the use of this, Mr. Berrange? I am not going to investigate what their definition of socialism or communism is.---I am only going to address your lordship on a later stage on this point. It is my submission that this witness' evidence in regard to attending these classes is false.

CROSS-EXAMINATION BY MR. BERRANGE (Continued): What is historical materialism?---I can't say that in Zulu language. It is what a person might say is Marxist philosophy.

No, no, please! Tell us what is meant by the words Marxist ... I beg your pardon, historical materialism?-- That is difficult to say it in the language. I am asking if he can give a definition - even in English - if he wants to.

This is basic!---As I say, it is based on the ideas as Carl Marx saw it. It is also referred to as the Scientific World outlook.

What does it mean?---To look at the world in a scientific way.

Is that what historical materialism is? What is dialectical materialism? What is the difference?--o-I would put it this way, my lord, that it is to train your thoughts. It is something that you must not just accept - you must think and investigate until you get to concrete fact. You must not just accept what is being said.

Is that what dialectical materialism means?---Yes.

And now, what is the difference between idealism and materialism?---Idealism is that all the people who live on the earth here firmly believe that they are.. their whole life

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is guided by God.

Yes, go on?---And whatever they receive, and get, they receive through the mercy or the gift of God. And materialism in contrast to that, is a belief that everything you get on this earth, you must get for yourself - you must work for. Not 5 exactly that you have got to work or earn it - you get it from people. Idealism is a gift from God, and materialism is whatever they get...

You have told us that.---Now I want to define the difference between that and materialism. Materialism, first 10 of all - forget about God! Forget all about superstitious things which don't exist. Think that people on this earth have the power to get for themselves what they want, and that all that we possess and get on this Earth we get through our own initiative, and others, and not through God at all. 15

What is meant by the word dialectical?---I have already said that that means you must investigate facts, until you get to the concrete facts.

Just tell us- I don't want to waste any more time on this - where did you learn this - out of what books did you 20 learn these peculiar definitions?---Stephen Dhlamini taught me // this...

No, what books? Stephen might well have taught you a lot of rubbish! Did you ever read any books at all which would give you any one of these definitions in regard to the matters 25 which I have asked you about? ---Yes, in regard to idealism and materialism. There is a book that I read.

What is it?---Dialectical and Historical Materialism, by Morris Corth.

Any other books that have given you these definitions that you have told us about?---Yes, and one that was lent to me by

Ronnie.

What was that?---Socialist Philosophy.

By?---The same author.

Any others?---Many others.

What were their names? ---I don't remember them all - for instance...

I want to find one book that will give these definitions you have given us?---I don't follow your question properly.

Can you give us any other book that you have read that will support these definitions that you have given us, hm?---Is your question whetehr there are any books I read that will support what I said about historical materialism .

Yes, and historical and dialectical materialism, idealism and any other books than the ones here mentioned?--- Fundamentals of Marxism.

By?---I forget the author. That is one of them. There are volumes of that. The Start of the Proletariat. By V.I. Lenin.

Does that then give the definitions as you have given them to us?---Yes, the ideas are all the same. Like Dialectics of nature.

By?---I also forget the author, my lord, of that.

AT THIS STAGE THE COURT ADJOURNS.

Belt 130(b) CROSS-EXAMINATION BY MR. HERRANGE (CONTINUED):

Mr. Mtollo you told us this morning that Mr. Nelson Mandela was the one man for whom you had respect?
---Yes.

Why?---Because he was one of the leaders who, after he had left south Africa and went out, who came back again to report to us what he had done and where he had gone, and explained to us what he had got, although he was being searched for by the Police all over.

And yet you had no hesitation, ofcourse, in betraying him?---I don't think that he knew that these people would turn as they did, and say we must do this and that.

I don't understand what you mean by that - could you explain yourself?---I would say firstly in regard to the movement now - it was said that the movement was not going to end up with sabotage only, it was going to proceed and enter into guerilla warfare.

Yes?---If the Government wasn't going to be lessened. To the sabotage now - But when the Government came along with this challenge of the 90 days, they were not prepared to face that and continue fighting against the Government.

Who were not prepared to?---The leaders.

You say that at that time the leaders were not prepared to continue with sabotage?---Yes, as they didn't want to face this 90 days law.

Did they give an instruction that sabotage must stop?---No, they ran away. They left us without money without everything.

Did these men run away?---As far as these people are concerned, with them only in regard to the fact that they were to supply us with funds which they did not. That is in regard to these people.

BRUNO MTOLO.

That was the complaint you had about them?---
There are other complaints that I have already given
the Court.

I still want to know what you mean with this when
you said "I don't think that he knew that these people
would turn and say we must do this and do that". Do
which?---I mean by that that he, Mandela, my opinion is
that he did not know that these people did not carry on
with what they were supposed to do. Supply us with funds
and all those things. He did not know that they were 10
not continuing doing their part.

So your complaint was that you couldn't continue
with sabotage because you weren't getting money?---That
is only one.

I know, but I'm wanting to know what you mean
when you said that he didn't know that these people would
turn and say do this and do that?---I mean by that that
things were planned for certain stages, which was supposed
to have been done, and my opinion is that he didn't know
that these people were not carrying out those instructions.
They were not continuing with the plans that were made.

Is that why you had great respect for him?---Yes,
because he palyed his part fully.

Now at the time that you had this report...when
the Regional Command had this report from Mandela, you
made no notes of what he had to say, did you?---No, we
didn't take notes.

And at that time you did not know that many,
many months later you would be called upon to give evi-
dence?---Yes. 30

6 And you didn't make any special endeavour to
remember everything and exactly what was said by him?---

....

As you had no reason to?---No, the report he made

BRUNO MTOLO.

to us and other things he told us, we were supposed to remember that, because as members of the Regional Command we were supposed to know and remember, take notice of what he is telling us.

To make notes of what he says?---By memory, but it is a natural fact that you will not remember all... everything but the important things you should remember.

And you wouldn't be able to give the exact words which he used?---No. Nelson's Durban Visit

Right, now what I propose to do Mtole, is to 10
read to you what it is that Nelson Mandela says he told
the Regional Command, and when I go on through that I want
you to tell me whether it is correct, whether you've got
any comments - This meeting was early in August 1962,
wasn't it?---Yes, between July and August.

And after he had been introduced, he told all
the person present that he was glad to meet the Regional
Command and that it pleased him to see that they were all
young men?---I can hear you, yes.

Is that correct?---That is correct. 20

He told them that he had come, not only to re-
ceive their reports, but also to report to them the re-
sults of his trip to other countries outside South Africa?
---That is correct.

He told them that ~~he~~ had left the country early
in the year to attend the annual conference of the Pan
African Freedom Movement of Central, East and Southern
Africa. The name is Pafmesta, you mentioned it yourself?
---Yes.

In Addis Ababa(?) and Ethiopia?---That is correct. 30

He told them that this Pafmesta Conference was
opened by Emperor Heilie Selassi.---Yes.

Who made an exhaustive and impressive review
of the struggle for National liberation in the Pafmesta

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area, or words to that effect?---Yes, he said that.

You see I'm not reading out to you the exact words, because he can also like you, not remember the exact words, but he can remember the gist of what it was that he said?---That is correct, I understand.

And then he dealt..Mandela dealt more specifically with Emperor Heillie Selassi's remarks on South Africa, in which Emperor Heillie Selassi attacks the racial policies of the South African Government.---That is correct.

And he told you that Emperor Heillie Selassi had 10 pledged his support to the African people of this country, and their struggle for freedom?---That is correct.

That would be the correct way of putting it?--- You have already said that - those were his words, I agree that that is the gist of what he said.

He told them of a revolution on South Africa which had been unanimously passed by the conference?---Yes.

And in this resolution it condemned the ill treatment of the African people in this country, and he told you people that Emperor Heillie Selassi had promised support 20 for your casue?---That is correct.

He told you that the Ethiopian Government had promised every assistance?---That is correct.

That money would be made available?---Yes.

And that in fact, he had already been given £5,000 in Ethiopia?---Yes, except that I cannot now be certain about the amount he mentioned. An amount was mentioned.

You wouldn't dispute it?---No, I don't dispute it.

I only want you to stop me where you dispute something. He told you that scholarships had been promised, 30 and that Emperor Heillie Selassi had sent his warmest felicitations to Chief Luthuli?---In regard to scholarships.

Yes?---What type of schools?

Just scholarships?---To just ordinary education?

Scholarships, yes.---No, that I don't remember.

But its possible?---As far as I recollect this that you are mentioning now, was training...military training.

Is it possible that what he said was that Emperor Heillie Selassi had discussed the question of scholarships with him?---No, that I don't remember.

You don't remember, but he says that that is what he said. Do you deny it?---I don't know why he would have spoken about scholarships in a Regional Command meeting.

He many have had a reason which you don't know about?---But I don't remember him ever saying it.

You are not prepared to deny it?---I will not deny it as a fact, but I don't remember that he mentioned that.

And he told you that after the Addis Ababa conference he toured the African continent?---Yes, he did.

And that he had visited a number of countries in Africa?---Yes.

He gave you the names of the countries?---Yes. 20

And he told you that in all these countries he had been received either by Heads of State or by Kenya Government representatives?---That is correct.

And he told you, amongst the people whom he had met were people such as Mr. Julius Nyedi(?) President of Tanganyika?---He may have mentioned that.

You don't deny it. I only want you to tell me something when you deny it. Mr. Kawawa(?) then Prime Minister of Tanganyika?---I don't remember him.

Emperor Heillie Selassi of whom you have already told us?---Yes, he mentioned him. 30

General Abud President of the Sudan?---Yes, I know he went to the Sudan, he said he went there.

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And the name you don't remember?---The name I don't remember.

Yes, well you probably don't. Abeli Bulbusia(?) President of Tunisia?---Yes.

Ben Bella, President of Algeria?---Yes.

Modeko Kaoka(?) President of Mali?---Yes.

Leopold Seka(?) President of (?)?---The names I don't remember.

Yes, you don't deny it, I just want to run them off. Mr. Sekteori(?) President of Guinea?---Yes. 10

Mr. Kaupman(?) President of Liberia and Mbuti President of Uganda...Prime Minister of Uganda?---Uganda, I remember.

He told you also that he had been to London?--- I don't remember that.

And met Mr. Hugh Gatesfield, the leader of the British Labour Party?---I don't remember that.

You won't deny it?---No, I'd say he did not say that.

And Mr. Joe Grymond(?) leader of the Liberal Party?---What country? 20

In England, in London?---No, he never said about the visit to England.

Is there any reason why he should say he mentioned these people if he didn't? Isn't it possible that you have forgotten?---Yes, but he didn't say anything about England.

Now then he dealt with his visit to Algeria. You remember he spoke to you about that?---Yes.

And he mentioned that Mr. Ben Bella had invited him to Ushdah?---To who. 30

To Ushdah?---Who's Ushdah.

A place?---I don't remember that name...yes, it's

the name of a camp. It is the name of a camp, if its the name of a camp, he said to the Camp.

Headquarters of the Algerian Army of National Liberation?---He said that.

And there he said he had met officers of that country's army?---That is correct.

Including the Commander in Chief?---That is correct. He named him, I don't remember the name.

And he told you that he had been promised assistance by the Algerians?---Yes. 10

And they would supply your men with training facilities?---Yes.

Correct?---Yes.

Communists

And then he went on to say this - he thinks it was at that stage that he warned you that he didn't know that if any of you were communists. He said that if any of you were communists, those people would have to be careful in carrying out their conscience with members of the Regional Command?---He said they must be careful not to be what? 20

Be careful in carrying out their conscience as members of the Regional Command? He also told you that the Regional Command was not to be used as an instrument for the propagation of communism, because to do this would be a serious mistake?---No.

You deny that?---What he said was that we must never expose to the African States the fact that we are Communists. He warned us about that.

Is that the language which he used?---Yes, he was dealing with the Marxist views. He said that with the Marxist views. He said we must not expose that to the African countries. 30

And didn't he say that the Regional Command...?

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He said because the African States are the people who are prepared to help us, but they are not prepared to help Communists.

Exactly, and that is why he told you that the Regional Command was not to be used as an instrument for the propagation of Communism or Communist propaganda, for that very reason?---No, he did not put it that way.

You can remember the way he put it?---Yes.

What language was he talking?---He was speaking in English. 10

Speaking in English?---Yes.

And he then told you also that the Commander of the Algerian forces was, in fact, a sympathiser of Communism?---He said that that was the person that he found that was in agreement with the Communists.

Yes, and he pointed out that the Algerian and the army authorities had been very hostile to the part played by the Communist party in Algeria?---No, he didn't say that. 11

And he went on to tell you why. Hadn't you perhaps forgotten?---No. 20

Didn't he go on to tell you that the reason why the army authorities had been hostile to the part played by the Communist party in Algeria was because the Communist Party in Algeria had refused to dissolve itself, and all the other parties in Algeria had agreed to do it?---No, he didn't tell us anything about the political situation and about their politics in Algeria. 21

Didn't he tell you that these parties had all, with the exception of the Communist Party agreed to dissolve for the purpose of forming the F.L.N.?---No. 30

That in fact, is history, do you know that?---It maybe history, but he did not tell us that history.

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Even though it may be history he didn't tell you that, and then he went on to say to you that the immediate aim of the Liberation Movement in this country, in South Africa, was not the realisation of the Communist Society, but the winning of political rights on the basis of the revolutionary principle of one man one vote?---

Yes, he spoke about the political situation in South Africa, but not exactly as you are putting it.

How then? I'm only putting it the way in which Mr. Mandela has put it?---What I remember what he said, he said we, the leaders here in South Africa, we must learn to know our own history, because as it progresses it will become a guerilla warfare and then all out war.

Yes, I'm coming to that later on?---He said therefore, he wants us to introduce this Umkonto We Sizwe, in the rural and urban areas.

Yes, on the basis of the revolutionary principle of one man one vote! That is what they were fighting for! ---No, it wasn't put that way that it was for the purpose of one man on vote.

Will you say if he did mention one man, one vote, what did he say about one man, one vote? We know what he's said in the context as I've put it?---I don't say it.

You said so a moment ago?---I don't agree with the suggestion that he spoke about that we were struggling or fighting for one man, one vote.

But you agreed with that a moment ago? You yourself agreed with that a moment ago?---No, I did not. I said just now that what you read out there is what Mandela said, but not in the way that it is being read out there, or the knowledge of the history of our country. (?) was also part and parcel of that, so that we could take Umkonto We Sizwe to the people.

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Yes, irrespective of social groups, or irrespective of class? To all people!---You couldn't go to your enemies with it.

No.---You would go to the people that you know that are with you...that are in opposition to the Government.

That's right. Irrespective of their social groups and irrespective of what class they are?---Yes, that is to say whether they are Europeans, or Indians or whatever they are.

Yes, or whatever they believed in? As long as they were prepared to fight on the side of the liberation movement?---Yes.

And then he also told you that you were assured of wide support for your cause from the whole continent of Africa?---Yes.

And he told you that both the Casa Blanca and the Mon Robia(?) groups had strongly condemned the oppressive policies of the South African Government?---He did, yes.

And fully sympathise with the struggle of the African People for Democratic rights in the land of their birth, or words to that effect?---Yes.

And he then went on to say that if and when members of the Regional Command or their recruits, ever visited the African States, they should refrain from meddling in the internal affairs of those countries?---Yes, he said that.

Yes, and it was in that light, he says, that he felt obliged to criticise the attitude of New Age towards the politics of the Egyptian Government?---Is that the Egyptians?

Yes?---Yes.

And in speaking of his visit to Egypt he told the Regional Command that his visit had coincided with that of Marshall Tito, and that he had not been able to wait until

General Nasser had been free to see him?—No, I don't remember that.

Is it possible?—I cannot ^{say} that he did not say that, but I don't remember that lot at all.

Its fair enough, and he said that the officials with whom he had spoken in Egypt had criticised the article appearing in New Age, because they had...these articles had attacked General Nasser's attitude towards Communism!— That is correct.

And he told you people that New Age did not necessarily express the policy of your movement, that's what he had told the Egyptian officials, and that he would take this complaint up with New Age?—That is correct. 10

And to try and use his influence to drop this line?—That is correct, not to continue with it.

And he also told you that he hadn't visited Cuba, but that he had met the Cuban Ambassador in Egypt, Morocco and Ghana?—I remember him saying something about Cuba.

Yes, we'll come to that in more detail, and then 20 when he dealt with question of white and Asian recruits, he said that as Cuba was a multi-racial country, it would be logical to send such persons to this country, as they would fit in there more easily, than they perhaps would in the African States?—That is correct. MK.

And then he says he did refer to the Umkonto We Sizwe at this meeting?—Yes.

But he says he did not mention to you that the Umkonto was the military wing of the A.N.C.?—He said it. A

You say he said it. Now this man whom you respect says he didn't say so! Had you never heard of the Umkonto We Sizwe before then?—We saw it in the newspapers, but we had never been told first officially. 30

Ofcourse you had seen it in the newspapers. You knew of the existence of the Umkonto We Sizwe long before Mandela came here?---That is correct.

In fact, a proclamation had been issued on the 16th of December about the Umkonto, a month before that!--- Yes, at that stage we only knew it as a group that was committing sabotage. It had not been named yet.

But it had been named in the newspapers!---It didn't have an official name. Yes, that is what I say - we only saw it in the newspapers, and we had not been 10 informed officially about it.

And then he discussed the question of security and underground organisation, do you remember that?--- Yes, I remember something about that, just go on further.

Can't you remember of your own?---Yes, I want to know whether he will say what I know what he says, in regard to that.

Let me put to you what he said - he warned you people that you must never assume that a person, however high his status or his position is, ^{who} might be in the movement, that he is a member of Umkonto!---No! 20

Is it possible that he discussed this under the heading of security?---No. }

He said you must never be seen handling literature dealing with underground organisation!---Yes, that is one of the things he said in regard to the security. W.K. 2 Phases

Yes, and then he went on to speak about the activities of Umkonto? It would go through two ^{phases} pages!--- That is so. | 0

Then the first act of sabotage?---Yes. 30

In the hopes that that would force the Government to change its mind?---Yes.

About it's attitude towards the non-whites?---Yes.

And that if that didn't happen then they would possibly be guerilla warfare?---That is correct.

And then he dealt with the problems relating to each phase of sabtoage and guerilla warfare?---I remember that.

And when he was dealing with these problems, it was then that he said that you people must study your own history and your own situation?---That is so.

And he said you must ofcourse, also study the experience of other countries in revolutions?---Yes, but 10 he impressed on us that the most important is that we must study our own history.

Right, I agree with you, and he said that you must study, not only the history of revolutions where revolutions were successful but also where revolutions had failed?---Yes, I remember that.

Yes, there are lots of things that I've put to you now which you are remembering which you didn't remember before! That you haven't told us of before?---Yes.

Yes, it shows you that one can forget can't one? 20 ---Yes.

And he emphasised that you people must not study literature on the subject by the Western Countries, that's on the subject of revolutions, but also that of China and Cuba as well as Algeria?---Yes.

And he stressed, as you yourself has said, that you should be experts in the history of your own struggles for freedom?---Yes.

And he mentioned the acts of bravery performed by such people as Chaka and Dingana and Bambata?---Yes. 30

And he said only by the singing of the praises of your own heroes would you win support for your cause, or words to that effect?---Yes, that's right.

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Now besides what I have put to you now, is there anything else that you say he said?---Yes. Firstly in regard to the technical committee.

Yes?---...

Look I don't want to interrupt you, I'm not talking about your internal affairs, I'm talking about anything else that he said in regard to his visit overseas. We can deal with your internal affairs in a moment. If this has got to deal with it, then go ahead, if it hasn't well then... ?---I don't want to be confused. I think your question was 10 whether there is anything else that Mandela there, that is not...

That I haven't read out to him, dealing with his report on his visit overseas?---Yes, there is something about his visit also.

Yes, well that's what I want to know?---That is about Eric Mtshali.

About Eric Mtshali, yes?---He told us that he had found Eric Mtshali in Dar-es-Salaam.

Yes?---He was ...and that he was one of the recruits who had been sent to the African States to be trained. 20

Yes?---That as soon as Eric Mtshali arrived there, he exposed his views to indicate that he was a communist.

A Communist? Yes?---And that he Mandela, had to fix up that mess.

Mm...Because that was consistent was it not, although this is not admitted by Mr. Mandela, but assuming that that was what he said, that was consistent with what he told you people!---It goes with that.

Yes?---He told us that if we visited the African States, we must not expose the fact that we are Communists. 30

Or you mustn't punt (if I may use that expression) You mustn't punt the Communist mind!---Yes, or even just to

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show that you are Communist. 3

You mustn't make Communist propaganda?---That's right.

Because as he told, and I've already read out to you, that the Regional Command was not to be used as an instrument for the propagation of Communism?---No, that...

AND that this could be a serious mistake?---No, }
that doesn't go together at all.

But that's logical! Eric Mtshali....

BY THE COURT TO MR. BERRANGE: Is it logical?---I think it 10
is.

I don't regard that as logical!---Very well, My Lord.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

You see Mr. Mtollo, from what you told us, Mr. Mandela told you that Mtshali had in fact, been going around saying "I am a Communist"?---...

He exposed this fact?---Perhaps that's how you see it, but to us he just gave it as a way to show how Eric had croppped himself by exposing the fact that he was a 20
Communist.

But in a Communist Line?---Not that he was going around telling everybody that he was a Communist.

Well, what is it then? However, and what is the reason why he didn't do that?---As I know Eric he's not the type of person that would go around about tell people he's a Communist, he would speak it confidentially. He would let it out to a leader...

Don't tell us what you know about Eric. What I want to know is this - According to you, Mandela complained 30
about the fact that he had exposed the fact that he was a Communist, and he was warning you against it?---Yes, that is correct.

And the reason for that, I'm putting to you, is because he told you that the Regional Command was not to be used as an instrument for propagating Communism?--- No, he didn't put it that way.

Well then what was the reason for it?---He said we, the Regional Command, is in charge of recruits, for instance that are being sent out.

Right?---Then we must consider our duty, as we know what the position is now.

Yes?---To warn these boys that when they come 10 there, they must not let out or let the people know that they are Communists.

And as you have already agreed, you mustn't punt the Communist mind!---My quarrel with you is only this - that I don't agree with you when you said Mandela told us that we, we must not use the Regional Command as a propaganda machine for Communism. That is what I don't agree with. He didn't say that.

But what he did say is that recruits who went over must not go around talking about Communism?---Yes, 20 they must not expose the fact that they are sympathetic with Communism.

And they mustn't go and try and put Communism across! That's why I used the expression punt the Communist mind!

BY THE COURT TO MR. BERRANCE:

That's not what the witness said?---May I ask him then what he did say?

He said people going outside the Country can't talk about Communism or disclose the fact that they are 30 Communists. That's all it comes down to?---Yes.

He said the speech went no further than that!---

And I'm suggesting it to him that he was also told

that they mustn't make Communist propaganda!

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

---No, he didn't say that.

Right, anything else that you want to add to what he said in regard to his visit overseas?---That is about what I can remember.

You've forgotten one, and I can help you!---I will be glad if you will remind me.

Do you remember telling us that when speaking about the money that had been given for the struggle?---

10

Yes, yes that's correct.

Do you remember?---Now I remember.

10%
0

Yes, you remember that now, yes, and you say that you said at the hearing when you gave your evidence in chief, that these States had promised to donate 1% of their budget?---That is correct, and that he had brought £30,000 in cash with him.

I'm talking about the 1% now. You're not guessing about this?---No.

He did mention 1%?---1% of the budget.

20

Of their budget, and that he said had been agreed at this conference?---He didn't say it was agreed at the conference.

Yes?---He said some of the African States.

Yes?---Some of the African States said that they would contribute 1% of their budget.

You didn't get that from the newspaper did you?

---Then I'll go further and say that Mandela actually commented on that - he said "it is surprising the support

that we are receiving from the African States". He said some of these States who had made those promises...he said and it is surprising that some of these States, who are prepared to give us assistance in that way, by giving 1% of their budget, is really countries that are themselves

30

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very poor.

Did he say that this had been a resolution part at the conference?---I've already said that was not said as something that was decided at the conference.

Yes?---It wasn't a resolution that was passed at the conference. Not from what he said. It was in his report about all the different States that he had visited.

Yes?---And he said some of these States, gave him cash, I'm talking about 1%. 10

Which State supplied 1%?---No, I can't remember what States they were. Some of the States. Others gave cash.

You see we've got a report about this! The report of this conference, an official report, and I'm wanting to know whether you are not perhaps confusing this meeting with what you read in the Sunday Times, of the meeting a year later. I don't think it matters, if its just a question of recollection?---No...

Do you remember reading a report about a further 20 conference at Addis Ababa a year later, that is in May of 1963?---I read about the conference in 1963.

1963, in it was in that that the statement appeared that the African States would pay 1% of their budget!---Yes, that is quite correct, but that was a year after we had already received the report from Mandela that we were going to get 1% of their budget.

I see, because according to the conference and according to Mandela, they deny it emphatically. They have no recollection of having said this! Something else you've 30 forgotten today!---Also another thing that I can remember now, is that he said that Heilie Selassi said that in regard to recruits, that were to be trained in his country, he was quite

prepared to go and fetch them in Francistown, at their own expense.

Yes, anything else? Let me help you - you spoke about Eric Mtshali just now, didn't you?---Yes.

And you know ofcourse, that Eric Mtshali, was amongst the first batch of recruits to go out of this country?---From Durban yes.

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You told us that yourself. Do you know of any other recruits from anywhere else?---Not from personal knowledge, from reading the newspapers, from seeing them, 10 but not a personal knowledge of them.

Well, when did Eric Mtshali go North?---It was the middle of 1962.

Yes, well we've got evidence from other cases and people who went there that he left in June in 1962, and there is further evidence that he remained in Johannesburg for three weekends before he left for Bechuanaland? That was three weekends after the 13th of June? That is not in evidence in this trial My Lord, but its evidence given in other trials?---I would have no knowledge of that.20

Yes?---Because we just bring them to Johannesburg and then we go back.

Yes, because that is so, and then we've got further evidence that it took them about fifteen, sixteen or seventeen days to get from Lobatsi to Dar-es-Salaam?--- I know nothing about that.

If that is true, its quite clear that Eric Mtshali couldn't have arrived in Dar-Es-Salaam until some time in August!---I don't know. What I'm telling the Court is just what Mandela told us. 30

Yes?---How he came there and what happened, I don't know.

But you say that nevertheless, he was thrown aside, I think is your words used by you?---According to

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what Mandela told us, yes. We only got it from Mandela.

Yes, and do you know any other recruits that want from any other parts of the country before this party of Eric Mtshali's?---You mean outside Natal?

Yes, any other part?---No, except what I might have seen in newspapers. Otherwise no personal knowledge at all.

No knowledge at all, and you say you saw anything in newspapers? Let me frame my question clearly - did you see in newspapers that other recruits had gone North before Eric Mtshali's group went North?---No, not that I remember. 10

No, in fact, there is no such evidence that we know about! Because you see if that is so, and if Eric Mtshali's group was the first group to leave any part of South Africa, they couldn't possibly have been trained in Ethiopia for three months at the time that Mr. Mandela was there!---Mandela never mentioned anything about this man having to be trained in Ethiopia, he only said that he saw him in Dar-es-Salaam. 20

Yes, I'm talking about the first group of recruits!---No, I just want to correct you about the fact that Mandela told us that he had found this man in Dar-es-Salaam. You said that Mandela found him at Dar-es-Salaam...I'm sorry, you said that you were referring to Ethiopia, I say that he said that he found him in Dar-es-Salaam.

In Dar-es-Salaam, well I'm in agreement with you. If I said Ethiopia, I'm mistaken, but I think that you made the mistake. I think I said Dar-es-Salaam too! I was talking about the first group of recruits that was going to Ethiopia! It is quite clear that Eric Mtshali, at the time that Mandela was in Dar-es-Salaam, could not have reached Ethiopia yet. That is clear. He couldn't have been there

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for three months?---Then all I can say is that the information that you have must be wrong, because Mandela told us so about this man. Mandela wouldn't tell us lies.

Glad to hear that! You don't regard him as being a man who would tell lies?---For what reason would he come and lie about this?

Because you see, I want to put it to you purely on the basis of failure of recollection and a twist that you are giving to the conversation you had with Mandela! ---I was a member of the Regional Command, and that is one 10 of those things that I remember and that I should remember and not forget.

Right, because let me indicate something to you - do you remember after Mandela had been arrested and you told us that it was thereafter decided to embark upon some acts of sabotage by way of protest?---Yes.

You said there was a special meeting?---Yes.

And you said that after having received news that judgment had been given that he had not been sentenced? ---Yes. 20

You said that according to the newspaper he had been convicted, but he was to be sentenced on the following Friday?---Yes.

And you then decided to show the Government that you were protesting against this finding, and to commit further acts of sabotage?---Yes.

You then say he was convicted on the Friday?---Yes.

And on the Sunday we committed other acts of sabotage?---Yes.

And amongst those acts, these were acts 74, 75, 30 76 and 77 My Lord, it was thereafter that the Special Branch at Durban, the coloured authorities at the Masonic Road?---Yes.

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The Municipal Kwamasha?---Yes.

And a petrol bomb inside a train going to the North Coast?---Yes.

And the Hammersdale Signal box?---Yes.

And you say all those acts of sabotage were committed by you people in protest against his conviction? ---Yes.

And had he then already been sentenced?---Yes, he was sentenced on Friday and we did this on Sunday following

Well, according to my information you know, his 10 trial only took place on the 15th of October, and he was convicted on the 7th of November?---Well, then I will not stand on particular dates, but the fact is that he was to be sentenced on the Friday and the immediate Sunday following that, we committed those acts of sabotage.

*Then put
that M conviction
on 7 November*

You also told us you know, that he was convicted first of all, and then the matter was postponed for sentence, and in truth, he was convicted and sentenced on the same day!---No, the position is this, that was according to the newspapers. He was found guilty and then it was 20 said that the judgment will be given on Friday. (BY THE INTERP.) Just before you go further, the word "judgment" was used by the witness in the English language. I don't want any confusion about that.

But I'm putting to you that he was sentenced on the same day as that upon which he was found guilty!---That was not the information we got in the newspapers.

I see, so the newspapers gave you different information to what I put to you, yes!---Well, if you are correct.

30

Yes?---Then I will admit that the information in the newspapers must have been wrong.

Must have been wrong, or as a further alternative,

is that your evidence isn't true, or you have made a mistake. Those are all further alternatives!---No, there's no mistake.

No mistake? I see, because you see his trial only started on the 15th of October, he was then convicted and sentenced on the 7th of November, and these acts of sabotage, which you say you committed in protest against his conviction were actually committed on the 14th of October before he was ever brought for trial!---No, he had been convicted on the Friday.

Then put that trial only now, but acts committed on 14 October

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I'm not interest^{ed}/in that, I'm putting it to you that we shall establish that these acts of sabotage to which you have attested Nos. 74, 75, 76 and 77, leave out the date altogether, were committed before Mandela was ever brought to trial!---He was already sentenced.

13

Because these acts of sabotage, according to the State case, were committed on the 14th of October, there can be no mistake about that then, and his trial started on the 15th of October! And he was convicted on the 7th of November!---Well, when we did those he was already convicted and sentenced.

Put that there could be no mistake about state had supposed that

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I see. Well, now if we...?---I'm certain about that.

If we establish the fact that these acts of sabotage were committed on the 14th of October and that Mandela was only brought to trial thereafter, then none of this evidence of yours can be correct, can it?---I say again that what I'm certain about is that when we did those, Mandela had been convicted on that Friday and we did it on the Sunday, and I have a good reason for remembering.

30

Yes?---Because we did not want to commit those acts on the Friday because we well knew that the Police would be on the alert on that Friday. (Mr. Berrange and

interpreter talking at the same time).

You've given us that already?---That is why I'm certain that he was sentenced on Friday and we did it on Sunday.

Now I'm only putting to you one proposition - assuming that we are able to establish that these acts of sabotage were committed before Mandela was ever brought to trial, will you then agree that the whole of your evidence on this aspect would be completely wrong?---It would surprise me, but the fact will still remain that I'm cer- 10 tain about the facts that I've given.

Yousee because the State's own case is that these acts were committed on the 14th of October?---Well, then I would like them to refer carefully to those dates.

Yes, well I'm doing so, I'm basing my allegations upon the State's case! Can you be mistaken?---As far as that part is concerned, I cannot see how I can make a mistake.

And if you find that you have made a mistake, what will you say of that?---I'll be very surprised. 20

Would you say that your evidence was a figment of your imagination?---No, I will be surprised because what I said in my statement in regard to that, I'm sure it is correct.

You're as sure of that as you are of the evidence you have given?---Yes.

133(B) BY THE COURT: That was the meeting when he made the model?--- When he did the demonstration to show us, was the day after the meeting.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED): 10

I'm talking about this meeting, and I'm wanting to know from what was said at this meeting! I've asked you several times now!---I've already told you what he said

at the meeting.

Is that all he said?---Yes, that he was sent by the High Command, that a High Command has already been formed in Johannesburg that is going to be in charge of all this. In charge of the sabotage, and that he was sent down to come and teach us.

Is what you have told us this afternoon all that he said to you that day when he came to see you?---No, he also gave us the plan of the other sabotage groups. He said there should be four groups, he said the sabotage 10 groups would be four groups.

Yes?---One of them to be a Sergeant. He would be in charge of the other three.

What else did he tell you besides what you've told us this afternoon?---And that the fourth person who is in charge of the other three, would be in charge of the other three, and that anyone of them, if they see somebody that they suspect is also a saboteur, they must not try to gain any information from him or to find out whether he is or not. He said that this sabotage organisation was 20 something that was going to be part of the A.N.C. work, and if there is anything that is causing the A.N.C. any difficulty, that these sabotage groups will deal with that particular subject or object. } The main object of the

sabotage groups will be to injure the property of the Government, damage or injure the property of the Government. Whatever it is, if it is connected with the Government, and take for instance Municipal places or Municipalities who are in agreement with the Government, or anything else that supports the Government.

1000

Yes?---That would be the work of the sabotage groups, and we were required at all times, to be careful, when these operations are carried out that people should

not get injured.

Yes?---Oh yes, he also told us ...we were also instructed to go around each group on its own, or any member of the sabotage groups, as a whole we must go and spy around and find out any places where any weapons, arms or ammunition is stored up which belongs to the Government. Dynamite and such things.

Yes?---And then targets of Government properties that we could attack.

Yes?---Such members, if they detected anything like that, were to come back and report to the Sergeants.

This is all that was said at this meeting the first time when he came there?---Yes, there's many things that was said.

Yes, but I want you to tell us what?---I'm telling you now. We were also told that whatever job we did, we must give a report on it to the Regional Command.

Yes?---And the Regional Command will then submit the report to the High Command.

Yes?---And then he said we must now meet again tomorrow at the same place.

Yes?---Then on the next day when we arrived, ...
BY THE COURT: Well, counsel has only asked you about the first day, have you completed that?---Yes, I think that's about all I can say about the first day.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

Is that all?---Yes, I think that's all I can say.

You know you haven't remembered your evidence very well?---I remember. The next day I went to Billy and told him to give me.... 30

No, I'm talking about this meeting on this first day, that we are talking about?---Yes.

Is that all you can remember?---Yes, I think that's

about all I can remember.

I see. Allright, now shall I tell you what you said last time?---Yes.

You said amongst other things "we must consider it our duty not to stray from the law of the A.N.C. We had to teach the soldiers that they must respect the A.N.C. ---Yes, I said it here too.

Just don't interrupt me - "we must get people to join and establish cells and that we have to learn from the ways of the Communists in China arranged their wars". Have you forgotten about that today?---Yes, he said we must read certain books.

This is not what you told us today, but this is what you told us on the last occasion - had you forgotten this today?--I told you that he said that the sabotage group must support the A.N.C. in all its undertakings, whatever they are.

That's not what you said on the last occasion either?---I have also told you that he said that we must form groups.

"We must get the people to try and establish cells, and that we must learn from the ways that the Communists in China arranged their wars", had you forgotten that today?---I don't remember saying about doing like the Chinese.

I see, right so you don't remember that today. Let me go on - "we must get to know about their military arrangements"(that's the Chinese military arrangements), had you forgotten about that today?---Yes, I remember that he said about books or literature, papers that we had to read to see how the Chinese operated.

So he did talk about the Chinese then? You are remembering it now!---But not as it is stated here.

BRUNO MTOZO.

Not? It is in your language? "We must get to know about their military arrangements" (the chinese military arrangements). Did he tell you that?---You mean in Stratheman(?)

Yes, in Stratheman!---I don't remember that.

You don't remember that! "And we must also learn how the fighting in Cuba took place", have you forgotten that?---Yes, I remember him telling us about Cuba.

Had you forgotten that today?---Yes.

Mm. "Because the war that we were going to wage I was ...would not end just by destroying Government property yes, the time has come for us to go into the open and into the bushes to fight a guerilla war". Have you forgotten that today?---... ? I p22?

Had you forgotten that, that's all I want to know?---I remember him telling us that.

Had you forgotten it? When I asked you to give evidence, I asked you to say what he told you?---Yes, I'd forgotten that.

You had forgotten all those! "And the aims to go into the open and the bushes to fight guerilla wars, and eventually this would turn into a wholesale war". Had you forgotten that too?---I don't remember saying that Strachan said that.

Do you deny that you said it? That Strachan told you it would turn into a wholesale war? Or were you inventing this?---(No reply).

Did he say that?---Yes, he could have said it. He was speaking to us generally.

I know he was speaking to you generally, I'm asking you did he say it, and if so, had you forgotten that today?---Yes, you see quite a lot of these things you do forget.

Right, but you don't forget ofcourse, what passes between you and Mr. Nelson Mandela, do you? Let me take you to something even more important - that you had to start these operations on the 16th of December 1961 and that this date had been fixed by the National High Command on the Rand! Had you forgotten that today?---I'm inclined to say, now that you mention it, yes I didn't say that myself....

You're inclined to?---Yes, I would like to tell the Court that I think that my mind is tired, and that is 10 why I don't deny that I said that.

Had you forgotten it?---I had forgotten it. It didn't come to my mind because I think my mind is tired now.

X But you said a lot of things now which you didn't say on the last occasion, that's the thing that interests me! ...I'll deal with later on!---I'm sorry about these mistakes, but I've been on 90 days, and my mind...I get mentally tired, and that is why I'm getting confused.

X BY THE COURT: Yes, I think actually I'll adjourn, I think he is tired. There's just one question I want to ask - 20 You saw quite a lot of Harold Strachan at that time, did you not?---Yes.

You saw him on a number of occasions?---Yes.

Have you a clear recollection of what he told you on each occasion? Or can you only remember what he told you at some time or another?---I try to separate the events, and say what he said at different places, but I feel that I cannot do it now, because there was so many things, that I can't sort them out now, my mind's too tired.

AT THIS STAGE THE COURT ADJOURNS UNTIL

10 A.M. ON 16/1/1964.

ON RESUMING ON THE 16TH JANUARY, 1964:

BRUNO MTOLO, still under oath

134(B)

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

Mtolo, when we adjourned yesterday we were dealing with the meeting of the Regional Command when Harold Strachan came down to address the Regional Command, and do you remember I asked you to tell the Court once again what it was that Harold Strachan told the Regional Command? And after you had been through that evidence, I pointed out to you a number of matters that you had left out, and you said you were very tired?---Yes. 10

I pointed out to you that you had made no mention of the fact that you had to learn from the ways of the Communists arranged their wars in China, or to learn about how fighting was done in Cuba?---Yes.

You made no mention of the fact that he had said the time had now come to go into the open and into the bushes to fight a guerilla war?---Yes. B

And that you made no mention of the fact that he said that this guerilla war would then turn into a whole-sale war?---Yes. 20

Particularly that you had made no mention of the fact that the acts of sabotage would start on the 16th of December 1961, all of which you said you had forgotten because you were tired.---Yes.

Now you will admit that those are important things? ---Yes, again I want to apologise for having been so tired yesterday.

You're not perhaps mixing up this meeting with other meetings?---Yes, the points that you raised, the majority of those points was points that were raised and included in the address by Strachan. 30

Do you mean the majority of the points that you had forgotten to tie over?---Yes.

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I'm still asking, you're not perhaps mixing up this meeting with other meetings? Or was said at other meetings?---No, I will say that those points that were raised were all what Strachan said at that particular meeting.

Because there was something else that you had forgotten to tell us about yesterday, and you gave evidence in chief and told His Lordship that Strachan had said that something had already been tried out in Port Elizabeth?---
Yes.

And you also told His Lordship, on the first occasion that you gave evidence, that at Port Elizabeth what had been tried out was a dry cloth and a petrol bomb, as an experiment...a dry charge I beg you Lordship's pardon?---
That is correct.

Yes, have you forgotten that one also?---Yes.

What interests me, is the fact that yesterday, you alleged that a number of things had been said by Strachan at this meeting, to which you made no reference when you gave your evidence in chief - I'll tell you what some of them were?---Yes.

You said yesterday that Strachan had told the Regional Command that he had been sent by the High Command, that this High Command had been formed in Johannesburg, that the High Command was in charge of sabotage, that Strachan gave you the plan of the sabotage groups, there were to be four in a group, one of them was to be a Sergeant and he was to be in charge. Now you didn't make any mention of that at all when you first gave your evidence in chief. How did that come about?---I think I did.

Mm?---I think I did say it.

No you didn't. I'm going to show you that you didn't!---I may not have said it at the time that I was

dealing with Strachan's speech, but in my evidence as a whole, I think I did say that.

That's why I'm asking you whether you're not mixing up this meeting with what has happened at some other meeting? I can assure that when you gave evidence about what Strachan told the Regional Command, you never made any mention of the fact that the High Command had informed Johannesburg that it was in charge of sabotage, that he gave you the plan of the sabotage groups, that there were to be four in a group, and that there was a Sergeant to be in charge. You never mentioned that!---I may not have said that at the time when I was giving evidence at that point.

Yes?---But in any case I think I did mention it during my evidence, because up to that stage, we had not known anything about it until he came and explained all this to us.

You may well have mentioned it in regard to some other meeting, but I'm putting it to you that you never mentioned it as having been told to the Regional Command by Strachan!---No, I'm certain that he said that, at the time when he addressed the Regional Command.

You weren't tired when you gave your evidence in chief!---When a person gives evidence, what you may call making your statement, that is giving your evidence in chief, is different to answering questions when you are under cross-examination.

Ofcourse it is, the whole case is based on cross-examination! I'm still asking you the question, when you gave your evidence in chief you weren't tired then?---Not to such an extent as I was yesterday afternoon.

BY THE COURT TO MR. BERRANGE: . Actually the one point where I think you're wrong Mr. Berrange, is he did say the instruc-

tions were given by the High Command, according to my note, when he gave his evidence in chief. He didn't say anything about the groups. He did say that he was given instructions by the High Command. That was said.--- Yes, he had come from the High Command. I gave him the whole thing in complex, I was more concerned about the fact that he had a plan of the sabotage group.

He didn't mention anything about the groups.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

Let me point something else to you - one of the 10 things you said that Strachan told the Regional Command, what you told us yesterday?---Yes.

That the main object was to injure the property of the Government? And the property must be property that is connected with the Government and they must injure properties such as Municipal places or Municipalities who are in agreement with the Government, and this was to be the work of the sabtage groups. Now you never made any mention of that at all when you gave your evidence in chief?---That I remember distinctly that I did say. 20

I'm afraid you didn't. I'll tell you when you did say it - I know you said, but you said that that was said at the first meeting of the Regional Command, before Strachan came down there. That's why I asked you the question, whether you are not mixing up one meeting with another meeting!---I remember distinctly that I did say it at that time. I remember that even the counsel who was leading the evidence at the time saying "Now what sort of places", and then I gave an example of the court.

yes, that's correct?---I gave an example of the 30 Court.

Quite correct, and that is what you said happened at the first meeting of the Regional Command, and not on this

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occasion when Strachan came to address you! My Lord he gave a statement of the record.---That may possibly be so, I will not deny that, but then I will not deny, that maybe so that that was said at the first meeting of the Regional Command, but I will say that Strachan when he was there, the same things were repeated again.

I see. You never said so when you gave your evidence in chief!---It depends on how the questions are put to me.

No, no, I think this is one of the times on which it is up to you to say it, he was going to give you your head, and having given you your head for a little time, he then put a number of questions to you which you gave a number of answers to, but not on one of these occasions did you ever mention this as having been said by Strachan, and the last point, just a small point, you didn't tell His Lordship when you gave your evidence in chief, that whatever was done, whatever you people did on the Regional Command, the Regional Command would have to report back to the High Command! Let me put it to you more accurately - your words were "whatever we did, we had to report to the Regional Command and the Regional Command would report that to the High Command"? That you also you didn't mention when you gave your evidence in chief, but...that there had to be a report back?---There was a person who was specially appointed to do that who was a member of the Regional Command. It was his duty to do all the reporting.

You see what I'm suggesting to you is that you are mixing up what was said at some meetings with other meetings, and that you are just guessing! May I put it to you, that I will find it surprising and His Lordship will find it surprising too, if you were able to remember everything that was said at any particular meeting! But when I

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put to what it is that Nelson Mandela is alleged to have said or not to have said, then ofcourse, you're quite positive!---Things that happened, meetings and was instructions given or instructions received are two different things altogether.

I see, there were eight major things that were said by Strachan which you forgot to tell us about yesterday, and there are four matters which you told us about yesterday which you had never mentioned in your evidence in chief!---I have already said that from about half-past 10 three when you started on this particular phase, my mind was getting tired.

Yes, and His Lordship put it to you that you had a number of discussions with Strachan?---Yes, ^{we} were a few days together.

Yes, but there was only one meeting which...at which Strachan addressed the Regional Command!---That is correct.

Your other meetings with Strachan were meetings in which you were demonstrating or he was demonstrating!---20 That is right.

They had nothing whatsoever to do with the question of what report Strachan made to the Regional Command! ---Yes, its two different things altogether. What he told us, or reported at the meeting is one thing, and the demonstrations and other talks are separate altogether.

Quite different. You are not confusing those at all?---No.

Mlangeni's visit to Durb.

What I'd like to refer you to was a meeting that you had with Mlangenie, No. 10 Accused, and Brian Simani 30 came to see the Regional Command?---Yes.

Do you remember that occasion?---I do.

Do you remember when it was?---It was during 1963.

During 1963? Do you remember what month it was?---
Round-about April/May between those two months. It was
round-about that period.

Round-about April/May?---Yes.

I see. Was that before any arrangements had been
made to send up recruits?---No recruits had already been
sent then.

Recruits had already been sent?---They were in
the course of being sent, yes.

I beg your pardon?---They were in the course of 10
being sent somewhere already away and so on.

Had they already been sent?---I remember that
Mlangenie spoke about a certain group that was required
again, and I know that before that some had already been
sent.

Had the first batch with Eric Mtshali gone al-
ready?---Yes.

I see. Now I'd like you again...?---I remember
now, the first and second groups had already left.

Had already left when you had this discussion. 20
Now where did the discussion take place?---First of all we
met in the offices of S.A.C.T.U.

Yes, when you say we, who do you mean?---Mlangenie
and the Regional Command, but then we went and held the
meeting at Nayer's place, at George Naiker's place in
Malvern.

Before I go on, you were an official of S.A.C.T.U.
were you not?---Yes.

Did you have an office there?---No, not my own
office but I shared an office with others. 30

You shared an office, and I take it then that this
office which you shared with someone else, was the office
that you would use when the S.A.C.T.U. officials were not

there? Or at least, when the person with whom you shared the office was not there?---Yes, I even ...even if the other offices who occupied that particular office are out or are away there, I would continue with my work in that office.

Yes, I'm talking about when you had the Regional Command Meeting there?---We had no meeting in that office. Never! There was another apartment that was empty.

Oh, I see?---On the same premises, on the same floor.

Yes, alright, now would you kindly tell His Lordship what it was that was said, and I don't want you ...I want you to try and not forget anything at all by Mlangenie and Brian Simani when they met the Regional Command on this occasion?---Firstly, I had met Mlangenie in Johannesburg when I was up in Johannesburg. 10

Please I do want to get on, what happened at that meeting in there?---Yes, I must give you the lead by starting it. So when Mlangenie arrived down in Natal, he wanted to see me because I was the person he knew.

Yes?---For that reason he wanted to see me. 20

Don't worry about that, tell us what he said when he met the Regional Command?---Yes, just give me a chance I'll tell you. So when I met Mlangenie, he said that he wanted to meet the Regional Command, because Chief Sobata will be arriving from the Transkei and he must be...and it is required that he must be the host of the Regional Command. (He means guest).

Where were you then?---We were then in the offices of S.A.C.T.U. when we met.

In your office?---That is this empty place I was talking about. 30

You and he and Brian Simani?---Myself, Mlangenie and Brian Simani.

The three of you?---Yes. Although I had no knowledge then, up to that stage I had no knowledge of this supposed arrival of Sobata, evidently the Regional Command had some knowledge of it, what I understood from him...

I know, but I do wish instead of trying to pick up the thread of what you may probably have memorised, you would come to my question and what happened when he met the Regional Command! That is all I'm asking! We know the Regional Command ultimately met, these two people at George Naiker's Garage. Now what happened when the Regional Command met these people?---After I had made arrangements for them to meet the Regional Command.... *Reg Com* 10

Please, won't you tell us what happened when you did meet?---Yes, Mlangenie then said that he had come to tell the Regional Command that after Chief Sobata had arrived there, he should be taken to Johannesburg. ①

Who did he have to go and see in Johannesburg?--- He did not say, and that the Regional Command had to pay all the expenses for such a trip, and then the question was discussed of a group of 8 people that were required. 20

How was this question raised, that's what I'm interested in? Who raised it? Who spoke about it?---He said the High Command required a further eight people. ②

Is that what he said?---Yes.

Was this immediately after he had told you what was required in regard to Sobata?---I couldn't place it in order, but I'm telling you what was said at the meeting.

Continued on page

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16th.

So you said eight people, what happened to them? --- Eight people were required to come to Johannesburg, who had to go and be trained outside. And that those people would have to get off in Germiston, where a person who would be sent by the High Command, would meet them. He said arrangements would be made, certain signs or signals would be arranged, to recognise each other. Those signals were then also arranged.

What were the signals.---The arrangement was that the leader of that group of eight would carry an umbrella. (3)

Yes?---On arrival in Germiston, as soon as they got off the train, he will open and close this umbrella.

Yes?---And then the person who had come from the opposite side to meet them there would say "Manzi."

Yes?---And then this person with the umbrella would also reply "Manzi."

Yes?---That is the way they would recognise each other.

You say this was after how many groups had been sent?---As far as I recollect, two groups had been sent already.

No that is not consistent with your evidence. Your evidence is that three had been sent, but again I make no comment. Anyway, come on?---I am refreshing my memory. I will remember just now. Yes, that is correct. There were three groups. The third group was the group that was caught at Beit Bridge.

Anyway, let us get on with the meeting. Was anything else said?---And then detonators was discussed. (4)

Who spoke about them?---We said that we were short of detonators. Then Mlangeni said that in Port Elizabeth

they had 1000 detonators, but that they did not have dynamite, but that we could swop over. We could supply them with dynamite and they could supply us with detonators.

Yes? Anything else said? Tell me was this a short meeting or a long meeting?--It was not a very long meeting. *of 140 supra*

Was anything else said, or is that all you remember? ---He also asked us to give him a report of the work that we had already done. (5)

Did you do so?--Yes we did.

Was anything else discussed?---I think that was about all.

And you say it was not a very long meeting?--Not a very long meeting. *forgot*

You see here again, the one thing that was of some importance was the question and you have made a lot of point of it at various times in your evidence, was the question of your complaints and your requests in regard to money, and when you gave your evidence you said that after the Sobata business had been discussed, Mlangeni then asked whether there were any other requests and you told him what your complaints were, and you told him of your requests in regard to money, and you said that at that time, as far as you remember, Mlangeni had not yet received this message to come to Rivonia, you had not received the message to come to Rivonia, and that you then used your notebook to refresh your memory in regard to these various complaints. Now you have forgotten all about that today. ---You are making a mistake there in regard to the notebook. The notebook was not made there at that meeting where Mlangeni was.

Did you have a notebook at that time?--I had a

a diary but I made no notes there.

Did you refer to anything in your notebook?---
Afterwards when the message came that somebody was required
at the High Command. Not at this meeting where Mlangeni was.

I read you your evidence, from the official
record, page 139. " After Mlangeni had explained his purpose
to the Regional Command in regard to Sobota, he then asked
us whether there were any other requests that we had to
the High Command. We told him what our complaints were
and our requests with regard to money. I believe at that
time when Mlangeni came there we had not yet received
this message to come to Rivonia, because these instructions
that I have mentioned now through my notebook, refreshing
my memory through my notebook were then given to him there."
And then the question was put to you by my learned friend
"Given to Mlangeni?" and your reply was "Yes at the meeting."
Now none of this have you mentioned today.---When Mlangeni
asked us whether we had any complaints and when we gave
him our complaints, he, Mlangeni, wrote that in his notebook.

Not your notebook?---No, not in my notebook. I
want to clear this up. After we had given him those com-
plaints, he went away with them, and then after that,
when a message was rederived from the High Command, we
then, the Regional Command, held a meeting. That is where
I made notes. All these things were then referred to again.

This record is not quite clear. I think if
I may put it to the witness, what the position probably was
is this: that when you were being questioned about these
complaints, you made the notes later, after Mlangeni had
been there, at the Regional Command, but when Dr. Yutar
asked you about these complaints you said "refreshing my
memory through my notebook" - I have got no quarrel with that.

--I am not in agreement with that.

MR. BERRANGE (to the Court)

I think what happened was that the witness re-freshed his memory at that time. BY THE COURT: Yes he did not say he made the notes at that time.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

I have no quarrel with you about that at all. What I am asking you, however, is this: today, when I asked you to tell us everything that passed at this meeting, you forgot to make any mention of these complaints and that you had made these complaints to Mlangeni about your requests for money, and you have made a great point during your evidence about these complaints. Had you forgotten about that today?---As a human being you can't remember everything precisely.

That is my whole point. As a human being, you can forget the most important things sometimes, isn't that so? ---For an example, you referred me to the money now. That was a matter that was raised there that I forgot to mention.

And all the other things, that you have forgotten in regard to your meeting with Harold Strachan. That is the only point I am making, as a human being you can forget the most important things, and you can make mistakes. That you are prepared, when we deal with the question of what Mr. Mandela told you to deny that he said certain things. ---I have already told you that what persons say at a meeting, and in particular the instructions given by people is different, because instructions you have to bear in your mind.

Yes, and these were instructions.--Yes they were complaints and reports.

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