

AD1901

13.1



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

THE STATE, versus

HENRY FAZZIE,
JAMES CHIRWA,
MATTHEWS MAKHALIMA,
MAXWELL MAYEKISO,
ERNEST MALGAZ,
JACK NDZUZO,

and

ALFRED KHONZA.

VOLUME I. : PAGES (i) - 213.

CONVICTED OF SABOTAGE BY MR. JUSTICE THERON ON THE
30th SEPTEMBER 1963, AND SENTENCED TO TWENTY YEARS
IMPRISONMENT.

LEAVE TO APPEAL ON THE QUESTION OF SENTENCE ONLY GRANTED
IN RESPECT OF THE ACCUSED NOS. 1,3,4,5,6 and 7, and IN
RESPECT OF ACCUSED NO. 2, WHETHER THE STATE PROVED BEYOND
ALL REASONABLE DOUBT THAT HE WAS OR HAD BEEN RESIDENT IN
THE REPUBLIC OF SOUTH AFRICA, ON THE 21st FEBRUARY 1964.

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

THE STATE versus

HENRY FAZZIE,
JAMES CHIRWA,
MATTHEWS MAKHALIMA,
MAXWELL MAYEKISO,
ERNEST MALGAZ,
JACK NDZUZO,

and

ALFRED KHONZA.

VOLUME I. : PAGES (i) - 213.

CONVICTED OF SABOTAGE BY MR. JUSTICE THERON ON THE 30th SEPTEMBER 1963, AND SENTENCED TO TWENTY YEARS IMPRISONMENT.

LEAVE TO APPEAL ON THE QUESTION OF SENTENCE ONLY GRANTED IN RESPECT OF THE ACCUSED NOS. 1,3,4,5,6 and 7, and IN RESPECT OF ACCUSED NO. 2, WHETHER THE STATE PROVED BEYOND ALL REASONABLE DOUBT THAT HE WAS OR HAD BEEN RESIDENT IN THE REPUBLIC OF SOUTH AFRICA, ON THE 21st FEBRUARY 1964.

I N D E X.

(VOLUME I)

PAGE No.

CHARGE SHEET	(i)
R.F. IVY	8.
D.R. MacDERMOT	20.
C.W. HOLMES	22.
B.N. FOURIE	23.
J.W. STRUMPHER	23.
P.J. DU PREEZ	26.
G.S. NIEUWOUDT	32.
I. RANI	40.
F.J. VAN ZYL	88.
S.J. DELPORT	89.
A. JANTJIES	90.
KANTILAL MOODLI	135.
J. MOFOKENG	137.
E.A. SULIMAN	138.
P.A. COETZEE	143.
D.J. GREEFF	149.
J. JORDAAN	155.
E.T. MASHILUANE	157.
S. TEMBINKOSI	163.
I. SHARP	173.
C.J. DIRKER	177.
J. FOURIE	180.
C.J. SPILLER	202.

STATE CASE.

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

THAT:

1. HENRY FAZZIE.
2. JAMES CHIRWA.
3. MATTHEWS MAKHALIMA.
4. MAXWELL MAYEKISO.
5. ERNEST MALGAZ.
6. JACK NDZUZO.
7. ALFRED KHONZA.

(hereinafter called the accused) are guilty of the offence of contravening section 11(b) ter of Act 44 of 1950 as amended.

In that, being persons who are or were resident in the Republic, and during the period 27th July, 1962 to the 18th January, 1963, and at Da-bra-zid, Ethopia, a place outside the Republic, and within the jurisdiction of the Transvaal Provincial Division of the Supreme Court of South Africa in terms of Section 12(6)(b) of Act 44 of 1950 did wrongfully and unlawfully undergo training of a military nature, which could be of use in furthering the achievement of objects of the African National Congress, an organisation which has been declared to be an unlawful organisation under the Unlawful Organisations Act, 1960 (Act No. 34 of 1960).

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

BEFORE: THE HON. MR. JUSTICE THERON.

In the matter of:

THE STATE vs. HENRY FAZZIE AND 6 OTHERS.

For the State: Mr. TERBLANCHE.

For the accused: IN PERSON.

Interpreter: Mr. LEE.

23RD SEPTEMBER 1963.

- RECORD OF EVIDENCE -

MR. TERBLANCHE HANDS IN DIRECTION FROM THE ATTORNEY-GENERAL THAT THIS TRIAL BE HELD SUMMARILY, WITHOUT A PREPARATORY EXAMINATION HAVING BEEN HELD.

MR. TERBLANCHE INFORMS THE COURT THAT HE HAS AN APPLICATION TO MAKE, BEFORE THE ACCUSED PLEAD, AND REQUESTS THAT THE APPLICATION BE HEARD BEHIND CLOSED DOORS.

BY THE COURT: Very well, the application will be heard in camera.

THE COURT IS CLEARED.

10

MNR. TERBLANCHE SPREEK DIE HOF TOE: VERSOEK DAT DIE SAAK MET TOE DEURE GEHOU SAL WORD IN TERME VAN ART. 156(4) VAN DIE PROSEDUREWET. This sub-section reads as follows
My Lord - "That a Superior Court may whenever it thinks fit direct that a trial shall be held with closed doors.
My reasons for asking this is

- (1) That the State will have to lead evidence in regard to the arrest of these accused. They were arrested outside the Republic. They were

arrested by the Police of a friendly Country, and they were handed over to the South African Police at the border. Now in my submission, it is not in the interest of the State or in the interests of this friendly Country, that this should become generally known. Your Lordship is aware of matters that have appeared in the papers lately in regard to the arrest and handing over of certain other persons, and My Lord, it is necessary, may I say, for the security of the 10 State My Lord, that this friendly relationship between these two countries should continue, and that there should be this co-operation between the Police of this certain country and our own.

(2) That the State will lead evidence from two persons who left the Republic with the accused, and who received military training with them outside the Republic. I urge the Court My Lord, to accept my assurance that if it became generally known that these witnesses gave evidence, their 20 lives will be in danger. This danger My Lord, will be there, even if their names are not published, but if their evidence is published, because it must necessarily lead to their identification. The State will also call a witness My Lord, who will give general evidence regarding the African National Congress which is mentioned in the Charge Sheet, and its activities before and after it was declared an unlawful organi- 30 sation, and My Lord again the same applies to this witness, that if it became known and it could become known even if his name is not published My Lord, who he is, where he comes

from and there is no doubt My Lord, that his life will also be in danger. My Lord the State will also lead evidence to show the nature of the military training received by the accused, and My Lord I submit that it is not in the interest of the safety of the State that this should become generally known. Now in order to explain the training which they received My Lord, the State will lead evidence from witnesses in the South African Armed Forces, to explain this to 10 Your Lordship, to show that it was military training and nothing else My Lord, and for that reason they will have to disclose the methods used in the training of our own defence forces, and possibly also the methods of training used in other forces of other Countries. Now My Lord, evidence will also be led in regard to the exhibits found in the possession of the accused. Some of these exhibits My Lord, constitute notes in regard to the training received by the accused, and it 20 is those notes which the members of the South African Permanent Force will explain to Your Lordship, and My Lord, these exhibits were passed on of course, from one witness to the next, so that it really applies to a whole series of witnesses My Lord. If they give their evidence in open court, they will have to refer to this exhibit, and that exhibit then becomes public property. Other evidence will deal My Lord, with the methods used for recruiting the persons for training, 30 and the method used to get them across the Republic's borders. I submit My Lord that it is

not in the interest of the State that it should become generally known that the authorities are aware of these methods.

BY THE COURT: You say its contrary to the interest of the State?---Its contrary to it,

Now My Lord the rest of the evidence could almost be described as formal, and My Lord, it seems to me that if the methods which I have now detailed to Your Lordship is sufficient to order that that evidence be heard in camera, then the whole case could be heard in camera My Lord, because the other evidence as I say,...

BY THE COURT: Well, if I decide on the question of secrecy, then you can't because of the difficulty of transgressing such an order, and it may be that such an order would be defeated?---That is so My Lord.

BY THE COURT: Ask the accused whether they have any objection to this case being tried without the public having access to the hearing/.....

Continued on Page 2(c).

the hearing, and if they have any objections, to express those objections to me.

No. 1 ACCUSED OBJECTS TO THE CASE BEING HEARD WITH CLOSED DOORS. THE PUBLIC SHOULD BE IN COURT AND THE NEWSPAPER REPORTERS.

No. 2 ACCUSED IS PREPARED TO ALLOW THE COURT TO DECIDE, AND HE HAS NOTHING TO SAY.

ACCUSED NOS. 3 and 4 OBJECT.

ACCUSED NOS. 5 and 6 DO NOT WISH TO SAY ANYTHING UNTIL THEY HAVE CONSULTED A LEGAL ADVISER IN THIS REGARD.

10

ACCUSED NO. 7 WISHES TO BE TRIED IN OPEN COURT.

BY THE COURT:

THERON, J:

I am satisfied that if this matter were to be tried in open court, as ordinary criminal cases are done, there is not only a likelihood but a very strong probability that the interests of the State would be harmed. The interests of the individual is subservient to the interests of the State, which is paramount. In the circumstances, I order that this trial be held in camera.

20

DEUR DIE HOE (aan mnr. Terblanche)

Nou is dit n kwessie van hulle regsverteanwoordiging mnr. Terblanche.---My lord I have certain facts to place before your lordship in that regard. The accused appeared before the Magistrate, Pretoria, on the 3rd September. On that day they were each served with a copy of the charge, as well as a copy of the Attorney-General's direction. They were told by the Magistrate, at the request of the Prosecutor, that any application for a postponement today would

be objected against. They were told that they could apply in writing to the Registrar of this Court if they required pro deo defence. They then stated that they had their own legal representative, and they gave a certain name.

The Magistrate then caused the Prisoner's friend to be called into Court, instructed him to get the name from the accused, and to contact this person. That was done, my lord, and his reply was conveyed to the accused by the Prisoner's friend. So they had ample opportunity to make any arrangements which they thought fit. 10

BY THE COURT: (to the accused)

Did you hear that? ---Yes.

Do you agree that that statement is correct ?

---NC. 1: We were never given any opportunity to get legal advisers.

Were you brought before a Magistrate on the 3rd September?---Yes.

On that day the Charge Sheet and the instructions from the Attorney-General were served on you, weren't they?

---Yes. 20

And the Magistrate asked you about your defence?

---Yes.

And you said that you had a certain attorney or counsel who you wanted to represent you.---We did.

You gave a name of someone, and he was contacted?

---Yes.

And that person, whatever that person said was communicated back to you?---No, we never heard anything.

Why didn't you write to the Registrar of the Supreme Court then to ask for counsel to be appointed?--- 30

---We made attempts to get whatever legal advices we could but the person in charge at the jail would not allow us or give us an opportunity to make arrangements.

Now who do you want to get as your counsel?---
Attorney Pitje alternatively Baloi (?).

Have you the funds to make arrangements?--That we will arrange between us.

I am asking you whether you have the funds to make arrangements?---Yes.

Very well.

10

BY THE COURT (to Mr. Terblanche)

Mr. Terblanche, what do you say, have they had opportunity from the jail to contact their attorney?---My lord, I understand that they have had that opportunity. They have in the meantime also seen some of the officers in charge of this case, and they could have made that request to them. And I understand they were even allowed to write a letter out from jail to somebody or other in regard to their defence.

THERON, J.:

20

Tell the accused I am going to direct that the trial proceed. You will be called on to plead, and you will have to plead. Through the Registrar Mr. Pitje and Mr. B.hoolia will be advised of your desire to have counsel briefed. If they are prepared to undertake your defence they will be allowed to make the arrangements. And when counsel is appointed and he applies for certain consideration to be given to him, I will consider it.

THE CHARGE IS PUT TO THE ACCUSED .

The accused, before pleading, point out that a certain organi-

sation, called Defence and Aid, will arrange for their defence, and request that this organisation be approached with a view to instructing counsel.

THE ACCUSED PLEAD AS FOLLOWS:

ACCUSED NO. 1: I do not wish to plead my lord.

BY THE COURT: His plea is one of Not Guilty.

ACCUSED NO. 2: That would be the same.

BY THE COURT: He is compelled to plead now. I have explained the position to him, that should counsel be appointed to defend him, the position will be reconsidered 10 as to the conduct of the case, but they have got to plead now.

ACCUSED NO. 2: I plead Not Guilty.

A PLEA OF NOT GUILTY IS ENTERED FOR No. 3 and No. 4.

ACCUSED NO. 5: I have no wish to plead before legal advice has been taken. If a plea of Not Guilty is entered, then that is not my plea.

ACCUSED NO. 6 SAYS THE SAME:

BY THE COURT: A plea of Not Guilty will be entered.

ACCUSED NO. 7: I want to make a request. 20

BY THE COURT: Yes make your request.

ACCUSED NO. 7: The position is that at the moment I am confused, because this case is not being tried as an ordinary case is tried, also as regards defence and so on, this case seems to be hurried and pushed on to me now in an unnatural sort of way. Therefore I make this request that we be given an opportunity - let us get legal representation first. It is no use now just a note being made that we plead NOT GUILTY. We are actually not pleading.

BY THE COURT: Well, I am satisfied that you have been 30 given sufficient opportunity to make arrangements for your

defence. You were advised on the 3rd September already that you could write to the Registrar to make arrangements for you for your defence.---There in the Court we explained our position and made these requests that we made there to be able to get legal representation, and nothing was done. We never heard anything.

I again say that I do not propose postponing this case now. You are asked to plead. You are given the opportunity to plead, and if you don't plead, I will record a plea of Not Guilty, and the trial will proceed on the 10 basis that I mentioned earlier.---If that is so, that the case must now proceed on these circumstances, is that lawful?

It is a matter for my discretion, and it is not a case that you should query the law. It seems to me that you are endeavouring at every possible stage, even as early as this, to delay proceedings. I will not hear No. 3 and 5 again, nor No. 7. The pleas of NOT GUILTY are entered.

MR. TERBLANCHE: Before leading evidence I propose to touch on certain matters in regard to the law which I think I 20 should at this stage place before your lordship to explain the charge, and other matters in connection therewith.

MR. TERBLANCHE ADDRESSES THE COURT, and submits that where the Charge Sheet only refers to the African National Congress that includes Ikonto Isizwe.

The Court requests that Proclamation 93 of 10th May 1963 be handed in.

MR. TERBLANCHE ALSO ADDRESSES THE COURT ON THE QUESTION OF THE JURISDICTION and submits that this Court has been granted jurisdiction by Section 12(6)(b) of Act 44/1950 as inserted

by Section 6 of Act 37/1963. Section 12(6)(a) of Act 44/1950 as inserted by Section 6(a) of Act 37/1963 allows the procedure of a joint trial, and the accused need not therefore be tried separately.

Mr. Terblanche also deals with the admissibility of certain documents which he proposes to hand in in the light of Section 263(ter) of Act 56/1955 as inserted by Section 18 of Act 76/1962.

THE COURT SUGGESTS AN ADJOURNMENT UNTIL 2.15 to enable the Registrar's office to make enquiries about counsel for 10 the accused to avoid possible future delays.

BY THE COURT (to the accused)

The position has been explained to you by the interpreter. I do not want any time wasted from now on. You have got an hour and three-quarters to give the Registrar what information you wish to give him in order to secure your defence. I don't think it is necessary for every one of you to express views - appoint one spokesman to do it so that there is no time wasted.

THE COURT ADJOURNS UNTIL 2.15 p.m.

20

ON RESUMING AT 2.15 p.m.

THERON, R:

Sê aan die beskuldigdes dat gedurende die verdagting deur die Griffier se kantoor pogings aangewend was om vir hulle verdediging reëlings te tref. Die Defence Aid Fund waarvan hulle melding gemaak het, deur die gesag van mevrou Cuny het te kenne gegee dat hulle reeds vroeër deur brief en deur telegram meegedeel is dat die Fonds nie gereed was om hulle verdediging te onderneem nie. Prokureur Pitje het gesê dat hy van die beskuldigdes niks af weet nie en hy 30 is nie gereed om op kort kennisgewing namens hulle te verskyn

nie. Bhoolia het dieselfde verklaring gemaak. Onder die omstandighede eal die saak aangaan en as hulle later reël-ings kan tref vir hulle verdediging sal ek weer die posisie oorweeg.

(BESK. NR. 1 RIG 'N VERSOEK AAN DIE HOF, MAAR AANGESIEN DIE TOLK DIE MIKROFOON VERLAAT HET OM NABY DIE BESK. TE STAAN IS DIT NIE OPGENEEM NIE. DIE HOF HET GEEN KOMMENTAAR DAAR-OP GEMAAK NIE EN KAN DAAR DUS NIE DAARVAN AFGELEI WORD WAT DIE VERSOEK WAS NIE.)

THE STATE CALLS:

10

RONALD FREDERICK IVY, s.s.

EXAMINATION BY MR. TERBLANCHE:

Mr. Ivy, you are a detective inspector in the Criminal Investigation Department, British South Africa Police, Bulawayo, Southern Rhodesia?--I am my lord.

Now on the 26th January 1963, as a result of information, did you go anywhere?---I went to the Bulawayo Railways Central Station my lord.

And did you meet the incoming train from..?---
From Northern Rhodesia.

20

That was at 7.10 p.m.?---It was my lord.

Now will you just tell the Court what happened there at the Station Mr. Ivy?---At the station nine Africans got off the train. Seven of these Africans are the accused now before the Court.

They appeared to you to be travelling in a party?
---They appeared to me to be travelling together, my lord.

And what happened further, Mr. Ivy?---I identified myself to them as a Police Officer my lord and told them I had reason to believe that they were prohibited immigrants
to the Federation of Rhodesia and Nyasaland. I asked them

30

to accompany me to the C.I.D. offices, which they did. At the C.I.D. offices I interrogated each one of them individually, and confirmed that they were not in possession of travel documents which would legalise their entry into the Federation of Rhodesia and Nyasaland, and at that stage I arrested each one of them as a prohibited immigrant.

Did you then also search these persons?---I did.

Did you find certain documents on them?---I did.

(DISCUSSION BETWEEN COURT AND MR. TERBLANCHE IN REGARD TO METHOD OF NUMBERING THE DOCUMENTS ABOUT TO BE HANDED IN AS EACH REFERS TO THE ACCUSED SEPARATELY. IT IS DECIDED TO QUOTE THE ACCUSED'S NUMBER FIRST AND THEN A, B, etc. AS THE CASE MAY BE). 10

I want to hand to you certain documents, Mr. Ivy. Will you just see whether you recognise those documents? ---I do my lord.

On which accused did you find those documents?-- Accused No. 1 my lord, Fazzi.

Will you shortly describe the documents to the Court.--The first document is a certificate of identity issued to Fazzie, apparently by the Government of Tanganyika. 20

Has it any endorsements on it? ---There is an endorsement, my lord "Passport Office 5th June 1962 Dar-es-Salaam."

That is for travelling to..authorising travelling to? Any other country? ---KENYA my lord. Ethiopia, Uganda and Zanzibar. (EXHIBIT 1A).

And the second document? ---Two vaccination certificates my lord, one is dated 17th November 1961 at Dar-es-Salaam and one dated 22nd October 1960 also Dar-es-Salaam. 30

That will be Exhibit 1B and 1C. And then the

next document?---The next document is a letter my lord. It purports to come from No. 407, Long Lane, London, N.2. and it is dated the 6th February 1961. It commences "Dear Henry".

It purports to come from whom?---The signature at the base of it my lord is O.R. Tambo.

That will be 1D. The next one?---The next is a letter my lord which purports to come from 9(a) Chamberley (?) Park, London, N.6. It is dated the 4th October 1961 and commences "Dear Henry". The letter is in typescript and 10 is signed in longhand "O.R. Tambo." (Exhibit 1E).

And the next document?---These are railway passenger tickets my lord, numbered QO. 4528 and QO.4532, Rhodesian Railways, for the single journey between Lusaka and Palapye. (Exhibit 1F.)

And the next document?---There are two sheets of notepaper written in pencil, my lord. One is headed "Patrols" and is written Fazzie at the base, and the second one commences "Action at Danger Areas" and finishes with two words, "Army, Army." 20

That will be 1G, the two pages.---The next document appears to be a map of some description my lord, ..

That will be Exhibit 1H.---..and inter alia it is marked "Training Aircraft and Demolition Store." The last document is a further map of some description my lord, a map on one side and handwriting on the other, marked EXHIBIT 1I. On the map side is written "Demolition Store" "Latrine and Fuel" amongst others and on the other side it commences "Coal Demolition"and ends "Food and Stores."

You hand in those documents.---I do my lord. 30

I want to hand you some further documents, Mr. Ivy. Will you look at those documents and see if you recognise them.---(witness examines documents). I do my lord. I took these documents off accused No. 2.

Now what are those documents, Mr. Ivy?---The first is a certificate of identity issued by the Tanganyika Government, Dar-es-Salaam, dated 7th August 1962. It purports to be a valid travel document for Tanganyika, Kenya, Uganda, Zanzibar, Ethiopia, Egypt, LYbia, Tunisia, Morocco, France and the United Kingdom. 10

Exhibit 2A. Are there any other stamps on that document?---There is a re-entry pass to Tanganyika my lord.

The next document?---Two vaccination certificates my lord, both purport to be issued by the Government of Tanganyika. The first is dated the 27th July 1962, Dar-es-Salaam. The second is dated 25th July 1962, also at Dar-es-Salaam.

Issued in respect of which person, according to the person?---Mr. James Chewe.

2B and 2C. And the next document?---The next 20 document is an East African Airways ticket my lord, numbered 0942, 1014907, for the journey between Dar-Es-Salaam and Nairobi.(Exhibit 2D).

The next document?----- It is a Rhodesian Railways passenger ticket numbered QO.4527.

Exhibit 2E.---For a journey from Lusaka to Palapye.

The next document?---A roneo document in typescript "Reasons for Preservation and Protection of Leading Corps (?) in time of Stress and Strain." Those are the words it commences with my lord. 30

Will you just read the last document., the last

paragraph of that document please.---"The A.N.C. will be able to preserve its organisation and emerge victorious in the struggle for liberation, not only because the cause it upholds is just and its policy correct, but also because of the moral qualities of its members, because they have mastered the art of fighting back." And it is signed "Amantla Ngwethu".(?)

Are those all the documents?---No my lord. What purports to be a bus ticket, Dar-es-Salaam motor Transport Company Limited, in the name of accused No. 2. 10

That is 2G.---Dated 18th January 1963 - it is obliterated by a punch Mark . The next document is a B.O.A.C. tourist boarding pass, in the name of accused No. 2, numbered B.A. 166.

That is 2H.---And further there is a receipt of some description my lord, numbered 1721 dated 19th January 1963. It appears to be rent for a room bought of a man M.C. Pujara. (Exhibit 2I).

Where was it issued?---Mbaya my lord.

Where is that?---Tenganyika. 20

Anything else?---The last three documents are photographs two photographs.

2J.---One is a single photograph of an African male and the second is a group photograph.

Are those all the documents?---All the documents found on accused no. 2.

You hand in those documents?---I do.

(ONE OF THE ACCUSED OBJECTS and says he does not understand any of the languages).

BY THE COURT: Well he appears to have understood the interpreter up to now, and the interpreter has been translating

to him what has been said by the witness. Now you tell me you don't understand the language that is being used?--- I am trying to follow what is said in the witnessbox in English.

Well you need not follow it in English. You have got your mouthpiece telling you what the witness has said. I will note his objection - there is no substance in it.

EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Mr. Ivy, I hand you a third lot of documents. Will you see whether you can recognise them? ---I do . 10
These are documents I took from the possession of accused Makalima(?)

Accused No. 3. Now what is the first document? ---It is a Certificate of Identity apparently issued by the Tanganyikan Government. This is in the name of accused No. 3.

Exhibit 3A.---It purports to be valid for travel between Tanganyika, Kenya, Uganda, Zanzibar, Ethiopia, Algeria, Sudan, Egypt, Guinea, Nigeria, Tunisia, Mali, Ghana, Italy, France and the United Kingdom. It is dated the 7th 20 August 1962 . at the Passport office Dar-es-Salaam, and there is a re-entry visa to Tanganyika.

the next document?---Two vaccination certificates my lord, both in the name of accused No. 3.

That is 3B and 3C.---Dated 27th July 1962 at Dar-es-Salaam and the 28th July 1962 at Dar-es-Salaam respectively. The next document is a Rhodesia Railways passenger ticket.

That is 3D.--Numbered QD 4531 for the journey from Lusaka to Palapye. The next document is a cash sale ticket 30 numbered 1723 dated 19th January 1963 and purports to be rent

for a room apparently bought of M. Assi Pujara at Mbaya, Tanganyika. The next document purports to be a bus ticket of the Dar-es-Salaam Motor Transport Company numberer 18148 in the name of the accused No.3. (3F).

Any date on it?---Dated 17th January 1963. The next and last document is an exercise book which commences with the word "Quaderno". Now numerous pages numbered from 1 to 80 covered in handwriting in pencil.

You hand that in?--I do my lord.

That is 3G, the last one. Will you look at 10 these documents and see if you can identify them, Mr. Ivy? ---I recognise them my lord. I found them in the possession of accused No. 4.

Will you just describe the documents to the Court. ---The first document is a Certificate of Identity apparently issued by the Tanganyikan Government in the name of accused No. 4. issued by the Passport Officer at Dar-es-Salaam, dated 4th August 1962 and purports to be valid for all countries in Africa, Italy, France and the United Kingdom. It bears an endorsement dated 21st January 1963. This 20 endorsement purports to be a refusal of entry into the Federation of Rhodesia and Nyasaland.

At what point was that issued?---The endorsement?

Yes.--It appears to be Tonduma (?) which is on the border between Tanganyika and Northern Rhodesia.

The next document?--Two vaccination certificates my lord, both in the name of accused No. 4. (4B and 4C). The first is dated the 27th July 1962 at Dar-es-Salaam and the second the 25th July 1962. The point of issue on this one is illegible. The next document is a Rhodesia Railways 30 passenger ticket (4D), No. 4529 for the journey from Lusaka

to Palapye. The next document is a group photograph of African males. (4E).

You hand those in.---I do my lord.

I hand you a further number of documents - will you see if you can identify them?---I do my lord. I found these documents in the possession of the accused No. 5.

Will you describe those documents?---The first document is a certificate of identity purporting to be issued by the Tanganyika Government in the name of accused No. 5, issued by the Passport Officer, Dar-es-Salaam on the 4th August 1962, and purports to be valid for all 10 countries in Africa, Italy, France, and the United Kingdom.

Yes, the next document?---The next two documents are vaccination certificates both in the name of the accused No. 5. The first is dated the 31st July 1962 and the second 25th July 1962 both at Dar-es-Salaam. The last document appears to be a bus ticket issued by the Dar-es-Salaam Motor Transport Company Limited, in the name of accused No. 5. dated the 17th January 1963. I hand these documents in.

The next batch of documents - just look at them and 20 see if you can identify them? ---I found these in possession of the Accused No. 6.

Describe the documents to the Court.---The first document is a Certificate of Identity apparently issued by the Tanganyika Government date-stamped 4th August 1962 on the front the 4th August 1962 my lord and in the centre page it appears to read the 4th August 1958. It is issued in the name of Accused No. 5. and purports to be valid for all countries in Africa, Italy, France, and the United Kingdom.

Does that purport to bear an endorsement by the 30

Ethiopian Consul at Nairobi?--It does my lord.

To enter Ethiopia for a period of 90 days?--That is so my lord. (Exhibit 6A).

Now the following document - is that the only one?

---Yes.

And these?---I found these documents in the possession of Accused No. 7. The first document, Exhibit 7A is a Certificate of Identity apparently issued by the Tanganyikan Government in the name of Accused No. 7. It bears the stamp dated 4th August 1962 and it from the Passport Office at Dar-es-Salaam, Tanganyika. It purports to be valid for all countries in Africa, Italy, France and the United Kingdom. It also bears the stamp of the Ethiopian Consul at Nairobi, valid for 90 days. It also bears the stamp of the Immigration officer of the Federation of Rhodesia and Nyasaland dated 21st January 1963 in which the accused was refused entry, at Tonduma on the border between Northern Rhodesia and Tanganyika my lord. 10

Yes?---The next two documents are both vaccination certificates in the name of the accused No. 7. 20

Exhibits 7B and 7C. ---The first is dated the 27th July 1962, at Dar-es-Salaam, and the second is dated the 25th July 1962 at Dar-es-Salaam.

You hand in those documents.--I do my lord.

Now will you just look at these documents and see if you can identify them?---I do my lord. I found these documents in possession of a man, an African male, Isaac Rani who was with the seven accused at the time I arrested them. The first document is a Certificate of Identity issued in the name of Isaac Rani bearing the date stamp of the 4th 30

August 1962, Passport Office, Dar-es-Salaam.

That will be 8A--It purports to be valid for all countries in Africa, Italy, France and the United Kingdom. It bears an entry visa for the Ethiopian country valid for 90 days.

The next document?---The next documents are vaccination certificates both in the name of Isaac Rani, (8B and 8C). The first is dated the 27th JULY 1962 at Dar-es-Salaam, and the second the 25th July 1962 also at Dar-es-Salaam. The next document is a diagram of some 10 description on foolscap papers, double foolscap, marked "A" on which there is a circle of some description which appears to concern points of the compass, and on which the words "Black Heart" appear, and also the name "Rani" on the reverse side. (Exhibit 8D)

Are those all the documents?---There is one further document my lord, purporting to be issued by a bus Company (Exh. 8E) the Dar-es-Salaam Motor Transport Company Limited - the number of the ticket is 18150 issued for the journey from Dar-es-Salaam to Mbaya in the name of Mr. 20 Rani and bearing a date stamp the 18th January 1963 at Dar-es-Salaam.

You hand those documents in.---I do my lord.

Now will you look at the next batch of documents. ---These documents I found in the possession of a man called Jantjies who was with the seven accused at the time I arrested them.

Was he also an African?---An African my lord. A light-coloured African.

Will you describe the documents to the Court?--The 30 first is a Certificate of Identity in the name of Alfred

Jantjies. It bears date stamp 'Passport Office 4th August 1962, Dar-es-Salaam', and purports to be valid for all countries in Africa, Italy and the United Kingdom. The stamp of the Ethiopian Consul at Nairobi is also on it, where permission is purported to be granted for 90 days, for the subject to enter Ethiopia.

That will be Exhibit 9A.---The next two documents are certificates of VACCINATION issued in Tanganyika in the name of Alfred Janties. The first bears the date 27th July 1962, at Dar-es-Salaam, and the second the 25th July 1962, also at Dar-es-Salaam. (Exhibits 9B and 9C). The next document is a Rhodesia Railways passenger ticket, numbered QO.4530 for the journey between Lusaka to Palepye. The next document appears to be a bus ticket issued by the Dar-Es-Salaam Motor Transport Company Limited numbered 18151 in the name of Mr. Janties. It also bears a date stamp dated the 18th January 1963 at Dar-es-Salaam. The last document my lord is a piece of foolscap paper with the name of Jantjies on the reverse side and on the front it is marked "A" and appears to be a physical map of some 20 description. The two words "detraktion" appear on this side, together with many black and red lines, also the word "Nazraf",

you hand in those documents?--I do my lord.

I am afraid I will have to ask you to look at documents 1A, 2A, 3A, 4A and 5A again.

BY THE COURT: (to Mr. Terblanche)

Does that concern the endorsement into Ethiopia?

--Yes my lord.

Well all the other documents have that endorsement.30

If they have it, they speak for themselves.---As your lordship pleases. Then I won't continue with that.

EXAMINATION BY MR. TERBLANCHE (COTD):

Mr. Ivy, what did you do with these documents after you had taken possession of them?---I held them in my possession, and later gave them to detective McDermot of the B.S.A. Police my lord.

And the accused, and these other two persons, what did you do with them?---The accused I detained, and later also they were handed into the custody of detective McDermot.10

Did you question the accused at all in regard to their movements?--I did my lord. They answered me by saying..this is a general answer from all of them..I interrogated them one by one, and got the same answer. They told me that they had been attending colleges in Tanganyika, and that they were on visits to relatives and friends in the Bechuanaland Protectoria, notably to Palapye and Lotabsi.

Did you at all ask them from where they originated?
---I did my lord. They (all) intimated that they were from 20
the Republic of South Africa.

MR. TERBLANCHE: No further questions.

CROSS-EXAMINATION BY ACCUSED NO. 1: No questions.

NO. 2: I am a Nyasa and my documents show that.

BY THE COURT: Do you want to ask any questions, not make statements?---I have no questions.

CROSS-EXAMINATION BY ACCUSED NO. 3: No questions.

NO QUESTIONS BY ACCUSED NO 5, 4, 5 and 6.

CROSS-EXAMINATION BY ACCUSED NO. 7:

I am wanting to know from you that at the time of 30
our arrest, were you alone or did you have some-one else

with you?---I had other police details with me my lord.

I am wanting to know whether we were rounded up by the police, and at the time were you present at the arrest?---Will you repeat that please?

Were we rounded^{up}/by the police, and at the time of the arrest, were you present?--I was my lord.

ACCUSED NO. 7: No further questions.

DUNCAN RONALD McDERMOT, s.s.

EXAMINATION BY MR. TERBLANCHE:

Mr. McDermot, you are a detective in the Criminal 10 Investigation Department of the British South Africa Police stationed at Bulawayo?---That is so my lord.

Did you receive the accused from the previous witness?---Well on the 28th January this year I received nine persons, seven of whom are before the Court.

And did you also receive documents?--I did my lord.

All these documents before Court were handed to you?---Yes my lord.

Now after receiving the 9 persons, including the seven accused, and the documents, what did you do?--I took 20 the nine persons, under escort to the border and at Messina I handed the persons to Warrant Officer Holmes of the S.A.F. and the following day I handed the documents to detective Fourie of the S.A.F.

CROSS-EXAMINATION BY ACCUSED NO. 5:

I want to understand - do you say that at the time when we were handed over to you at Bulawayo it was together with the documents that are before this Court?---That is so.

After you were handed these documents, did you have

an occasion to read them?---My lord, the documents were given to me in sealed envelopes which I handed to Detective Fourie.

Have you any evidence to substantiate what you say, that these documents were handed to you at the time that we were handed over to you? What have you to prove that?--- My lord, they were not handed to me at the exact time. I took charge of the documents from detective inspector Ivy I think about 10 minutes before I took charge of the prisoners.

10

Are you now saying in your evidence that all these documents that are handed in in Court here are the documents which were handed over to you?--My lord, they were given to me in envelopes which I later handed to detective Fourie. Myself, I did not inspect the documents at all.

Are you now making a mistake when you say that you were given these documents by inspector Ivy?

BY THE COURT: (to the accused)

No he says, he does not make a mistake, what he received was an envelope that was sealed, and inside there were documents. He did not look at them, he merely took them and handed them to the police here in South Africa. Those documents have now been opened, and Mr. Ivy says those were the documents that he took from the various accused now before Court.

ACCUSED NO. 5: My lord what I am wanting to know is, is the gentleman now saying that these are the documents that were given to him in a sealed envelope.

BY THE COURT: He does not say that. He says he received sealed envelopes with documents in them, That he handed over to the South African Police. ---No Further Questions.

CORNELIUS WILHELMUS HOLMES, s.s.

EXAMINATION BY MR. TERBLANCHE:

Are you a Warrant Officer, South African Police, stationed at Pietersburg?---I am my lord.

Now on the 28th January 1963 did you receive certain instructions?---I did my lord.

As a result of those instructions did you go anywhere?---Yes my lord.

Where did you go?--I went to Messina.

Yes, and there?---And from there I went to Beit Bridge. 10

Yes?---At Beit Bridge I received nine bantu men seven of whom are before Court, from the last witness.

Are those the accused?---Yes before Court now.

What did you do with these accused and the other two persons?---I transferred them from the Truck of the Rhodesian Police to our own truck, the truck of the South African Police.

And what did you do with them?---From Beit Bridge we went to Messina again, then to Pietersburg, and from Pietersburg through to Pretoria where I arrived with the accused at about 5. a.m. on the 29th January 1963. 20

Yes?--I handed the accused then over to Major van Niekerk, after identifying the nine accused to him.

And to Warrant Officer Strumpher?---To Warrant Officer Strumpher - I beg your pardon.

Major van Niekerk was present?--Major van Niekerk was present at the time.

MR. TERBLANCHE: No further questions,

CROSS-EXAMINATION BY ACCUSED: No questions.

BAREND NICOLAAS FOURIE, b.v.

VERHOOR DEUR MNR. TERBLANCHE:

Is u n konstabel in die Suid-Afrikaanse Polisie gestasioneer to Hoofkwartier, Pretoria?---Dit is reg.

Op die 29ste Januarie 1963 het u enigiets ontvang van speurder McDermot?---Ek het nege koeverte wat verseël was van speurder McDermot ontvang.

En wat hetu met hierdie koevert gedoen?---Ek het dit op 21 Januarie 1963 oorhandig aan speurder adjudant offisier..

10

Strumpher?--Strumpher van Pretoria.

MNR. TERBLANCHE: Geen verdere vrae.

KRUISVERHOOR DEUR BESKULDIGDES: Geen vrae.

Ek roep:
Speurder Adjudant Offisier STRUMPHER:

JAN WILHELM STRUMPHER, b.v.

VERHOOR DEUR MNR. TERBLANCHE:

Op die 28ste Januarie van hierdie jaar het u die beskuldigdes deursoek, op die 28ste?---Op die oggend van die 29ste Edele.

20

Nou het u in enige van hulle se besit iets gevind?
---In die besit van besk. 1 het ek drie £1 note Rhodesiese geld, 4 10/- note, Rhodesiese geld, een vyf sjieling noot Oos Afrikaanse geld, een 10 frank noot, Belgiese Kongo, 4 2/6 geldstukke, Oos Afrikaanse geld en een 1/- stuk Oos Afrikaanse geld, een sjieling, Suid-Rhodesie, een frank Belgiese Kongo, een sikspens Oos Afrika, een tiekie Suidelike Rhodesië, een tiekie Njassaland, een twee-sjieling stuk Ghana, 10c stuk Oos-Afrika, 5c stuk Oos-Afrika een pennie Suidelike Rhodesië, n half-pennie suidelike Rhodesië, een koper munt- 30

stuk Erie en 2 koper muntstukkeETHiopië.

Mag al hierdie muntstukke in een nommer ingaan, as 1J? Ja?---Besk. nr. 2 het in sy besit gehad £3 Rhodesiese geld, 1 Ethiopiese dollar, 1 5/- noot Oos-Afrikaanse geld, 1 muntstuk, dit lyk of dit Abisinnië is, dit is nie baie duidelik nie.

Dit gaan alles onder een nommer, 2K. ---Besk. 3 het 3 10c stukke Oos-Afrikaanse geld by hom gehad en een 5c stuk Rhodesië.

Alles onder een nommer 3H.---Beskuldigde 4 het 10 4 £1 note Rhodesiese geld en een 2/6 stuk, Rhodesiese geld.

Albei onder een nommer, 4F.---Besk. 4..altans, besk. 5 het een cent Oos-Afrikaanse geld.

5E.---Beskuldigde 7 het twee twee-sjieling stukke Rhodesiese geld, 3 een sjieling stukke Rhodesiese geld, een sikspens Njassaland en een pennie Njassaland.

Alles on die die nommer 7E. ---Die ander persoon wat nie hier is nie, Alfred Jantjies wat saam met die beskuldigdes was het een 10c stuk Oos-Afrika gehad, en twee pennies, ook Rhodesiese geld. 20

Dit is onder die nommer 9G. Nou u het van konst. Fourie dokumente..n verseëlde koevert met dokumente ontvang? --Op die 31ste Januarie hierdie jaar het ek n koevert verseëlde dokumente van konstabel Fourie ontvang. Dit is die dokument vandag hier voor die Hof.

U het dit oopgemaak en nagegaan?---Ek het dit oopgemaak en nagegaan.

Van daardie dokumente het u later aan ander persone oorhandig?---Ek het dit aan speurder sersant Smit oorhandig.

Is dit die dokumente van..--Van besk. 1.

1G die notas?---Die notas, ja. En die boekie.

En 3G die notaboek.---En dan van die twee, Jantjies en Rani, daardie dokument wat lyk soos n..wat beskryf gewees het as "Diagram and Map". Dit is 8D en 9F.

En dié het u aan mnr. Smit oorhandig. Nou sal u net kyk na hierdie twee dokumente, of liewers maar eers dié een. Wat se dokument is dit?---Besk. 1 het my gevra om n brief te skrywe..vir die geleentheid om n brief aan sy vrou te skrywe. Ek het hom van papier en pen voorsien en hy het die geskrywe.

In jou teenwoordigheid?--In my teenwoordigheid. 10

Dit sal wees 1K. Sal u net na hierdie dokument kyk?---Hierdie dokument het ek op 12/8/63 deur die pos ontvang en op 20/9/63 het ek besk. 3 in die Pretoria Gevangenis gaan sien. Ek het hom gevra wie dit geskrywe het en hy het gesê dit is hyself wat dit geskryf het.

Dit sal wees 3I. Wat het u met die twee dokumente gedoen?---Ek het die twee dokumente aan sersant du Preez van die S.A.K.B. handskrif deskundige, oorhandig. MNR. TERBLANCHE: Geen verdere vrae.

KRUISVERHOOR DEUR BESKULDIGDE NO. 1:

20

Meneer, ek het jou n vergunning gevra om die brief te skrywe huistoe wat jy my wel verleen het, maar het jy die brief al die tyd in jou sak gehad? Het jy dit dan nie na die huis toe gestuur nie, na ek jou die vergunning gevra het nie?---Ek het die brief behou.

Meneer, die brief was alleenlik geskryf om my mense by die huis te laat weet dat ek wel hier is. Nou hoe sal hulle dit te wete kom indien hulle daardie brief nie gekry het dat ek hier is?---Ek het die brief nie laat pos nie.

Wat het jou die geleentheid gegee om daardie brief 30

te hou instede om hom te pos, behalwe die ander dinge wat aan my sou gevind gewees het, om in jou getuienis daarvan melding te kom maak?---Sy mense was later aan wel bewus dat hy hier in hegtenis is, want hulle was deur my ondervra, deur lede van die polisie ondervra.

Wat ek na verwys is my huis mense. Ek praat an nie van/der mense nie, ek wou gehad het dat hulle moet weet, deurmiddel van daardie brief, dat ek hier in hegtenis is.

DEUR DIE HCF:

beskuldigde?

Sê aan die getuie dat die brief nie gepos is nie, 10 want die getuie het beskou dat hy die dokument nodig het as n aanknoping in sy bewys.

BESKULDIGDE NR. 1: Geen verdere vrae.

BESKULDIGDE NR. 7 (KRUISVERHOOR):

Meneer, sal jy asseblief herhaal die muntstukke wat jy in my besit gekry het? ---In jou besit was daar twee 2/- stukke van Rhodesiese geld, drie een-sjieling stukke, n sikspens Njassaland en n pennie Njassaland geld.

GEEN VERDERE VRAE.

HERVERHOOR DEUR MNR. TERBLANCHE: Geen vrae.

20

Speurdersersant PETRUS JOHANNES DU PREEZ, b.v.

VERHOOR DEUR MNR. TERBLANCHE:

U is n speurdersersant verbonde aan die Suid-Afrikaanse Kriminele Buro te Pretoria.---Ek is, waar ek werksaam is as n ondersoeker van betwiste dokumente en handskrif. Ek gee getuienis in die hoër en laerhowe van die gebied Suid-Afrika, Suid-Wes en aangrensende gebiede vir die afgelope tien jaar. Gedurende Augustus hierdie jaar

het ek van speurder adjudant offisier Strumpher Bewysstukke 1K en ..ekskuus Ig (daardie boek, en vier los velle) die vier los velle is Bewysstuk 1G. Ek het hierdie skrif in alle opsigte baie noukeurig ondersoek en ek het vasgestel dat daar voldoende persoonlike en individuële skrif eienskappe bestaan wat aantoon dat die skrywer van die monsterskrif Bewysstuk 1K verantwoordelik is vir al die betwiste skrif, soos dit voorkom op Bewysstuk 1G. Ek het fotostatiese afdrucke voorberei wat ek sal inhandig waarop ek verskeie punte van ooreenstemming uitgemerk het. 10

Sal jy hulle net aandui.

DEUR DIE HOF: Wel, hulle is met nommers aangedui.---Hulle is met nommers aangedui.

MNR. TERBLANCHE: Ja, gaan maar aan. ---Ek weet nie, moet ek dit beskryf, Edelagbare?

DEUR DIE HOF:

Wel, u kan maar net sê waarom u sê dit is ooreenstemmend. Neem b.v. enige van die nommers wat u aangebring het.---Ek kan kortliks b.v. punt 1 beskrywe. Dit is die kleinletter 'r' wat voorafgegaan word deur 'n boogvormige 20
aanvang of verbindingstreep. Daarna beweeg die skrywer opwaarts tot op die basiese lyn, en daarna, met dieselfde lyn terug tot ongeveer die helfte, bo die verbinding. Hier word 'n baie skerp hoek gevorm, wanneer die skrywer skerp na regs swaai om die finale streep aan te toon. So sal elke punt duidelik uitkom. Punt nr. 5 b.v. is die hoofletter "D" baie eienaardig in daardie letter is dat die 'd' aan die onderkant 'n geweldige skerp hoek vorm. M.a.w. die hele vorm en konstruksie van die hoofletter D is dieselfde, en die 'd' word begin sonder 'n aanvangstreep. 30

Die skrywer begin aan die bokant, beweeg dan af tot feitlik op die basiese lyn waar n groot oog gedeelte gevorm word half aan die linkerkant en vandaar waar die skerp hoek gevorm word om die ronding van die 'd' te voltooi. Dit is alles inherente eienskappe Edelaagbare. Punt nr. 6 is die kleinletter 's'. U sal merk dat aan die bokant is ook n ogie wat gevorm word, effens plat, en dan het die skrywer die neiging om boogvormig na die basiese lyn te beweeg en n skerp hoek te vorm alvorens daar n verbindingstreep na die volgende letter gemaak word. 10

Ja?--Punt nr. 10 b.v. is die klein letter "a" wat feitlik afgeskeep word. Nadat die finale streep, die kruising vorm en dieaanvang of verbindingstreep, is daar net n effense strepie wat oor hom gaan. Daar is nie n lang finale beweging, hetsy afwaarts of opwaarts in die laaste gedeelte van die 'e' nie.

DEUR DIE HOF:

Dit is blykbaar nie dieselfde met al die 'e's' nie.---Daar sal variasies wees, maar dan is dit in beide gevalle, Edelaagbare. Dit is die een kenmerk wat ek daar 20 noem. n Tweede tipe sal jy wel kry..

..wat voltooi is?---Wat voltooi is op die basiese lyn, maar dan eindig hy dan platweg, maar dan kry jy dit in beide dokumente.

Ja.

MNR. TERBLANCHE: Die punte wat u uitgemerk het, is dit heeltemal voldoende om vas te stel n betwisde skrif?--Ja, sonder enige twyfel. Mens kan nog verder gaan en nog meer te kry, maar ek het gevind dat hierdie is reeds meer as voldoende Edelaagbare.

Kan hierdie gemerk word en ingehandig word as ll, die twee saam.

U handig daardie in. --Ja Edelagbare.

BY THE COURT (to the interpreter)

Mr. Interpreter if you will just tell the accused that the witness' evidence is to the effect that the letter written to his wife which Mr. Strumpher didnot send away or post, he used for comparative purposes to determine whether the document alleged to have been found in his possession was written by him. The witness has prepared a photostatic copy of each of those documents, that is the letter written to his wife, and the document alleged to have been found in his possession. The witness says, that being an expert in deciphering handwriting, he is satisfied that these two documents were written by the same person, that is by the accused. 10

GETUIE: Voordat ons met die tweede dokument begin sal ek dit waardeer as die beskuldigde eers die vrae kan stel, dan raak ek nie deurmekaar nie.

DEUR DIE HOF: Is daar enige beswaar? Het nr. 1 enige vrae? ---BESK. 1: Geen vrae.

Goed ja, gaan aan.---GETUIE: ek het ook van speurder 20 der adjudant offisier ontvang Bewysstuk 3I en bewysstuk 3G dit is die boekie genommer van 1 tot 80 met potlood sowel as ink skrif. Die boekie is ook baie noukeurig deur my ondersoek en ek het vasgestel dat die skrywer van die monsterskrif Bewysstuk 3I verantwoordelik is vir al die skrif in die boekie genommer 1 tot 80. Daar bestaan voldoende skrif eienkappe wat sonder enige twyfel aantoon dat alle skrif deur een en dieselfde persoon uitgevoer is. Ook hier het ek fotostatische afskrifte voorberei wat ek inhandig. In hierdie geval het ek 44 punte van ooreenstemming uitge- 30 merk om aan te toon dat dit deur dieselfde persoon uitgevoer

is.

Ja?--Ek het ook n afskrif..afskrifte voorberei wat ek sal inhandig waar ek die punte beskrywe van 1 tot 44.

Mag die fotostatiese afdrucke 3J gemerk word en die lys van punte 3K. (Getuie lees die lys van punte van ooreenstemming uit aan die Hof). "punt 19: ..18, hoofletter "C" - daar is n drukfout, dit is hoofletter "C" Edelagbare. "Hoofletter "C" word voorafgegaan deur n aanvangstreep of verbindingstreep met die sirkel-vormige.. 10 ..kwoteer ...bladsy 7"

U het alreeds met die Hoofletter gehandel.--Ja, ek sien dit is ek wat n fout gemaak het, ekskuus Edelagbare. "Die tweede tipe kleinletter "C" dit is punt 19 "wat gebruik word op bl. 7...(kwoteer)...basiese lyn nie."

MNR. TERBLANCHE: Geen verdere vrae.

KRUISERHOOR DEUR BESK. 1 en 2: Geen vrae.

KRUISVERHOOR DEUR BESK. 3:

Meneer, is jy nou n handskrif deskundige?---Ek is n ondersoeker van betwisde dokumente en handskrif. 20

Meneer, as ek jou getuienis reg verstaan het dan het hierdie dokumente betrekking op my. Nou kan jy asseblief vir my duidelik maak hoe kan jy daar sien dat n mens se hand effens gelig is of wanneer dit plat neergesit is wanneer jy skryf?---Dit word vasgestel uit die ondersoek Edelagbare met instrumente, goeie lig, mikroskopies.

Beskou jy die handskrif van naby meneer of beskou jy dit op n klein afstand van jou af?--Van verskillende distansies Edelagbare. En onder vergrootglas.

Meneer, is jy nou seker dat hierdie dokumente, 30 die handskrif wat jy nou pas die Hof van vertel het, dat dit

deur een persoon geskryf is?---Sonder enige twyfel.

Meneer wat ek nog van jou wil weet, is jy nou seker daarvan ek, wat nog n lewende persoon is, dat daardie handskrif wel deur my gemaak is?

DEUR DIE HOF:

Hy sê nie dit is deur jou gemaak nie. Hy sê die twee dokumente is deur dieselfde persone geskrywe. Hy weet nie wie hulle geskryf het nie. Maar mnr. Strumphel het gesê jy het erken dat jy dié dokument geskryf het.

KRUISVERHOOR DEUR BESKULDIGDE NO. 3 (Hervat):

Meneer, wat is die mees geloofwaardigste: daardie instrumente wat jy die handskrif mee ondersoek, of n lewende persoon met die handskrif self? Watter sal jou die meeste satisfaksie gee?

DEUR DIE HOF:

Wel dit is n uitdrukking van opinie. Ek sal self later my eie opinie vorm omtrent die waarde van getuienis.

BESK. NR. 3: Geen verdere vrae.

GEEN VRAE DEUR DIE ANDER BESKULDIGDES:

DIE BESKULDIGDES WORD MEEGEDEEL DAT MNR. CARLSON OOK NIE BEREID IS OM HULLE VERDEDIGING TE AANVAAR NIE.

DIE HOF VERDAAG TOT 10 uur v.m.

op die 24ste SEPTEMBER 1963.

DIE STAAT teen H. FAZZIE & 6 ANDER.

BY HERVATTING CM 10 v.m. op die 24ste SEPTEMBER 1963.

DIE STAAT ROEP:

GEORGE SEBASIAN NIEUWOUDT, b.v.

VERHOOR DEUR MNR. TERBLANCHE:

Mnr. Nieuwoudt, waar werk u?---By Bantoe Administrasie.

As wat?--- As n senior vingerafdrukbeampste. //

Is dit in die seksie van die Bantoe Bewys Buro?---

Dit is reg, Edelagbare.

10

Nou ek handig aan u vingerafdrukke. Was die vingerafdrukke aan u oorhandig gewees deur speurderkonstabel Delport?---Dit was.

Ons sal die vingerafdrukke in hierdie geval merk 1M. Het u die vergelyk met die rekords in u kantoor?--- Ek het Edelagbare.

En wat het u gevind?---Ek het gevind dat sonder twyfel dit identies is aan n sekere persoon s'n.

Aan watter persoon s'n?---Aan die persoon aan wie Bewysboek Nr. 2507371 uitgereik was.

20

Onder watter naam was dit uitgereik aan hom?--- Onder Henry Fazzie Edelagbare.

Het dit ook n portret by?---Dit het.

En kom dit ooreen met enige van die persone hier in die Hof?---Daar is n ooreenkoms met besk. nr. 1.

U handig in daardie vingerafdrukke, plus n fotostatiese afdruk van die rekord wat u in u kantoor het aangaande die persoon.---Ja

Mag ons die fotostatiese afdruk inhandig u Edele?

Die oorspronklike is in die Hof beskikbaar, maar dit is deel 30

*r.130
+ 500
Minnelike
Geweefte
in
Handig*

*He # 500
die woorde
Minnelike
Handig
in
Handig*

van die permanente rekords van die kantoor.

DEUR DIE HOF: (aan die tolk)

Vra vir besk. No. 1 of hy enige beswaar het dat die fotostatiese afdruk ingaan as Bewysstuk. As hy wil kyk na die oorspronklike is dit beskikbaar vir hom, en hy kan daarna kyk, --- BESK. NR. 1: Ek sou graag die oorspronklike wil sien.

Wys dit aan hom asseblief, --- BESK. NR. 1: Ek het geen beswaar dat dit ingaan nie.

MNR. TERBLANCHE: (Verhoor: vervolg)

10

Kan die twee saam gemerk word as 1M? Ek handig u n tweede stel vingerafdrukke in wat u ook van speurder konstabel Delpont ontvang het. --- Ek het dit ontvang.

En het u dit ook vergelyk met die rekords in u kantoor?--Ek het Edelaagbare.

En wat het u gevind?---Ek het gevind dat dit identies is met n sekere persoon se vingerafdrukke.

Wat is die naam van die persoon?---James Chirwa.

Nou die informasie wat u daar het, deur wie word dit verstrek?--- deur die persoon vrywillig, indien hy 20 aansoek doen om n bewysboek of n herkenningsbewys.

Nou wat was in hierdie geval aan die persoon uitgereik?---n Herkenningsbewys.

Nommer?---X83024, uitgereik te Benoni op die 17de April 1961.

This is what the records show - 4812? admissible? what is it? Wright?

Waarom is aan hom n erkeningsbewys uitgereik?--- Hy is nie in die Republiek van Suid-Afrika gebore nie.

Onder watter omstandighede kan n persoon so n erkeningsbewys aan hom uitgereik kry?---Indien hy werkzaam is in die Republiek, met permissie.

30

Werkzaam en woonagtig?---Werkzaam en woonagtig.

U het geen portret op daardie?--Ongelukkig nie.

Kan dit gemerk word 2L, beide dokumente. Die oorspronklike word nie ingehandig nie.

DEUR DIE HOF: Dan moet die oorspronklike net gewys word aan beskuldigde no. 2.

BESKULDIGDE 2: Waar is my kiekie?

DEUR HOF:

Daar is in hierdie geval nie n foto aangeheg nie, omdat dit nie n Bawysboek was nie, maar dit was slegs n herkenningsbewys wat aan hom gegee is.

MNR. TERBLANCHE: Edelagter, mag ek het sê, daar was oorspronklik n kiekie, diskiekie het verlore gegaan - is dit reg mr. Nieuwoudt?---Dit is reg.

DEUR DIE HOF:

Sê aan hom die kiekie het verlore gegaan. Daar was oorspronklik n kiekie aan, maar dis het verlore geraak.

ACCUSED NO. 2 (through the interpreter) Before this is put in, may I ask something of your lordship? He speaks English.

BY THE COURT: (to accused No. 2)

Yes what do you want to ask?---My question is this my lord because I have been here before many times like I said when I was at the Regional Court. I am foreign and they refused to give me a passport to work in the Republic of South Africa. So I was arrested for passport, and they sent me to Benoni, Modder Deep. I believe this paper is for Modder Deep.

It was issued in Benoni.--Yes.

Now the question is have you any objection to this document being used as an exhibit - the original to remain with the witness because it is part of his documents that he requires, but a photograph of it will be put before me. Have you any objection to that course being taken?--Yes for

the photo I have got objection, because I know a person who has a pass document from the Pass Office they put photographs on the paper.

Yes but now I am told that the photograph that was on that document is now missing. Have you any objection to the document being placed before me as an exhibit?---

No I don't know for that, how it can put right now sir, because I am one from outside I think sometime I can just.. I don't know what I can say about this document.

You see the document is put in for the purposes 10 of identifying a person's fingerprints.---Yes I know about the fingerprints is mine and that I put right, they take plenty fingerprints when I was in jail. When they sent me to jail when they arrested me at the Pass Office, to need a passport to work in the Republic.

Yes. So you have no objection to the document?---
No I have no objection.

Yes very well. (to Mr. Terblanche) You may use the photostatic copy.

EXAMINATION BY MR. TERBLANCHE (CONTINUED):

20

I hand to you a third set of fingerprints..ekskus ons het dit in Afrikaans gedoen, nie waar nie? n Derde stel vingerafdrukke wat u ook van speurderkonstabel Delpont ontvang het. Is dit die stel?---Ek het Edlagbare.

En het u dit ook vergelyk met die rekords in u kantoor?---Ek het dit vergelyk.

Wat het u gevind?---Ek het gevind dat dit identias is met die bantoeman se vingerafdrukke aan wie bewysboek nr. 2276755 uitgereik was.

Under watter naam?---Onder name Matthews Makhalima. 30
Geboorteplek Alice, en hy was geregistreer te Port Elizabeth

op die 7de Desember 1955.

En is daar n kiekie op?---Daar is.

Vergelyk met die beskuldigdes, is daar enige ooreenkoms?---Daar is punte van ooreenkoms met besk. nr. 3.

Kan die beide gemerk word 3L.

DEUR DIE HCF: Wys die oorspronklike aan besk. no. 3. Het hy enige besware?---Geen objeksies nie.

VERHOOR DEUR MNR. TERBLANCHE (CONTINUED):

Ek handig aanu n verdere stel wat u ook van dieselfde speurderkonstabel ontvang het. Het u dit van hom ontvang? 10
---Ek het.

En het u dit ook vergelyk met u rekords?---Ek het.

Wat het u gevind? ---Ek het gevind dat dit identies is met die vingerafdrukke van die bantoeman aan wie bewysboek 2431733 uitgereik was.

Wanneer?---Hy was uitgereik te Port Elizabeth op die 6de Februarie 1956 aan ene Maxwell Mayekiso.

En sy geboorteplek?---Word aangegee as Middeldrif deur homself.

Is daar n kiekie?---Daar is. 20

Enige vergelyking tussen die kiekie en enige van die beskuldigdes?---Daar is punte van ooreenkoms met besk. nr. 4 Edelagbare.

U handig dit in, as Bewysstuk 4G. (NO OBJECTION FROM THE ACCUSED).

Ek handig u n verdere stel wat u van dieselfde speurder ontvang het?---Korrek.

En u het dit ook vergelyk met u rekords?--Ek het dit vergelyk met die vingerafdrukke van die bantoeman aan wie bewysboek nr. 2272607 uitgereik was en gevind dat dit 30
sonder twyfel identies is.

Onder watter naam was dit uitgerak?--Onder die name Ernest Malgaz uitgereik te Port Elizabeth op die 22ste November 1955. Sy geboorteplek word aangegee as Port Elizabeth.

Is daar 'n kiekie daar?---Daar is.

Enige ooreenkoms met enige van die beskuldigdes? ---Blykbaar is daar punte van ooreenkoms met nr. 5. (GEEN BESWAAR DEUR DIE BESKULDIGDE NIE). Ingehandig as Bewysstuk 5F.

Ek handig u 'n verdere stel vingerafdrukke. U het dit van dieselfde speurder ontvang?-- Ek het.

En u het dit weer vergelyk met die rekords in u kantoor?---Ek het dit vergelyk met die vingerafdrukke van die bantoeman aan wie bewysboek nr. 2503939 uitgereik was.

Het u gevind dat dit dieselfde is?---Ek het gevind dat dit identies is.

Onder watter naam was dit uitgereik?---Uitgereik onder name Tambokile Modamo.

En sy plek van geboorte?---Dit word aangegee as Cathcart. Die ...hy was geregistreer te Port Elizabeth op die 2de Maart 1956.

Is daar 'n kiekie?---Daar is 'n kiekie.

Enige ooreenkoms met enige van die beskuldigdes?--- Daar is punte van ooreenkoms met besk. nr. 6 Edelaagbare.

(INGEHANDIG AS BEWYSSTUK 6B - GEEN BESWAAR VAN BESK.)

Ek handig u die laaste stel vingerafdrukke. Het u dit ook ontvang van dieselfde speurder?--Ek het .

Het u dit ook vergelyk met die rekords in u kantoor? ---Ek het dit vergelyk met die vingerafdrukke van die bantoeman aan wie bewysboek nr. 2155012 uitgereik was en gevind dat 3 dit sonder twyfel identies is.

Onder watter naam is dit uitgereik?--- Alfred Siko Mange Edelaagbare.

En waar was dit uitgereik?--Dit was uitgereik t Port Elizabeth op die 7de November 1955.

En sy geboorteplek?--- Sy geboorteplek word aan-gegee as Port Elizabeth.

Is daar n kiekie beskikbaar?--- Daar is.

Enige vergelyking met enige van die beskuldigdes? ---Daar is pite van ooreenkoms met besk. nr. 7 Edelaagbare.

U handig dit in as Bewysstuk 7E - GEEN OBJEKSIE. 10

Net een laaste vraag mnr. Nieuwoudt, die bewys boeke, aan wie word dit uitgereik?--- Aan alle bantoes wat in die Republiek woonagtig en gebore is bokant die ouderdom van 16 jaar.

Word dit op hulle eie versoek uitgereik?--Dis reg, alle gegewens word deur hulself verstrekk.

MNR. TERBLANCHE: Geen verdere vrae.

KRUISVERHOOR DEUR BESK. NR. 1: Geen vrae.

CROSS-EXAMINATION BY ACCUSED NO. 2 (speaking in English)

My question I want to ask you is this: I was arrested. I 20
am one who is from Nyasaland and so they said to me in the
Republic of South Africa, I was in the Regional Court down
here, I was charged in the Magistrate's Court because I am
foreign. The Nyasaland Representative's Office which is in
Johannesburg was in Court, so I want to ask my lord if my lord
can request the Nyasaland representative man to come here
and show my document which they give to me.

BY THE COURT: What would the purpose be of obtaining that
document? What would be the purpose of obtaining from the
Nyasaland representative a document to show when you came 30
to South Africa and entitling you to come to South Africa?

---Yes Nyasaland Office when they did not wish to give me a pass to work in the Republic, Nyasaland representative Office gave me a special document to travel through to go to Nyasaland. So I was in Nyasaland and I worked there. I was not coming to South Africa. I was coming to Bechuanaland Protectorate to see my step-mother, so I was arrested in Bulawayo.

Yes, I understand what you say, but when the appropriate time comes for you either to give evidence or make a statement, you can make that statement, and the matter will be investigated. This witness has merely given evidence of documents that he compared - your fingerprints with a certain document that he produced in Court. Now the question is, do you wish to ask him any questions on the evidence that he has given?---Yes to the evidence also I have some few questions.

Then you may ask him the questions.

CROSS-EXAMINATION BY ACCUSED NO. 2:

This passport when I was taken to Benoni does it say anything where I was born, if I was born in South Africa or in Nyasaland?---Dit toon dat hy gebore is in Njassaland.

BY THE COURT: (TO ACCUSED NO. 2)

It shows that you were born in Nyasaland.--That is the question I was asking.

NO QUESTIONS BY ANY OF THE OTHER ACCUSED.

DISCUSSION BETWEEN MR. TERBLANCHE AND THE COURT IN CONNECTION WITH THE NEXT WITNESS ISAAC RANI, WHO WAS WITH THE ACCUSED AND WILL GIVE EVIDENCE THAT HE ALSO RECEIVED TRAINING.

THE WITNESS IS WARNED BY THE COURT, AND ADVISED IF HE ANSWERS THE QUESTIONS SATISFACTORILY HE WILL BE GRANTED AN INDEMNITY FROM PROSECUTION ON THIS CHARGE.

ISAAC RANI, s.s. (interpreted)

EXAMINATION BY MR. TERBLANCHE:

Isaac, where are you at present?---In the Cape.

Are you in jail at present?--Yes I am.

Are you serving a sentence?---I am.

(to the Court) My lord, I have just been told that accused No. 1 wants to say something. 10

BY THE COURT (to accused No. 1):

Yes, what have you to say?---I want the interpreter to speak out because he is very far from us and we don't understand.

Very well, do you understand Xhosa?--Yes.

I will ask the witness to speak loud enough so that you can hear what he says in his own language and the interpreter will then interpret to me, so that I can hear, and you can also hear. So you will have the benefit of both.

EXAMINATION BY MR. TERBLANCHE (CONTINUED): 20

Isaac, you have told the Court that you are at present serving a sentence in jail. How long a sentence are you serving?---Two years.

For what?---Going over the border my lord.

Without a passport?---Yes, that is correct.

Before that I think you told the Court you were living in Cape Town?---Yes.

What standard have you passed at school?--I left school at Standard One.

Do you know an organisation The African National 30

Congress Youth League?---Yes I do.

Did you become a member of that organisation?---
In being a member of the football, playing football, I became a member of it.

When about did you become a member?---In 1962.

And did you pay subscription?---I personally did not but there was someone who said that he would pay subscription on my behalf.

How much was that subscription?---2/6d.

Now will you tell the Court how it came about that you left the Union, the Republic?---I met a certain man by the name of Mcumbela.

Do you know his first name?---I know only his sur name Mcumbela.

When did you meet him Isaac?---It was in the year 1962. I do not remember the month, but it was at home in the Cape, early in 1962.

After you had met this man Mcumbela, what did you do?---He got me to believe that there was a school for the Youth League. After that he left. He said he would tell me afterwards. He himself did not know when this school was to be opened. He will tell me again. In fact he did come after that again my lord. I was next-door to where Alfred Jantjies was living at the time. We were busy playing cards. He came there accompanied by another man. There were two of them. Frikkie Jantjies, Alfred Jantjies brother said he was calling us, he was not calling him. 20

WITNESS SPEAKS IN AFRIKAANS : Ons het uitgegaan uit na oom Frikkie Jantjies toe kry ons Mcumbela staan buitekant.

BY THE COURT: Now No. 2 won't understand.

MR. TERBLANCHE: I think it will be better if he speaks Xhosa - he seems to speak it very well.

BY THE COURT (to the witness)

Speak Xhosa - it will be interpreted into English.
Jy en Jantjies het toe uitgegaanja?--- Alfred Jantjies, my lord. We went into the room at Alfred Jantjies'. He told us we must not.

BY THE COURT (to Mr. Terblanche)

Is this evidence admissible, the discussion that took place between him and other persons - would that be admissible against the accused?--- My lord, they are charged with achieving the objects of the A.N.C. I have got to show some connection between all these accused and the A.N.C.

Are you leading this evidence to show the association with the organisation?--- Yes.

To that extent it will be admissible.-- I will later lead evidence to show that this man Mcumbela and others were previously all members of the A.N.C. I don't want him to tell in detail what happened between him and Mcumbela, only the result of the discussions. 20

BY THE COURT (to the witness)

As a result of a discussion you had in the presence of Alfred Jantjies did you then do something?--- We were in his house and we were told we had to go to another house where there were two people from Johannesburg. We went there with him and we got to the owner of the house and these two men. We were asked at what standard we left school. We told him that we left school at standard 1. He said alright we can go it is alright. We will afterwards get the reply.

Yes?--- After that Mr. Mcumbela came again. If I remember it was on Monday. 30

EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Can you remember what month it was?---It was June.

June of 1962?---That is correct, June of 1962.

Yes?---He said we must not leave on Tuesday. He will take us and go and show us a house. There were two men who had come to go to a school but they did not turn up.

Alright, forget about that. Did you then go to this certain house?----Yes.

Whose house did you go to on the Tuesday?---Archibald Sibeko's house. 10

Now did you meet anybody at Archibald Sibeko's house?---We met a gentleman by the name of Nguhla.(?)

And as a result of that meeting with this Nguhla did you go anywhere?---After he had fixed everything, food for the road, he gave us money to go and board the train.

Where did you go?---We went to the station to Bellville. Hy went to the Cape to go and book for us, "gaan booking maak" as he says in Afrikaans.

You went to Bellville?---Myself, Alfred Jantjes and Goodman Suala (?) went to Bellville. 20

Did the train then arrive?--Yes the train arrived.

Did anybody arrive on the train that you knew?---Nguhla came at half past 10 and this train arrived at 5 to eleven.

Did you receive tickets?---We were given tickets by Nguhla my lord.

Now the seats booked for you, were they booked under your own names?----No.

Do you remember the names under which they were booked? ---Gona, Zozo, Mziwatu Mzimkulu (?). 30

Did you receive any instructions from Nguhla as to

what you should do - or rather, where were you going on those tickets?---To Johannesburg.

Did you receive any instructions from Nguhla what you had to do when you arrived at Johannesburg?---He said that when we arrived at Johannesburg we must put on black arm bands and we must also wear black ties.

Were these black armbands and black ties given to you?--Yes they were.

And what further instructions did you receive?---He gave us cigarettes, a packet of 10, and there was an address written on it. There was an address written inside this cigarette box of ten.

And where you told what would happen when you got to Johannesburg?---No he did not say what was going to happen, but he said we would hear, after having arrived at Johannesburg.

Did he tell you the name of anybody you would have to meet there?---Yes.

Yes?---He said we must go to Commissioner Street, Commissioner Trading Company, B.39, Kandilale Maudley, Hodgson(?) to him we must say he must call us Jack Hudson or Olga Sisulu.

Now you then boarded the train at Bellville?---We did.

Now did anybody come to see you whilst you were on your way to Johannesburg?--Yes

Who and where?--I remember at the station, it is a woman, the wife of Archie Jantjies.

Now do you remember what day you left by train from Bellville - can you remember the date?---It was on the 13th 30 June.

1962?---1962 ja.

And when did you arrive at Johannesburg?--- On a Thursday at half past two.

That is the first Thursday after the 13th June?--- That is correct.

Now when you arrived at Johannesburg Station, what did you do?---We put on the black armbands and put on the black ties.

Yes?---We sat until up to 3 o'clock. We saw that no-one turned up.

14

Yes?---We saw a railway policeman who had some uniform on with red cuffs here and red around the neck of the tunic.

Did you eventually take a taxi?---Yes we did.

And did you go to the address that was written down for you?---Yes we did.

Did you go in there?---Yes we did.

And whom did you meet there?---Kalal Motley (?).

And did anybody come and fetch you at this place later on?---Yes.

20

And where did this person take you?---He took us to the Murabi Hotel.

Who was the person who came to fetch you there?--- He said he was Kumalo.

Now at this Hotel how long did you stay there?--- We had stayed at this hotel for 3 weekends.

Now when you got to this hotel with Kumalo, who booked you into the Hotel?---There was a non-European woman.

Did Kumalo say anything in regard to you to the people at the Hotel?---He said/us and told us that some-one would come and pay for our sleeping accommodation and food

30

And what were you people supposed to be?---We were just a parcel that is all.

But were you given any instructions, in case people asked you what you were doing there, what you were to say what you were there for?---Yes, it was said that we had to say that we were members of a football team and we were going to play football.

Now after you had booked in you were taken to a room, is that correct?---That is correct.

Did anybody come to visit you there that same day? 10
--- Yes that is so.

Who?---Joe Modise.

Now did you meet any other people at this hotel at that time?---Yes.

Who did you meet there?---Mathews Makalima..

Do you see the people here?--I do.

Will you point them out to the Court?--I can yes.

Yes well point them out.---No. 3, No. 4, No. 5, No. 6 and No. 7. That is all.

You did not see No. 1 and 2 at the Hotel.---No I 20
did not.

Now whilst you were at the hotel, did you do anything, or just stay at the Hotel? ---No we were just sitting there.

Now you said you stayed there for 3 weekends.---Yes.

After that what happened?---The witness indicated with his fingers the third weekend we left.

Yes alright. How did it come about that you left?
---One Elias came there.

Do you know his other name?---I just know him by the name of Elias, I do not know his other name.

Elias came there - yes? What happened?---When he came there we were out, we had gone there to drink. We came back and he was still there, he had not left, and we found him there.

Yes?---He said we must have supper first and he would like to see us after supper.

Now when he said this, were the accused whom you pointed out, 3, 4, 5, 6, and 7, were they present?---Yes they were.

Alright - and then, after supper?--- Before we had supper Elias had left with accused No. 3. After we had had our supper he came back and then said we must collect our luggage. 16

Yes, and then?---We came out of the Hotel and we turned to the right.

How many were you together then?---...

He need not give the names.---Roughly about 14 or 15.

And that 14,15, did that include the 5 accused you have pointed out, yourself, and Alfred Jantjes who had come with you from Cape Town?---Yes. 20

Now where did you go then?---We went to some double-storey building.

How did you get to this double-storey building?--- By foot.

Did you cross any railway lines going there?--Yes.

And this double storey was it near to the railway line?---Yes it is.

Now when you came to the double-storey house, what happened - who did you meet there?---We went inside.

Did you go upstairs?--Yes we went upstairs. 30

Yes?---When we got there there were a number of other

non-Europeans sitting there.

Were there any you knew or met there that you can remember the names of?---There were some of those and I still remember the names.

Can you tell the Court any of those names?---
Johnny Makatini and Joseph Jack and Mloyi and that is all.

Were you told where this person Joseph Jack came from? when you met him?---Yes.

Where?---P.E.

Port Elizabeth. Now what happened further at this double-storey building?---We were told we could go. 14

Did all of you then leave?---Yes.

And did you go downstairs?--Yes we went downstairs.

What did you find when you got outside?--- A panel van, two Combis.

A panel van and two Combis. Yes, what happened further?---We were told to get on. There was a Combi which was stationary just behind the panel van. That is the one I got into.

Now did you see Joe Modise there again and Elias, 20 where they there?--I saw them yes.

And did they also get into the combis?--Yes he did too.

Who?--Joe.

And Elias?--No he did not.

Now, after you had got in, what happened? Did they drive off?---Yes they drove off.

And can you tell the Court anything that happened on your journey?---Yes. When we got to some big town, there is a big road crossing there. At that stage the panel van 30

was travelling in front followed by these two combis and it was stopped by a speed cop. I did not hear what he said, he spoke, but I did not hear what he said.

Was it at night?---It was at night yes.

Now after..did all three vehicles then again move off?---That is correct.

The van in front?--Yes the van in front.

And did the van stay in front all the time?---The panel van's lights gave in, and as a result of that it travelled between the two combis. 11

How long did you travel in these three vehicles? ---We travelled the whole night, until about 4 a.m. We found where the road was barricaded, 'a bont paal' as the witness calls it.

And what happened at this coloured pole?---There the combi stopped. Modise came and enquired why the combi had stopped there. It is not the first time that he went there my lord.

What happened further?---The combi reversed my lord. Modise said we had to take out cases and pack it into the 20 combi. We went round to the place where these people were guarding here at this 'bont paal' as the witness calls it.

You went round? You walked round?--Yes we went round and into the road.

And where did you go from there?---We went to a place Lebatsu.

Lobatsi. What happened when you got to Lobatsi?-- We got there at about 5 my lord, in morning. I slept when we got there. When I woke up there was Modise, there was no driver. 30

And those who had gone with you, were they still

there?---Yes they were still with me.

What happened further?---After that Joseph Jack and Makatini came and said we had to go to Palapye.

Yes?---We went until we got to Palapye.

How did you get to Palapye?---By rail.

Who gave you the tickets?---Joseph Jack.

What time did you get to Palapye?---About 2 in the night.

When you got there where did you go?---We went to Mpo. 10

Who is Mpo?---Well that is his name, his name is Mpo my lord.

Yes, and then?---I think we stayed there for three days my lord.

Yes?---We left from there and we went to Masalogi.

Where is that?---That is the border of Francistown and Southern Rhodesia.

Oh I see you went to Francistown, or just outside Francistown?---After leaving Francistown and having travelled for about a mile, we turned to the right. 20

How did you go from there?---By lorry.

Yes go on.--Until we got to Masalogi. When we got to Masalogi there we found two three-quarter vans, (as he calls it). We travelled by these vans to Bulawayo.

There at Francistown or Masalongi, did anybody join your group who had not been with you before?---Yes.

Who joined your group?---That is James Chirwa.

Do you see him here?---Yes.

Which is he?---That is No. 2.

Yes and then?---There were two of them. 30

I see.---There was another one who called himself

Booyesen my lord. Whether that was his correct name or not I would not know.

Yes and from there where did you go?--We went to Masalongi.

Yes from there?---

BY THE COURT : In the three-quarter vans they went to Bulawayo.--That is correct my lord. From there we went by the three-quarter vans to Bulawayo. We got there at 8 o'clock in the evening. The train had already left. We wanted to sleep on the station, and the policeman said that we could not unless we had tickets.

EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Yes?--We went to a hotel where we slept.

Alright. And the next day what happened?--- My lord the next day we went to some station, I am not sure of the name, Ipompi or some such station, that is 11 miles from Bulawayo - 7 to 11 miles.

How did you get there?---On foot. We were walking three abreast.

Now at this station what happened?---There we got some tickets and we boarded a train and we left.

Who bought the tickets?---Mloyi.

You left and where did you arrive?---We arrived at Lusaka.

And from there?--- At this side of..

First before you go on - did anybody meet you at Lusaka?---Yes.

Who met you there?---Joseph Jack and Joe Makatini.

Then you left from Lusaka and where did you go to?

---To a place 11 miles from Tunduma,

30

Yes and what happened further? Tell your story?---

---We went on foot and went to Tonduma.

And from Tonduma - where is Tonduma?---That is on the border of Northern Rhodesia - it is a little town on the border of Northern Rhodesia, and Tanganyika.

Now what happened at Tonduma?---We got to the office of Unip.

United Nationalist Independence Party - is that what it stands for?--I don't know what it stands for.

BY THE COURT:

Kaunda's party?--Kaundas party.

10

EXAMINATION BY MR. TERBLANCHE (COTD)

Yes, you went to the offices of Unip, and what happened?--- There we found a non-European policeman. He had a pair of gray trousers on, a white shirt and he asked us where we came from. Makatini told him that we were from South Africa. He gave us a paper and said that we had to write our names on this paper. Makatini then wrote our names on this paper, and he gave it to him. This policeman then went to the Immigration Office my lord. He came back and said that we wererequired at the Immigration Office. 20 We did not want to. He said then we must sleep at Tonduma we must not go through to Mbaya. This man wanted to ring to Dar-es-Salaam first whether there is an office or whether the N.C.A. know this at Dar-es-Salaam. The next day he came with big police lorries and took us to the police station at Mbaya. From there we were taken to some recruiting Camp my lord and there I think we stayed for about three days.

And then, where did you go from there?---From there we got pass to go to Dar-es-Salaam.

30

Did you also get tickets? How did you go?--By bus.

AT THIS STAGE THE COURT ADJOURNS
FOR THE TEA INTERVAL.

ON RESUMING AT 11.30 a.m.

ISAAC RANI still under former oath:

BY THE COURT:

He was about to tell us how they were passing on to Dar-Es-Salaam. ---We arrived at Dar-Es-Salaam my lord. There we met one Mrs. Thabanisa (?). She took us by car to the Trade Union Office. The A.N.C. offices were 10 locked. We sat there until one James Radebe arrived. His name is Zenzele Ngalo. He took us to the house of one Mrs. Khabaniso. There we slept. The next day when it got light we went to the A.N.C. Office.

A.N.C.---A.N.C.

A.N.C. - what does that stand for? ---African National Congress, that is what they say what it stands for.

And this African National Congress offices, is that the African National Congress of Dar-es-Salaam, or which 20 African National Congress? ---It is at Dar-Es-Salaam the African National Congress.

Yes but now which African National Congress is it?

BY THE COURT:

Is it the one that belongs to Dar-Es-Salaam or to any other part of the world?---That I cannot explain, but the people that are there are the people from Dar-es-Salaam.

EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Yes and you were now at the A.N.C. Offices?---We got Khabaniso. 30

Yes go on?--We were there for quite a time my lord.

Mr. Tennessee Maklwana came there. He took us to some other building there. There we received the injections for yellow fever and small pox. He took us to the Immigrations. When we came back they sent Joseph Jack to take little snaps of us.

Yes?---After he had taken these little snaps of us he took us to the office. The following day Tennessee Maklawana came to me. He said at 5 o'clock in the morning I had to come to the office. I must not tell the others.

Before you get to that, after the snaps had been 10 taken from you, did you receive anything again?----No we were not given anything at all.

Were you at any stage given any papers, documents?
---The day we left we were given some papers yes.

Will you just look at these papers. (He is being shown those marked 8A, 8B and 8C).---Yes.

Those are the papers that were given to you?--
Yes these are the papers.

Alright. Did you meet any other people at Dar-es-Salaam from the A.N.C ?--Yes my lord, there were other 20 people that I met at Dar-es-Salaam.

Can you remember any of their names?--Yes.

Yes?---Henry Fazzi.

Who is Fazzi?---No. 1.

You met him at Dar-es-Salaam.---Yes.

Did he join your group from there?---No.

Oh I see. Alright - who else did you meet?--Jaman, Zoni, Sandile, Tamisani, Tami.

Do you mean the person called Oliver Tambo?--Yes he was there.

Did he have anything to do with you people?---
He would come there where we were, my lord, and he would
speak to Johnny.

Is that Johnny Makatini?---Johnny Makatini.

You said somebody came to you and told you to be
ready the next day and not to tell the others. Who was
that person?---Tennessee Maklawana.

Now what happened the next day?---When we left
out of the yard of Princess Margaret Hospital we met a car.
A car took us from there and took us to the house of 15
Tennessee Maklawana.

Yes?---After we had arrived there Tennessee
Maklawana said we will go to go and train to be soldiers.

Did he say where you were going to be trained to
be soldiers?---At Ethiopia.

Yes? After that what happened?---After that we
were given these papers, papers to go to Ethiopia. And
each one was given £2.10.0. pocket money.

Yes, go on.---We took a bus and we left.

Yes?---We got to Nairobi in Kenya. 25

Yes?--There we met Fazzi.

Who is Fazzi?---That is No. 1.

At Nairobi?--Yes.

And from there?---From there we went to Ethiopia,
and from there we took a plane.

From Nairobi?--From Nairobi we took the plane.

Where did you land in Ethiopia?---Da-bra-zid.

And who met you there?---Captain Mamo. Lieutenant
Kubana I am sorry.

Do you know the person on this photo?--I do. 30

Who is he?---Yaja.

And who is he?---I think he is a First Lieutenant.
He has got one button.

In which army?---Captain Memo's army.

Is that the army of Ethiopia where you are?--Yes.

(Photo 2J handed in). Now just before we go on,
how did Chirwa arrive at Nairobi, do you know?--Yes I know.

How did he arrive?---We were at Dar-es-Salaam at
the time, and he came by plane.

Now you have arrived at Da-bra-zid in Ethiopia,
and you were met by a captain.---Yes. 1

Can you tell the Court what happened further?----
He gave us sleeping accommodation. He gave us our belongings there., two pairs of trousers and two shirts. And a pair of khaki trousers. A water can and two pairs of boots and canvas shoes and a beret and a belt and two pairs of sheets, and two blankets and an overcoat. And a raincoat and a steel helmet.

Yes and what happened further?--We were taught how to drill for 3 weeks.

What kind of drill did you do?---We drilled 2
left-right, left-right.

That happened for 3 weeks?--That happened for 3 weeks yes my lord.

And after that?---Then they came along and they gave us the course that we had to take. We had to start to take this course.

What was this course called?---A Command Course.

What were you taught in this course?---Lots of things.

Tell us about these things?---There are some of 3
them that I know, but some I have forgotten my lord. 30

Yes?---What I do remember is hand grenades, swimming.
Just a moment. This hand grenades - what were
you taught about hand grenades? --How to throw it.

Right, and swimming. Now what else were you taught?
---Also machine gun.

What were you taught about machine guns?---How
to load and unload and so on.

And were you taught to shoot with it?---We were
only shown how to use it, but we did not in fact use it.

And what else were you taught?---Air mount rifles.
To fire with it.

Did you actually fire with a rifle?--Yes we did.
What else?---My lord I have forgotten some of
these.

Were you taught anything about pistols? You have
now told us about rifle, and about machine gun.---Yes we
were taught about pistols too.

Did you also fire with pistols?--Yes we did.

What else were you taught?---Reconnaissance.

That is going out in a patrol?--That is correct. 20

Did you actually go out in such patrols?--Yes,
we did.

And except to go out in a patrol, what did they
tell you about a patrol? What did you have to do when you
go out?---We were told what to do.

Can you remember what you were told?---We were told
that we would be firing at others with blank bullets.

And did you do that?---Yes we did.

INTERPETER: I believe Nr. 7 accused is saying the witness
is using words that he does not understand.

BY THE COURT: He can ask him later when his turn comes to

cross-examine.

EXAMINATION BY MR. TERBLANCHE (CONTINUED):

What else were you taught that you can remember?---

The word is ambush, what it is I don't know.

What were you taught in regard to ambush?---

Blocking paths of others, blocking the road.

Yes, what else?---Also about a jerry can and various other things.

A Jerry can - what is a jerry can?--You put petrol into a drum. You stir detonating cord into it. You put in 10 a plastic charge, put in a detonator and a safety fuse and then you set fire to it.

And then it explodes?---Then it explodes yes.

Was that the only kind of explosive you were taught about?---No.

What else?---There are many others, demolition.

What is that? Blowing up of buildings, bridges and things?---Blowing up bridges, or something like that.

What is used for that?---T.N.T. and detonating cord, a safety fuse.

20

Anything else you can remember? Let me put this to you - do you know a thing you put on the front of a rifle, a sharp thing?---Yes, that is a rifle grenade.

Were you taught anything about that, how to use it?---Yes we were.

Did you actually use it?---Yes we did.

Anything else you can remember?---Mine bombs, boobytraps, bazooka.

What is a bazooka?---Something like a pipe.

And then what do you do with it?--You fire with it. 30

How do you fire with it? ---From the side, a vizier.

A peep sight, and then you go up to 300 or 400 whatever distance you fire.

How do you load it?---You first close up the safety, there is another thing higher up to unload it. To load and unload, you take the safety pin off the rocket, you put it in here at the back, after you have finished doing that you give the sign that you are finished now loading it. Then you fire.

Anything else you can remember?---Indication of target.

15

Now what is that?---If you want to explain to a person which you don't see, to describe to him whatplace.

I see. It is when the person who is firing can't see the place where he is firing?---Then you indicate to him how many degrees from 12 o'clock. First Aid.

You were taught First Aid. Anything else?---And something else they call escaping.

Now what was that? Can you describe it to the Court?---When you perhaps run away from the place, how to run away. How to go about to get away.

20

I see - what methods to use to get away?---That is how to act not to be caught, in order to escape or get free.

Anything else you can remember?--I think I have forgotten the rest now.

I see. Now for how long did you undergo this training?---Three months.

And did all the accused who were in your group undergo the same training as you? ---Exactly.

All of them?--Yes all of them.

30

Now after the three months was up, what happened?

---Then we had completed our course, after the three months. A Colonel came there to greet us and also thank us for the way we behaved, and so on.

Yes? And then?---That we are doing good work.

And then?--Now they are our brothers my lord. Should there be anything that troubles us that we don't understand, we should let them know about it.

Yes?---Then the Colonel left. We were called then by the Minister of Foreign Affairs. We went. Bought us some clothing, trousers, shirts, boots, jacket travelling bag, that is all. Then we came back.

Now before you left there, were you given any document ?---Yes.

What document were you given?---Notes of the work that we had to do.

Now excepting the actual training which you received, did you also receive lectures?---We did.

People addressed you, telling you about these things?--Yes we were given lectures. It was also written on the blackboard.

I see, and then you went out and did the things which you had been taught on the blackboard?---Exactly.

You then left Da-bra-Zid again?--Yes.

And where did you go?--To Dar-es-Salaam.

How did you go?---By plane.

What kind of a plane?---Dakota.

When you arrived at Dar-es-Salaam where did you go?
---We went to the office.

Which office?---A.N.C. Office.

Yes,?---We remained there for a couple of days. I

am not sure whether we stayed there for 2 days or what, but we remained there for a few days.

Yes, after that?---We were taken to some place where we had to stay.

And then, when you left Dar-es-Salaam, where did you go?---We went to Palapye.

Did you arrive at Palapye?----No we did not.

Now I just want to..you to describe to me what happened at Tonduma when you returned?---When we came back to Tonduma we got on to a bus. We got off, we left one person at the bus, that is accused No. 1, we left him at the bus. We went by road through the trees, we went to wait for a bus further on. The driver told No. 1 to get off the bus. We were ahead then, further on. We stopped the bus, it went past. A policeman came. He was in civilian clothes, he was not clothed in uniform. He met James Chirwa and Ernst Malgaz.

Now James Chirwa, No. 2 and Ernest Malgaz?--No. 5

Yes?--Myself and No. 6 turned back. We went back to Tonduma. There we met No. 1, No. 3, and Alfred Jantjes. No. 4 and No. 7, they remained there in the bush, in the trees.

In any case, you managed to get across the border there, and later you arrived at Bulawayo, where you were arrested?---That is correct my lord.

Isaac, when they gave you these lectures, and wrote on the blackboard, what did you people do?---Some of them that were educated my lord, took notes, wrote down notes.

BY THE COURT: Can you tell me in what language were you instructed in these lectures?--In English my lord.

Did all of you understand it?--No my lord.

EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Isaac, I want to show you a photograph. I ask you whether you know that photograph?--I know it.

Where was it taken?--In Ethiopia

And who are the people who appear on that photograph? ---The one on the left here my lord is Sandili...

Are the accused on that photograph?---The accused are all on this photo here my lord. (Exh. 2J).

MR. TERBLANCHE: No further questions.

10

ACCUSED NO. 1 INDICATES THAT HE WISHES TO CROSS-EXAMINE.

THROUGH THE INTERPRETER:

CROSS-EXAMINATION BY ACCUSED NO. 1:

You have said in this Court that you have seen me at Dar-es-Salaam?---Yes.

What time?---It was in the morning.

What did I say, where was I coming from?---I did not ask you where you were coming from.

How did it happen that we saw one another again at Nairobi and we had met at Dar-es-Salaam?---You remember 20 that you came there in the morning to greet. You were in the company of Jamani, my cousin.

What did I say when I greeted?--You just greeted us and you said that you were going.

What did I say, where was I going to? --- You did not say where you were going to.

Did you meet me at Nairobi?---Yes.

Who did you find was I with at Nairobi, and what were we doing?---Jamani, Zui, Tami, Sandilagabe and you were the fifth person.

31

You said we must wait at the busstop.

Did we say you must wait for us at the bus stop?

---You had to wait for us at the bus stop.

Who was it, myself and who?---I say it was you, Zuli, Jamani, Tami, Sandilagabe.

And after that what was said?---McDonald Masala and Sekane they gave you a note. It was given to you by Oliver Tambo that he had to give it to you, and take that squad and hand it to the leader of the whole platoon.

Would you explain to me what a platoon is? I 10
don't know what it is?---It is people, more than 20. A
platoon is 20 people. There we were shown the platoon
and squad at Ethiopia.

I am not at Ethiopia at the moment. I am speaking about the note which was to be handed to me. That is what I am referring to.

Is there any mention made in this note that I was going to be a leader of a platoon, and hand this platoon over to another squad?---The platoon, I have just explained to you, that it is people, more than 20. That is a platoon.

I want you just to answer my question, that is all. I am not speaking about Ethiopia at the moment. I am asking you whether there is any mention made in this letter that was to be given to me about a platoon?--I said no from the beginning there was no mention made of it.

You have told the Court about the platoon, that there was no mention made of it in the letter that was handed to me. How am I to know what a platoon as such is? ---Why I mentioned to you about a platoon, we were both taught as to what a platoon is. You were with us when we were taught

what a platoon is and you know about it, you know what it is. You were the leader of us taking us to the office.

You must not mix matters up like this. I want you to speak about things which the Court clearly understands. I am speaking about this letter now. Do you say that I had to be given that letter and then I had to leave there and my place which I occupied at the time had to be substituted by someone else? ---Yes you told us, you told us, you were teaching us.

You said that I read out a letter to you. Where were we at the time that I read out this letter? ---We were standing at the bus stop, at Nairobi. 10

When you got off this bus, did I then read this letter?---How could you read the letter when we got off at the bus stop when we were still in possession of the letter. You didn't have the letter then. We still had it.

Do you now say that when you people got off the bus I was reading the letter?---Yes.

Do you agree now?

BY THE COURT: (to the accused)

20

He says he brought the letter to you.

INTERPRETER: The question now is 'do you admit that I read the letter to you at the bus stop?'

BY THE COURT: (to the accused)

Yes he says he brought the letter and he gave it to you.

WITNESS : You read the letter and you said that Oliver Tambo said that you had to take us and hand us over to another squad.

CROSS-EXAMINATION BY ACCUSED (CONTINUED):

Do you say that mention is made in this letter that I was taken away from there, I am no longer the leader?--You 30

said that.

No you must reply to my question.

BY THE COURT (to the accused)

Yes his answer is a reply. He says you did not say the letter said so. You told him that you were no longer the leader.

CROSS-EXAMINATION BY ACCUSED NO. 1 (continued):

At this place where you say you people were that I don't know about, why do you now tell the Court that I became a leader?---It happened this way my lord. (witness 10 speaks about a 'Judas student' which is not interpreted) That is what you said. You were the authority amongst us, (the big man as the witness calls it).

Now when we got to this place that you say that we got to, why was I then selected to be a leader at that place where there was one?

BY THE COURT: to (accused No. 1)

How do you know there was one if you were not there?

ACCUSED NO. 1: My lord the witness has said that I was a leader from the beginning but I was taken off that. Now 20 I am a leader again?

WITNESS: I want you to understand clearly, it is not the leader at Ethiopia that was put there by Willie Matambo. You were placed there by Captain Mamo to be our leader there at that place. You were the man commanding, you were the man showing us how to drill.

CROSS-EXAMINATION BY ACCUSED NO. 1 (ctd):

You say that I was the leader when there was another leader, and you say that I taught you how to drill. What do I know about drilling?---You were also taught there. 30

After I was taught, then in turn I again taught you?

----Yes.

You have said in this Court that when you got there you mentioned the person who had taught you to drill at that place.---Yes I did.

If we were taught together, how did it come about that I had in turn again to teach you people, whereas I was with you when we were being taught as you say?---Well that happened. You did teach us.

You said that I was at the bus?---Yes.

You had already got off the bus?---Oh yes. 17

After you had got off the bus, where was your luggage, your belongings? Were they still in the bus?--- We had them with us, our suitcases.

WITNESS: The reason for you remaining at the bus was because there was a lot of luggage of the people in the bus, because they would ask 'where are the people of this luggage' at the Immigration Office. That is the reason why you remained at the bus.

Do you think now, as you say, that remaining at the bus, should I be asked at the Immigration Office as to whose luggage it was, how was I to say whose luggage is this? I did not know whose luggage it was. I had a passport to go over the boundary to go and report at the Immigration Office.---You must remember Machene(?) said when we went out we must leave you at the bus, anyone that we wish to leave at the bus we could, to look after our luggage. When the bus comes to the Immigration office then you must get out to make a report at the Immigration Office. When you come to the Immigration Office you must ask for Change. 20

BY THE COURT: When he returns to the bus all of them come and board the bus. INTERPRETER: Yes my lord then he has to

leave with the bus.

CROSS-EXAMINATION BY ACCUSED NO. 1 (continued):

Did you not think that, being so much luggage there, and if we get through the immigration office, did it not come to your mind that they would ask there as to whose luggage this is?---The reason why you were told when you get off this bus get the change to go and report, you must not go to report to the Immigration Office, you must only go there and ask for change. Because when we go there to report our names would be taken. That will be published in the papers. If you go to the bus in front, you must get off at Nakwane. There we would get the permits to go further on. That is the reason why you were left in the bus.

Do you know the Immigration? ---You must not ask me about Immigration - you know it, not me. You go on the other side about 11 miles from the Immigration Offices.

Do you know what is done when one gets to the Immigration offices, what is done with one? When you get by the gate?--I don't know mister, I don't know. YOU know.

If you say I know what is being done at the Immigration Office, have I ever worked there?

BY THE COURT: No he has not suggested that, What is the next question?

ACCUSED NO. 1: (Cross-examination continued)

Do you know that at Immigration Offices your luggage is searched, and your passport is looked at?---I said I don't know. YOU know.

ACCUSED NO. 1: No further questions

CROSS-EXAMINATION BY ACCUSED NO. 2: (not through Interpreter)

My question is this: I want to know: did I ever say meet me in Bechuanaland Protectorate?---Yes.

And what I say where I am going to?--You did not say where you were going to. Modise told us, the whole group, as to where you people were going including yourself.

And this friend who told you, did he tell you what nation I am?--Yes he did.

Did he say what nation I am?--He said you as a Nyasa.

10

Now you have not got questions to ask him, when he is a Nyasa, where he is going to?---We were told not to ask questions.

Who said that?---Modise.

This Modise you are talking, what nation he is? --- Modise is your brother-in-law. I do not know what nationality Modise is, whether he is a Bechuana or not.

But the witness know about this Modise, where he stay?---I know that he lives in Johannesburg, I don't know where.

20

And did you know that Nyasa always, when he going to Nyasaland, in the part for Hastings Banda, he passed through from Bechuanaland Protectorate?---That I don't know.

I am finished with that my lord and I am still continue with other questions. When I was in Dar-es-Salaam where he meet me?---We were in the same building, except in separate rooms.

When these people who was going to Nairobi, where I was?---At the time when we were going to Nairobi there was a list of names of people who had to go to Nairobi. Your name was not on that list.

30

How I passed through when my name was not there to go further to Nairobi when my name was not there to go further?---Oliver Tambo., there were 15 names. When we got to the house of Tennessee Maklw and we were said that the fifth person was Eric. He could not go with us. Tennessee had spoken about 20 people who he had to go and train, but now we were only 19. Then James Chirwa had to substitute this 20th person. We were only 19, then you would then be 20 as selected previously that we had to go there. 10

What is this mention of Oliver Tambo?---I don't know whether he is a Fingo or what he is. I have said that we were told not to ask.

What nation there was all that group that was in Dar-es-Salaam?---I know of 5 people who had said that they were Basutos from Bloemfontein. That is all I know. They told us themselves that they were Basutos from Bloemfontein. Modise told us that you were a Nyasa. We heard through him that you were a Nyasa.

How many Nyasa people there was to that group?---20
We were told that you were the only one.

Alright. I am coming again to Nairobi.---Yes.

In Nairobi when I leave Nairobi, where you was at that time?---Where were you going to?

In Nairobi - he said I found you in Nairobi.--Yes. You found us at Nairobi. You got there when we were there already.

What kind of paper I have when I was travelling to go to Ethiopia from Nairobi? What kind of passport I have when I was travelling to go to Ethiopia?---The same as mine 30 that I had. It was the same travelling passport I had.

BY COURT:

The one th~~e~~ you pointed out just now?--Yes the one I pointed out here.

CROSS-EXAMINATION BY ACCUSED NO. 2 (CONTINUED):

I want to take this passport, my passport and their passport, any stamp to go to Ethiopia, or they are all the same, his passport and mine? I want to see that.

BY THE COURT: ^{to} (accused No. 2)

What are you asking? Are you wanting to see your documents with which you went to Ethiopia? 10

ACCUSED NO. 2: No because my document is not through to Ethiopia. It is not through, it is not true what the witness is saying. My passport they cancelled to go to Ethiopia, when they were putting a stamp in in Dar-es-Salaam. Because I am not one who lives in Ethiopia with this group. So that is why I say my passport has got a scratch on it, their passport has not got a scratch on it.---You said when we came, when we were arrested, you said why did we say that you were with us and in fact you were not with us. I then told them the reason why I made mention of you, 20 because we all travelled with the same documents. You said that your document where it has been chopped you had made a cross with a ball pen. You said so.

You believe that they can put a stamp on and myself to put a cross my own self, on a passport?---You made that cr oss when we had come back from Ethiopia.

When I come back from Ethiopia I say where I am going to?---We were all heading for Dar-es-Salaam.

Dar-es-Salaam is my neighbour, next to my home in Nyasaland, so do I say whether I was continue to come to 30 South Africa or where I am going to? ---No I did not ask you.

When we come up to the train in Lusaka what is
beind done in Lusaka?---Such as what?

Suchlike to our journey to come back here?---We
got to Lusaka my lord and we got our tickets. One ticket
for two, one ticket for two. You took one third-
class ticket. We got into fourth class.

Why I take third class you take fourth?---Because
we were told to spread into groups of two.

Who was giving the order ?---Our leaders.

Who is this leader?---No. 1 and No. 5.

10

What nation these no. 1 and no. 2- what nation
they are?---No. 1 is a Xhosa. No.3 is a Fingo.

So to travel with you people from South Africa,
I have to get order from you people? I am asking I have
got a right to the people to which one I don't know them.
--I don't know.

And In Nyasaland how many people train
do you know to be a soldier to defend Nyasaland country?
--- I don't know what you are asking. You should know.
I don't.

20

Because I hear he saying I was go with him to
train.---I said so.

Are you not mistaken?--No I am not mistaken.

You don't say that I was with you to train in
Ethiopia.---Yes your nick name was Aboo. That was your nick-
name. False name.

When we was in the street, this name of Aboo ,
you were using to call me Aboo also?---Yes.

All these people they know about this name I was
Aboo?--Oh yes very clearly.

30

Aboo who?--I don't know your surname.

How can you know my nick-name Aboo and you don't know my surname?---We were calling you by a false name Aboo. We were not calling you by your surname.

Oh I see. And the thing he talking, I believe on my side is not quite sure what he talking. It might be because he find out myself I am a Nyasa, so he just want to press me down because I am a Nyasa. ---The truth is this, that you are trying to get me into trouble, because you know about this, and you are afraid that I might disclose information. 10

How this person can say myself I want to press him down, this person is from South Africa, myself I am from Nyasa. I belong to my own Congress. ---Well how do I press you down? I have told this Court that I met you at Francistown.

When you say you meet me at Francistown, I don't believe you meet me. It might be someone else that you were meeting. How many we was in Francistown?---The answer is this, that you know very well, and when I say this you know very well that this case is not as soft as fat. 20

It might be that this State witness when he saw me, I am sitting inside this box about this business what he want to put me, to betray me to be a soldier. I don't believe him because I know...

BY THE COURT : That is not a question. That is a statement. The next question?

ACCUSED NO. 2: Thankyou sir, my lord. The question which I want to ask: how many people in Nyasaland they was joining the war in the Second World War?

BY THE COURT: You are crediting him with a lot of knowledge 30 if he was to say how many Nyasas went to the War. He would

not know. Do you know?--ACCUSED NO. 2: Nyasaland is my home my lord.

Yes but now how would he know how many Nyasas went to the Second World War.---He is putting in a difficult way to say I was going to train. Why I go outside to train? I got right to train in Nyasaland.

He does not say that you have no right to train in Nyasaland. That is not what he has said.---And the place which he mentioned in Ethiopia is a place which one I don't know one day my lord. 10

Any further questions?--No I think it is finished. Thankyou very much.

AT THIS STAGE THE COURT ADJOURNS UNTIL 2.15 p.m.

ON RESUMING AT 2.15 p.m.

WITNESS ISAAC RANI still under oath:

CROSS-EXAMINATION BY ACCUSED NO. 3:

The first thing that I want to know from you : do you understand English? ---You know very well that I can speak Afrikaans and not English.

Don't you understand nothing at all as far as English is concerned?---I do understand some of the words, but some of it I don't understand. 20

I want to know this from you, at the time when you were at ETHIOPIA, in what language were you taught about all these things that you have been telling the Court about?

BY THE COURT:

He said this morning that the lectures were in English, and some of them did not understand it.

CROSS-EXAMINATION BY ACCUSED NO. 3 (continued):

How can you explain to this Court about matters which

you do not fully understand?---If there were matters which we did not understand, there were people who would explain to us what it meant. MacDonald Masala and Ganti Segana (?)

I want to know from you how did you manage to explain to the Court the matters that happened over there. You have just said that you do not understand English? Are you not mistaken, or do you say now that you know English because you have been taught?

BY THE COURT: (to accused No. 3)

No he said that he did not understand everything. 10
He understands some English, but not everything. What he did not understand MacDonald and Ganti explained to him.

CROSS-EXAMINATION BY ACCUSED NO. 3 (continued):

I have just asked you now whether you know English. You said you did not know English. Do you know it now? --- My lord I think the person here putting the questions is mistaken. I never said that I knew English.

You say that when you got to Nairobi you were handed over to Fazzi. Were you handed over with those whom you had mentioned as a platoon?---(answer not interpreted) 20

Do you say when you got to Nairobi you were given a note, and this note had to be given to Fazzi?--Yes.

Where these people a platoon that you said?--
Which people?

Those that you spoke about,---I said the people were four. Fazzi was the fifth one.

Is that the platoon you have been talking about?---
We were twenty my lord.

At the time when you were there did you observe people there such as these that are here in Court now?--Yes. 30

What happened at Nairobi?--Such as what?

I want to hear from you - you are here now?--Such as what?

Something that happened with the people that were at Nairobi.--I don't know.

You were not there were you?--No I was there.

Why don't you know what happened to the people there when you were present? ---You have no right to ask me things like that, because you know of these things yourself. Why ask me about it? 10

Are you the man that can tell me that I have no right to put such questions? I take/^{it}that the Court can say that, not you?--You cannot ask me things which you yourself know about.

I will pass there my lord. You were in the Cape. I am wanting to know from you as to whether you joined these groups as a footballer?---Yes my lord. I joined the school as a footballer.

Did you become a member of this football team before you joined this group? ---My lord I first joined 20 the ball team, the football team, and they are of this group.

Did you consider yourself, or think, that you were a member of this football team?--Yes my lord.

What were you a member of besides being a member of the football team?---I was a member of the football team.

What I want to know is this, the witness having said that he was a member of this football team, I am wanting to know whether he was a member of any other organisation, such as a dancing organisation, or anything like that?---Before I was a member of a boxing club. I left off after that. 30

You did not remain to be a member of this boxing

club?--No I left off being a member. Then I joined the membership of the football team.

You are a member of the football team now are you not?--My lord, after having joined the football team as a member, afterwards it appeared that there was some confusion in the membership of the ball club, they did not all agree.

I don't want you to explain. You must not tell me about the confusion, I want to know just one thing, and that is were you a member of the football team or not?---

Having said that I was a member of the football team my lord I do not know what he wants me to say. I have said I was. 10

Were you just a member of the football team, nothing else?---Exactly.

I think in Court here you have mentioned at the time of your arrival at Johannesburg. You saw some people after having arrived at Johannesburg?---Yes my lord.

Who is the first one that you saw?---Kandilala.

Is that Kandilala that you saw in Johannesburg?

--The first person I saw in Johannesburg? 20

Was that the first person that you saw in Johannesburg, or did you go about in Johannesburg and see others? --- You heard me say that I saw many people, I also mentioned you people, having seen you there.

I want to know about the first person that you saw?---I told you that the first person that I had seen at Johannesburg was Kandiboni and the person that I had spoken to, he was the first.

You said you left Johannesburg and you went to a hotel - would you mention the name of that hotel?---Marabi Hotel.

Who were you taken by to this Hotel?---Kumalo took me there.

Who did you see, the first one to see, when you got to this Hotel?---This lady that took our names down.

After that?---After that I met Modise.

After that? What did he say? What did Modise say to you?--He asked me where we came from. I said we came from the Cape.

After you had seen Modise, where..were there other people that you had seen at this Hotel?--I was not making a mistake when I said I saw the five of you there too. 10

Was I also there?---I was not making a mistake when I said so, yes.

After you left the Marabi Hotel, did you leave with other people?--Yes, that is correct.

Where did you go to?---To Bechuanaland.

When you left the Maraba Hotel you went to Bechuanaland?---Yes.

BY THE COURT: He is telling you the same thing as this morning that they went from the Marabi Hotel to the double- 20 storey place, round the corner turning to the right and from there to Bechuanaland. INTERPRETER: That is correct my lord.

CROSS-EXAMINATION BY ACCUSED NO. 3 (CONTINUED):

How many of you were together when you went to Bechuanaland?---After we arrived at Bechuanaland there were 30 of us. Some were left - we were 30 all told.

What happened there?---From there we left and we went to Palapye.

At some other place that you arrived at were you still the 30 together?---When we were about a mile from 30

Francistown with these people we were joined by two others, James Chirwa and another one.

Did you then proceed?---Yes as you know.

Didn't you see any other person perhaps?---Except the other people about, but no-one who actually joined us.

ACCUSED NO. 3: No further questions.

CROSS-EXAMINATION BY ACCUSED NO. 4:

Do you say that you met us at the Maraba Hotel in Johannesburg?---Yes.

Did you speak to us?---Yes I did.

10

Why was myself and No. 7 left at the border? How did it come about that we were left there? ---That was the time when there was 5 and 2 were arrested. The bus passed us it disappeared into the bush, myself and No. 6. and No. 3. and Alfred Jantjes and you and No. 7, as we were going along with No. 6. you said 'Let us go back'..you and No. 7 said 'alright go ahead'. We went. That is how you happened to remain behind.

Did you meet us again?---Yes. At Tunduma we met them again.

20

No. 4: ACCUSED: No further questions.

CROSS-EXAMINATION BY ACCUSED NO. 5:

(I want to crave your lordship's indulgence to put quite a few questions. BY THE COURT: Yes as long as he does not Put the same questions as have already been asked.)

Did you meet Joe Modise at Francistown?---A mile before we got to Francistown.

But it is still in Bechuanaland?---Yes.

Were we given any instructions by him not to put any questions?---Yes that is so.

30

Were you given those instructions when we were at Bechuanaland?---Yes. Also at the Marabi Hotel, Johannesburg, my lord, before we left, we were given those instructions as well, also at Cape Town I was given those instructions.

What standard did you leave school?---One.

When you joined the A.N.C. Youth League did you know what this organisation was doing? What was their function?---Mcumbule explained to me what the function of this organisation was. He said it was a League that attended funerals my lord.

10

Where are the places where you met them? How many meetings?---Not one.

After that were you told by Mcumbele that such a school would be opened?---Exactly. No I had an invitation to attend that school.

Did you enquire about the school?---No.

Is there anyone that having heard about this school being opened, not enquiring about this school?---We were told by Ncumbele at the ball that no questions should be put or asked.

20

Have you ever tried to ask Mcumbele whether there is any reason why I should not ask questions about these people the ball teams and so on?---He told us not to ask any questions my lord at this club of ball, and the reason why.

Would you tell us the reason why he had said we must not ask questions?---Yes I can tell you.

Well I ask you to tell the Court then.---Mcumbela said to us that the Club of the Ball as it is, the Youth League, is given by the A.N.C. and we will have people arrested when we mention about it.

30

Ever since you joined the football team, did you not attend any meeting at all?

BY THE COURT: He said no. You asked that question before.

CROSS-EXAMINATION BY ACCUSED NO. 5 (continued)

Where did Mcumbele tell you this where you had met?---At home.

Were you alone?---I was alone yes. He told me about the jersey I was alone.

Why don't you tell the Court, you did not tell the court that he said that these jerseys are being bought by the A.N.C. 10

BY THE COURT: (to accused No. 5)

Well how do you know that these jerseys were being bought by the A.N.C.? He has not spoken one word of jerseys being bought by the A.N.C.---He said so my lord.

Well you may have heard something different, but I haven't heard that evidence.---I asked the witness whether he was a member of the Youth League of the A.N.C. and he said yes. He said Ncumbela told him that this Youth League is under the ANC and from the A.N.C. you can buy the 20 jerseys for this League.

Yes, carry on.

CROSS-EXAMINATION BY ACCUSED NO. 5 (CONTINUED): (question not interpreted - merely the answer by the

WITNESS: No I never said Mcumbela said that I would meet some people at Johannesburg when I left my home at Cape Town.

ACCUSED No. 5: Were you given to understand you were going to meet people at Johannesburg on the Station? ---Yes, Nguhla told me my lord.

Did you meet those people that he spoke about?-- I said I did not meet these people at the Station. 30

Collection Number: AD1901

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court
Records 1958-1978**

PUBLISHER:

Publisher:- Historical Papers, University of the Witwatersrand

Location:- Johannesburg

©2012

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of the collection records and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a private collection deposited with Historical Papers at The University of the Witwatersrand.