

me with this project. In particular, he brought this to me, after - I presume that he had mounted the two transformers, and the capacitor, previously he had brought me two transformers and a chassis which was too small for the purpose, so I suggested that he buy a larger one, and that it would greatly assist me if he could mount the components. I recommended the purchase of these particular transformers, this particular type of transformer, and I also recommended the purchase of the rectifying diode(?) which are mounted underneath the unit. It was, I think, 10 on the 12th of June when Mr. Kitson called on me, that I gave him a list of components which I required purchasing. On the list, I gave the specifications and the place where they could be purchased.

Was it painted as it is now, when you had it?
---Yes, when it was brought to me, it was painted as it appears now.

Do you know who painted it?---I presume Mr. Matthews painted it, I was not present.

Exhibit 3?---This is an instrument which 20 is connected between the aerial tuning unit, and the aerial, and it is designed to indicate when the apparatus is correctly adjusted. I bolted it.

You bolted it yourself?---Yes.

Exhibit 8?---It is a pair of head 'phones which I bought for use during the second proposed broadcast, and it is for use in conjunction with this unit, which is basically a.....

Exhibit 7?---Which is basically an elementary radio receiver. 30

You built Exhibit 7, did you?---Yes.

WITNESS: It was, incidentally, used with the first broadcast as well.

For the first broadcast?---Yes.

Exhibit 13?---This is a power unit which develops 220 volts alternating current from a direct current source. It was one of the items which appeared on the list which I passed on to Mr. Kitson on the 12th, and it was delivered to my home by Mr. Matthews. I presume he purchased it.

Exhibit 4?---These are three electric bulbs, 10 connected in series, which could be used as a dummy load for testing the transmitter.

Well, were they used?---Yes, I passed them on to the personnel who were due to operate the transmitter on the evening of the 25th of June.

Exhibit 14?---This is an aerial tuning unit, which was used for testing the old transmitter, it was used for the first broadcast in 1963. It was not stored with the other items. Mr. Matthews kept this for me. I asked him to leave it out, because I intended modifying 20 it. He subsequently passed it on to me again for use on the 25th of June, and I collected it. He passed it on to me when I called at his home on the evening of the 19th of June.

Exhibit 9?---This is one of the inter-connecting cables, which was mostly to connecting co-axial(?) plugs.

Exhibit 10?---I am not sure, but I....

You do not recognise that?---I think this was a copper cable which I gave to personnel due to operate the transmitter on the 25th of June, for use as an earth 30 lead.

Exhibit 11?---An insulator which I also passed on to the operating personnel.

Well, we have got enough parts to put the transmitter together now. But before we get to that, before the actual transmission took place, was there a discussion at the National High Command in regard to the speech? ---Not a discussion, but at a meeting on the 17th of June, Mr. Kitson handed to Bri-Bri a text, he said "Consider this, delete what you do not want, but on no account add to it".

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You did not read the transcript at that stage? ---No, I did not read the script ever.

Now, the broadcast was to be done on the 26th did you say?---No, on the evening of the 25th of June.

Alright, can we get now, to the events of the erecting of the transmitter? Would you tell the Court what happened?---At the meeting on or about the 10th of June, preliminary discussions took place on the subject of the proposed broadcast. Mr. Chiba was allotted the task of finding two personnel, two operating personnel, and also 20 of finding a suitable site . On the 17th of June, the script was handed over at that stage. On the Friday the 12th of June, when I saw Mr. Chiba just after 5 o'clock, he raised the question of requirements of the site, noted the length of the aerial, and then on Sunday ... the Sunday preceding the 25th...Thursday the 25th, Mr. Chiba, called at my home, and he brought with him the tape recorder and the recording which was to be used that same week on the Thursday evening.

That is the tape recorder you have referred to?---Yes.

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Yes?---So he brought me the recording and the taperecorder on the Sunday, and there was an arrangement...

Just before you go on, did you listen to the tape recorder at that stage?---No, not at that stage, the following day, Monday. I might just say this at this stage, that after he brought the recorder and the recording to me, I accompanied him to a point in the main street of Parkhurst, the shopping centre, and there in his van parked more or less opposite the Post Office, we met Accused No. 5, whom I knew as Mac, and there we discussed 10 ...n the car we discussed...sorry, let me just say not there where the car was parked. We entered the car and drove away, then we stopped and discussed arrangements for the coming broadcast. I was in favour of instructing the operating personnel at some intermediate point, and not at the final site where the broadcast was due to take place. Mac, suggested that there might be a site where I could do this, an intermediate site, but the final decision was to the effect that I should accompany the operating personnel on the Tuesday evening to the operating 20 site, which I understood to be the premises of a club, which is used by the Indian community in Johannesburg. Another arrangement made at that meeting on Sunday - the meeting where Mac, Mr. Chiba and I were present, was that Mr. Chiba would telephone me the next day, Monday, to tell me the time at which I was due to meet one of the operating personnel on the Tuesday. Mr. Chiba, did telephone me on Monday, and he gave me the time as 5.15. He said it had already been arranged that I should meet this gentleman outside the C.N.A. University Bookshop. His mode of 30 dress was described to me, and I was told to greet him by

saying "Hello Ganga", and he, the operating...one of the operating personnel, was in turn, instructed to greet me by saying "Hello Peter". On the Tuesday I went to this point at 5.15, and this gentleman...I saw the gentleman there, I greeted him in the agreed fashion, and from there we drove in a vehicle which he was driving, to my home, where we collected the apparatus to be used for the broadcast, well most of it. Inadvertently some of the cables were left behind. I met this gentleman at 5.15. We drove home, we loaded the apparatus and he drove off, 10 to the site. I did not accompany him at that stage, but I made an arrangement with him to meet him at 7.30 p.m. the same evening, opposite the City Hall, on the North side of the City Hall in Loveday Street. He was somewhat late, and at about 7.45 I joined this gentleman Ganga, 2b and another young Indian gentleman who was with him. I am not sure of his name. I think I was introduced to him as Matthew. The three of us drove to the operating site. I am not sure how far from the City, but the drive took approximately 20 minutes, or thereabouts, and we proceeded 20 to the grounds of this club. The grounds are somewhat large, and at quite a distance from the main buildings, perhaps 200 or 300 yards, there is a disused swimming bath and an old disused filter tank, and after climbing? driving through the fence and proceeding to this disused filter tank, we climbed into the top, and there we found most of the apparatus which had previously been taken by Ganga. This came as a surprise to me. I was initially under the impression that the apparatus was going to be kept under lock and key in the main building of the club. 30 Nevertheless, I proceeded to instruct these two gentlemen,

Ganga and his companion, which I think was Matthew, on how to operate the transmitter. Unfortunately, we discovered that we had left some of the cables behind, and we could not do very much at that stage, and so we proceeded to my home where I gave him the cables, and where I also instructed them as best I could on paper, how to make the final adjustments. That was on the Tuesday evening, and the broadcast was due to take place on the evening of Thursday the 25th at 8 p.m. After these two gentlemen left my home, I did not see them again, and I did not make an attempt to monitor the broadcast Thursday evening, because I had an appointment, and I do not know whether it did, in deed, take place.

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You did mention earlier a tape recording, I think, or this tape recorder. Did you ever listen to the speech which was to have been broadcast?---Yes, I monitored that tape recording on the Monday, preceding the broadcast, partly for technical reasons. I listened to the whole of it. The speaker was No. 1 Accused whom I knew as Bri-Bri, he did have other names, but initially I knew him as Bri-Bri. The broadcast opened with the word "Afrika", pronounced that way, and with a statement that as far as the A.N.C., I cannot quote the exact words, but the essence of it was that this was the A.N.C. speaking, on behalf of the whole of the Liberation Movement in South Africa. The duration of the speech was approximately 12/15 minutes. Another statement made was that we have not spoken to you for a year. The speaker referred to the station as Freedom Radio, then reference was made to the Rivonia trial. The speaker said that no tears were to be shed. That other leaders had come to the fore,

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Belt 45 leaders who were not known to the people. Reference was also made to the arrest during the past year of women and children. I think a reference was made to torture. Later in the broadcast, reference was made to the struggle of the Algerian people, and a call was made that sabotage should continue. In that connection, the statement was made to the effect that although life would be respected, steps should be made to protect our own people. This latter statement, steps would be made to protect our own people, I associate with the decision of the High Command, to 10 the effect that M.K. groups should endeavour to arm themselves, and a call was also made to the people to organise themselves into small groups and to be prepared for whatever call might be issued at a later stage. As one of the reasons advanced for the continuation of sabotage, it was stated that it was designed to influence the white electorate.

Is that what you can remember?---I think that is the essential content of the speech.

You mentioned somebody by the name of Ganga. 20 You do not know his other name?---No, it was the first time on which I had met him, and I presume that the name Ganga was a fictitious pseudonym.

I wonder if you look at Exhibit 'OO', part 2, and see if you can see a photograph?---(Book handed to witness).

Just page through it and see?---I am not sure which photograph is that of Ganga, if any of them are. Ganga was a young man - No. 36 might be, but I am not too sure. I think that is the only possibility - 30 No. 36.

You appeared to be looking at two - was there some other one you were doubtful about?---I was looking at the young Indian gentleman.

Do you remember what one it was, this other one you were looking at?---19 Is the photograph of the young Indian, but I do not think that is Ganga.

Well anyhow Mr. Gay, you are not certain?--- I am not certain.

But you think 36?---That could be the photograph.

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Now, this one Exhibit '00.3', and see if you can see the young Indian that you referred to? If you have any doubt, let the Court know?---The other gentleman whom I knew as Matthew or I think I knew as Matthew, I am not too sure of that. It is No. 38.

My lord, 38, is Salim Mohamed Mayet - he appears in the body of the charge, and 36 is Ahmed Bhaban who also appears in the body of the indictment. Now Mr. Gay, would you mind just having a look at this revolver and holster, Exhibit 180 and 181 and 182 - do you recognise that pistol?---Yes, I do. The background to this

Just before you go on, why do you say you recognise it, is there any particular...?---Because I recognise a mark on it which is the result of the action of an abrasive wheel used to remove the number.

Did you actually remove the number yourself?---Yes, with the assistance of another gentleman.

Not one of the people before Court?---No.

Alright, will you tell us what you know about it? ---Let me just say as an introduction, I refer to a

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private meeting with Mr. Kitson that could have taken place on one or two occasions....sorry, one of a number of occasions. He used to call on me at my office occasionally on a Friday evening at about 5 o'clock, and then I also had cause to see him privately after meetings, when I was usually dropped last, and then before meetings, because I was invariably picked up first. Now either privately or at a meeting of the High Command, Mr. Kitson told me that a friend of mine had a revolver, and that I was to get it from him.

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Well, your friend is going to give evidence, I think Mr. Gay, so you can mention his name?---The gentleman's name is John Gizelle(?).

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Alright carry on Mr. Gay?---Well, after having received this instruction, I approached Mr. Gizelle and told him that I was to get this weapon from him, and he gave it to me, and at a subsequent meeting of the National High Command, I produced it and it was passed on to No. 1 Accused.

4 At the National High Command meeting?---Yes, 20 it was Mr. Gizelle who helped me remove the number with that small abrasive wheel.

Is that Exhibit No. 205?---And this I bought for the purpose. I passed it on with one or two cleaning brushes and some oil, and about 20 rounds of ammunition.

Now, was this in keeping with the policy of the National High Command that people should be armed?--- This specific decision was taken to the effect that M.K. groups should endeavour to arm themselves.

And did No. 1 Accused what he was going to do with it? Was there any discussion?---No, he did not, and 30

I did not ask any questions. I presume it was required in connection with that decision.

Now, do you remember a meeting with a man who had come up from Cape Town?---Yes, again either privately or at an early meeting of the High Command, Mr. Kitson told me that there was a young man from Cape Town. He made an arrangement for me to see him for the purposes of obtaining from him technical information relating to the use of dynamite. I do not know whether Mr. Kitson stated at the time that it was in connection with dynamite in particular, but I in due course met this gentleman, at the end of February, at a time I think, which was just prior to the commencement of the academic year. I saw him on two occasions in February - on a Saturday afternoon or a Saturday evening, and the following Sunday. At first, for the purposes of the first meeting, I am not sure whether Mr. Kitson brought him to my home or not, but the gentleman came nevertheless, and I knew him as Guy, and he proceeded to tell me how to use dynamite in what I considered to be a well informed way. I did not know any²⁰ thing about the use of dynamite at that stage. Should I say, as an expert would use it, but from what the gentleman Guy told me, I was under the impression he had received rather thorough training.

Yes, give us the details?---He told me for example, how to connect up a number of charges in a way that they could be detonated simultaneously, making use of that kind of cord, which I think is filled with a high explosive itself, called cordex I think, and he told me also how to make suitable electrical timing devices, and in this connection, he produced a cigarette box containing 30

either ten or twelve miniature batteries, which he said was was the type of thing which would be used. The electrical supply would be used in connection with electrical detonators. I do not know whether this young man was, indeed a member of Umkonto We Ziswe, and I did not know whether he was himself engaged on sabotage, but he certainly had received training. Another thing he told me was the way in which a small team of four or five persons would set about the task of laying charges and proceeding to test the circuit, and finally leaving the site in a certain condition. The essential of that part of the instruction was the teamwork aspect of it, and the division of labour. I made notes of what he told me. Another aspect of his instruction, was the number of dynamite sticks to be used on particular structures, in particular, he had working formulae which gave one a number ... the number of, I think, half pound sticks of dynamite to be used on steel, concrete and wooden beams, and another point of his instruction, was the way in which one would lay charges inside a building or under a culvert. The method was applicable to both, for the purposes of disrupting either structure. Again, this was given in the form of working formulae in terms of the volume of the room and the size of cavities such as windows. I made notes of this information and when Guy called on me the next day, I went through it briefly with him, what I had written down. I did not write down everything, because I considered some of it to be somewhat too technical for our use, and also when I saw him on that second occasion, I gave him information in return. Information relating to the structure of petrol bombs. I told him also how to make good charcoal

For use when making gun powder, and I told him also how to make a device which would drop petrol bombs after a period of about half an hour.

Did you ask him to purchase some things for you in Cape Town?---Yes, at that stage, I contemplated using a motor generator which was available on the war surplus market, and I gave him...I asked him to purchase a motor generator and buy it for me in Cape Town.

Would you have a look at Exhibit 'W' Mr. Gay?
---This is the list of the components, a copy of the list. 10
I do not know whether I gave the list to Guy in person on that occasion, this particular one, or whether I had given this to Mr. Kitson somewhat earlier. I think the former is more probable that I did give this to Guy, together with the sum of R11-25. I gave him money on that occasion, and he subsequently returned it to me later.

You do not know this man's name? The man you have been referring to as Guy?---I did not know his name at the time of my arrest, but I do believe I know it now. Up to the time of my arrest, I did not know his 20
real name.

Well, how did you come to know his name after your arrest? Had you been shown photographs, or have you seen him, or what?---At some stage or another it was suggested to me that he was ^{Sholto} Shalter(?) Cross. 29

could
But / would you identify a photograph of him?---
would
I/identify the man.

My lord, unfortunately we have not got a copy here now. Now, to get to another subject Mr. Gay - do you know a person by the name of Steve?---Yes, I know an Indian gentleman by the name of Steve. I met him at 30

THE High Command, again prior to mid-April. It was arranged that I meet Steve for the purposes of giving him some radio work to do. In that connection, I met Accused No. 5, Mac, outside the C.N.A. Bookshop on a Saturday morning at 10 o'clock.

Well, how did you come to meet him there?---

This arrangement was made at a meeting of the High Command.

That you would meet No. 5 Accused there?---Yes.

Yes?---And after Mac picked me up at this point, we proceeded to a house in Doornfontein, where I met Steve. I spent some time with him. 10

Was No. 5 present or not?---No, Accused No. 5 was not present during our discussions. I think he introduced me to the gentleman, Steve, when I arrived there, and later Accused No. 5, provided lunch for us and later still, he took me back to the point at which he picked me up.

Will you tell us in some detail what your discussion was with Steve?---Yes, I went to see Steve, in connection of the circuit of a transmitter which I was going to suggest he build, and I also took with me a book on aerials, and I think the Aerial Amateur's Handbook(?). Yes, and there is another publication, a Phillips publication in which certain circuit was described, and I will go this just now. After some discussions with Steve, it was clear to me and to him, that he would experience difficulty in building the transmitter, so I suggested instead that he turn his attention to a power unit which was described in that Phillips publication, and I left that publication with him, and I presume he took it back to Natal from where he came. The other publications were 20 30

subsequently returned to me through Mr. Chiba, at a meeting of the High Command. Then there is something more in connection with Steve - just prior to the Rivonia raid, Mrs. Slovo told me that there was an Indian gentleman either up from Durban or in Durban, I did not know whether he was in Johannesburg at the time, and she asked me what work we could get him to do. Bearing in mind the requirements of the Logistics Committee, I suggested that Steve make a number of practice oscillators for the purpose of teaching persons the morse code. I also recom- 10 mended to Mrs. Slovo a particular circuit, to suggest to Steve. Now, when I met Steven in Doornfontein, he referred to practice oscillators. He said that he had experienced difficulty in obtaining some parts in Durban, and he also described the circuit of a number of practice oscillators which he had bought, but he did not have one with him.

Will you have a look at this Exhibit S.M. 33? Can you tell us what it is first?---It is a list of components in my handwriting, the first item which appears 20 on the list is a valve which is the type used in the transmitter. All the other components are those which Steve would have used had he bought the power unit which was described in the Phillips Publication. Steve had told me, as I just said, experienced some difficulty in obtaining components in Durban, and I mentioned this difficulty to either Mac or Mr. Chiba, and either Mac or Chiba told me that they might be able to obtain some components in Johannesburg for me, and to this end, I passed on that list to, I think Mr. Chiba, at a meeting of the High 30 Command, together with the necessary sum of money.

That would be Accused No. 3 then. Just before we go on - did Steve introduce himself to you, and tell you who he was or what his business was?---Yes, he told me that he had been trained in the morse code, and he stated his degree of proficiency in terms of normal speech and coded speech.

Did he say where he had been trained or not? ---No, he did not tell me where he was being trained.

He did not say whether he was a member of M.K. or any other organisation either?---No, this he did not say, but I presumed that he was either a member of M.K. or a member of the Communist Party.

I wonder if you look at this album of photographs, Exhibit 'OO', part 2 and see if you can identify the person you have referred to as Steve?---Yes, photograph No. 33.

This person who is referred to my lord, is Nandhagopaul Naidoo, in the body of the indictment. Now, was it arranged by the High Command that you should meet anyone else?---Yes, after my meeting with Steve, it was arranged that I should meet an Indian gentleman. Mr. Chiba reported that there was an elderly Indian gentleman who was prepared to do some technical work in connection with explosives for M.K., Umkonto We Ziswe, and it was suggested and arranged that I meet this gentleman for the purposes of telling him how to make black powder, and to this end, I again met Mac, Accused No. 5, at the same point outside the C.N.A. University Bookshop, on a Saturday afternoon, and from there we proceeded to the same house in Doornfontein. On this occasion, I was the first to arrive, and later Accused No. 5 showed the old gentleman

into the room in which I was, and again Accused No. 5 was not present for the interview, and I proceeded to tell this old gentleman how to make gun powder. I also told him how to make torch bulb ignitors, and I think I also told him how to make a compound called (?) Peroxide Fibre(?), and I also suggested that he embark upon an experimental project to prepare sodium nitrate from sodium carbonate, otherwise also known in one form as washing soda. Let me just say that sodium nitrate can be produced from washing soda and nitric acid, and sodium nitrate can be used either to make a form of black powder, or the two can be used to make ammonium nitrate, which can be used as a high explosive, and besides, the project of making sodium nitrate, I suggested that the old gentleman also proceed from there, and try and make ammonium nitrate. 10

Yes, is that the lot?---Yes, after that meeting, Steve, took me back to the point at which he picked me up.

You say Steve?---I am sorry, Accused No. 5, 20 Mac, and on the way I suggested that he take care of the technical requirements of the old gentleman. ,In particular, I suggested that he might require a balance, and nitric acid for that experimental project.

Did you report back to the High Command about the visit?---I do not remember reporting back, but I think I must have done so.

Well, did you hear anything else about this Indian gentleman?---Later Accused No. 3, Mr. Chiba told me, either privately or at a meeting of the High Command, 30 I should say privately, because I saw him on one occasion, at my home. That is an occasion other than that in

connection with the radio broadcast. Mr. Chiba reported, and I replied at a meeting of the High Command, that this gentleman had made some gun powder, and that he had had an accident in connection therewith.

You did not see him again?---The old gentleman - no.

Do you know his name Mr. Gay?---(No reply).

Do you know this Indian's name?---No, I do not know his name, but I would recognise him. He was an elderly gentleman.

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Will you have a look through Exhibit '00', part 2?---Photograph on page 29.

My lord, the person identified is Amien Cajee, who appears in the body of the charge. Mr. Gay, I wonder if you would look through this album, Exhibit '00' part 3, and see if you can see a photograph of the person you referred to as Guy?---Yes, a photograph of Guy appears on page 55.

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My lord, the evidence will be that that photograph is of ^{SHOLTO} Shalter Cross. He is not mentioned in the indictment. Now Mr. Gay, in regard to pamphlets, propaganda and so on, did the National High Command have anything to do with the distribution or publication of pamphlets?---In general not, I think there is one exception. I am not too sure of this, but I think at one stage, something was printed for the specific distribution to M.K. personnel. I am not sure of this. In general, we were not concerned with publications. At one meeting of the High Command, Mr. Kitson suggested that I might draw up a hosrt pamphlet on basic electrical work. I never did so. The background to this suggestion was that

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following failures with electrical timing devices, in 1962/1963, M.K. personnel were rather reluctant to yield to electrical devices. I had more confidence in them, and it was as a result of this, that the suggestion was made.

Well, do you know of a publication called "Freedom Fighters"?---Yes, I know of it.

Well, can you tell us what you know about it?
---First of all, on the 19th of June Mr. Jones assisted me with the collection of the stored radio from Morkel's. Now, on the way to town where I went to talk to Mr. Matthews about the storage of it, I suggested to Mr. Jones that he might keep the radio apparatus for me. He said no, he could not do that, because Hilda Bernstein came down to his house, either some Sunday mornings, or on Sunday mornings, I have forgotten the exact phrase he used. The implication was that he did not want anything else at his home. So

Well, she would go to his house Sunday mornings - did he say why?---I am sorry, to type the text of the "Freedom Fighter". So from that knowledge I associated with the Communist Party, I have other knowledge of it. I have seen one copy which was passed to me by Dr. Doyle of the University, he passed me a copy, it was No. 2 I think, and after reading this, I in turn, passed it on.

And do you know who addressed the envelopes and sent them out?---Yes, again on the 19th of June, after making an arrangement to this effect, Mr. Matthews called at my home that evening in order to collect the old radio transmitter, and I accompanied him to his home to help him load and unload it. I think it was on that occasion that he suggested to me, that he might have my

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address to the list of addresses of person to whom, Freedom fighter was sent. He told me that it was sent out for example, to Dr. Brexley of the University, and I took this to be a suggestion that even if my address was found amongst of those person who had received this document, it would not necessarily be incriminating on the grounds that persons such as Dr. Brexley received it. Now, my reply to that was "No, please do not add my address to the list".

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So you were not on the addressing list then? 10
---I presume not, following that specific request of mine.

You never yourself received a copy through the post then?---Not through the post, no.

Do you know who was responsible for this publication?---From what Mr. Jones told me, I drew the conclusion that Mrs. Bernstein was perhaps the editor of the journal.

Was this Mrs. Bernstein, Hilda Bernstein?---Yes.

And did you know her as a Communist?---It is a difficult question to answer - I had never been introduced to her as such. I did not know her. I was associated formally in only one Communist Party cell, which used to meet at Rivonia. 20

But you connected her Mr. Gay, not me?---
I beg your pardon?

You connected the two?---Yes, well, of course, Mr. Bernstein was a member of my cell. From what I saw of No. 2, of the Freedom Fighter, I think it was No. 2, it was clear to me that it was Communist Party publication.

Alright, well we will leave it there - and 30
what about Cyril Jones - do you know whether he was a

Communist?---Yes, Mr. Hodgson, Mr. Matthews, Mr. Jones and I, used to talk about the family, and that term we understood, or that I understood quite clearly, definitely, that this was a term which meant the Communist Party. Mr. Hodgson, introduced me to Mr. Jones as a member of the family.

Now Mr. Gay, seeing we have mentioned the Communist Party - do you know what links the Communist Party had with M.K. or with the old High Command, or new High Command?---Let me say that when I volunteered to join the organisation of Umkonto We Ziswe in Durban, I understood that it consisted of volunteers drawn from the Congress Alliance, and I presumed at that stage, that the leadership was also drawn from the Congress Alliance. Now, following the setting up of the Logistics Committee, I drew the conclusion that Communists were playing a rather big part in Umkonto We Ziswe, and again following my knowledge of the political leadership, at the time of the new High Command, the knowledge conveyed to me by Mr. Kitson about personnel, I come to the conclusion that Umkonto We Ziswe was directly under the control of the Communist Party.

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Are you feeling tired Mr. Gay?---No.

Alright good. I think you have identified you say, you saw Freedom Fighter No. 2 - will you just have a look at this Exhibit 'KI'?---I am just looking for a particular passage, which I remember, relating to border industries.

Well, perhaps you have got the number wrong..?
---No, no. It is No. 2, first page, below the statement "But both legs will kick again". It is a statement to the

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effect that border industries bring exploitation to the reserves. They also bring the very thing the Government wants to avoid - (quotes)...fight together". I remember reading about this particular aspect.

Mr. Gay, you have said that as far as you are concerned, that comes from the Communist Party. I think that is what you said, was it?---Yes.

But is there anything in that pamphlet which is contrary to the policy of the High Command on which you served, or does it, in fact, set out the High Command's 10 policy?---Let me say that the High Command was essentially in control of the para-military organisation. We were not concerned with broad aspects of politics. We were concerned with what might be called a limited technical job. There was of course, the Communist Party, like any other political party, concerned with far broader political issues.

Yes, but I take it that the High Command had some political belief as well?---Oh indeed. I was a Communist, a member of the Communist Party, and I knew Mr. 20 Kitson as a member of the Communist Party, because I used to present any party business which I wanted to raise, to him. For example, a gentleman which I have mentioned already, John Gizelle, he passed on to me a request that I in turn, passed on his application for membership of the Communist Party, and that application I passed on to Mr. Kitson.

Well Mr. Gay, let us get it this way - the High Command was, as it were, in charge of the M.K.?---Yes.

And I take it the M.K. had certain political beliefs, as well, which were represented in the High 30 Command? Or not?---Well, I understood that the High Command

was simply and instrument of the Communist Party. Certainly at this stage when I was a member of the High Command.

So that being a Communist document, it did reflect the views of the High Command? The political views?--I would put it another way, and say that we, the High Command, I have mentioned why I consider Mr. Kitson to be a member of the Party. We were instruments of the Communist Party, and this being a Communist Party organ, we would invariably subscribe to it. We might have differences of opinion on some issues, but by and large, 10 we would agree to what appears in the organ.

BY THE COURT TO MR. MASTERS: I think we have covered this already Mr. Masters, when the matter of eliminating informers were discussed?---Yes. (Mr. Masters explains).

EXAMINATION BY MR. MASTERS (CONTINUED):

Now, we get to some exhibits that were found in your garage - in your house. Will you just have a look at Exhibit 'X'?---This has nothing whatsoever to do with my work with Umkonto We Ziswe. It is a circuit diagram, which I intended to build for the purposes of 20 supplying a unit which is called a crystal calibrator.

It has got nothing to do with this case?---No.

I am sorry. And just to identify Exhibit 'G' which I understand was used for the question of identifying typewriters - could you tell me in regard to Exhibit 'G' whether that was typed by you or not?---Yes indeed, this was typed by me on my typewriter.

And it is an application to a University for employment, is it?---Yes.

And you do not know where the police got it, 30 but presumably that was from the University?---From the

University, yes.

Was that typed on the same typewriter as you typed the other documents you referred to? Do you remember "Electricity Supply in South Africa"?---Yes, it is the same machine. It was a machine which I purchased in Durban.

That is Exhibits 33 and 59, my lord. Now, will you have a look at Exhibit 85 - was that in your possession at the time of your detention?---Yes, this is a box which Mr. Kitson brought to me on Friday the 12th of June. At the previous meeting I had asked him to purchase 10 it for me. I suggested that he buy it from a firm in town called Hamrad's. He brought it to me on Friday the 12th of June, but I did not have cause to use it, because I made use of the unit which was used the previous year.

And Exhibit ?---Again, this is not concerned with my work in connection with Umkonto We Ziswe.

We will not trouble you then Mr. Gay. Exhibit 87?---This is a tin containing calcium carbonate which I purchased with money obtained from Mr. Kitson. If and when I obtained nitric acid, I was going to produce calcium nitrate, again on an experimental basis, for the purposes of producing ammonium nitrate. 20

Which would be...?---Which can be used together with some other substances as a high explosive.

Exhibit 88?---Yes, this is a power transformer which I purchased quite a long time ago, but in Johannesburg, and with the possibility of using it for the transmitter. I paid for it with money which was refunded to me either by Mr. Hodgson or Mr. Wolpe.

Exhibit 3?---It is just a unit which I built 30 up, using essentially my own private components, for the

purposes of adjusting the unit which the Court has already seen today, the unit with a small meter on it. I did use it for that purpose.

What was the Exhibit you referred to Mr. Gay?---On the bench further along with the meter - that:

Exhibit 3. Exhibit 90?---This dates back to 1957, but I did use it, for example, on the evening of the 27th of June, 1963, for the purposes of making some initial adjustment.

Exhibit 91?---High transformer not connected 10 with Umkonto We Ziswe.

Exhibit 96?---Headphones - private property again, no connection.

Exhibit 97?---Again, private property. A component for a particular kind of F.M. detector, which I never built.

Exhibit 98?---Essentially a private collection of radio valves, with the exception of these two. This is a type of valve which is specified for the circuit which I recommended to Steve, and I purchased these 20 with money obtained from Mr. Kitson.

First of all 30?---When I unpacked the apparatus which was removed from storage on the 19th of June, I found one of these units, packed therein. I believe they were used at the broadcast on the 26th of June, 1963. For the purposes of keeping guard.

Can you tell us what they are first? I do not think the Court knows? Exhibit 30, is what Mr. Gay? ---Exhibit 30, is called a trans-ceiver.

What?---A trans-ceiver used for point to 30 point communication at short distance.

Is it what they call a walkie-talkie?---A walkie-talkie.

And the other Exhibit?---This is another walkie-talkie.

Is the same as Exhibit 30? Exhibit 99.---
Exhibit 38?--- This I have never seen before.

No, I think it was found somewhere else. I wonder if you could just assist us and tell us what it is?---It is simply marked "No. 1 Wireless sets No. 19, mark 2".

10

Do you know what it is, I thought you might be able to help us?---It is a power supply. From the inspection, I can only suggest that it is for use in connection with a portable transmitter or other radio apparatus.

Well, I understand there will be evidence it was with the second transmitter that you built? Does it have any use there?---It was with...?

With the second transmitter that you built - will it have any purpose then?---The second transmitter?

I am sorry, the first transmitter?---You say 20
it was found with the first transmitter ?

Yes?---I certainly have not seen this before. It might have been obtained by other persons.

Could it have been used in connection with the transmitter? Do not worry?---No, I am sorry, now that I come to think of it, when I began work on this project, there was a war surplus trans-ceiver, which I think was a No. 19 set, but I later discarded that unit.

Would that have been part of it?---This could be the part.

30

Exhibit 38?---This is the oscillator section

of the old transmitter. When I passed it on to Mr. Matthews on the 19th of June, I suggested to him that he dismantle the R.F. section.

Exhibit 70?---A coil which I made, and which I intended using in a unit...which I built, would have been housed on that box.

Exhibit 34?---A unit which was built for the first transmitter, and it functions the same as that which we have already seen, the unit with the meter on.

Exhibit 45?--- A component which I bought 10 with the M.K. funds. I think I bought it essentially as a spare item.

Exhibit 46?---Another item which I purchased with funds obtained from Mr. Kitson. Again, I think, as a spare item.

Exhibit 43?---Yes, I bought this with funds from the same source, but I do not know whether I had a specific use for it at the time.

Exhibit 44?---Yes, one of the same kind of components, also bought with funds from the same source. 20

Exhibit 47?---A switch which I bought when I was working under Mr. Hodgson's direction.

Exhibit 41?---Yes, a meter used for initial tests on the old transmitter.

Exhibit 48?---(?) Which I might have used for the same purpose, and bought - I am not sure, either in Mr. Hodgson's time, or recently.

Exhibit 49?---Another switch bought in Mr. Hodgson's time.

Exhibit 42?---And yet another, some of these 30 switches were probably used in....

Have you got 42, can you tell us what that is?---This was one of the components which I salvaged from the old ex-army set.

AT THIS STAGE THE COURT ADJOURNS UNTIL
10 A.M. ON THE 24TH NOVEMBER, 1964.

elt 48

ON RESUMING ON THE 24TH NOVEMBER, 1964:

LION STANLEY GAY, still under oath

EXAMINATION BY MR. MASTERS (CONTINUED):

That is Exhibit No. 155 - what is that Mr. Gay?--I have not seen these before. I can only express an opinion. I am not very well acquainted with transistorised sets, but by virtue of the presence of a small transformer in the transistor, I associate these devices with the suggestion I made to Mr. Slovo, to the effect that Steve build a number of code practice oscillators, 10 but I am not sure that these are indeed those oscillators.

But you did discuss it with Steve too, did you not, the building of them?e--No, when I saw Mrs. Slovo, of course Steve was not present on that occasion. I just saw Mrs. Slovo, I made this recommendation, and I also suggested to her that Steve make use of the circuit that appeared in a particular technical manual. I never saw the items which Steve made up, but he did make a report when I saw him in Doornfontein later.

What was his report then?---To the effect that 20 he had built a number of code practice oscillators, that he had not used the circuit that I had suggested, because of the difficulty in obtaining certain components.

Well, is that Exhibit then, a practice oscillator?---I cannot say for certain, no.

It just appears to you to be?---By virtue of the transformer, I think it is an audio circuit, and being an audio circuit, it could be a code practice oscillator.

Now, Exhibit 133 - will you just describe what those are first?---Aluminium tubes with four holes 30 drilled at the half-way mark. I associate these with a

suggestion which I passed on to Mr. Matthews. After I had built an electrical timing device, that suggestion was by Mr. Hodgson. When I built that timing device, I did not hand it over together with an ignition system. It was later that I considered the design of such a system, and what I suggested was that we make use of a wooden block, the one end of which there was a combustible mixture, planted in a dell rod. The combustible mixture surrounding the fuse which will be connected to an electrical circuit, and the other end of the block which had a hole 10 drilled in it, I suggested that one insert a length of fuse, which in turn, was associated with the detonator, and a dynamite charge. I passed on a sectional drawing of that suggestion to Mr. Matthews, and I think that these tubes would have been cut and drilled for that purpose, because after testing the transmitter in Cyrildene at Mr. Jones' home on one occasion, Mr. Matthews was taking me home, and we called in at his place, and in the garage, he tested a number of ignition systems which I thought were based on the principle which I had suggested in the sec- 20 tional drawing. Mr. Matthews tested about four of these devices. As far as I remember, he used metallic tubes, and instead of wooden plugs which I had suggested in my model. I think he used corks. The one cork containing a combustible mixture, and the cork in the other end being for the purpose of holding the fuse. The holes for a special purpose, if these tubes were indeed cut for that purpose, and the suggestion was made that holes be made so that the gases resulting from the combustion, would escape without causing an explosion, because I 30 thought that without the holes there would be an explosion,

and the device would be shattered without igniting the fuse. As I say, Mr. Matthews tested in my presence, four or five of the igniting devices, and I think four or perhaps all five of them, functioned satisfactorily. One thing Mr. Matthews mentioned to me, was that he had used a 50/50 mixture of potassium chloride(?) and icing sugar, and he mentioned that he considered this more satisfactory than the mixture previously used, by virtue of the fact that it burnt for a considerable time.

Will you have a look at Exhibit 131?--- 10

We have dealt with that. I think those are torch batteries, are they?---Yes, a number of torch batteries which have had wires soldered to the ends, that is about all I can say to it.

Yes, but if you were to make the time device which we discussed yesterday, Exhibit ...?---Yes, one would have...as shown on this model, one would have to solder wires to the ends of the batteries.

As they are soldered on Exhibit 131?---Well, as they were soldered. 20

Now, will you have a look at Exhibit 154. In regard to the erection of a transmitter at the Indian club, did you give any instructions?---Yes, I gave particular instructions about the aerial, and for the purposes of erecting the aerial, and tying the one end to part of the tennis court frame, I handed over to the Indian gentleman who came to my home, a length of gut. Gut which incidentally, had been used the previous year at Mr. Levitan's home for the same purpose.

So, the exhibit you now have, is a length of 30 gut similar to that which you told to be used in the erection

of the transmitter?---Yes.

Now Mr. Gay, on the 10th of September this year, did you point out the house in Doornfontein, which according to your evidence, you visited on two occasions, with No. 5 Accused?---Yes, I did so.

Now, do you remember in April of last year, No. 3 Accused was arrested?---Yes.

Do you remember as the result of that, whether any action was taken by No. 4, or any precautions?---That is Mr. Matthews. Yes, I have forgotten where I heard 10 this, but I received this information - the information which came to my notice, was to the effect that Mr. Chiba had been arrested, and that he had a diary in which Mr. Matthews' name appeared, and as a result of that, Mr. Matthews, was to my knowledge, advised to clear his house of all incriminating items, and to be inactive until further notice.

Well, where would you have got this information from? What were your only sources?---In April of last year, that was the time at which the Technical Com- 20 mittee, to my knowledge, ceased to function. So I think I might have heard this information at a meeting of the Logistics Committee.

Well, it would have been either the Logistics or the Technical Committee meeting?---Yes, I do not remember Mr. Matthews being deliberately absent from late Technical Committee meetings which I attended.

No, but I just wanted your source of information - it must have been either told you at the Technical Committee or the Logistics Committee?---It might even 30 have been mentioned again at a meeting of the High Command

this year, but I certainly had knowledge of that before the new High Command was set up.

Did you know why Mr. Matthews' name appeared in the diary of Mr. Chiba, No. 3?---Yes, I think Mr. Matthews himself told me that he had been on an aeroplane with Mr. Chiba.

An aeroplane to...?---Coming out to this country from London.

And he travelled with No. 3 Accused?---Yes.

Now, just one last point, I think Mr. Gay - 10 you have described what you called meetings on the road?---Yes.

And I think you told us that you would get into a car, or you would all be in a car, and that you would travel around and have your discussions in the car? Is that correct?---Yes.

Do you know whose car it was that was used? ---Invariably, Mr. Kitson used his own car. I can remember on exception, on which occasion his car was not available, and he told us that he borrowed a close neighbour's car. 20

Could you describe the car to us? Do you remember?---I do not remember what make it was. All I do remember is that it did not function very well. It was somewhat uncomfortable.

You do not remember the make or the colour?---No.

Well, I was thinking of the car that you say Mr. Kitson used, that is the one?---The one he borrowed?

No, not the one he borrowed, the one... his own car?---I am sorry, his own car is a D.K.W.

It was a D.K.W.?---Yes. 30

Can you remember the colour of his car?---I

think it was a two-tone, I am not certain. I think gray and blue, but I am not certain of that.

MR. MASTERS: No further questions.

MR. BIZOS asks the Court to reserve cross-examination of this witness, and also informs the Court that Mr. Masters has no objection to this application. He mentions that they will in all probability put in a large number of documents by consent.

MR. HARE: Informs the Court that it is his attitude as well.

BY THE COURT: Well, this witness will stand down for cross-examination.

(WITNESS STANDS DOWN).

AT THIS STAGE THE COURT ADJOURNS UNTIL 2 P.M.

CONTINUED ON PAGE 275.....

ON RESUMING AT 2 P.M.:

MR. MASTERS: My lord, by agreement with the defence, it will be possible to hand in most of the exhibits this afternoon. I have arranged with the defence that if later some dispute should arise, about any exhibit, then the defence will always have the right to question it. The first one relates to Accused No. 1 'WM'. Now, in regard to those exhibits 117 which I will hand in separately, the defence are prepared to admit that they were found in the places mentioned in the list on the 10 dates set out, by the persons mention.

BY THE COURT TO MR. MASTERS: Do they relate to all the accused?---No, this first list your lordship has, 'WM', relates to Wilton Mkwai, that is Accused No. 1. My lord, there is one exhibit not here, and that is the money, Exhibit 7 - R25 in notes. That is still with the police. And then at the bottom of that same page, your lordship will see 'I.K.', there is just one Exhibit there. The same admission applies, but that relates to Accused No. 2. On the next page is Accused No. 3, the list of documentary 20 exhibits, and there the same admission is made by the defence, namely that the details set out here are correct, the place where found and by whom found, and when found. Then the next list is 'L.C.'. The next is 'J.M.', that is Accused No. 4 - the same admission is made in regard to those exhibits, and then the next list my lord, is Accused No. 5, they are marked 'S.M.', and the same admission applies there. And then if your lordship would turn now to the Rivonia documents, I now hand in a new list of documents. With regard to the lists which I now hand your 30 lordship, it is admitted that the exhibits listed there as

'R.J.', 'R.L.', 'R.P.' and 'R.A.A.', were documents issued by Umkonto We Ziswe, those are the first four that I mentioned.

What is the admission?---That these documents were issued by Umkonto We Ziswe, prior to the Rivonia raid. That is prior to the 11th of July, 1963.

Yes?---And then in regard to the other documents listed there - that is 'R.1' to the end 'R.T.73', the admission is that the documents marked 'R ' were found at Lilyleaf Farm, Rivonia, and those marked 'R.T.' 10 were found at Revallyn, Rivonia. Well, just Trevallyn.

Well, look here, there are exhibits here 'R1' to R.199'?---Yes, were found at Lilyleaf Farm, Rivonia, and those marked 'R.T.1' to 'R.T.73', were found at Trevallyn. Those were the documentary exhibits, and in regard to the non-documentary exhibits, it is admitted that the exhibits mentioned on the lists which I now hand to your lordship, marked 'R.28', 'RN.6' were found at Lilyleaf Far, Rivonia. My lord, I might refer back to the list again 'J.M.', that is Accused No. 4's list, there 20 is an exhibit there, Exhibit No. 24, it is shown as a carton containing Communist literature, and I hand in a list of the books which are, in fact, in Exhibit 24. My lord, then in regard to the list of exhibits which appears last in your lordship's file, that is the seven page list of exhibits, it is headed "List of Exhibits not documentary".

Yes?---My lord, subject to what I have said earlier, in the case of any mistake or misunderstanding, the defence at this stage, are prepared to admit that 30 these exhibits were found at the place mentioned, on the

day mentioned, and by the person mentioned, on the list.

For the purposes of the record, should one not give these different lists an exhibit number?---

(Mr. Masters explains to Court that the lists are numbered from 1 and then goes through.) My lord, I think we could refer to this list I have just mentioned, that is the last list in your lordship's file, as being the non-documentary exhibits, numbered 1 to 205. And then finally my lord, there is the list of exhibits, documentary, that is a general list, it is the first large pages in your lordship's file, and they are marked 'A' to 'QQ'. 10

) Yes?---Now my lord, subject to the same condition I mentioned earlier, the defence are prepared to admit again that the list correctly shows where these exhibits were found, when they were found and by whom they were found.

And then what about the fingerprint of Accused No. 5, done on....?---Those admissions have not been made yet. They are just additions. If your lordship will ignore, at this stage, the last column of comments, as it were. 20

MR. BIZOS: Those admissions are made in that form.

MR. HARE: I am in the same position.

MR. MASTERS requests and adjournment of 20 minutes to allow the next witness to be called. (Application granted).

AT THIS STAGE THE COURT ADJOURNS FOR 20 MINS.

PETRUS ARNOLDUS BERNARDUS BEYLEVELD, declares under oath
MR. MASTERS does not wish this evidence to be led in camera.
COURT warns witness in terms of Section 254.

EXAMINATION BY MR. MASTERS:

Mr. Beyleveld, were you detained during July
this year?---That is correct.

And at the time of your detention, were you
a member of the Central Committee of the Communist Party?
---That is correct.

And do you know any of the accused before 10
the Court?---I know the accused who was known to me as
Mac, the person on the right-hand side, Mr. Matthews.

Just a minute, is that the last, No. 5
Accused?---That is correct.

Yes?---And I know Mr. Matthews?

No. 4 Accused, yes?---No, I do not know
him.

You do not know any others?---I know Accused
No. 1, yes. 20

You do not know Mr. Kitson?---No, I do not
know him.

No. 3?---Also not.

Now, there are only a few subjects I want to
deal with. Oh, I should say Mr. Beyleveld, you have given
evidence previously in a case which is now attending in
the Magistrate's Court?---That is correct.

Now, do you know a Mrs. Hilda Bernstein?---
I do.

Was she a member of the Communist Party?--- 30
Yes, that is correct.

I would like you to deal with the occasion on which you received an amount of £8,000, following some instructions you got from her?---I received a little note which was handed over to me by Mrs. Bernstein, that was purported to come from people in London, or members of the Party that left South Africa, and were then living in London. The note merely said that the members of the Party here must telephone a certain telephone number which was given, and was asked for a person called Dave, and then tell that person that the person who 10 was telephoning, was an associate of Laurie(?) in London, and to ask him whether he had received 8,000 experimental tissues. Mrs. Bernstein asked me to telephone, which I did. I got this person on the telephone, I put this question to him, which was an annexure of a code I presume. He told me that he had received this money, or as he then called, the tissues. I made an arrangement with him to meet him at the Rissik Street Post Office on a Saturday morning, and I was to identify myself with a newspaper in my pocket. He met me and handed over on that occasion 20 to me, £3,000. We also made an arrangement that I would meet him, I think, it was a fortnight later, and he then handed over to me a further £5,000.

Now, could you tell me what happened to this money, or some of the money?---It was decided by the Central Committee, or rather the Secretariat of the Central Committee, that I would hand over, I think, just on £6,000 of that money, as a loan to the A.N.C. £2,000 I gave to Mrs. Bernstein. On an occasion, I gave Accused No. 5, I think it was, money to buy two 30 duplicators. The balance of the money was handed over to

the A.N.C. over a period of time. They did not want it all in one batch. They asked me to give them 675 per month, and on one occasion they asked for £750, and there over a period of time it was handed to them, handed over to Mr. Klume(?) who was then in South Africa, and after he left, to a person that I knew as Mike.

Who represented the A.N.C.?---Yes, that was my arrangement with Mr. Klume whom I knew as a member of the A.N.C. and also a member of the Central Committee of the Party, the arrangement to hand over either to him or 10 to Mike, was made between me and him.

Did you know the other name of this person Mike?---I do not.

Do you think you would recognise him if we showed you a photograph?---I think so.

Exhibit 'OO' part 3 - see if you can see a photograph of Mike?---Yes, on page 41.

Michael Dingaka. Mr. Beyleveld, I do not know if you did mention the amount of money which you gave to No. 5 Accused, was it?---It was R180 if I remember 20 correctly. It was for the purchase of two small duplicators.

And why was this money given to him then? Or can I put it this way - was he a member of the Communist Party?---Well, I knew him...at that particular time, I did not know that he was a member of the Communist Party. What happened is that on a previous occasion, I had a discussion with Accused No. 5, and he asked me to raise the question with the Communist Party of purchasing some printing machinery, and he was going to put up a printing works to print ... to do printing for the Party. 30 I did not agree with this suggestion, but I promised to

take it up with the party, which I did. They agreed with me that it was not a good idea, but agreed that we should buy duplicators for what was known as the African and Indian areas.

Yes?---And I was instructed to hand over money to Accused No. 5, for that purpose. Later on, some time early in this year, Accused No. 5 was also co-opted onto the district Committee of the Party, and the Central Committee. I conveyed the question of his co-option to him.

10

Now, I want to deal with this publication known as the Freedom Fighter - can you tell me what you know about it?---Mrs. Bernstein approached me on one occasion and said that she, together with some friends of hers, some young friends she said, was going to produce a little news sheet called Freedom Fighter. She asked me if I could get the District Committee of the Party to agree to the distribution of this news sheet. I raised this with the district committee, and they agreed, and I was to hand over stencils to this, Accused No. 5 and this 20 person that I knew as Mike, as and when they had stencils ready for this publication. Mrs. Bernstein told me that Accused No. 4 would bring these stencils from time to time to me, and I think I received on about three or four occasions, two sets of stencils from Accused No. 4, which I handed over to Accused No. 5 and this person called Mike.

Where did you actually hand it over? Where was this?---Accused No. 4 used to bring it to me in my office, and the other two accused used to visit me after 30 that. It was usually by pre-arrangement, they used to visit

me, and I used to give them the stencils.

BY COURT: Mr. Beyleveld, do not look at the numbers, it is confusing. Now you said No. 4 used to bring it to you?---No. 4 brought the stencils to me.

Which is No. 4?---That is Mr. Matthews.

EXAMINATION BY MR. MASTERS (CONTINUED):

That is Mr. John Matthews?---That is correct.

Did you ever discuss with Accused No. 4, Mr. Matthews, how these Freedom Fighters were being distributed? Who was doing it?---He told me that he was posting some 10 to European addresses. He also told me to try and get him some more addresses. I asked some of the Party groups through the Area Committee, to send addresses to him, if they had any, to whom they wanted this thing to be sent. I do not know whether he ever received them, but I knew that he was posting to Europeans, and stencils were handed over by him to me for the African and Indian areas.

Now Mr. Beyleveld, did you ever read this document?---I read one issue.

Well, let me put to you this first - was the 20 Freedom Fighter discussed by the Communist Party at all? ---It was on a number of occasions. My own area committee, that is the European Area Committee, was very unhappy with this thing. They did not think that it was of a good enough quality for the Party to be associated with it. I raised this matter at the District Committee, and the representatives of the District Committee which were the two people that I mentioned, Mike and Accused No. 5, agreed and they asked me to take it up with Mrs. Bernstein. I conveyed this to her, and told her that unless they 30 could improve the quality of this news sheet, the Party

will have nothing further to do with it. On the instructions of the District Committee, of course, that was very shortly before my arrest in July, and nothing further happened.

When you refer to quality - is that the literary content?---The literary content. I think basically the literary content. They thought it was badly written. Somebody described it as cheap journalise.

Mr. Beyleveld, I wonder if you would have a look at these. We have four issues, and I wonder if you 10 would look through the four and tell the Court which ones, you saw?---I think it was the second issue that I saw. I had the stencils of the others, but I never read it. I think it was issue No. 2 that I saw. The one here that is marked Exhibit 'II', I think. As I remember it, but I am not very sure.

Do you think it might be No. 2?---I know that one issue I studied, because somebody discussed it with me on an occasion, and showed it to me.

Would I be correct in saying that your Com- 20
munist Party did not disagree with what was said in the Freedom Fighter, but the way it was said?---I think it was a disagreement on the way it was written, and prepared. They were prepared to continue distributing it if the quality could be improved.

I do not know whether I asked you, but Mrs. Hilda Bernstein, she was a member of the Communist Party, was she?---Yes, she was.

And what about Accused No. 4?---Well, Accused No. 4, also on occasion, handed over documents for me 30 that was meant for distribution to the members of the Party.

I remember specifically one document which he gave me some copies of for the European area Committee. That was my only contact with him on the basis of the Communist Party, is the handing over of (a) these stencils, and (b) I remember one particular set of documents, it was something called "A time for re-assessment", it was meant for distribution to Party members, in Johannesburg.

Don't the various members of the Communist Party know the identity of other members?---No, they do not. It was kept highly secret. You only knew the people 10 that you were personally in contact. Whom you were on the same committees, or on the same group with.

And you said you knew Accused No. 1 Mr. Beyleveld?---I knew him years ago in the Trade Union Movement, in 1953 I was Secretary of the Textile Workers' Union, and then worked for the Union in Port Elizabeth.

Is that...?---That is how I knew him, yes.

Now, there is just one last question - you have heard of this movement Umkonto We Ziswe?---I have read of it, yes. 20

Did anybody approach you in regard to this? ---I was approached for this by Mr. Jack Hodgson, round-about the time when this thing received publicity in the press.

About 1962, would it be?---It must have been, I am not sure about the date, and he asked me whether I was prepared to join, and I refused.

Do you know what links there were between the Communist Party and Umkonto We Ziswe?---I do not know of any links. I do not think there was any specific link. 30 There may have been people who were members of both

organisations.

Was it discussed at your meetings?---No, it was not. There was a specific instruction, at the same time more or less, when I was asked by Mr. Hodgson to become a member of the Umkonto We Ziswe, there was an instruction sent out to members that where members were concerned with Umkonto We Ziswe, they were not to discuss it with their fellow Communist Party members in the same groups. In other words, they were to keep the fact that they were members of this other organisation, secret. 10
It was a specific instruction that was issued at that time, round-about 1962, I think.

Can you suggest what the object of that was?
---Well, I can only think that the object of it was that the Communist Party did not want to be directly concerned with this other organisation, and they did not want the members to do something which could possibly be construed as a direct link.

And Mrs. Ruth Slovo, did you know her?---Yes, I know Mrs. Ruth Slovo. 20

Was she also?---She was a member of the Central Committee.

Of the Communist Party?---Of the Communist Party together with me at that time, which was about the end of 1963.

MR. BIZOS: Reserves cross-examination.

MR. HARE: No questions.

MR. MASTERS: Has no objection to Mr. Bizos' request.

BY THE COURT: Then the cross-examination of this witness may stand down. 30

MR. BIZOS applies for an adjournment until Friday the 27th November, and give his reasons to the Court.

MR. MASTERS: No objection.

AT THIS STAGE THE COURT ADJOURNS UNTIL
THE 27TH NOVEMBER, 1964.

ON RESUMING ON THE 27TH NOVEMBER, 1964:

Belt 51. COURT IS CLEARED.

MR. ZWARENSTEIN informs the Court that he is appearing on behalf of Accused No. 2 as from today.

LIONEL STANLEY GAY, still under oath (Recalled)

CROSS-EXAMINATION BY MR. ZWARENSTEIN:

Mr. Gay, from the record of the evidence, which you have given to date, it would appear that you were quite active in various left movements - is that correct?

---That is correct.

10

Now, what made you join these movements?---
It was a desire to work for common good, by which I mean the good of the overwhelming majority of the population in the country.

Yes, and were all the accused, or are all the accused known to you?---They are indeed.

Well-known?---No, not well-known. All except Accused No. 5, whom I knew only as Mac, and whom I met on three occasions.

Well, they were reasonably well-known to you 20
in the movement, if I may use that phrase?---Yes.

And I take it that these people, these four accused whom you knew, were motivated in the same way as you were?---Yes.

There is no question about the honesty of their purpose?---I would say not.

Now, you gave certain evidence which appears at pages 260 and at the pages following of the record, in which you suggested, if I read your evidence, that the Spear of the Nation, that is the M.K., was part of the 30
Communist Party?---Under the control of the Communist Party.

Pardon?---Under the control of it.

Now, I just want to read you the passage of your evidence at page 261 - your answer to certain questions, was as follows "Let me say that when I volunteered to join the organisation of Umkonto We Ziswe in Durban, I understood that it consisted of volunteers drawn from the Congress Alliance, and I presumed at that stage, that the leadership was also drawn from the Congress Alliance. Now, following the setting up of the Logistics Committee, I drew the conclusion that Communists were playing a rather big 10 part in Umkonto We Ziswe, and again, following my knowledge of the political leadership at the time of the new High Command, the knowledge conveyed to me by Mr. Kitson about personnel, I come to the conclusion that Umkonto was directly under the control of the Communist Party". Now, what I would like to point out to you is that in this passage of evidence, you base your view largely upon understanding, on presumption and upon conclusion - is that correct?---I would say partly. When Mr. Kitson told me that, he said to me with reference to the political leader- 20 ship "You may as well know who they are", he mentioned the names Fischer, Hilda Bernstein and Ivan Chadbrooke(?).

Yes?---I understood, although he did not say so specifically, I understood, more than that, I understood that these persons were either part or whole of the Central Committee of the Communist Party.

Yes, now assuming all that to be correct, that they were members of the Communist Party, that they were members of the Central Committee of the Communist Party, that does not necessarily mean that the Communist 30 Party was in control - what it indicates is that Communists

were in control. You see, you can have a situation can you not Mr. Gay, where persons can belong to two movements - they can belong to the Communist Party, and they can belong to the Umkonto movement?---Speaking of the Communists, the Communists' fundamental goal is to serve the Party.

Yes?---I do not think one could talk of free-lance Communists, working in other organisations without instruction from the Party.

No, I am afraid you do not understand my question - you can have people who belong to the Communist Party, but are not members of the Spear of the Nation movement. You can have people who belong to the Spear of the National movement, and who are not members of the Communist Party?---Yes. 10

Do you agree with that?---Yes.

And what I am trying to put to you, is that your inference may not be well founded, that because you were told the three well-known Communists exercised control, that it follows that the Communist Party itself, was a controlling body?---Yes, from a logical point of view, perhaps I am incorrect, but.... 20

I do not say you are incorrect, I am merely saying that your evidence is open to other inferences. It will be for his lordship to decide eventually whether your inference is correct or not. Now, you see, there was a witness called Beyleveld - do you know him and who he was?---I do not know the gentleman. All I know of him is that he is associated with the Congress of Democrats and that he was involved in the Court case involving the State President. 30

Involving?---The dignity of the State President.

Yes, and you may have noticed that he gave evidence in the case involving Advocate Fischer and others? ---I am aware of this now.

Now, his evidence, and he testified in this Court that he was a member of the Central Committee of the Communist Party--is that the controlling committee of the Communist Party, the Central Committee?---Yes.

And I assume that, being on the Central Committee of the Communist Party, he would be aware of the relationship between the Party and the Spear of the Nation, 10 if there was any relationship?---I would expect him to, yes.

Yes, and as I understand his evidence, it appears my lord, at page 285 and the pages following. You see, I just want to read you one or two excerpts from his evidence Mr. Gay, at page 285, he was being questioned by my learned friend who appears for the State - "Now, there is just one last question - you have heard of this Movement Umkonto We Ziswe....(quotes)....of both organisations". And I take it that is really as far as your evidence can go?---May I just draw the attention of the 20 Court to another matter. After the successful broadcast in 1963, it was Arthur Goldreich who drew me aside, and when I went to attend a meeting of the Logistics Committee, and he conveyed to me the congratulations of the Central Committee.

Yes, but you could just as well have been congratulated by anybody else who shared your views?--- And then again, when I joined the Communist Party....

No, just answer my question?---I am sorry, will you repeat it? 30

I said anybody who shared your views, could have

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