

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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DELMAS

1986-01-29

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

(GETUIES IN CAMERA)

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10

COURT RESUMES ON 29 JANUARY 1986.

COURT IN CAMERA.

LINDILE MHLOBO, still under oath (Through interpreter)

CROSS-EXAMINATION BY MR BIZOS (continued) : You will recall that you gave evidence about a store of T-shirts? -- That is correct.

Were they for sale? -- No.

Were they for handing out? -- Yes, they were handing them out.

To what sort of people would they be handed out? -- (10)
They were given to cadres who were coming into this country. Some were using them even in Lesotho.

Would not in view of some of the allegations made by the security police, the wearing of UDF and COSAS and Release Mandela T-shirts attract attention to those cadres if they came across the border wearing them? -- They do not go through the border whilst wearing them. For instance, no person can with fire-arms go through the border.

I am sorry to try and keep you to the point. I did not ask you about arms. Please listen to my next question. (20)
The question is, you as an intelligence officer of the ANC, did you not think it odd that cadres coming into the country in order to do underground work, should wear shirts which they attract the attention of the police to them? -- No, I understood the situation under which they were going to use them.

What use would the cadres make of the shirts of these lawful organisations in South Africa? -- Point number 1, a person does not operate in his area and point number 2, to make you accepted to the people in the area where you are, (30)
in that situation. Another thing is that he is working

amongst people and then his legendcy can be stronger when he is using the T-shirt.

COURT : What can be stronger? -- Legend. For instance a person operating in the Cape wearing a T-shirts or these clothes, then he tells them "Look, I was in this movement or this organisation on the Reef" and people will easily accept him as one of that organisation or say a person from the Cape would come to the Reef and tell them that I was in this organisation in the Cape, then he will be acceptable. It will depend again on the type of politics he discussed. (10)

MR BIZOS : Do you know that these shirts were readily available for sale to persons who may have wanted to buy them in South Africa? -- Yes, that I know.

And they were treated in no different way than we sometimes see people wearing T-shirts of American or English Universities, even though they may be hardly literate? -- Yes, that I know.

So, if these shirts were kept there in your stores, they were kept for camouflage purposes, for your own activities? -- That is so. (20)

Now that you are a prospective policeman, even you could go and buy a UDF shirt and wear it and hold yourself out as a member of the UDF? -- Yes, that is so.

I have dealt with UDF only. Does that apply to the T-shirts of all the other organisations that you have mentioned? -- Yes, that is correct, it would apply to them as well. For instance, a person coming from this country into Lesotho with a T-shirt, then may be they take the T-shirt and keep it in the stores.

In Lesotho whilst you were there, did the ANC believe (30) that there were inform in Lesotho who would give information

to the South African Police about people who might have identified themselves openly or even secretly with the ANC? -- Not that they believed in that. They knew about it. Some of them were discovered.

You put it even stronger than I suggested. I thank you for that. Therefore one would have expected any South African who intended to come back to South Africa with any modicum of intelligence, not to take part openly in any ANC activity in Lesotho? -- There are regulations governing the people who are just arriving in Lesotho from South Africa and therefore such a person is still a recruit and this person is not yet put in the program of the ANC. (10)

The question is persons who are South Africans and came to Lesotho and intend to come back to South Africa and live openly here in South Africa not prospective recruits of the ANC? -- That is a known fact. For instance such a person, you will see that person and say here is somebody, but then such a person you do not just approach to talk about the ANC.

I will repeat the question because I think there has been a misunderstanding. Would you have expected any South African with any modicum of intelligence to take part in any open ANC activity in Lesotho if he was a permanent resident of South Africa and he intended to come back to South Africa? -- It used to happen in Lesotho. It is not that I was going to say something that I think would happen. For instance people who are scholars in Lesotho, who had gone there for schooling, would take part in the ANC activities and then later come back. The same applies to Swaziland. It happened there as well. Some of the people got arrested because of that. (20)

So, they would expect to be arrested at least if they did that and they must have been at least foolhardy to take (30)

part in that activity. -- Well, I do not know, but it did happen.

Tell us about this. The funeral of the late Mzukisi Skewiyiya, would you say that that was an ANC funeral? -- Yes, I will say so.

You do not make a distinction - do you make a distinction that it was an ANC funeral or a funeral at which the ANC also took part? -- I will say it was a funeral of the ANC, because the funds used there to bury this person were from the ANC and this person was a member of the ANC. (10)

But he was also a well-known boxer, was he not? -- That is so.

And was his boxing association not also at the funeral? -- It was.

Was he also a popular person? Did he have lots of fans in South Africa as a boxer? -- He was popular in boxing and popular politically.

Would you say that he had a high ANC office? Was he a prominent person? -- I would not say so, but he was serving in the committee of SACTU in Lesotho. (20)

So, if he was a member of the ANC, his ANC membership was on a low profile? -- That is not so.

What other organisations besides the ANC and SACTU and the boxing association were represented at that funeral? -- Roman Law society was represented, CASSAS was represented. That is the Committee for Action and Solidarity with Southern African Students. It is based in Lesotho and the Roma SRC was also there.

What other organisations were there? -- Mkabela made a speech or an address there on behalf of the people of East London. (30)

Is that where Mr Skewiyiya came from? -- Yes, that is so.

What connection did he have with the law faculty at Roma University? -- He had graduated from the law faculty of Roma.

And he died tragically at a young age in a car accident I understand? -- Yes, that is so.

And people who had nothing to do with the ANC came in droves to his funeral to pay him the last respects? -- That is so.

And that insofar as your evidence-in-chief might have suggested that this was an ANC funeral, that, is it borne out I suggest to you, by the fact which you have given us now? -- We have to analyse this thing and look at it properly from different angles as to what I meant when I said that this was an ANC funeral.

COURT : Now you must give him an opportunity, because you could have left it there, but you asked a further question. Actually you argued with the witness. You may explain. -- In the first place the coffin was bought by the ANC. The grave was dug by the ANC. Food was provided by the ANC and the Council of Churches in Lesotho also donated some funds. (20) He was being fetched from the mortuary. The corpse was identified by the people of the ANC. The corpse was brought to the ANC house. The proceedings and the chairman of that proceedings was an ANC member. People who addressed the funeral there were from the ANC and a SACTU representative from Lusaka was also there. On top of the coffin were ANC flags. I do not know what the defence means when he says that what I am saying is contradicting what I said initially when I said this was an ANC funeral.

MR BIZOS : Did you intend to convey to the Court in your evidence-in-chief that any person who was seen participating

at this funeral, was associated in some way or another with the ANC. That is what I intended my question to mean. Let me put it more clearly now. -- In my evidence I said people who made speeches there or addressed the people at the funeral were staying in ANC houses and I did not mean that everybody who attended that funeral was a member of the ANC or belonged to the ANC.

Or that anybody at that funeral who wore UDF or other shirts with names on it belonged or was connected with the ANC? -- The question is not clear. The last aspect of the(10) question is not clear to me.

You did not intend trying to convey the impression that people with UDF shirts or other shirts with slogans on them were members or connected with the ANC? -- The position is this. You can find a man wearing a T-shirt belonging to an organisation in which he is a member. Only to find that that person does not wholly agree with the ideas of the organisation and he has got his own view of the things. What I am trying to explain, is this. I am not saying UDF is connected with the ANC or SOYCO is connected with the ANC there, but (20) what I am trying to say is this, some of these people were staying in the ANC houses.

Which the ANC held out to be places of accommodation for refugees? -- Let me make this distinction. There are refugee houses for ANC and there are refugee houses for PAC. A PAC man arriving there, would not go and stay in the ANC houses, or vice-versa.

COURT : But would somebody who is not a PAC or an ANC man stay in an ANC or PAC house? -- No, those people will be accommodated at the guest house or at the refugee centre. (30)

MR BIZOS : I am going to put to you, that what you refer to

as ANC houses, were places who to outsiders, that is non-members of the ANC of which you were a member and might have had specialised knowledge, that these houses were generally known as refugees houses to which visitors from South Africa were admitted? -- I admit that, because in Lesotho everyone coming from South Africa is called Mpapateki, which means a refugee. Therefore they refer to those houses which accommodated from South Africa, as refugee houses. Another thing is this, one will never go and stay in an ank(?) house without knowing anybody who is in the ank. (10)

Did any representative of the law faculty make a speech at the funeral? -- Yes, the dean of the faculty.

Was he staying in an ANC house? -- No, that one stays at the university house.

You told His Lordship a short while ago that all the speakers stayed at ANC houses. Did you not mean the dean? -- No, I did not mean the dean. I was talking about people who came from South Africa, and some of those who are in the ANC, because a person from Lesotho, a local person in Lesotho would not go and sleep in the ANC house whilst this person (20) is having his or her own house.

The boxing association representative, did he make a speech at the funeral? -- Yes.

Was he from South Africa? -- Lesotho Boxing Association is based in Maseru.

Was there no boxing association from South Africa? -- Nobody from the boxing association of South Africa had anything to say there or anybody representing the boxing association of South Africa.

What you call the M plan, have you ever seen any document issued by the ANC describing it? -- We used to get that (30)

from the commissar who prepared notes which notes were prepared by them to go and lecture about while discussing politics... (Mr Bizos intervenes)

Try and answer the question. Have you see a document issued by the ANC describing this plan? -- No, I have not seen a particular document, but it does appear on the bulletins.

COURT : What bulletins? -- ANC bulletins.

MR BIZOS : Were they bulletins which were issued by the African National Congress and were they available to you in Lesotho? -- Only whilst I was still at Angola, I used to (10) get them from the chief representative in Luanda.

What did you understand by the vanguard of the movement, did you tell us? -- A vanguard movement is a group of people together. (The witness uses the word "undoqo") It is a pillar formed by people.

Did you have theoretical training in political economy? -- Yes, I did.

And was it in that context that you heard this expression that the vanguard of the people to bring about the revolution are the working people of the country? Was that the context(20) in which you heard it? -- Yes, I am putting it from a theoretical point of view.

This was in the theoretical discussions that you had on political economy? -- We had some discussions about it, but I read about it in quite a number of books, for instance Lenin book and Stalin book.

There are just a number of aspects that I want to clear up with you before concluding my cross-examination. The first is, is it not the general policy of the ANC and more particularly MK that its trained and valuable cadres, should not (30) be stupidly picked up for not having a document? -- That is so,

but there are quite a lot of them who get arrested without them.

What I want to put to you is this, if you were the senior and important cadre that you have told us about, how is it that "proper" false documents that would enable you to move freely in South Africa were not supplied to you at the ANC? -- In the first place, I was not a person who was in favour of using those documents. I have reasons why. In the first place you will find that there is a person from inside this country in possession of a passport. You take that passport(10) and put your photo onto that passport, only to find that you get arrested because of that passport you have in your possession. I have personal experience of that. A practical experience.

Did you know that, what we know from different cases that we have had in the various courts here, that the ANC actually issues reference books to its cadres. Did you know that? -- I know about that one, that is the issue of the reference books, but I am saying even passports are being used by the ANC.

Is there any reason why, if you were the important (20) cadre that you say you were, that you were not issued with a reference book so that you would not expose yourself to the sort of arrest that took place in East London? In Queenstown, I am sorry. -- I had my reference book and I knew I was going to get my reference book. The question of the passport was out. In the first place my reference book reached me while I was in jail, only to find that unfortunately it came simultaneously with the security people.

Was there any reason why you did not have your reference book with you in Lesotho so that you can easily pretend (30) that you were a law abiding citizen of South Africa? -- According

to me that was the first thing I tried to work out in order to get my reference book, to reach me there. While I was still busy, this occurred.

Well, I think I made the point. Thank you. Tell me this. Just a question of the dates. You said that you chased somebody in the Cape, Themba I think you said it was. What was the date? -- I am going to ask for the Court's permission, because I am going to give grounds for the answer to the question first.

CCURT : How it is relevant, this is while he was being (10)
employed by the police and it came out in connection with
Cross Roads.

MR BIZOS : Could I ask your Lordship to excuse the witness
and I will explain the relevance?

CCURT : Let him first give his reasons why he would not give
the date. -- My revealing that date in the first place, will
mean that I am exposing our duty. If I were to mention the
date about Themba, it will mean that I am now putting myself -
making myself identifiable to the people, because then they
will know that I am the one who in fact was a traitor to (20)
Themba, because in Guguletu there was a rumour generally that
Themba was traitored by a teacher. Now, if I am going to
mention the dates as to when, what date it was and were, it
will mean I am putting my own life in danger on being cornered.
If I am going to mention the date, it means now I am revealing
what is called by the SAP as classified information, especially
to the unit with which you are working. It must just be
internal information. It must not be revealed. That is why
I say I am not going to mention the date, because my mentioning
the date will lead to other things. (30)

CCURT : The press is instructed that there will be no mention

at all of this portion of the witness's evidence referring to the information he gave in relation to Themba and neither will Themba's name be mentioned or that of the teacher or any reference to the teacher. Is that understood by the press?

PRESS : Yes.

COURT : Will you leave the room? Counsel wants to debate this point?

WITNESS LEAVES ROOM.

COURT : The question was how is the date relevant?

MR BIZOS : The witness did not only mention the name Themba(10) but also his intended victims. Preliminary enquires - Themba's victims.

CCURT : It is not any allegation before this court that Themba was connected to any of the accused?

MR BIZOS : Yes.

CCURT : Firstly or nor are the attacks or alleged attacks on the intended victims of Themba any acts alleged in this case?

MR BIZOS : I am aware of that, but if Your Lordship will bear me out for a moment. Our information, preliminary infor- (20) mation is that those attacks took place possibly before the arrest of this witness or the date which he gave as his arrest. If that information is correct, then the witness's credibility ... (Court intervenes)

CCURT : But how is the date relevant? He says it happened after his arrest. If your information and your evidence is it was before the arrest, then it does reflect on the credibility.

MR BIZOS : But I must put it to him.

COURT : There is nothing wrong with putting it to him. (30)
But why ask him the date?

... / MR BIZOS

MR BIZOS : If I can get the date from him.

COURT : He said it is after my arrest.

MR BIZOS : No, but ... (Court intervenes)

COURT : And your evidence is it is before the arrest.

MR BIZOS : Yes, could I just?

COURT : Yes.

MR BIZOS : If I can obtain an admission from this witness that this was before his arrest ... (Court intervenes)

COURT : Well, he says it is after my arrest.

MR BIZOS : This is what he says, but if I can face him (10) with information that the event which he has described might have taken - and this is why I say tentatively - place before his arrest, then a whole cloud surrounds this witness's credibility.

COURT : It will still surround his credibility if you put to him it was before his arrest. You have got the date of his arrest. That is on record.

MR BIZOS : In view of the reasons that he has given, he may be constrained to make an admission, if I am allowed to put the question to him. He may be constrained, with some (20) reluctance apparently, to make an admission that the whole basis upon which he is giving evidence in this case is false. And, the reasons that he has given, do not hold water in Your Lordship's court. If he has chosen to give evidence and there are matters upon which his credibility is to be tested, the fact that the information is classified information by the police, is a matter of some importance and steps must be taken to have it remained so, but may I say, with the greatest respect, that the circumspect way in which he went about advancing reasons to Your Lordship, has made me, at any (30) rate, a little more confident about the correctness of the

information that we have, that it was before this witness's arrest, and therefore, the credibility of the witness is a matter of a vital issue. May I just illustrate it for instance. If he went - if he was working with the police ... (Court intervenes)

COURT : He could not have been working with the police before his arrest.

MR BIZOS : How can Your Lordship be sure of that?

COURT : So, he could not have been a traitor before his arrest? (10)

MR BIZOS : Why not? Just because he has said so? Your Lordship is not bound by his answer if other information is available?

COURT : Is your information that he was working with the police before his arrest?

MR BIZOS : No. My information is that the event that he described took place before his arrest. I am entitled to investigate that aspect. If I manage to establish through cross-examination from him that that event was before his arrest, then he has deliberately been untruthful to Your Lordship on his very motives, on the reason why he went to Dr Beyers Naude, on the reason why he went to Samson Ndou, and all sorts of other consequences and other inferences can be drawn, which would be destructive of the witness's credibility. I know of no basis upon which the witness can refuse to give information. He volunteered the information and it may well be that it is an illustration of the benefit of cross-examination that a witness blurted something out which may give a lie to the whole of his evidence unwittingly. Your Lordship will remember the circumstances under which he blurted this information out. This led us to enquiries (20) (30)

and we are informed tentatively that his happened before the witness's arrest. I know of no basis upon which we can be stopped from asking it.

COURT : The witness may return.

LINDILE MHLOBO, still under oath

COURT : I rule the question as to the date upon which Themba in the Cape as irrelevant and it need not be answered.

Will you put your next question, please?

CROSS-EXAMINATION BY MR BIZOS (continued) : My Lord, may I just place on record that I intended asking similar ques- (10) tions in order to establish further detail on this issue. Am I to understand that Your Lordship's ruling would apply to those questions as well?

COURT : If you put a question, I will give you a ruling. Do not put anything on record. I have said that questions relating to the date upon which Themba was chased in the Cape are irrelevant and they are not allowed. I do not know what other questions you want to put.

MR BIZOS : Was your chase of Themba before or after your arrest? -- It was after my arrest. Was it before my arrest, I would(20) have helped him or we would have worked together.

Who were the proposed victims of Themba at the time and what acts did he commit? -- I do not have the names of the victims at the present moment here, but what I can tell the Court is, the attacks there were by grenades to those houses.

And where were those attacks with grenades? -- Guguletu and Mitchell's Plain. Themba was not operating alone.

Was it after those attacks were made that you chased Themba? -- That is so.

Was that the first occasion upon which hand grenades (30) were used at houses of persons holding public office? -- I am

going to answer this question in a different way. It was not the very first place in the whole of South Africa. In Cape Town we took that there was some quiteness about activities of Mkhonto. This was a first experience in Cape Town after a long time.

Was it the first attack of persons holding public office in Cape Town? In the Cape Town area? -- I am not sure.

You mentioned the name of the person that did work for Mr Tozamile Gqweta yesterday and you gave us the name of Nomasotja? -- That is so. (10)

Have you seen this woman in the vicinity of the court, this court? -- No.

Is she a tall woman who dresses particularly well? -- No.

My Lord, my Learned Friend can possibly clear it up. There was a police woman in court and I merely want an indication whether that was a non-soldier or not. Your Lordship will recall that Your Lordship asked what she was doing at the back of the court.

MNR. JACOBS : Ek weet van geen polisievrout wat hier ingekom het nie - van 'n Swartpolisievrou wat in die hof was nie. (20)

HOF : Ja, daar was op 'n stadium 'n Swartpolisievrou wat agter in die hof gesit het. Op 'n stadium toe ek 'n opmerking gemaak het of die publiek dan nie uit die hof uit is nie, het dit geblyk dat sy 'n polisievrout is.

MNR. JACOBS : Dit was 'n ander polisievrout daardie gewees. Dit is nie sy nie. As die Hof my verlof gee kan ek net beter uitvind, maar sover my inligting ... (Hof kom tussenbei)

HOF : Nee, maar ek vra nie vraenie. Mnr. Bizos is gefintereseerd. U kan maar vir om 'n ander tyd uitvind.

MNR. JACOBS : Die persoon wie se naam gegee is, was nie (30) hierso naby die hof nie.

WITNESS : I can answer that question.

COURT : Do you want any answer from the witness?

MR BIZOS : Yes, I merely seek clarification. What can you tell us about that? -- The woman here in court was not Nomasotja. Nomasotja left the beginning of this month with her husband. They are in the Cape.

How do you know which woman was in court just by exclusion? -- I do not even know whether there was a woman police here in court, but what I am saying is, I know about the whereabouts of Nomasotja at the present moment and she does not even (10) know where Delmas is. She is not here.

Well, apparently the witness is well informed of the matter. I think that is already on record, but the note is ambiguous, I just want to clarify it, that as far as Oldman and Stompie are concerned, you yourself have no personal knowledge.

COURT : Of what?

MR BIZOS : Of their activities.

COURT: Where?

MR BIZOS : Either here or in Lesotho? (20)

COURT : That is a bit wide, because at some stage he accompanied Stompie from point A to point B.

MR BIZOS : I am sorry, with exclusion of that. Either than accompanying them, you would have no knowledge of their activities? Personal knowledge? -- That is not so.

What knowledge do you have of this? -- I have a lot I know about them. For instance, Stompie's biography was with me and secondly, Stompie, whenever he brought some people across, the first people to come to was myself - was to report to the security where I was involved. Thirdly, Stompie was once (30) at my place. We had a long discussion with Stompie, concerning

some two boys who died in water or their cause of death was said to be water at Bopilong. In fact, the position is, they are originally from Bopilong, but they died while being in Lesotho. By that I mean I discussed a lot with Stompie, socially and politically. At one stage he came there complaining about a certain young man who came from Bophelong, known as Tseko, who is now in Lesotho in the camp. There was a misunderstanding between him Stompie, and that person, so we had to discuss that with Stompie, that this is going to affect him Stompie - the police is going to affect the boy psycho-(10) logically.

Is that all?-- That is so.

Did you use the word "camp" inadvertently, because I think that you yourself told us that there were no camps in Lesotho? -- What I am saying is this, Tseko has left this country for Lesotho. He is now gone to the camp, not meaning that the camp is in Lesotho.

Is that all that you are able to tell us about that? -- Well, I am waiting for you to tell me what else you want to know about him. If I know something, I will tell you, and(20) if I do not know I will tell you I do not know.

You do not want to tell us anything else, other than these discussions that took place? -- Under general I can tell a very long version to the Court. That is why I say, I will wait for you to ask me for something and then I can tell you about that particular thing, because I do not know whether that is what you want me to say or not.

Happily we are not at a general meeting where there is a general under the agenda. I will ask my next question. You told us that you spent some time here in May, June 1985 (30) and that the day after your arrival, you went to see Mr Sams on

Ndou? -- That is so.

I am going to put to you that Mr Samson Ndou will deny that any person came and told him that he was a member of the ANC and that he needed money and that if you had done so, he would have turned his back to you and he would certainly not have sent you to Dr Beyers Naude or anybody else to get money? -- Well, that you can put to me, but what I know is, I did go there. I did not even know this person. I wanted somebody in charge and I was told what his name is and then this person came and that is what happened? (10)

HERONDERVRAGING DEUR MNR. JACOBS : Net eers die kwessie van Stompie en Oldman, om dit duidelik te kry. Jy het gesê hierso dat jy het Stompie se biografie. Wat is Stompie? Hoekom kom hy so gereeld daar na julle kantore toe en bring hy mense oor? Hoekom het jy sy biografie? -- Stompie se situasie is soos volg. Toe hy vir die eerste keer daar gekom het te Lesotho, was dit in Januarie 1985, het hy 'n mededeling aan ons gemaak dat hy met die ANC gewerk het te Lesotho. Hierdie keer het hy niemand met hom gehad nie.

Was hy 'n lid van die ANC? -- Stompie het aan ons gesê (20) dat hy het kontakte gehad met die ANC te Botswana, maar hy het nou probleme daar met Botswana, met die gevolg het hy ons meegedeel dat hy wou gehad het dat hy met Lesotho werk as gevolg van die probleme wat hy ondervind het met Botswana. As gevolg daarvan is 'n ander biografie van hom toe geneem en hy is toe later gebruik as 'n koerier vir die ANC. Dit het toe soos volg begin, dat geld aan Stompie gegee was om mense te bring na Lesotho toe, die mense daar te laat, deur te kom en weer mense te bring heen en weer.

Wat se mense is dit? -- Stompie het namens die ANC mense (30) gewerf. Toe ek daar weg is, mense wat ek van geweet het wat

Stompie alreeds gewerf het vir die ANC, was omtrent 67 of 68. Sy werwing was tussen Parys by 'n plek bekend as Tomahule, Sebokeng, Bophelong en Boipatong. Hy het tot die kinders van sy eie huis gewerf en soontoe gebring, 'n seun en 'n dogter.

En Oldman? -- Hulle het gewissel. Daar was tye wat Stompie in die geselskap van Oldman was as hy soontoe gekom het. Partykeer sou Stompie in die geselskap gewees het van ene Vicks.

Oldman, was hy 'n lid van die ANC? -- Ek aanvaar moontlik was hy 'n lid, maar ek het nie te doene gehad met sy biogra-(10) fie nie, maar hy het ook geld ontvang, hy was geld gegee.

Waarvoor? -- Geld wat hy gebruik het om die mense in te bring in Lesotho in, want die geld sou hy gebruik het vir vervoer. Dus het hulle die mense eers gebring tot by ene Sgegede te Maputo en hulle daar gelaat. Partykeer het hulle gebruik gemaak van huurmotors van 'n persoon bekend as Mayagata ... (Hof kom tussenbei)

Van waar? -- En dan op 'n stadium sal 'n mens vind dat hulle nie betaal het vir die reis nie. Dan sal die geld later gaan betaal word aan die persoon. (20)

Van waar het hierdie huurmotor gekom en van waar is die mense gebring? -- Stompie het in Bophelong gewoon en die huurmotor se vertrekplek was Vereeniging, as my geheue my nie in die steek laat nie.

Ek praat nou van Oldman op die oomblik? -- Wat ek weet met betrekking tot Oldman was dat hy woonagtig was te Sebokeng, maar hy het nog 'n ander huis waar hy tuis is in die Transkei.

Van waar af het hy die mense gebring? -- Hy het mense van Sebokeng gekry in die omgewing van die Vaal. Van die mense het hy ook van Tomahule gekry. Ek onthou 'n geval waar 'n (30) ander seun saam met Oldman daar gekom het met die naam van

Happy, wie die volgende verslag aan my gedoen het dat hy 'n lid was van COSAS te Tomahule.

'n Ander aspek wat ek dan in jou getuienis wil behandel is, jy het gister hierso gepraat van sagte teikens op 'n vraag van My Geleerde Vriend en toe het jy gesê op 'n stadium is daar deur 'n bevelvoerder van julle in Lesotho aan jou gesê dat - daar is opdrag gegee dat die volgende teikens, soos raadslede - watter raadslede verwys jy na of watter raadslede is uitgesonder vir teikens? -- Die raadslede wat ons van gepraat het, was die "community counsellors" wat die samewerking het (10) van die sisteem hier plaaslik.

Hoekom sal die raadslede dan sagte teikens wees vir die ANC? -- Ek het gister verduidelik dat die raadslede word beskou soos persone wat in die pad staan van persone, dit wil sê die gemeenskap. Hulle is die - hulle vorm 'n gedeelte van die persone wat van die pad af verwyder moet word. Tweedens, die raadslede kry sekere dinge of opdragte van die sisteem af en dan wil hulle daardie dinge aan die gemeenskap afdwing. Eintlik word hulle beskou as Swartmense wat ander Swartes in die lokasies onderdruk omdat hulle in die gelyke sameloop (20) is met die wet.

Is dit die rede waarom hulle dan vernietig moet word? -- Dit is reg.

'n Ander aspek waarna toe ek net wil terugkom en duidelikhed oor wil kry, is dat jy het gepraat van die huise van SACTU wat daar in Lesotho is en in huise van die ANC woon, is daar verband tussen die ANC en SACTU en indien wel, wat is die verband? -- Wat my kennis betref, SACTU is mense wat tesame met die ANC gekom het en SACP, Congress of Democrats. Daar het hulle 'n "congress alliance" geformuleer . . (Hof kom (30) tussenbei)

HOF : Stadig nou. SACTU is mense wat saam met die SACP gekom het. Wat van die Congress of Democrats en die "congress alliance"? -- Wat ek sê is, die ANC, SACP, Congress of Democrats en die andere het bymekaar gekom tesame met SACTU en h "congress of alliance" geformuleer.

MR BIZOS : I do not want to interrupt My Learned Friend, I actually have no quarrel with the answer that the witness has just given, but just by way of interest, I do believe that this happened in 1954 or 1955 and I do not know now how old the witness was and what knowledge he has of these facts. (10)

MNR. JACOBS : My vraag was gewees by huise - hy het sy antwoord begin gee en op 'n vraag van die Hof het hy hierdie laaste geantwoord. Dit was nie my vraag nie. Ek wou geweet het, ek het hom gebring ... (Hof kom tussenbei)

HOF : U het hom gevra na die verband tussen die ANC en SACTU en dit blyk nou, as mnr. Bizos se datums reg is, dat ny ons terugneem na 1954 toe. So, sal u die verband beperk tot sy eie kennis?

MNR. JACOBS : Kan jy vir ons net sê uit jou eie kennis uit en veral wat ek wil weet is, daar waar dit in Lesotho is, (20) waar die SACTU mense in die huise van die ANC bly, soos u gister hier verduidelik het, bestaan daar 'n verband tussen hulle en indien wel, kan jy vir ons sê hoe werk daardie verband? -- Eintlik het ek die geskiedenis probeer skets van wat gebeur het tot op die tydstip dat ek in Lesotho was, maar as dit nou nie toegelaat word nie, sal ek praat wat ek ondervinding van het te Lesotho terwyl ek daar was.

HOF : Ja, asseblief. -- Te Lesotho is daar 'n "chief rep" van die ANC wat bekend is aan die goewerment. Lesotho weet niks van SACTU nie. Lesotho het niks te doen met SACP nie. (30)
Volgens dinge in Lesotho SACTU "is a sub-structure of the ANC"

daar, want jy vind dat daar afdelings is van die ANC in Lesotho, daar is die "women section, security, military machinery, SACTU and senior organ." Al die dinge wat ek nou genoem het val almal onder die ANC en tot die mense van SACTU kry fondse van die ANC af. Al kom daar nou 'n persoon wat gewerf is wat onder SACTU val, die "chief rep" sal saam met daardie persoon na die goewerment toe gaan gedurende die "process" van die aansoek. Wat my betref te Lesotho is die ANC die kop, 'n mens kan dit so beskrywe en die ander takke vorm die liggaam van die kop wat die ANC is. (10)

'n Ander aspek wat ek net na wil teruggaan is u het getuie- nis gegee oor die Matabula konsert op 24 Desember 1984, dit is die geleentheid omtrent wanneer dit was, jy het dan gesê dat jy en die persoon Bopa of Bapa, ek het dit nie duidelik gekry nie, maar jy het gesê julle het na die grens toe gegaan. Was dit net julle twee of was daar nog iemand saam gewees? -- Nee, nie net die twee van ons alleen nie, maar ook Solly en Glen.

Jy het gesê julle het mense daar gaan ontmoet by die grens? -- Ja. (20)

Wat se mense is dit? -- Dit is mense wat Bapa verwag het om by Lesotho aan te kom.

Vir watter doel? -- Ek dra nie kennis wat die doel was nie.

ASSESSOR (MR JOUBERT): I want to be quite clear about your visit to Khotso House when you went there for money. Who was the first person you met and saw at Khotso House? -- The watchman right at the bottom on the ground floor.

What did you ask for? Your first words to the watchman? -- I said to him I am trying to find the UDF offices, I am (30) going there. On which he said to me you can go up, it is on

the sixth floor.

So, you went to the sixth floor where you were directed as the UDF offices and you met there whom? -- I met a lady there. There was another young man in the immediate vicinity of that lady. That young man said he was from Mgau. We left together going down.

Was that when you went to Dr Naude downstairs? -- That is so.

ASSESSOR (MNR. KRUGEL) : ANC pamflette en ANC mense wat verwys na "the enemy" na wie verwys hulle? -- Die Staatmasjinerie (10) is na verwys as hulle praat van die "enemy", en die Staat self.

Die Suid-Afrikaanse Staat? -- Ja.

Sluit dit die hele Staatsmasjinerie in? -- Ja, dit is so.

En die publiek? -- Nee. Alhoewel daar sekere mense in die publiek is wat as 'n vyand beskou word.

Sou dit ook die sagte teikens insluit? -- Dit is korrek.

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Kan ons net oorgaan na die geleentheid toe die draers by die begrafnis in Lesotho, waarvan jy vyf kon onthou, sekere T-hemde aangehad het. -- Ja. (20)

Die een man was Mgabela met die bynaam van Wontoti? -- Ja.

Kan u onthou wat se T-hemp hy aangehad het? -- Hy het 'n pak klere aangehad. Die mense wat T-hemde aangehad het, is dié wat die kis gedra het.

Het Mgabela nie die kis gedra nie? -- Nee, hy het net 'n toespraak gemaak.

Is jy seker dat hy nie 'n draer was nie, want my nota is dat hy 'n draer was? -- In my getuienis-in-hoof het ek gesê die man wat die toespraak gemaak het, was nie een van die (30) draers nie.

MR BIZOS : According to the witness our note supports him.

CURT : It supports the witness?

MR BIZOS : It supports the witness. The note that we have is "Hulle was vier" and then he corrected himself "hulle was vyf."

ASSESSOR (MNR. KRUGEL): Die sesde een kan hy nie onthou nie.

MR BIZOS : "Hulle moet ses wees, ek kan nie die sesde onthou nie." "Kan jy die sesde onthou?" en sy antwoord was "Nee."

"Wat is die mense se name?" "Ek ken een wat toespraak gemaak het, Mgabela, alias Wontoti." So, it would appear that (10) it was in answer to a question as to who the bearers were that he gave that name, but in addition he said that he made a speech.

ASSESSOR (MNR. KRUGEL) : Ek sal dit laat. Net 'n verdere aspek, asseblief. U was net een maal by Khotso House? — Dit is so.

U meen dit was op 'n Maandag? — Dit is so.

Dit was na 1 Mei? — Ja, dit is so.

U het ook gesê dat die dag toe u by Khotso House was, was 'n dag nadat u in Germiston geslaap het? — Dit is so. (20)

Het u net een nag in Germiston geslaap? — Ek het die dag deurgebring daar tot die aand en dan die nag daar deurgebring en toe die volgende môre is ek weg.

Khotso House toe? — Ja.

Voor hierdie nag wat u in Germiston geslaap het, waar het u toe geslaap? — Ek het by 'n rivier geslaap na ek oor die grens was, dit wil sê verby Maputso in die Republiek van Suid-Afrika se kant.

En die vorige nag? — Ek het by my woning te Lesotho geslaap. (30)

Hoe lank was u in Lesotho tussen die twee besoeke? Dit

is nou besoeke aan die Republiek?

HOF : Dit is nou in Mei?

ASSESSOR (MNR. KRUGEL) : Ja. -- Ek het net een dag in Lesotho geslaap.

Sou dit dan beteken dat u op 'n Donderdag vir die eerste maal na die Republiek toe gekom het? -- Ja, dit was gedurende die week. Ek kan nie spesifiek onthou wat die dag van die week was nie.

U het vantevore gesê dat u kan onthou dat u op 1 Mei in Lesotho was? -- Ja, dit is so. (10)

En dat u in die week daarna na die Republiek gekom het? -- Ja.

Die vraag is nou, kan u onthou in watter week u na die Republiek toe gekom het? -- Wat ek sê is, die week van die lste het ek deurgebring in Lesotho. Dit is in die middel van die volgende week, dit wil sê die week na die lste dat ek deurgekom het na Suid-Afrika toe.

Die paspoort van Tozamile Gqweta, wie het dit ondersoek? -- China het.

Het u dit persoonlik gesien? Ja, ek het dit ook deur- (20) geblaai. Eintlik het ek dit gelees en toe kommentaar daaroor gelewer aan China.

Nog net een sakie. Die seun Tseko wat met Stompie saamgekome het, met wie daar verskil was, wat het hy in Lesotho kom maak? -- Hy het by die ANC kom aansluit.

GEEN VERDERE VRAE.

HOF: Mnr. Jacobs, ek sien dat daar verdere lede is wat moontlik lede van die pers is, persone wat moontlik lede van die pers is. Sal u nagaan of hulle behoorlik in kennis gestel is van die inhoud van my bevel? (30)

MNR. JACOBS : Ek het dit reeds gedoen. Hulle is behoorlik

in kennis gestel.

HOF VERDAAG. HOF HERVAT.

LINDILE MHLOBO, still under oath

COURT : We have recalled you because there are certain aspects that we want to clear up.

ASSESSOR (MNR. KRUGEL) : Kan u net weer sê waarom u beweer dat u met dr. Beyers Naude gepraat het in die Khotso Huis?

HCF : Met dr. Beyers Naude en nie iemand anders nie? -- Dit was in sy kantoor gewees en ek het hom ook herken.

ASSESSOR (MNR. KRUGEL) : Maar dit was die eerste maal (10) wat u hom gesien het? -- Persoonlik, ja, maar ek het hom alreeds in die koerante gesien.

En mnr. Ndou? -- Ek het hom glad nie geken nie. Ek het hom ook nie vantevore gesien nie.

Hoe weet u dat dit mnr. Ndou was met wie u gepraat het? -- Omdat die vroumens wat die persoon gaan roep het aan my gesê het dat sy nou Ndou gaan roep. Dit is om daardie rede dat ek sê dit is Ndou met wie ek gepraat het.

GEEN VERDERE VRAE.

HOF: Die volgende getuie? (20)

MNR. JACOBS : Frank Xolambane. Dit is ook een van die getuies wat ek vra dat hy sy getuienis in camera sal lewer.

HOF : Is dit 'n getuie ten aansien waarvan my reëling geld?

MNR. JACOBS : Dit is korrek.

HOF : Is hy 'n oud-ANC lid?

MNR. JACOBS : Hy is 'n oud-ANC lid.

HOF : Dit word dan beveel dat die getuienis in camera afgelê word en dieselfde reëling geld in die verband as met die vorige getuie. Mnr. Jacobs, gaan u ons vertel voordat die getuie inkom in watter rigting hierdie getuienis gaan (30) beweeg?

MNR. JACOBS : Die getuienis sal beweeg in die rigting ook van sy opleiding in die ANC, waarin hy opgelei is, omtrent die nie die militêre deel nie, maar die politieke deel, dat as hulle die land inkom, net soos in die vorige geval en hulle hulp nodig het, waar hulle dit kan kry. Hulle moet "crash courses" kom lei hier in die land en aanbied, dat hy ook sekere mense geïdentifiseer het - twee mense geïdentifiseer het wat na ANC basisse of kampe of wonings toe gegaan het of vergaderings. Dit is min of meer dieselfde. Dit sal nie so 'n lang getuie wees soos die vorige een nie. (10)

HOF: U moet poog om waar daar aspekte is wat al breedvoerig deur die vorige getuie behandel is, die metodes van die ANC ensovoorts en sê maar hoe iets lyk en dit moontlik nie kontensieus is nie, dit nie so breedvoerig te laat behandel deur hierdie getuie nie. As daar dan kruisondervraging oor kom later, kan u dit in herverhoor opklaar.

MNR. JACOBS : Voordat die getuie ingesweer word, wil ek die Hof ook net inlig dat hierdie getuie - ek vra dat die Hof hom sal waarsku in terme van artikel 204 van die Strafproseswet. Die getuie in die tydperk gemeld in die klagtestaat (20) is hy 'n medepligtige aan die kant van die ANC en vir aktiwiteite in die land en is 'n deel van die akte van beskuldiging sover die ANC direk gemoeid is ten aansien van die akte voor u.

HOF : In watter opsigte moet ek hom waarsku? Dat hy 'n medepligtige is aan 'n sameswering om die Republiek van Suid-Afrika omver te werp?

MNR. JACOBS : Dit is reg.

HOF : Dat dit die misdaad is?

MNR. JACOBS : Dit is reg. (30)

COURT : I have been informed by the prosecutor that there

is a possibility of your complicity in certain acts which are mentioned in the indictment before court and more in particular there is a possibility that your evidence may indicate that you furthered a conspiracy in which the ANC was involved. You are obliged to give evidence in these proceedings and questions may be put which may incriminate you with regard to this offence. You obliged to answer any question put to you, notwithstanding the fact that the answer may incriminate you. If you answer frankly and honestly all the questions put to you, you will be discharged from prosecution in respect of (10) the offence mentioned. You will therefore receive an indemnity from the Court against further prosecution, should you frankly and honestly answer all questions put to you. And furthermore I wish to inform you that I ordered that these proceedings be held in camera. That there will be no persons present at these proceedings who are not directly involved in these court proceedings, apart from the press and that neither the press or anybody else is entitled to publish or make known any fact that might directly or indirectly give any indication of your identity. (20)

FRANK XOLAMBANE, v.o.e. (Deur tolk)

ONDERVRAGING DEUR MNR. JACOBS : Was jy 'n lid van die ANC? --
Ja.

Het jy militêre en politieke opleiding ontvang deur middel van die ANC? -- Ja.

Waar is jy opgelei? -- Angola, Kashito, Vienna en Pankop.

COURT : Are Kashito, Vienna and Pankop all in Angola? -- Yes.

MNR. JACOBS : Terwyl jy in Kashito opleiding ondergaan het en ek wil in die besonder gaan na die politieke opleiding toe, het julle daar spesifieke opleiding en instruksies ontvang (30) omtrent organisasies in die Republiek van Suid-Afrika en

veral die UDF? -- Ja, die meeste van die tyd was ons opgelei aangaande UDF.

Wat het hierdie onderrig oor die UDF behels en wat was die opdragte? -- Die eerste ding wat ons gegee was, was die UDF Nuus, Eye. Dit is bekend as Eye.

HOF: Dit is nou 'n ding waarmee 'n mens kyk? -- Nee, dit is boeke wat mense lees.

Hoe spel 'n mens Eye? E-y-e? -- Ja, E-y-e.

MNR. JACOBS : Ek wil net duidelikheid kry. Die UDF News, is dit die naam of is die ander naam Eye of is dit nou twee (10) boeke? Wat bedoel jy? -- Dit is twee verskillende boeke.

Hoekom was julle hierdie boeke gegee? -- Dit was op die stadium toe die UDF net gestig was. Dit was 'n manier om ons te laat beseef dat die UDF saam met ons werk.

Was daar verder spesifieke opdragte aan julle gegee as julle nou julle opleiding voltooi het en julle gaan na die Republiek toe terug of julle moet 'n operasie uitvoer in die Republiek? -- Ja, daar was instruksies aan ons gegee, byvoorbeeld tydens my arrestasie, was ek besig om te soek na die kantore van die UDF met die oog om opleiding aan UDF se (20) mense te kom gee.

Ons sal daarnatoe terugkom, maar die instruksies, was daar enige instruksies aan julle gegee as julle nou hier in die Republiek is omtrent en julle het hulp nodig en iets van die aard? -- Ja, die instruksies was indien ons enige hulp nodig het, binne-in hierdie land, moet ons na die UDF toe gaan, maar ons moenie na die hoër gesagte van die UDF gaan nie, dit is persone met hoër posisies, ons moet na die mense toe gaan wat nie hoër posisies behou nie, want hierdie wat hoër posisies hou, word onder observasie gehou deur die (30) polisie.

Laat ek net hoor, die mense in die laer posisies, wat bedoel jy daarmee? Is dit nou net na UDF toe of wat is die lae posisies nou? -- Ja, hulle het net van UDF gepraat.

Goed, dan die verdere aspek, is daar verdere opdrag vir julle gegee as julle nou hier kom in die land omtrent enige opleiding wat verskaf moet word? -- Wat se opleiding?

"Crash courses" of iets van die aard? -- Ja, ons was gesê.

Wat se opdragte het julle in hierdie verband gehad? -- Aangaande opleiding?

Ja, hierdie "crash courses"? -- Ek moet die mense oplei(10) aangaande die AK, die gebruik van granate, die planting van die "limpet mine".

En waar moes jy aan die mense hierdie opleiding gee? -- Ek sou nog 'n plek gaan soek het waar die opleiding sou plaasgevind het in die bosse.

In watter land? -- Hier binne hierdie land van Suid-Afrika. Eintlik wou ek Port Elizabeth gehad het en Kaapstad.

Watter mense moes hoofliaklik hierdie opleiding gekry het? -- Dit sou UDF se mense gewees het. Die instruksies was ek sou 'n persoon gaan sien het wat geen hoë pos beklee het in (20) die UDF nie en dan kontak maak met daardie persoon wie dan later die persoon met die hoogste gesag sou gaan sien het namens my om afsprake te maak sodat ons mekaar kan sien, die persoon met die hoogste gesag.

Die opleiding wat aangebied sou word, is dit Witmense, ander mense? Vir watter tipe mense sou dit aangebied geword het? -- Die Swartmense.

Was daar enige instruksies hoekom julle nou hierdie mense die opleiding moes gegee het, hierdie "crash courses" wat jy nou verduidelik het? -- Omrede UDF saam met ons gewerk het, (30) was die instruksies, die mense van Mkhonto, ons moes hulle

opgelei het hier, laat hulle kan baklei net soos ons en hierdie ding van klippe gooi te los.

Terwyl jy ook daar in die kampe was, was jy die drywer van enige persoon, die motorbestuurder, drywer? -- Ja, ek was die drywer van Joe Slovo in Zambië.

Wie is Joe Slovo? Wat se amp beklee hy of van wat se organisasie? -- He is a national executive of the ANC and communist party.

Het hy enige militêre amp beklee ook? -- Waar?

In die ANC, in Mkhonto? -- Ja. (10)

Wat se amp het hy beklee in Mkhonto? -- Commander of the special operation.

En jy self was dan 'n lid van Mkhonto of nie? -- Ja, ek was.

Terwyl jy sy motorbestuurder was, moes jy hom geneem het na enige spesifieke plek toe waar daar 'n ontmoeting sou gewees het met 'n persoon uit die Republiek? -- Ja, ek het.

Wie was dit? Waarheen moes jy hom neem? -- Ek het hom geneem na Zambia International Airport waar hy Desmond Tutu en sy eggenote daar ontmoet het. (20)

Was dit openlike samesprekings tussen hulle of wat was dit? -- It was a secret meeting. We were not allowed to enter there. They were the only people who entered. We remained in the car.

Kan jy vir ons sê wanneer was dit ongeveer? -- 1984. Ek kan net nie die presiese datum onthou nie.

HOF : Wie is Desmond Tutu? -- Bishop Desmond Tutu.

MR BIZOS : I do hope that Mr Jacobs for the State has applied his mind to the question of the admissibility of any evidence that he may lead. If my memory serves me correctly, (30) Bishop Desmond Tutu is not mentioned as one of the co-conspirators

in this case. It may well be that we have another situation such as we have had with Dr Beyers Naude and Mr Samson Ndou.

COURT : Dr Naude, is he not mentioned as one of the patrons of the UDF?

MR BIZOS : He is mentioned as one of the patrons.

COURT : Is Bishop Tutu a patron of the UDF?

MR BIZOS : Not as far as I remember.

COURT : I do not know what is coming.

MR BIZOS : Well, I am just hoping that My Learned Friend has applied his mind to the question of the admissibility. (10)

Even if he is mentioned as one of the patrons, Your Lordship will recall that we indicated that we did not know whether a patron was one of the persons referred to under a particular category or not. I am sounding a note of caution to My Learned Friend, because I am sure that there have been lots of visitors at Zambia International Airport and the singling out of Bishop Desmond Tutu may or may not lead to delays of an unnecessary nature, if this particular act that is supposed to have been performed by Desmond Tutu and which is not mentioned in the indictment or in the further particulars, is not going to (20) lead us endless possible applications for amendment and objections. I sound a note of caution to the prosecution. It may well be, as I have indicated before, that there is some purpose in singling out particular individuals, but we are going to insist that the evidence should at least be admissible.

HOF : Mnr. Jacobs, u het mnr. Bizos gehoor. Hy waarsku u. U kan voortgaan as u my verseker dat die getuienis relevant is.

MNR. JACOBS : Die getuienis reken ons is relevant en dan (30) die naam van die persoon word genoem in die lyste van persone

wat aktiewe ondersteuners is van UDF.

Die laaste antwoord wat jy gegee het, was jy het gesê wie Bishop Tutu is. Op 'n later stadium - op bladsy 25 van die besonderhede word Desmond Tutu, Suid-Afrikaanse Raad van Kerke en UDF ondersteuner genoem onder "Die volgende persone behoort aan en die volgende geaffilieerde organisasies of ondersteuners van UDF."

HOF : Gaan voort.

MNR. JACOBS : Het jy op 'n ander geleentheid nog 'n persoon moes gaan haal by 'n lughawe? -- Ja, daar is mense, daar (10) is eintlik baie van die mense wat ek gaan haal het van die lughawe. Dit is mense van Suid-Afrika.

Een wat ek spesifiek na verwys is, het jy 'n persoon van 'n organisasie met die naam van Makusa gaan haal? -- Ja.

Ken jy die persoon? -- Ja, ek ken die persoon.

Die organisasie MAKUSA waarvoor staan dit? -- Motor Assemblies Component Workers' Union of South Africa.

Waar is die hoofkwartier van hierdie organisasie en wat se organisasie is dit? -- Die hoofkwartiere van hierdie organisasie is in PE, maar dit val onder SACTU. (20)

Laat ons dit net duidelik kry, waarvoor staan PE, dat ons die rekord reg het? -- Port Elizabeth.

Hoe ken jy die persoon en hoe ken jy hierdie organisasie so goed? -- Die persoon ken ek so goed, want ek en die persoon het saam geoefen vir "boxing" en hy is 'n familielid van my, 'n neef. Ons was saam in dieselfde "union".

Watter "union"? Wie is die persoon?--Dennis Nwer.

En van watter organisasie is julle? Het julle saam behoort? -- MAKUSA.

Jy het hom ontmoet op die lughawe en waarheen moes (30) jy hom neem? -- Ek het hom geneem na Oasis Hotel toe.

En van daar af moes jy hom weer neem, moes hy enigiets daar gaan doen? -- Hulle het 'n vergadering gehad met SACTU en ILO.

Wat staan ILO voor? -- International Labourers Organisation.

HOF : Wie het die vergadering met hulle gehad? -- Daar was Blankes gewees wat die vergadering saam met hulle gehou het daar.

ASSESSOR (MNR. JOUBERT) : Saam met wie? -- Saam met hulle die vergadering gehou het. Dit wil sê saam met die persoon (10) en ander 'n vergadering gehou het. Byvoorbeeld, Dlamini was ook een van die persone wat die vergadering bygewoon het, Tozamile Botha. Die Blankes was van oorsee af en van die mense ken ek, want ons het saam gewerk.

MNR. JACOBS : Dlamini, wie is hy? Van wat is hy? -- Chairman of SACTU.

En Tozamile - ek kan nie die van mooi hier uitmaak nie, Botha? -- Ja, dit is Tozamile Botha.

Wie is hy en van waar is hy? -- Hy is van Port Elizabeth. Hy het ook aan die "union" van ons behoort. (20)

Watter "union"? -- MAKUSA.

Is daar nog ander mense van Suid-Afrika buiten hierdie Tozamile en Nwer wat jy genoem het? -- Ja, ene Klaas de Jongh.

HOF : Wie is Klaas de Jongh? -- Hy was ons lid gewees, maar hy het binnekant gewerk.

MNR. JACOBS : Binnekant wat gewerk? -- Hier in Suid-Afrika. Ek het hierdie persoon se voertuig gelaai. Die persoon ... (Hof kom tussenbei)

HOF : Watter persoon nou? -- Klaas de Jongh is die persoon na wie ek verwys. Ek het sy voertuig gelaai met vuurwapens(30) en hy is die persoon wat vuurwapens in die land ingebring het.

MNR. JACOBS : Ander persone van organisasies in die land, is daar nog wat jy kan onthou, wat daardie vergadering bygewoon het? -- Nee.

HOF : Ek wil net duidelikheid kry. Was dit 'n vergadering tussen SACTU en die ILO of was dit 'n vergadering tussen die ANC, SACTU en die ILO? -- Dit was 'n ding van die "union", nie die ANC nie.

MNR. JACOBS : Weet jy of daar 'n verband is tussen SACTU en die ANC? -- Ja, ek weet.

Wat is dit? -- SACTU is onder ANC. (10)

Onder-afdeling of hoe bedoel jy onder?

MR BIZOS : With respect, the witness has answered the question and My Learned Friend is trying to lead him to an answer that may not have been entirely to his liking.

MNR. JACOBS : Ek is seker geregtig om te vra presies wat hy bedoel met onder?

HOF : Wel, u kan hom vra wat bedoel hy met onder die sambreel van die ANC?

MNR. JACOBS : Kan jy vir onssê wat dit beteken? -- Wat ek sê is, SACTU is onder ANC, met ander woorde ANC staan vir SACTU. Dit is hoekom ek sê dit is onder die "umbrella" van die ANC. (20)

'n Ander aspek wat ek na wil gaan is, net hier na Augustus 1983, was daar spesiale video's vir julle getoon, videobande? Spesifiek met betrekking tot organisasies in Suid-Afrika? -- Ja, daar is.

Wat was dit? -- Video tapes van UDF.

HOF : Is dit nou video tapes wat aan die UDF behoort of is dit video tapes wat handel oor die UDF en sy strukture? -- Die eerste video tape wat ek gesien het, was in Zambië gewees, (30) want by die kampe het ons nie krag nie. Dié wat ek gesien het

was die vorming van die UDF.

MNR. JACOBS : Wie het dit vir julle gewys?-- Joe Slovo, Moise Mabida, Alfred Nzou en Chris Honey. Dit is die persone wat dit aan ons gewys het.

Kan jy vir ons sê, ons weet nou wie is Joe Slovo, die ander drie wat jy genoem het, wie is hulle? -- Moise Mabida is van die Communist Party.

Wat is hy in hom? -- Hy is een van die hooggeplaastes van die Communist Party.

En Nzou? -- Alfred Nzou "general secretary of the ANC." (10)

En Chris Honey? -- Honey is "commissar".

Aan wie was hierdie videobande omtrent die UDF se ontstaan getoon? Waar was dit getoon?

HOF : Waar was dit getoon of aan wie was dit getoon?

MNR. JACOBS : Ja, waar is dit vertoon en aan wie? -- Dit was aan ons getoon. Ek as 'n bestuurder het mense vervoer van verskillende plekke af. Ek het die mense vervoer na die RC toe na Lusaka toe. Vernameam hierdie mense wat die land sou infiltrer het. Dit is omtrent 12 kilometers na die punt toe waarheen ek hulle moes geneem het. (20)

Laat ek dit net duidelik kry. As jy sê aan ons vertoon, is dit dan die ANC mense? -- Ja.

En jy sê jy het mense aangery na die RC toe wat die land sou infiltrer. Ook ANC mense? -- Ja.

HOF : Wat is die RC? -- Recruiting Centre.

MNR. JACOBS : Aan die begin van jou getuienis het jy gesê dat toe jy in die Republiek was voor jy gearresteer was, was jy op pad na die UDF kantoor toe. Toe jy jou opdragte gekry het om na die Republiek terug te kom en in die Republiek te infiltrer, wanneer was? -- 27 Februarie 1985 was dit gewees. (30)

HOF : Daardie datum het hy teruggekom of het hy opdrag gekry

om terug te kom?

MNR. JACOBS : Ek het hom gevra wanneer het hy teruggekom. -- Ek is terug in hierdie land op 20 Februarie 1985. Ek is toe gearresteer op 22 Februarie 1985.

Toe jy nou teruggekom het in die land, soos jy gesê het op 20 Februarie, was jy uitgereik met enige spesiale klere of iets van die aard? -- Nee, daar was niks aan my uitgereik as kledingstukke nie. Al wat ek by my gehad het was 'n vuurwapen en handgranate. Ek sou die ander goed binne-in die land gekry het. (10)

Is daar enige spesiale omstandigheid wat betref T-hemde of skippers, soos julle dit noem? -- Ek het 'n T-hemp van UDF aangehad en bo-op dit het ek 'n bosbaadjie aangehad. Dit het 'n etiket gehad op die linkerbors gemerk COSAS.

Waar het jy daardie klere gekry, die T-hemp en die baadjie met die wapen op? -- Hulle is vol daar in die store van die ANC, dit wil sê te Zambië en Zimbabwe.

Hoekom is hulle daar volop? Vir watter doel? -- UDF is mos eintlik in dieselfde streke van die ANC.

HCF : Wat presies beteken dit? -- Daarby bedoel ek hulle (20) werk saam, want daar word ons gesê dat as jy probleme het moet jy in verbinding tree met die UDF.

MNR. JACOBS : Jy sê jy was op pad toe jy gearresteer was in die land toe jy ingekom het daardie dag, na die UDF kantore toe. Waar was jy gearresteer? -- Kimberley, omtrent 100 meter van die stasie af.

Hoe het dit gekom dat jy gearresteer is? Vertel net 'n bietjie vir ons meer besonderhede? -- Wat my daar uitgegee het in die eerste plek ek is nie bekend met Kimberley se omgewing nie. Tweedens, ek is nie die Sotho-taal magtig nie. Ek (30) kan nie Sotho praat nie. Ek het dus besluit om navrae te doen

van 'n persoon wat ek daar gesien het. Toe ek navrae gedoen het van die persoon, het hulle vuurwapens op my gerig en my gearresteer. Toevallig was dit 'n polisiebeampte.

Wat se navrae het jy gerig by die persoon? -- Die navrae was oor of die persoon nie aan my kan beduie en wys waar die UDF se kantore is nie, of alternatiewelik dat hy my dan wys wie 'n lid van die UDF is in die omgewing.

CROSS-EXAMINATION BY MR BIZOS : Have you given evidence before? -- No, this is my first time.

Are you free or are you in custody? -- I am free, I am(10) not in custody.

Were you given an indemnity by anyone when you were freed? -- I do not understand that question.

Were you told that you do not have to worry about your past wrongs?

COURT : Let us just get the thing straight. Sometimes one worries about one's past wrongs, but you are still not prosecuted. Cannot you put it straight, indemnity from prosecution?

MR BIZOS : That you will not be prosecuted for joining the ANC and furthering its aims and to drive Mr Slovo round (20) and getting military training and everything? -- No, I was just freed.

You were just freed? -- Yes.

We will come back to that in due course. I just want to ask you some other questions arising out of what you have told His Lordship here. You told us that you were told that you must give "crash courses" to people to use fire-arms. Is that right? -- Yes, that is what I said.

And that you must come back and persuade people here to forget about throwing stones and join you in being (30) trained to use fire-arms? -- That is correct. That was my

mission.

What I would like you to please tell His Lordship whether you think you were alone in giving this mission or whether you think the ANC had a plan that you and other of your comrades should do the same? -- There were quite a number of us with the same mission, but splitted, not sent to the same place.

Am I to understand that this was part of the general policy of the ANC that there must be controlled action headed by the ANC?

COURT : I do not understand the question. Action by whom?(10)
Controlled by whom?

MR BIZOS : By the ANC.

COURT : Yes, action by whom?

MR BIZOS : Action by persons who were recruited by the ANC under the control of the ANC. -- What is the question? I do not follow it.

Let us take it step by step. Is controlled violence part of the policy of the ANC and more particularly Mkhonto we Sizwe?

COURT : Just a moment. Controlled violence by mobs or (20)
by cadres?

MR BIZOS : As distinct from indiscriminate violence. Controlled violence as distinct from general violence.

COURT : Why do you not put it to him clearly. Are we now dealing with mob violence in general, which is controlled, or uncontrolled or are we dealing with certain people who are sent out and given specific instructions to do specific violent acts. What are you aiming at?

MR BIZOS : That is what I am aiming at.

COURT : Please put it to him in that way. (30)

MR BIZOS : Was it the policy of Mkhonto we Sizwe that acts

violence should be committed by trained people under the control of the ANC? -- Trained and those who were not trained can be involved in that, because these people throwing stones did not receive any training.

What were you going to tell the people that you recruited? You must forget about throwing stones, if I understood your evidence correctly? -- Those that I was going to train, yes, that is what I was going to tell them, but I would not just walk around all over the place and tell people in the street "Hey, stop throwing stones, here is a gun." (10)

Is not the policy of Mkhonto we Sizwe that the violence under the auspices of the ANC must be directed at certain named targets? -- Yes, that is so.

For instance, let me try, because you were in Zambia. It would not be within the policy of the ANC for instance that shops should be attacked which were owned by active supporters of the UDF? -- No, there is no such.

Or the burning of taxi's of taxi drivers that have helped transporting people during stay-aways? -- Stay-aways where? (20)

Here in South Africa? -- Well, I do not know.

I am not asking you whether you know anything about stay-aways or not, but it would not be within the policy of the ANC to attack people like taxi drivers who were helpful to people during stay-aways? -- If you were listening to me, I said I do not know about that.

I am giving to you as an example, you knew what the policy of the aANC was? -- What I am saying is, I do not know about the example that you are trying to put to me.

But you did know about the example that you were not (30) supposed to attack shops belonging to members or active

supporters of the UDF? -- We would not attack UDF people, because they are just like myself.

What was the policy of the ANC in relation to indiscriminate violence which may lead to the destruction of property, of friend and foe alike? -- There is now some change. We have now soft targets and hard targets, like for instance placing a limpet at a shop to explode.

COURT : Is that a soft target? -- Yes, that is called a soft target, because that is going to kill civilians as well.

MR BIZOS : Are you purporting to now tell us what the (10) policy of the ANC is to indiscriminate violence? -- I do not understand that.

Let me try another way. Do you say that it is the policy of the ANC to put limpet mines in shops irrespective of who they may belong to or irrespective of who may be in the shops? -- If one is given a mission to go and place a limpet at a particular shop, that person must just go and do that. Who is in the shop, whether it is Black or White or who is there, is business besides you who is carrying out a mission.

You are now giving us in a very graphic way that you (20) have to carry out instructions. -- That is so.

That was not the essence of the question.

COURT : If you make the question slightly more straightforward it might be easier to understand, because it was a tricky question, to say the least, irrespective of who they belong to and who may be in it, while the witness had previously told you that they would not attack the property of UDF people. Put it again.

MR BIZOS : Do you say that it is the policy, not instructions that you may have received, of the ANC to destroy property (30) and kill persons irrespective of who they may be? That the

policy of violence is indiscriminate? -- What happens is this, these people who sit down and discuss these things and chose their targets, all that happens with you is that you must carry out a mission. You are just told, after they have taken a decision, you must go to that shop, you go and plant this limpet there and you do not question that. That is the end of the long story.

In Zambia where you were and in the camps ... (Court intervenes)

COURT : Are you leaving this aspect? (10)

MR BIZOS : I am leaving this aspect.

COURT : I would like to ask a couple of questions. You have told us that we have no soft and hard targets. -- Yes.

What exactly is a hard target and what exactly is a soft target? -- Hard targets sort under the soldiers, for instance petrol tanks. Things that are in fact within the government control. Those are hard targets.

Yes? -- A soft target is a person who will happen to die after a car bomb for instance, who dies because he was in the immediate vicinity being a civilian. That is what is called a soft target. (20)

When you have a soft target, is the target then the civilian or is the target something else and is the death of the civilian just a spill-off? -- A soft target is in fact described in this way. For instance if I were given a mission to go and place a limpet at the OK Bazaars, it is a soft target in the sense that all I have to do there is just to go there, place the limpet, which later explodes and injure people there.

... / MR BIZOS

MR BIZOS: In Zambia and in the camps did you get South African newspapers? -- Yes we do.

A complete range of newspapers? -- Yes.

And would you say that the people such as yourself, more especially those who have been out of the country for a long time are thirsty to find out what is happening in South Africa? -- That is why we get the newspapers.

Yes. And also you try whenever possible to get films about South Africa? -- Where, the camps, there are no films at the camps. (10)

No I am not talking about the camps, I am talking about in Zambia and in places where there is electricity. -- It was my first time to see a film, if one calls that a film, about South Africa, about, that is when I saw this tape. This tape had a film or showed a child who was on the table and that was the first time to see such a thing about South Africa.

Yes. And do you know whether your leaders, who were, you told us a chauffeur, whether your leaders saw films regularly about South Africa? -- No that one I do not know.

Did you not know whilst you were there in Zambia that (20) South African affairs are dealt with on television and receive high profile treatment?

COURT: On Zambian television?

MR BIZOS: Zambian television. -- No there is no such. There is no such in Zambia, have you been to Zambia?

Do I have to answer your question? It happens to be no but as you ask it perhaps I had better answer it truthfully and in the negative, no. But you have. Have you not seen television films of South Africa in Zambia? -- All I saw in Zambia was the video cassette about UDF in Zambia. The others (30) referred to by the defence I have no knowledge of.

Tell/.....

Tell me has Zambia got, maybe in my ignorance I am making a mistake. Has Zambia got television at all? -- Yes there is.

Yes, and do they present world news? -- As I have already said I was a busy man and the township in which I lived there had no electricity. That is Mtendere is the name of the township. So I would not travel twelve kilometres just to go and have a look at the T.V. I had no time to do that. Even this one about the UDF it was because it was an order.

Is one of the lots of a chauffeur to do a lot of waiting?
-- Yes we do. (10)

Outside hotels?

COURT: Where is this leading to? He is clearly not a television fan Mr Bizos.

MR BIZOS: Yes My Lord, I will tell Your Lordship where it is leading to, that if the evidence was intended to show that this was a UDF film secretly sent out of the country in order to be shown by the ANC then the witness has to be corrected, with the greatest respect, and that is where it is leading us to. That the formation of the UDF, the evidence is going to be, was considered a very important event in South Africa's history (20) and that there were innumerable tapes made by all the national and international bodies that made tapes and they were shown in Zambia and they were shown all over the world.

COURT: No but if that is so he then saw one of those tapes.

MR BIZOS: Well that is what I am leading to.

COURT: Now why are we interested in whether he is sitting outside hotels waiting for somebody to arrived.

MR BIZOS: Yes, but because I submit with the greatest....

COURT: Can you not put to him was this a secretive meeting or can you dispute that this tape was widely shown. He (30) will probably say "I cannot dispute it". That is the end of

the/.....

the cross-examination. It saves us half an hour.

MR BIZOS: Well with the greatest respect very often, especially with witnesses who are in a weak position and may tender to favour the State for reasons which may become apparent and which have been stated in innumerable cases, one has unfortunately to use such skills as one has in order to try and extract admissions which are sometimes not so readily forthcoming.

COURT: Well Mr Bizos I cannot see how it can be relevant that you question him about waiting outside hotels for somebody (10) to arrive, but please continue.

MR BIZOS: I will try the direct way and see whether we...

COURT: Yes, maybe we can have success in the direct way.

MR BIZOS: In the direct way. Are you able to admit or deny that there were innumerable tapes circulating throughout the world, including Zambia, taken by television crews of the launching of UDF? -- The one I am talking about was supposed to have been fetched by myself, in fact they were two video cassettes that I was supposed to have fetched, but I did not have time to fetch them from Lesotho because then I had to (20) go to Zimbabwe. Then somebody else was sent to fetch these video cassettes and therefore this person fetched them from Lesotho because they were from South Africa.

Do you know who actually originally made the film and who might for his own purposes have made cassettes from the film? That landed up as cassettes in the possession of the ANC? -- That I do not know. All I know is that the cassettes were from South Africa. By whom I am not in a position to tell, whether I was expected to say by whom were they made, that I cannot tell. (30)

I will leave it there My Lord because I do believe with respect/.....

respect that the direct method has served better on this occasion. Now tell me this, do you consider yourself as a well trained cadre of the ANC? -- No let me correct you there. In the first place I am not a cadre of the ANC.

Well are you a soldier of the ANC? -- I am not a soldier either.

Help yourself, put a label on yourself? -- I was then a cadre of the ANC, not now a cadre.

Oh I beg your pardon, I can now understand the difficulty. Yes. Were you, did you consider yourself a well trained (10) cadre or soldier of the ANC, whilst you were still a member of the ANC? -- Yes quite well.

Both in the military and political field I take it? -- I was specialising with military.

Not political or intelligence? -- I did not specialise on them though I was doing them.

Right. Now I just want to test how well informed you were about the South African situation. How well you understood your instructions. Did you know that COSAS was a student organisation? -- Yes that I know. (20)

Would you agree that in general appearance you did not appear to be a scholar to an uninformed observer?

COURT: Do you distinguish between a scholar in the sense of a scholarly person and a student?

MR BIZOS: Well perhaps there is something in that My Lord. Well I will have to put it more widely. Do you consider yourself that you look like a student? -- I cannot judge myself as to whether I conform to the demands of a student or not. Someone else can see me and then draw his own inference.

I want you to assume that COSAS consisted of high (30) school students. -- Yes.

Would/.....

Would you pass as a high school student do you think?

-- I have just answered that question by saying I cannot judge myself, someone else from far can judge me whether I am suitable to be a schoolboy or not.

COURT: Can you just tell me your age? -- 31.

MR BIZOS: Why did you have a COSAS sticker on your shirt?

-- Those were the lumber jackets which were given to us in Zambia. There are many people with them.

Right. Did you know whether or not there was a UDF office in Kimberley at all? -- No, but what happened is this, (10) I was supposed to have met somebody by the name of Bushi Mohabi at Vryburg. On my arrival there only to find that this person has been arrested. On my own initiative I then decided to proceed to Kimberley. That is how I happened to be in Kimberley.

Did you know whether or not there was a UDF office in Kimberley at all?

MNR JACOBS: U Edele maar die getuie het geantwoord daarop. Ek kan nie verstaan dat My Geleerde Vriend dieselfde vraag weer vra terwyl hy 'n antwoord gekry het daarop nie. (20)

COURT: The answer was "I did not".

MR BIZOS: I am sorry My Lord I did not hear.

COURT: The answer was "I did not".

MR BIZOS: I did not hear the "I did not", I hear him give an explanation about about Vryburg.

COURT: Yes, then he gave the explanation about Bushi.

MR BIZOS: I did not hear it, I would not have asked it if I had heard it.

COURT: Yes.

MR BIZOS: And had you not as part of your training investigated, before you left, whether there was such an office

in/.....

in Kimberley? -- No I did not because if I had done that I would have known whether there is an office there and I would not be going around asking people to try and find out and that would not have got me arrested. Because my mission in fact was in Vryburg.

Tell me has the ANC, as you know it, a healthy respect for the efficiency of the South African security police? -- What can you do without respecting your enemy?

I will take that as, the answer to be yes. -- Yes that is so. (10)

Right. And you must have known that if everybody in these camps spoke of the close co-operation between the ANC and the UDF that the security police in South Africa would know all about it? -- Well that I do not know. What is being put to me now I do not know about. All I can tell this Court is at the camps it was told to us that if you are having any difficulty or you need something you contact UDF.

But did not one of the many people who were taught this question it? Here you give us UDF shirts, you tell us that the UDF works with us and you tell us that we must wear them (20) as a disguise whilst we are walking around the street, does it make sense? -- There was perhaps owing to the chance of questioning whoever was giving me those clothes to use in coming to South Africa but what happens is it was my own decision. At my own I decided to take that T-shirt and put it on. So therefore there was no need to question anybody because I am the one who decided to do that.

Does the ANC claim to have popular support in South Africa? -- That is so.

And does it claim that many organisations support it? (30) -- That is so.

Including/.....

Including student groups and trade unions, women's organisations, the ANC says that they are all behind the ANC? -- That is what they tell us.

Yes.

COURT ADJOURNS UNTIL 14h00. COURT RESUMES.

FRANK XOLAMBANE: d.s.s. (Through Interpreter - In Camera)

FURTHER CROSS-EXAMINATION BY MR BIZOS: You told us that part of your political training you were told mainly about the UDF?

-- Yes that is so.

And you were also told that you, that the UDF works (10) with you, that is works with the ANC? -- That is so.

And as proof of that you told His Lordship that you were given two UDF books? -- We read the books during the period of the politics.

And you told us that the name of the one was "UDF News" and the other was "I"? -- Yes.

Did you yourself read them? -- Yes we read the books, all of us, in the class.

In the class, UDF News and the I. Now during the course of the taking of your statement did you possibly see the (20) documents which you were shown during your training? -- No I was not shown.

Right. And once you read the UDF News and the I were you satisfied that these two documents showed how, showed how the UDF worked with you in the ANC? -- No those books are not in fact giving information about how we worked together with the UDF but they give information about what is happening here at home, which is in South Africa.

When you said in your evidence that they were given to you in order that you must realise that they UDF works with you (30) was that incorrect?

MNR JACOBS: /.....

MNR JACOBS: U Edele met all respek ek dink die getuienis was gelei gewees sal dit vir opstel dat hulle inligting ontvang het en opleiding ontvan het omtrent UDF en dat daardie ander was deur die mense as 'n deel van die opdrag te gegee dat UDF saam met hulle werk.

MR BIZOS: My Lord may I read My Learned Friend's note, it may assist Your Lordship. Was die vraag "Hoekom is hierdie boeke gegee. Op die stadium dat UDF gestig was en meneer om ons te laat besef UDF saam met ons werk." That is Mr Tip's note. (10)

COURT: My note is "Dit is tweek boeke. Toe is UDF pas gestig." The question I do not have. "Dit was om ons te laat besef dat UDF saam met ons werk". Now what, now repeat the question please.

MR BIZOS: When you said that these books were given to you in order to show you how the UDF works with you

COURT: Not "how", "that".

MR BIZOS: That it works, I am sorry My Lord, that it works with you, was that answer incorrect? -- What did I say?

Well I will repeat it. (20)

COURT: Repeat it Mr Interpreter, repeat my note, "Dit was om ons te laat besef dat UDF saam met ons werk". -- That is so. That is not explained in the books themselves.

MR BIZOS: Having read these books did you come to the conclusion that there was evidence in them that the UDF works with you? -- I explained that already. It is not contained in the books as information that UDF is working with us. The books were printed in South Africa and the books, being from South Africa could not have there that they work with a banned organisation which is our organisation. (30)

MR BIZOS: If I understood your evidence correctly, you say that/.....

that the books were given in order to show you that UDF was working with you, I think I am paraphrasing His Lordship's note correctly this time. -- That is so but the books themselves are not explaining that, that UDF is working with ANC.

Then why were the books received by you, given to you as books which would show that the UDF worked with you? -- The books themselves are not explaining that UDF is working with us. But what is happening is the instructor orally gives that impression to us in fact by telling us that UDF is working with us. (10)

I see. But now did you consider these two, the UDF News and the I, as UDF documents? -- That is so.

Were they represented to you as UDF documents, both of them? -- Yes, they are UDF documents.

And when you saw them and read them yourself were you completely satisfied that they were UDF documents? -- That is so.

Now you see I want to give you just as a simple example how superficial your understanding of the situation is. The "I" is a community newspaper which was formed in 1981 and (20) before the UDF was formed. Do you know anything about that? -- That I do not know.

And there could not be anything on it or in it which would indicate to the ordinary reader that it was a UDF document. -- Well but it is talking about UDF.

Well so do newspapers that support the National Party in South Africa. -- That I do not know.

Yes. Which only shows how superficial your knowledge is. The "I" receives the support and is under the auspices of the Catholic Bishops Conference. It looks as if we are concerned (30) with churches in this case. What do you know about that? --

-- I do not know that.

And do you know that it is actually almost entirely concerned with the Pretoria area? -- No that one I do not know about. The one we read is talking about UDF.

Well I am not saying for one moment that it did not at one time or another speak about the UDF. Tell me what does it look like, the "I"? -- Some sort of a newspaper.

Well can you please tell us whether it is tabloid or broadsheet? -- It is a document which can fold.

Well both can fold. Never mind. Can you remember what the colour of its masthead is? -- That I cannot remember because this thing happened long ago.

Alright. How many UDF News did you see? -- I saw the UDF News for the first time at the camps.

How many issues of the UDF News did you see? -- I am referring to the two I have already mentioned which were shown to us by our instructor.

No, how many issues of the UDF News were you shown? -- Only those two.

No you were shown two you told us, a UDF News and the I, so can we assume that you only saw one issue of UDF New? -- That is so.

Right. For what month, what period, what year? -- It was during the year 1984 while I was still in the camp, I cannot remember the month.

Please describe that for us? Is it a tabloid or is it a broadsheet? -- Which one now?

UDF News. -- It is some sort of a magazine.

So it is neither a tabloid nor a broadsheet but a magazine. Its size? -- Well I do not know the size. (30)

Well in relation to the document that I am now showing you, /.....

you, Volume 1 of the indictment, how are its dimensions, bigger or smaller? -- Smaller than that one.

Smaller than this one. What was on the front page of the one that you saw? -- There were people carrying a flag written "UDF" in yellow.

Yes, and what was the article on the front page? -- They were talking about the formation of the UDF. I was not so much involved in politics, I was more involved in military.

I see. Tell me was it speaking about the formation of the UDF as a recent event, an event that had just happened? -- (10)
That UDF was formed on 20 August 1983.

Yes. Now when you read it how long after that event was it? To the 20th of August 1983? -- It was quite a long time though I cannot tell how long. Why, because even the newspapers we receive which are from South Africa that we get only after three months or four months.

I see. Did you receive a full range of South African newspapers? -- Yes we used to get.

COURT: Afrikaans papers as well? -- No not Afrikaans, English only. (20)

MR BIZOS: Did you get the Citizen? -- Yes.

Did that speak about the UDF? -- No it does not say anything about UDF, it will have some information about other things.

You never saw anything about the UDF in it? -- Only in the Sunday Times.

And the other daily newspapers, like The Star? -- You do get the information about it in The Star and the other papers.

Yes. Now I do not want to go through a complete list of newspapers, you tell us that you get these newspapers. Do you read them? Did you read them? -- Yes we read them because (30)
we had a time or period on which we could go to the library

to/.....

to go and read.

Yes. And I suppose, I suppose for an exile such as yourself anything that happens on the political scene in South Africa is welcome news? -- Yes that is so.

But now did you ever read any statement from any office bearer or UDF in these papers? -- No not from the newspaper.

Oh, were the newspapers that you were given censored?
-- Censored by who?

By whoever gave them to you? -- Newspapers are not being censored. They are just brought there into the library. (10)
When you get an opportunity of going there you go there and read.

Now I want you to take an assurance from me, subject to His Lordship's consent, that there were regular, there were regular statements by top officials of the UDF that it is not connected with the ANC and that was given the widest possible publicity in the newspapers that you were receiving in your camps.

COURT: Have you determined when exactly he was in the camp? This is a long period we are talking of and I am sure not (20) every week there was a statement by a UDF member.

MR BIZOS: Not every week, but let me, for how long were you in the camp? -- From February to August.

Nineteen eighty? -- 1984.

Yes. And if I were to give you an assurance that there were regular statements in newspapers, in speeches made by UDF leaders, in documents issued by the UDF that unlike the ANC the UDF was a non-violent organisation and that it had no connection with the ANC

MNR JACOBS: Edele ek dink die vraag is bietjie te wyd en (30) te verwarrend vir die getuie om te kan sê oor op a regular basis, /.....

basis, tensy My Geleerde Vriend miskien meer besonderhede kan gee wat hy, wat hy kan gee.

COURT: Apart from that Mr Bizos actually you are giving evidence and

MR BIZOS: I am not giving evidence My Lord.

COURT: You were giving evidence, and you can ask him whether he saw anything in the newspapers. If he says no that is the end of it and you can lead evidence that it was all over the newspapers.

MR BIZOS: Yes, but My Lord (10)

COURT: But why do you give him an assurance that it was all over the newspapers?

MR BIZOS: Because, I submit with respect, that in order to test the credibility of the witness I am entitled to ask him to make an assumption and then certain other matters will follow once the assumption is made. It is

COURT: Well let us accept that he assumes that it was in all the newspapers, he did not see it. Now what are you going to deduct from that, that he did not read it properly?

MR BIZOS: No, that, My Lord whether he can be belived, and (20) Your Lordship will realise our own difficulty that we cannot go and get his instructor to contradict him. I am going to ask Your Lordship to infer that if there was wide publicity of the statements in the camp, even though he himself may not have read it, then it is unlikely that persons would have allowed him to have access to uncensored newspapers in which their assertions would have been contradicted.

COURT: Well go ahead Mr Bizos. I do not know where it is going to lead us but go ahead. (30)

MR BIZOS: Well My Lord I

COURT:/.....

COURT: No, I am telling you to go ahead. I do not want any further arguments.

MR BIZOS: As Your Lordship pleases. Now if in fact there were such statements in the newspapers and in other UDF documents which you were getting can you explain how your instructor could have made such an assertion without fearing that he may be contradicted by his listeners who would have had access to this information?

INTERPRETER: I beg your pardon, the first question was not interpreted to the witness because before I could interpret (10) then the Prosecutor objected to the question and His Lordship started addressing the defence, therefore it was not interpreted.

COURT: I am sorry, let us start all over again Mr Bizos.

MR BIZOS: Please assume that there were numerous statements by high ranking UDF officials that the UDF is a peaceful organisation and that it did not have contact with, that it did not have contact with the ANC. If that is so how⁹ could your instructor have told you what you say he said to you without fearing contradiction from the newspapers that were circulating in the camp? (20)

MNR JACOBS: U Edele met all respek ek maak beswaar teen die vraag in die opsig, hoe kan die getuie sê wat in 'n ander man se kop aan gegaan het.

COURT: Yes?

MR BIZOS: I submit, with respect, that if we are to argue these probabilities to Your Lordship the witness must be given an opportunity to comment, and we intend arguing them.

COURT: Well what you can do is you can say I put it to you that I will argue the following. But how can you ask him what the instructor could have thought about the thing? I (30) mean if you want to put before me argument you are going to address/.....

address to me later on do it as shortly as possible if you want to have the witness' comments on it. But you cannot cross-examine the witness on something that he was not concerned with. You can address me on the probabilities later, and it may well be a good point on the probabilities, I do not know, but I do not think it is fair to the witness to ask him this sort of question unless you say well this is what I am going to argue to His Lordship, would you like to comment on it and he can say no or yes.

MR BIZOS: Have you heard the question? -- Yes I heard the (10) question and I want to answer to the question.

Yes, what is the answer? -- You see the UDF is inside this country and the UDF is legal in this country. Now UDF is not going to publish things saying that we being the UDF legally here are connected with the ANC which is banned and it is outside the country.

Yes, have you any other comment to make on it? -- No that is all.

At the risk of taking it further by way of argument was not your commander afraid that someone may raise the question (20) "But our brothers back there are a lot of liars"? -- There is no such. We are all comrades and one is just to tell the truth, even if he is in the veld. What he said to us is this that the UDF is working with us but UDF is not going to publish that that the UDF is working with us.

Do I understand you to say that he actually drew your attention to these statements? -- The way, that is why I give you that answer to the question because that is the way he put it to us.

He drew special attention to the fact that UDF leaders (30) were making statements saying the opposite of what he was saying?/.....

saying?

MNR JACOBS: U Edele ek wil nie elke keer op spring nie maar die getuie het nooit so iets gesê nie, of dit is nooit gesuggereer dat hy nou wil 'n opposite sê van wat die mense gesê het in statements nie. As My Geleerde Vriend net billik is teen die getuie, dat hy die geleentheid kry om op 'n billike manier sy vrae te antwoord. Maar ek dink dis onbillik om vir hom nou so 'n vraag in te klee en te sê dat nou kom sê hy dat die mense het so, hy het nooit so iets gesê nie. Dat hierdie mense sou, die instrukteur so nou die opposite gestel het, (10) die teenoor gestel het van wat vroeër gestel is.

COURT: Yes Mr Bizos?

MR BIZOS: The last question was did the person draw attention to the fact that these statements were made and the answer was yes, and it was a repetition of the question for the sake of clarity. I submit that there is no room for the objection.

COURT: He said the UDF is working with us but is not going to publish it is working with us. That was the answer of the witness. Now you take it three steps further and say "Did he tell you" or you said that did he say that the UDF said (20) it is doing the opposite from us. The answer is merely a neutral one. "He said the UDF is working with us but is not going to publish it is working with us."

MR BIZOS: There was another question and another answer, with respect.

COURT: And the answer was "That is the way he put it".

MR BIZOS: Yes, did he draw attention to these statements, and the answer was "Yes". That is what I am referring to. I think Your Lordship's assessor may have ...

COURT: Yes, go ahead.

(30)

MR BIZOS: You said that your instructor drew attention to these/.....

these statements? -- Yes he did.

Well that is in complete contradiction of what you told us a little while earlier that you never saw any such statement or heard of such statement from UDF leaders? -- Our instructor in politics is the person who was telling us about all that. Not that I personally read about that in the newspaper.

Tell me were you given any UDF addresses before you left? -- Yes I had an address.

One address? -- Yes where I was going to meet a contact, (10) but at my arrival he was already detained.

Was this in Vryburg? -- Yes.

You were not given any other UDF addresses? -- No no other addresses.

Did you believe that people become members of UDF, ordinary people become members of UDF? -- No that one I do not know.

Were you told how to recognise a member of the UDF? -- When I left Zimbabwe I was given an address and the name of the person Bushi Mohape that I was going to see this person (20) and mine was to go to the address and see the people there. On arrival there this person was arrested. Now where and how I would identify other UDF members that I do not know.

Tell me were you told whether the UDF had members, ordinary people as members or whether organisations were members of UDF? -- I was told certain organisations are members of the UDF.

Were you told that people, irrespective of who they might be, were able to buy UDF shirts at random? -- That one I do not know. (30)

And that a person who was wearing a UDF shirt might be

a/.....

a staunch supporter of the UDF itself or a member or a staunch supporter of an affiliated organisation or a member of the security police, or an informer, anybody could go and buy a UDF shirt? -- About that I do not know.

Now tell me did you only drive Mr Slovo around or other members of the executive? -- I was driving Slovo only.

And what did you do when Mr Slovo was not in Zambia? -- If he is not in Zambia then I am doing practically nothing, I just, I go around there and deliver food perhaps for people around Zambia and sometimes being sent to the farm and (10) fetching people from the Airport, if I happen to know those people.

Fetching people from the airport for who? -- People who were coming from some training at Angola, Soviet Union, GDR.

If Mr Nzo wanted to to the airport would you not take him? -- If I am given an order to take him I would take him.

Have you taken Mr Nzo to the airport? -- No I never did.

And what about the other members of the executive, have you never used your car for their purposes? -- I have already said that the only person I was driving was Joe Slovo. The (20) others I had nothing to do with them.

I see. -- Even my orders, I was getting my orders from Joe Slovo.

Would he be absent, Mr Slovo, sometimes for days, sometimes for weeks and sometimes for months? -- There is only one time when he was absent, he was in Angola for five days.

Is that all? -- That is all. During my time there he was never absent again.

And for how long were you his driver? -- Three months.

For what period? -- On my return from the camps in (30) August, September, October, the end of October I went to

Zimbabwe/.....

Zimbabwe.

What year are we talking about? -- Last year.

1985? -- In fact the year before last year, 1984.

Oh 1984. Yes. We will come back to that, let us just go on to something else. In answer to His Lordship you said that the meeting of SACTU was not an ANC meeting but a trade union meeting? -- That is so.

At which the ILO, or International Labour Organisation.

-- That is so.

Now I do not know whether we are going to have evidence (10) from anyone else about this but I must put this to you. SACTU is a lawful organisation in South Africa, correct? -- Is there a SACTU in South Africa or is it in exile?

Do you know whether it has been declared an unlawful organisation in South Africa or not? -- I am not involved or concerned with the SACTU, in fact the unions and the others. All I can tell you I was a member of Mkhonto.

I see. So you say that your work in Mkhonto was completely apart from whatever SACTU may have been doing? -- Yes it is entirely different. (20)

I take it also that you were a member of the ANC? -- You know soldiers and some work to be done, those two things are two different things.

Yes. And you were a member of the ANC as well I take it? -- You cannot be a member of Mkhonto without having been a member of the ANC. You first become a member of the ANC and then a member of Mkhonto. It is only then that you go for training.

But you told us that you had some dealings with a trade union, MAKUSA? -- It is before I left South Africa, I was (30) still employed in South Africa.

COURT:/.....

COURT: What was your trade? What was your job? -- I was an apprentice, a practice of a mechanic.

And what is your schooling? -- Grade 10.

Grade 10 is not Standard 10, it is Standard 8, is that correct? -- Standard 9.

MR BIZOS: Now did you know that your trade union was affiliated to SACTU? -- I did not know that prior to my leaving the country.

Did you learn that the trade union of which you had been a member was affiliated to SACTU? -- I have answered that. (10)

You said you did not know what that was in South Africa. I asked you whether you learnt about that when you went out of South Africa. -- Yes I came to know about that outside the country. In fact one of my co-workers who was with me, who skipped the country, I met that person across the border.

And did you know Mr Tozamile Botha whilst he was in South Africa? -- He was staying in the same street with me, a fourth house from my parents' home.

And was he a leading trade unionist? -- Yes that is so. He was my co-worker in the same department. (20)

And did you know that in turn SACTU is affiliated with the International Labour Organisation? -- There is something I must tell you. I have told you already that I am not connected with the unions.

Yes. But you see that did not prevent you from giving His Lordship an opinion that SACTU is under the umbrella of the ANC and that is what I want to examine. If you want to withdraw that statement I will stop asking you questions about it. -- No that is like that.

It is like that. -- It does not change. (30)

Okay. Now this is why we want to determine what is the colour/.....

colour of this umbrella. -- Which colour?

Yes. -- What colour?

COURT: Mr Bizos if you keep on commenting on the evidence, it is interesting, it is interesting for everybody concerned but it tends to drag out the cross-examination.

MR BIZOS: I will try my best not to.

COURT: And it may mix up the witness, as you have just seen.

MR BIZOS: I did not intend that, it was quite, I will try and restrain myself My Lord. Now do you know whether trade unions which want to be connected or affiliated with the (10) International Labour Organisation and which are trade unions in South Africa, irrespective of their ideological commitment can only do so through SACTU? -- No that I did not know.

And do you know whether it is necessary for active trade union leaders in South Africa from time to time to go and have discussions with SACTU? -- No that I did not know.

You did not. And that even a trade union federation like TUCSA, Trade Union Council of South Africa, in order to get access to the International Labour Organisation has to sit at the same table as SACTU? -- Well I did not know that, (20) these are news to me.

No you did not know of them. You see, and for those reasons it becomes necessary for persons like Mr Tozamile Botha and others to be seen at conferences with SACTU and that these have absolutely nothing to do with the ANC? -- To be seen where?

At places including Zambia, Lusaka, and other international conferences. -- As far as I know there is nothing that SACTU can do without the knowledge of the ANC. In fact even in SACTU you do find high ranking officials of the ANC hold- (30) in positions in SACTU, like for instance, holding positions

to/.....

to the ANC like for instance person like Dlamini.

Yes. You say that people who are in SACTU, or some people who are in SACTU are also in the ANC overseas? -- There are people from the ANC in SACTU. In fact SACTU itself is under the ANC.

Yes. Now how is it that all these other things that I have put to you about SACTU you did not know but the one fact that you know is that SACTU is under the ANC? How is it that it is just this one solitary fact that you know? -- Are you expecting me to say I know something that I do not know? (10)

No I do not expect you to say that. -- What I know I will admit knowledge thereof.

Yes, what I am going to suggest to you is that you in fact know nothing about it but that you are repeating some of the statements of propagandists against SACTU. Without knowing the facts. -- I will repeat it again. What I know about SACTU I will admit knowledge of that but what I do not know I will tell you that that I do not know.

Do you know that MAKUSA for instance is a registered trade union in South Africa and operating openly in South Africa enters into agreements with employers, did you know that? -- When I left, that is leaving South Africa, it was not registered. (20)

Yes, well things may have happened after you left. -- It can be so.

Do you know whether there is more than one International Labour Organisation? -- That I do not know.

And whether the ILO, as distinct from the International Labour Federation, is western or eastern orientated, do you know that? -- No that I do not know. (30)

And if I were to tell you that the ILO, to which SACTU

is/.....

is affiliated, is a western orientated organisation as distinct from an eastern federation, you would not be able to deny it? -- That I do not know.

You do not know that either, fine. Now would it be correct to say that the ANC would want to persuade its cadres that the revolution in South Africa is around the corner? -- That is what is being said in the camps.

Yes. And would it be correct to say that every event that occurs in South Africa is interpreted as proof of that assertion, that the revolution is around the corner? -- Like (10) for instance what event?

Well I will give you an example, like any major political event, like the formation of the UDF for instance? -- Yes that is ...

And a split in the National Party?

COURT: The Interpreter was not finished.

MR BIZOS: I am sorry. -- Yes that is how it happens.

And the next example, that there was a split in the National Party. -- No that one I did not know about.

You did not know about it. Well but you would agree (20) without, leaving this example aside, that any major political happening in South Africa is viewed as proving that the revolution is around the corner? -- What is it that in fact you want to know from me? I do not understand this question really. Can you be specific to the question?

COURT: Yes, it is a very wide question. I can think of many political events that would not interest the ANC at all.

MR BIZOS: Which may not interest the ANC. But tell me, I will leave it at that My Lord. Did you study the ANC documents whilst in the camps and whilst you were in Lusaka? -- Yes I (30) used to read them.

Yes./.....

Yes. For how long have the documents been saying that the revolution is around the corner? -- When I arrived at the camps they kept on saying that now we are just around the corner to take over the country. Up to now it is being said.

C.40

Yes. (Question appears to be missing at the commencement of the new tape). -- What? That they were saying things? It is not clear.

Not clear. Did it occur to you that events were being interpreted for you in order that you may believe that the revolution is around the corner? -- Yes we used to be told, (10) it was our daily bread.

Yes. And the more events could be interpreted that way the more fulfilled you would become? -- Yes that is so. Yes it is correct that it is so but at some stage we discovered that these people were lying to us to an extent that there was a fighting within ourselves in the camps. We shot and killed each other using the AK for that very reason that is being mentioned now.

When did that happen? -- In 1984, on 20 June until 28 June. (20)

Yes. But as you became Mr Slovo's chauffeur after that you could not have believed that? -- I believed, I will tell you why. People who were causing the trouble were those who had been there for a long time, for instance those who were there from 1976. Those who were the people who were saying no this is not true, they were questioning this. As a result of which they wanted to shoot one Joe Mdisi(?), the army commander down there and then in other words they were my rivals because I was on the side which believed and they did not believe. As such that is why there was the shooting. (30)

And it is with this blind belief that you viewed the

video/.....

video of the UDF opening? -- Which belief?

In the infallibility ... -- I am not clear in what you are saying.

In the infallibility of Mr Mdisi. Or in the general policy, or the statement that the revolution was around the corner, whichever way you want it? -- That is the one.

That is the one.

COURT ADJOURNS UNTIL 30 JANUARY 1986.

DELMAS TREASON TRIAL 1985-1989

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