

Edward
Williamson

11/11/1981
BERGER

IN THE REGIONAL COURT DIVISION EASTERN CAPE
HELD AT PORT ELIZABETH

CASE NO. RC4/11/81

DATE: 18th February 1981

THE STATE versus:

1. G.J.E.G. BERGER
2. D. PILLAY

BEFORE:

MR. J.B. ROBINSON

FOR THE STATE:

ADV. J. JURGENS
MR. P. CROUS

FOR THE DEFENCE:

ADV. D. KUNY

CHARGES:

AS PER ANNEXURE

CONTRACTORS:

LUBBE RECORDINGS (PORT ELIZABETH)

VOLUME 3

(Page 115 - 195)

DN 18.2.81.

PROSECUTOR: May I draw your attention, Sir, to the report that appeared in this morning's Eastern Province Herald under the heading "Government N.I.S. agent faints during evidence in Security Trial". Your Worship while the report is fairly accurate, I must make public my objection to the headline and state that the individual concerned did not faint, that he was indisposed and that he sweated profusely but that he did not go to the extent of fainting.

COURT: I read that too but I was not in Court after - well obviously after I adjourned I did not see what happened. (10)

PROSECUTOR: I wish to place that on record, Your Worship.

K.Z. EDWARDS, sworn states:

CROSS-EXAMINATION BY MR. KUNY:

Mr. Edwards I'd like you to help us in regard to this letter, Exhibit J. You say that you received it from Jeanette Schoon? --- That is correct.

And it was some time early in April in 1977? --- That is incorrect.

1978, I'm sorry? --- That is correct.

And you delivered it late in April 1978? --- That is (20 correct.

Did you make a special trip to Grahamstown to deliver it or were you going there anyway? --- I was going there anyway.

So in the course of other business you just dropped the letter with or at Accused No.1's place of residence? --- That is correct.

Did you hand it to him? -- I handed it to him.

Without discussing it with him? --- Without discussing it.

Now the letter contained no indication at all as to the person from whom it comes? --- That is correct.

The letter as I have got it here. There is no address, there is no date and there is no signature on it? --- That is

/ correct ...

correct.

And when you handed it to Accused No.1 you didn't give any explanations? --- That is correct.

Now you have said that - and perhaps this is where we have some difficulty - when you copied the letter you deleted the initial at the bottom? --- That is correct.

What initial was there? --- The initial "J".

Just "J"? --- Just "J".

Not a signature? --- No signature.

Not "J.S."? --- No.

(10)

Now can you explain to us why that was deleted? --- Your Worship as I explained, when I photocopied the letter I did it for professional reasons other than to present this letter as evidence in a trial. So I made a fundamental error in that I deleted the "J" for other purposes which I may not explain to this Court.

Well I think it is rather important to know why that was deleted. Why can't you explain to His Worship why it was deleted?
(Prosecutor intervenes)

PROSECUTOR: Your Worship it is my submission that the witness has already satisfactorily answered that question. He said it was for professional reasons to do with his undercover work and I would suggest that it is immaterial to the issues in this case what the precise reasons are.

COURT: Was the deletion done in connection with your work? --- Yes.

MR. KUNY: Well yes, Your Worship, this letter has been presented by the State as a seemingly important piece of evidence. We don't have an original, we merely have a photo copy of a document which this witness says existed. We haven't seen the original. We don't know what signature appeared on the original other than

/ what ...

what the witness tells us and now he has said that he deleted that signature when he photocopied and refuses to give the reason why he deleted it. With respect, Sir, as a matter of law my submission is that the witness must tell Your Worship why that signature was deleted. It is not sufficient for him to say "for professional reasons".

COURT: Can you give a little more detail what the reasons are? --- Your Worship I was compiling a document on the Schoons and their network and at that particular time I did not wish the people reading this document to know precisely who had written (11) the letter. In other words, I was using it as an example of what I considered an ANC network in operation. In other words to show individuals in my department just how an ANC network operates and what methods are used.

Show who? Sorry? --- Individuals in my department.

MR. KUNY: But Mr. Edwards I have two problems with that answer. The first is that if you knew that you were dealing with people who were in the ANC and that this was part of the network, then obviously you would have told your superiors in your department about this, who the people were and how they operated. There (20) would have been no reason at all to conceal their identities. On the contrary, you would have wanted to give their identities? --- Your Worship that is incorrect. Our department works on a compartmentalised basis. In other words my activities in relation to the ANC are not generally known throughout the department.

And you will agree, Mr. Edwards, that there is not one word in this letter which indicates that it emanates from the ANC or has to do with the ANC? --- That is quite correct.

And in fact in your evidence yesterday you made it quite clear that you didn't know Jeanette Schoon to be a member of the ANC? --- That is correct, I said that she was linked to SACTU.

/ That ...

That is right? --- Which is a legal organisation.

Correct. So you have a document which you say comes from Jeanette Schoon, not Marius Schoon? --- Jeanette Schoon.

You know that Jeanette Schoon is linked to SACTU but not as far as you are aware to the ANC? --- That is correct.

The letter doesn't indicate that it emanates from the ANC or has to do with the ANC and yet your explanation is that you deleted the signature or the initial because for professional reasons you didn't want them to know who was concerned with it. I'm not sure that I follow your reasoning? -- Your Worship, to (10 explain after many years of undercover work in the field, in June or July of 1977 I was running an ANC network on the instructions of the ANC.

COURT: That is in June? --- That is quite correct.

1977? --- Yes. But the point I wish to make, I was running that network from the beginning of the year but in June 1977 I was approached by Jeanette Curtis who presumably knew that I was a member of the ANC and she gave me a letter prior to her departure from South Africa to a certain Reverend Cedric Mason explaining how they had escaped from South Africa. Now (20 I maintain that this was done because she assumed I was a trusted member of the ANC. And in addition this fact became evident in 1979 when I was instructed by the ANC to break my links with Jeanette Schoon and Marius Schoon as our ANC network had crossed with theirs.

MR. KUNY: Mr. Edwards, I think we need some clarity on that. Let us go back to 1977 when you say you had received a letter from Jeanette Schoon before she left South Africa to deliver to the Reverend Cedric Mason. You made certain assumptions concerning this, you said, about her position? --- That is correct, which were later confirmed ...(interrupted)

Let us ...? --- (Witness and Mr. Kuny speak simultaneously)

... with the ANC.

We'll come back to the confirmation. --- Which was later confirmed in a meeting with members of the ANC.

You assumed, you said, that she knew that you were a member of the ANC in 1977? --- Correct.

You never discussed it with her? --- No.

She never said to you that she was a member of the ANC?

--- That is correct.

Or that she was handing you that letter because you were a member of the ANC? --- That is correct. (10)

And at no stage between 1977 and April 1978 when you received this document from her, did you discuss the ANC with her or your respective memberships of the ANC? --- Your Worship memberships of the ANC are never or hardly ever discussed. However, our conversations were linked to the delivery of clandestine messages, the swapping of information concerning revolutionary movements in South Africa etc. and I assumed from those discussions that Jeanette Curtis and myself were on a similar ground, in other words that we were involved with the ANC.

Or SACTU or some other movement? --- Or SACTU. (20)

And as far as she was concerned, you only knew her to be a member or a supporter of SACTU? --- That is correct to the extent that she instructed me to serve as her agent inside South Africa by loading and unloading head letter boxes in Johannesburg.

On whose behalf? --- On behalf of Jeanette Curtis.

On whose behalf apart from Jeanette Curtis? Simply on behalf of Jeanette Curtis? --- It was on behalf of Jeanette Curtis but myself as a member of the ANC, I was obliged to go along with the request of Jeanette Curtis or the instructions of Jeanette Curtis to load and unload the head(?) letter boxes.

Why did it have to do with the ANC, Mr. Edwards? Why do

/ you ...

you interpret everything in terms of your membership of the ANC? --- Because, Your Worship, I (feel) that Jeanette Curtis would not have approached me to deal with what must be considered sensitive material if I was not trusted by the ANC and in fact a member of the ANC.

How frequently did you used to go to Botswana? --- I used to go to Botswana regularly.

How regularly? --- I was in and out of Botswana many, many times.

How frequently? --- I cannot give a direct - I cannot (10 give a figure.

Every month? --- Virtually every six weeks.

Over what period of time? --- Over a period of three years.

During that time you say you conveyed literally hundreds of letters? --- That is correct.

To whom did you convey these letters? --- Your Worship...

(Prosecutor intervenes)

PROSECUTOR: Your Worship I would object to this question once more. It is my submission that this is not relevant to this case and it is my submission that this would be disclosing sensitive information and I would urge Your Worship to force this witness to disclose sensitive information only when it is imperative to the adjudication of this case, which in my submission it is not. (20 May I say that if in general the question is asked "Was it to many people?" or "To people scattered over South Africa or only in one locality?", on that basis I would not object to the question but if identities were to be made known, it is my submission that this is not relevant.

COURT: Yes, anything Mr. Kuny?

MR. KUNY: Your Worship I am not trying simply to get information from this witness but it is highly relevant to our defence. The

/ State ...

State has charged Accused No.1 with being a member of or with carrying on the activities of or furthering the objects of the ANC. This witness says that he has delivered a letter to the accused, Accused No.1. He doesn't say it was on behalf of the ANC, he leaves that as a matter of inference or implication. But, he says, that he has conveyed hundreds of letters on behalf of the ANC and I am, at the moment, testing this witness' credibility and we would be entitled, with respect, to check up on these aspects, perhaps to bring evidence, perhaps to look for evidence which might assist us in testing this witness' (10 credibility and I am entitled to know, with respect, the other persons to whom he is supposed to have delivered letters in connection with the ANC or on behalf of the ANC. It is highly relevant to our defence.

COURT: Is this information of such a nature that it cannot be disclosed or is it information that is of a highly confidential nature? --- Your Worship I believe that is so.

Would it be damaging to the security of the State in any way? --- Indeed it would.

I think we will leave the matter at that, Mr. Kuny. The (20 ruling will be that we leave it at that, general but not specific.

MR. KUNY: Is Your Worship saying that I cannot put that question?

COURT: Not the specific question to obtain the exact identity there.

MR. KUNY: Right Mr. Edwards, we'll get on to something else for the moment. Now Mr. Edwards you - I'll come back to the letter just now but what you delivered incidentally to the Accused, you say was the original of this letter or a photo copy? --- No, the original of that letter.

Where did you photo copy it? --- On a photo copying machine.

Where? In Botswana? (Court intervenes)

/ Court ...

COURT: Did you deliver the original to the Accused No.1?

--- Yes.

And you made a photo copy or copies of it? --- A photo copy.

One photo copy.

MR. KUNY: In Botswana or in the Republic? --- In the Republic of South Africa.

Was it your practice to photo copy all the documents that passed through your hands? --- The large majority of documents that came through my hands were photo copied. (10

And filed away somewhere? --- They are in the archives, I would assume, of our National Intelligence Service.

And I take it that you didn't delete the "J" from the original of the letter that you delivered, or did you? --- As far as I can remember I did not.

Is it possible that you did? --- As far as I can remember, I did not.

Well I mean you would know whether you did or you didn't. Is it possible that you did? --- Your Worship as far as I remember I did not delete the "J". (20

But you didn't explain to the Accused who "J" was? --- The Accused No.1 ?

Yes. You didn't say to him "J is Jeanette Curtis" or "Jeanette Schoon"? --- I did not. I simply delivered the letter to Accused No.1.

You didn't think it necessary to talk to him about it? --- Your Worship as I have mentioned previously, as a disciplined member of the N.I.S. and at that stage of the ANC, it was not in the modis operandi of myself to discuss these letters with the individuals to whom they were delivered and in particular, the letter to Accused No.1 was not discussed with him. To all intents

/ and ...

and purposes he had no knowledge of the fact that I may have had access to the letter.

What do you mean "may have had access to it"? --- At that particular time he had no knowledge that I may have had access to his mail.

But you had the letter in your possession. How do you mean "had access to it"? You handed it to him? --- That is right but that I had read the letter, Your Worship.

Well I mean it had been in your possession all the way from Botswana to Grahamstown, it would have been a fair assumption that you might have read it. After all if this was from one trusted confidant to another, there would have been nothing secret about it, surely? --- Your Worship, as I have explained, it was in the nature of the ANC, of which I was then a member, not to discuss letters which I handed over in secrecy and conveyed in secrecy by hand, which as far as I know is a violation in any case of the Postal Act, to another member within South Africa.

What has the violation of the Postal Act that you speak of? The fact that a letter was conveyed by hand? --- Yes, the letter was not posted.

Do you mean that it is not permissible to send a letter by hand from one person to another? --- As far as I know it is not, across the border.

A rather strange new provision of the law. And in all this period of three years that you were acting as a courier, you delivered or had delivered precisely two documents to Accused No.1. The one was this letter and the other was the copy of this publication "Rape"? --- No, Your Worship, I delivered the letter directly to Accused No.1 but the second I delivered into the custody of Mr. Van Heerden.

/ No ...

No, I said delivered or had delivered, had delivered by someone else. The point is that you only passed on two documents in all this time to Accused No.1 ? --- That is correct.

And the publication "Rape", was it a banned publication? --- I have no idea, Your Worship.

You don't know. You are not suggesting that it was? --- No.

And this letter was passed on by you subsequent or prior to that publication, "Rape"? I can't remember the date? --- It was after. (10

After? --- Sorry, the letter arrived first in April and the "Rape" arrived later on in the year, in July.

How do you mean "arrived"? Where did it arrive from? --- It arrived from Botswana.

So did this letter also arrive from Botswana? --- No, that letter did not arrive from Botswana. I fetched it in Gaborone, Botswana.

But the publication "Rape" arrived from Botswana? --- That is correct.

Now why should it have been sent to you and not direct to Accused No.1 ? --- The reason, I would assume, is that Jeanette Curtis trusted me to bring about the safe delivery of that publication. (20

Sorry Mr. Edwards. You were saying that it was sent to you because she - you were trusted? --- That is correct.

But what was there to - why did it need to be sent to somebody who could be trusted? Why wasn't it simply sent direct? --- Your Worship as I explained earlier, Jeanette Curtis approached me to handle their mail traffic between Gaborone and South Africa. At that stage I was a member of the (inaudible) and ANC network.

COURT: Approached you to handle their ..? --- Their mail.

/ Their ...

Their correspondence.

Mail to South Africa? --- Yes.

MR. KUNY: Their? Who is "their"? --- The Schoons, in plural, Jeanette and Marius Schoon.

COURT: Is this Jeanette Curtis whose new name is Schoon? --- That is right, yes.

MR. KUNY: You see, Mr. Edwards ...(interrupted)? --- I'm sorry Your Worship, I have not finished.

Sorry. --- And in addition to that the Schoons had made it clear to me that they trusted this courier system which I was running. In other words they were not prepared to use the normal postal services, that they obviously considered their letters to be of a sensitive nature. And in addition to that, letters were delivered to - amongst other people - listed communists and others who were active politically within the R.S.A. (10)

MR. KUNY: You see Mr. Edwards, I'm afraid I've got to take you up on this at some length because you appear to attach a sinister connotation to each and every document and activity to which you have referred. Take this for example. There was nothing wrong with furnishing this publication "Rape" to you or (20 to Accused No.1, was there? --- That is correct, Your Worship, but I was not the person who initiated the process whereby the - sorry, to rephrase that answer - the approach to deliver the letters in this fashion to people, came from Jeanette Curtis. In other words I had no say in the matter as to how many letters she wished to deliver through my network and as you will appreciate in the nature of my N.I.S. work, I was naturally going to be susceptible to these approaches as carrying letters in this fashion could give me a great deal of information which is the trade of the National Intelligence Service, information which can be assessed on an objective nature in order to determine / whether ...

whether there is a threat to the security of the State.

Explain about your network? You have spoken a lot about your network. What was your network? --- My network was an ANC network which (indistinct) from me to Captain Williamson and to the ANC. Through this network came, for example, SAPP publications, which (Court intervenes)

COURT: Repeat that? --- SAPP publications for distribution in the R.S.A. Similarly, reports flowed back through this network to the I.U.E.F. and the ANC.

MR. KUNY: Now this publication, "Rape", was delivered to you (10 under cover of a note asking you to deliver it to Accused No.1? --- That is correct.

Where is that note? --- I no longer have this note.

Why not? --- Because it was on a flimsy piece of paper and I discarded it.

So we only have your word for the fact that the publication came to you with that instruction? --- That is correct.

Was it delivered to you or was it posted to you? --- It was delivered to me by hand.

And I take it that if you had regarded this of any (20 significance, you would have kept the note? --- If I had regarded this of - as being information which could have been of intelligence value, I would have kept the note.

Yes, well significant in that sense. So in other words you didn't regard this as being of intelligence value? --- No.

Now I want to get on to - for a moment, Peter Richer and Lauren Vlotman. Were they well-known to you? --- Very well-known to me.

When you say "very well-known" where did you know them from? --- Rhodes University.

They were both students there at one stage? --- That is

/ correct ...

correct.

While you were a student there? --- That is correct.

And when they went to Botswana, did you see much of them?

--- I saw them there on several occasions.

Where was this in Botswana? --- In Gaborone.

And in Molopolodi? --- No, I did not visit them at Molopolodi.

Did they live in Molopolodi after they had lived in Gaborone or before? --- I am not aware of their exact residential addresses at that stage. All¹ was aware of was that they had (10 arrived in Botswana as refugees, had sought work and finally moved to Molopolodi.

So in other words you saw them in their early days in Gaborone? --- And I saw them in their latter days when they came down from Molopolodi to Gaborone.

Sorry, were they in Molopolodi or were they in Mahalapi? --- As I say, I do not know their residential addresses but they were somewhere in the North.

So in other words ...(interrupted)? --- According to the letter to Accused No.1 it would appear that they were in Mahalapi. (20

Yes, Mahalapi. And you said, if I may just refer you, you said in your evidence-in-chief that you had contact with them only on a couple of occasions in Botswana? --- That is correct.

What does that mean, "a couple of occasions"? Two, three, four, what does it mean? --- I had contact with them on, as I said earlier, several occasions. The precise nature of that contact I cannot recall.

Was it casual? --- Some of the discussions we had were casual and then in the second place, they were requested on my behalf to make contact with Jeanette Schoon.

How do you mean requested to make contact with Jeanette Schoon? --- As I explained earlier, Jeanette Schoon had told me that I could use the Richers if I wished to contact her and this

I did on at least two of the occasions that I met the Richers in Gaborone.

So would you simply meet the Richers and ask them to make contact for you with Jeanette Schoon? --- That is correct.

You wouldn't discuss the nature of that contact? --- No.

Or tell them why you needed to see her? --- No.

And they would simply pass on a message of that nature to her? --- (Indistinct) and Jeanette Schoon would arrive.

So they were merely conduit pipes, so to speak, to pass on a message to Jeanette Schoon of an unspecified nature? --- (10) That is correct.

And as far as you were concerned that was the sum total of your contact with the Richers in Botswana? --- That is correct.

It certainly didn't involve the ANC as far as the Richers were concerned? --- Not to my knowledge, no.

Now this letter, of course, refers to Lauren, who is Lauren Richer presumably? --- That is correct.

You have no idea why that should be? --- I have no idea why that should be, other than that Lauren Richer was a close associate of Guy Berger. (20)

COURT: Of? --- Sorry, of Accused No.1.

MR. KUNY: When you say "close associate", a friend of his? --- Yes, a friend.

COURT: Lauren? --- Yes.

MR. KUNY: As was Peter Richer? --- Correct.

COURT: Which Richer?

MR. KUNY: Peter Richer.

Now you have spoken about codes and your knowledge of codes. This letter could hardly be described as having been written in code, can it? --- The letter as such has not been written in code but there are elements of that letter which are coded, for example "Dear G".

In other words using an initial? --- Ja, that is a code. It could refer to anybody? --- Yes indeed, that is why it is a code.

And you never discussed this code in this letter with Jeanette Curtis? --- Certainly not.

She never said "G means Guy"? --- No.

And of course you also referred to the use of "William" and "William's brother" as being a code? --- That is correct.

Well clearly a question of disguising the identity rather than code? --- To all intents and purposes when those phrases (10 come into operation it is a code, the code which signals the course of events which is about to follow. In this case the illegal departure from South Africa of Accused No.1.

CDURT: Could it also possibly have acted as a pass-word? --- I beg your pardon?

Could it also have acted as a type of pass-word? --- That is quite correct, Your Worship, it is a pass-word.

MR. KUNY: Tell me, why do you say incidentally "Illegal" departure from South Africa? Where does this refer to illegal departure? Why do you immediately assume that it is illegal (20 departure, Mr. Edwards? --- I assume it for two reasons. The first reason is that also in discussion with Jeanette Schoon I told her that there was an illegal escape route operating which she could have access to at any time. She thanked me for that information and said that it could probably be put to use at a later stage. And secondly, if I may have a copy of the letter?

Yes? --- The letter states "In the meanwhile find a place where you could hide out if things were to go wrong. Tell them the address and nothing else with regard to your work. She has been asked to tell the address. Do this quickly. Should anything

/ go ...

go wrong you will be picked up from this address. The person picking you up will ask you 'Are you William's brother?'. You must answer immediately 'No, I am his cousin'. It is absolutely imperative that you get this right otherwise things might go wrong. To get this going i.e. if something goes wrong send Lauren (indistinct) Mahalapi a telegram saying 'Happy anniversary' and sign it by any name."

Now let us analyse that. First of all where does it talk about departure from South Africa? Does it? --- Your Worship I haven't completed my answer. In that particular paragraph, (10 there are hosts of things which to my mind indicate that this is an arrangement for an illegal departure from South Africa.

Ja, well I'm trying to analyse what those things are and I'm going to put it to you that seen through your eyes, your perspective, you being an undercover agent, you might construe it in that way, but where does the letter say it? --- The letter doesn't state it baldly and factually. It impunes this, this process could take place.

You mean implied? --- Implied. Given a number of factors. One, if things go wrong. Two, that Lynn(?) must be given an address. Three, that he must be picked up at that address. And four, the use of a password. And five, to send a telegram to Mahalapi. (Indistinct) that this is a system designed for when something goes wrong. And once again perhaps Accused No.1 can elaborate at some stage on what - when something goes wrong ... (interrupted)

No Mr. Edwards, you are giving the evidence and you are putting a particular construction on this? --- That is quite correct.

You are saying this concerns the possible illegal departure from South Africa and I'm saying that the letter doesn't say

/ this ...

this? --- Your Worship, in my experience and dealing with escape networks and refugees and being a member of the ANC, the very nature of this letter, in other words this - are typical statements here is the method which is employed by ANC operatives and other underground organisations when making arrangements for escapes.

But this letter, as far as you were concerned, was from someone who was associated with SACTU to someone at Grahamstown? --- That is quite correct.

Nothing on the face of it to do with the ANC? --- There (10 is nothing which openly says that this letter is an ANC letter.

And nor did anybody tell you that it was and nor did you discuss that with anybody? --- But, Your Worship, Counsel asked me to answer that particular question and I've answered it to the best of my ability.

And you see you talk about illegal departure but the letter says in two places "make an effort to see us in June and July" it says at the end of the first paragraph and at the end of the letter "please make every effort to see us in June and July". "See us" would presumably mean "See us in Botswana" --- (20 Yes, Your Worship, but ... (interrupted)

No suggestion that there would be an illegal entry into Botswana or departure from South Africa in order to "see us"? --- Your Worship I think that the letter is quite evidently in two pieces. The first part is - the first paragraph applied to the fact that should Accused No.1 not be in any form of trouble he will naturally come through in June-July to visit Jeanette Curtis. The second part is an arrangement which has been set out here in the event of trouble occurring, trouble is once again not spelled out.

You see, I'm going to put it to you, you lived in a world of / deception ...

deception, of subterfuge, of lies. You had to do that in order to continue to exist in the manner in which you did. Isn't that so? --- Your Worship I wish to object partly to that statement.

Why? --- Because in carrying out one's work as a member of the N.I.S. in the first place and then as a member of the ANC in the second place, and in particular one's behaviour in the ANC, one is instructed as to what to do.

Mr. Edwards, you weren't what you appeared to be on the face of it? Is that not so? --- That is quite correct. (10

You had to act? --- You have to act, that is quite correct.

You had to lie? --- Where, Your Worship, is there evidence that I've lied?

Well I'm going to put certain things to you. I'm coming to all that. But you agree that it is part of your continued deception that you had to lie? --- To act, indeed yes.

To deceive people as to who and what you really were? --- Your Worship it wasn't a matter of having to deceive people. The people could accept me as a member of the ANC. They must have come to the conclusion that I was one of them. (20

Did you (indistinct) people in South Africa that you were a member of the ANC, Mr. Edwards? --- No, I did not.

Did you used to go around to students saying "I am a member of the ANC, please trust me." ? --- No, I did not.

Did you ever used to imply to people that you were a member of the ANC ? --- No, I did not.

Or that you were working for the ANC ? --- Not inside South Africa, no.

Or that you were conveying documents on behalf of the ANC? --- No.

Or that you were distributing money on behalf of the ANC?

/ In ...

In South Africa? --- I never said any of those things.

So to nobody in South Africa did you put out that you were working on behalf of the ANC? --- That is quite correct.

And your - I take it by that stage you were a fairly consummate actor, you were able to deceive people as to what you were really up to? No one would have guessed that you were working for the ANC? --- Your Worship I was a fully fledged member of the leftist community and as such I behaved like members of the leftist community. And that is my statement.

Well let us get this clear. You have spoken a number of (10 times about the leftist community. In the leftist community didn't mean that you were carrying on illegal activity? --- Repeat that question please?

Being in the leftist community didn't mean that one was carrying on illegal activity? --- Not necessarily.

No. --- But members of the leftist community have been involved in many illegal activities.

That is by the way. --- For example Marius Schoon,

Yes well that is something quite apart. Marius Schoon was convicted in about 1965 of attempting to blow up a police station, I think it was? --- That is quite correct. (20

We are dealing with that aspect of the leftist community that you were part of. We are dealing with the student leftist community as you call it? --- I disagree. It was not necessarily the student leftist community, it was a wide range of people on the left.

Alright, but here in this trial we are concerned principally with the student community? --- Your Worship I don't think that is the case. I think that in this particular instance of my evidence we are dealing with one particular individual, Accused No.1, who happened to be a student.

/ Alright ...

Alright, well let us deal with Accused No.1. You never at any stage told Accused No.1 that you were a member of the ANC ? --- That is quite correct.

You never put out any sort of indication to him that you were a member of the ANC? --- That is correct.

You never asked him whether he was a member of the ANC? --- That is correct.

You never discussed ANC with him? --- Not as far as I can remember.

And as far as he was concerned or people in his circle, (10 no one would have known that you were involved in any way with the ANC? --- Not as far as I am aware, unless they had found out through other channels.

In fact, Mr. Edwards, we only have your word for it that you were ever a member of the ANC. There is no other evidence that you were a member of the ANC? --- That is correct.

And on the occasions when you were distributing money to various students and people, one whose behalf were you doing that? --- Your Worship, as I explained earlier, the networks inside South Africa were ostensibly I.U.E.F. networks, in other(20 words money came from the I.U.E.F. headquarters with the permission of the Director, (indistinct) Erikson, and I was at liberty to give money to various groups inside South Africa. However, as I explained earlier as well, it was in early 1977 that I was formally recruited into an ANC network and it became therefore part of my function as an ANC member involved in intelligence gathering ...(interrupted)

For the ANC? --- For the ANC, to talk to and debrief individuals within South Africa for the purposes of passing on information gathered from them.

Well now let us just examine that. When you debriefed / people ...

people as you describe it, you say "I am from the ANC. I'm trying to find out what is going on so that I can pass information back to the ANC."? --- That is incorrect, Your Worship.

What did you used to do? --- As a member of the ANC, a clandestine member of the ANC, involved with intelligence gathering, I simply talked to the people that were involved in the networks being financed by the I.U.E.F. Those people in particular constituted a large range of the people I spoke to.

Did those people know that the finance was coming from the I.U.E.F.? --- In many cases I don't think they did. (10

Where did they think the finance was coming from? --- From certain trust funds within the Republic of South Africa.

Like the E.D.A.? --- No.

COURT: Like the what?

MR. KUNY: E.D.A. What was the E.D.A.? --- The E.D.A. was the
and
Environmental Development Agency.

With which you were concerned? --- That is quite correct.

What trust fund was there or trust funds? (Prosecutor intervenes)

PROSECUTOR: Your Worship may I suggest that at this stage (20
Your Worship ask the witness whether this is also sensitive information. I may just add, Your Worship, that there are a number of further investigations pending and unless the identity of these trust funds are really necessary to the adjudication of this case, I would submit that it is irrelevant. The movement of funds is in my submission in any case not relevant to this case or to the evidence of this witness.

COURT: Have you anything to say, Mr. Kuny?

MR. KUNY: Yes, Your Worship, I really must object to my Learned Friend's attempt to hamper my cross-examination and restrict it. Cross-examination can range over a very wide field, Sir, it doesn't
/ have ...

have to be restricted to the specific issues in the case. It doesn't have to be restricted to the witness's evidence-in-chief. I am examining various aspects of this matter. I don't have to, at this stage, with respect, set out all the reasons why. I can assure Your Worship the cross-examination is relevant and I am not wandering so far afield that Your Worship should stop this cross-examination. This witness claims to have been a member of the ANC, the I.U.E.F., distributing funds, undercover operations, clandestine operations, I am entitled with respect to examine all this Sir. Because some of it might (10 rub off.

COURT: I think you will, however, concede that if it is sensitive or of such a nature that it can damage the security of the State that it is then not advisable that it be allowed Mr. Kony.

MR. KONY: No, with respect, the witness hasn't claimed that this is a sensitive area which might damage the security of the State. My Learned Friend is interfering.

COURT: The Prosecutor evidently has certain information available and that is why he has asked that the Court will (20 ascertain.

MR. KONY: May I put the questions in another way and perhaps my Learned Friend at that stage ...(interrupted)

COURT: Certainly, Mr. Kony.

MR. KONY: The Environmental Development Agency was a perfectly open and above-board organisation? --- That is correct.

And you were involved. Where did it have its offices? --- In Braamfontein.

In Johannesburg? --- In Johannesburg.

And you were what? A director of it? --- That is correct.

There was incidentally at some stage some problem in

/ regard ...

regard to money and what happened to certain monies from that Agency, wasn't there? --- There was a slight problem which was subsequently resolved.

Well perhaps we won't, at this stage, go into that. What was the Rural Community and Development Trust Fund? --- It was a trust fund which was set up to finance community development projects and as a trustee for that trust was drawn up by none other than Mr. Tucker.

COURT: I can't hear you? --- The trustee for that trust.

And you say what was it? --- The Rural and Community (10 Development Trust.

Was what? --- The trustee for the Trust was drawn up by a Mr. Tucker.

MR. KUNY: By my instructing attorney. And that too was a perfectly legitimate, above-board operation? --- That is quite correct.

It certainly doesn't threaten the security of the State to disclose that fact. Do you agree? --- That is correct.

And I am instructed that this was the trust fund through which a lot of the money was being channelled? --- That is (20 incorrect.

COURT: That is the money from?

MR. KUNY: I.U.E.F. money. Is that so? --- That is incorrect.

And money from W.U.S.? --- That is correct.

World University Service. So W.U.S. money went into Rural Community and Development Trust Fund? --- That is correct.

Legitimately? --- Legitimately.

And where did the E.D.A. derive its funds from? --- The same source.

W.U.F.? --- Yes.

And the I.U.E.F. funds, where did they go? -- Your Worship

/ they ...

they went to a number of accounts, as I explained yesterday, and also to a number of trusts.

Not to either of these organisations? --- As far as my memory serves me, the I.U.E.F. - well let me put it in another way. I believe a small amount of money may have been given by the Education and Research Trust to E.D.A.

Well let me get straight to the point, Mr. Edwards. Let us forget for a moment about all your clandestine activity and your subterfuges. You had money at your disposal in your capacity as director of E.D.A. and deriving out of the Rural (10 Community and Development Trust Fund, which you were distributing to various persons and organisations? --- That is correct.

These monies were being distributed in cash very often? --- Not that I recall. Most of them were cheques.

I see. Right. So that one could track of where it went to? --- That is quite true.

And are you suggesting that any of those monies or the funds that came from any of those organisations were clandestine? --- No.

Not at all? --- No.

(20

And the I.U.E.F. money, was that clandestine? --- The accounts and the finances of the I.U.E.F. which were handled by myself internally, were to all intents and purposes clandestine.

Now why were they clandestine? I mean they weren't going to the ANC or to illegal organisations? --- That is correct. Not all though.

Did you distribute any of those I.U.E.F. money to perfectly legitimate organisations? --- Yes indeed, I did.

Doing useful and good work? --- Excellent work.

Now why was that clandestine? What was clandestine about that? --- The clandestine part of it was the fact that on the

/ instructions ...

instructions of (indistinct) Erikson in Geneva, he did not wish that his organisation be seen to be allied with certain projects internally, with the result that the money was often brought to South Africa, placed into certain accounts and it was then delivered to people in cash.

Now what sort of organisations were those that he didn't want to be seen to be aligned with? --- These included a wide range such as the Squatters (indistinct) group down in Cape Town.

COURT: The what? --- The Squatters Advisory Group.

MR. KUNY: A legitimate organisation? --- To all intents and (10 purposes a legitimate organisation, yes, but with aims that I would consider to be questionable.

Well that is your opinion but we are dealing now with the law, Mr. Edwards. A lawful organisation? --- Yes.

Yes? --- Then we once also financed a film on the ...

(interrupted)

Crossroads film? --- No, no. On the fruit and canning (indistinct) which was to be taken out of the country and shown overseas.

Yes? --- That was distinct bias and propaganda, propaganda bias. (20

Yes? Illegal? --- No, it is not illegal.

Right? What else? The Crossroads film? --- No, that I can't recall.

Or didn't you have anything to do with that? ---- No.

The film on Woman's Resistance, did you have anything to do with that? --- No, not as far as I can remember.

So basically none of these funds so far that you have mentioned, were being distributed to illegal organisations for illegal purposes? --- Your Worship I've made that clear in my statement previously.

/ And ...

And is it correct that at a certain stage you handed R200 to Accused No.1 ? --- That is correct.

Did you tell him what it was to be used for? --- I said that I had money which could assist in a project of his called "Delta".

That's right, and "Delta" was a sort of self-help project --- (Answer indistinct)

The type of project which if you have any knowledge of Marxism, a Marxist would frown upon? Isn't that so? --- I beg your pardon? (1

The sort of project which Marxists would frown upon or don't you have that theoretical background to be able to comment? --- My interpretation is that Marxists wouldn't frown upon it. Because every project could be used by Marxists and changed to their modis operandi.

You had hoped to get a report from Mr. Berger on this, hadn't you? --- That is quite correct.

Did you hope to get a report which might give you some useful information for your National Intelligence work? --- That is partially correct in the sense that the information I obtained from Guy Berger could be given both to the N.I.S. and the ANC and in addition to the I.U.E.F. (20

At your discretion? --- At my discretion.

In other words if he had furnished a report to you concerning the use that he made of that R200 you gave to him, you would have used that report according to how best it suited your purposes? --- That is quite correct. My purposes being to consolidate myself within the ranks of the ANC amongst other things.

Not to Mr. Berger's knowledge of course? --- No, not to Mr. Berger's knowledge.

/ And ...

And did you tell him, when you gave him that money, that - where it was coming from? --- As far as I recall, I did not, although he may have questioned me on the source of this.

COURT: I'm sorry? --- He may have questioned me on the source of the money but I cannot recall that I ...(interrupted)

MR. KUNY: You can't remember? --- I can't recall what I replied to him because, as you can understand, this I.U.E.F. money was meant to be clandestine funds and I wasn't at liberty to go out advertising the source of these funds.

I wonder if you could speak up a little more. (10)

COURT: Just move the microphone a little more.

MR. KUNY: So are you saying this was I.U.E.F. money? --- Yes, it was I.U.E.F. money.

And Mr. Berger wouldn't have known that? --- No, he wouldn't have known that.

And is it correct that you gave him a box number to which he should send a report? --- I indeed did.

Did you get a report from him? --- That I recall, I did get a report from him.

Well we haven't seen that report and he will say he never reported to you? --- Oh. But I got a report on "Delta", that I remember and it came to my box number and as I had instructed him to send a report and a report did come on "Delta" but that does not necessarily mean that it was a report on how he had spent the money. (20)

Or that it necessarily came from Accused No.1? --- I beg your pardon?

Or that it necessarily came from him? --- Ja, because he was, I think the Chairman or - he certainly held a high post. He was the driving power in "Delta".

In any case your investigations about "Delta" must have / disappointed ...

disappointed you because you probably found in investigating it that it wasn't by any means a front organisation or had had any purposes other than those which it set out to have? --- Your Worship I was not disappointed with the aims and objectives and activities of "Delta" as a member of the N.I.S. and as a member of the ANC. I firmly believed that projects of this nature are essential in South Africa. So I was not disappointed at the results that I obtained from the "Delta" report.

Well let us get elaboration on that. "Delta" was a very laudible organisation? --- That is quite correct. (10)

Performing very good work? --- That is quite correct.

And none of your investigations into "Delta" revealed it to be a subterfuge or a front organisation in any way whatsoever? --- That is quite correct but my purpose in dealing with "Delta" was not only to get information as Counsel implies but also to build up contact with individuals within "Delta" who could later be of use to myself or my network in supplying me with information. And as it so happened I believe there were members who subsequently were useful to me.

Sue Merdal? --- For example, yes. (20)

Did you get reports from Sue Merdal? --- I obtained reports from Sue Merdal, yes.

Also at a box number? --- Also at a box number.

7236 Johannesburg? --- That could have been the number, yes.

And subsequently a different box number in Cape Town? Did you give that to her? --- Not that I recall. You see I was not based in Cape Town so I wouldn't have had need of a box number in Cape Town.

No, but you went down there subsequently towards the end of 1979? --- That is quite correct.

/ You ...

You saw Sue Merdal in Cape Town again then? --- That is quite correct.

And what about Mike Tate, the same thing? To build up confidence with him and get reports - in order to get reports from him? --- That is quite correct.

COURT: Mike who ?

MR. KUNY: Tate. Garth Senik? --- I did the same with Garth Senik.

In other words there is a pattern to your conduct, Mr. Edwards, you were going around establishing contact relationships some of them more intimate than others, with various people (10 for the purpose of getting reports from them for your own purposes? --- That is quite correct.

Without disclosing to them what you were up to? --- That is quite correct.

Why you wanted these reports? To whom you were going to send these reports? --- That is correct.

You gained people's confidence in this way and confidences in this way? --- That is correct.

Did you do the same with Accused No.1 ? -- I attempted to do the same with Accused No.1 but I think for a long time he suspected me of being a possible spy. But I think we had a fairly good relationship. (20

And over the long period, or relatively long period that you knew him, you think you might have got one report in relation to "Delta"? --- I did get a report in relation to "Delta".

Right, one report in relation to "Delta" and it was a report which of a somewhat favourable nature? --- Yes.

Incidentally, I am instructed that that one report wasn't a report in connection, as you said, I think you agree, with the handing over of the money, it was a report ..(Court intervenes)

COURT: How the money was spent, the witness said. He said

/ the ...

the report, as far as he recalls, did not indicate how the money was spent.

MR. KUNY: No, with respect, the report didn't relate to that handing over of the money at all. It was just a report on another occasion relating to "Delta"? --- As far as my memory serves me, this was the order of events. Accused No.1 accepted the sum of R200 on the proviso that he would be the driving light behind the establishment of "Delta" and obviously there is nothing wrong in that.

Right? --- And I asked him specifically to give me a (10 report on "Delta".

Right? --- In other words, as far as I can understand, I didn't ask him for a balance sheet of the R200. My motive was to get "Delta" established by providing finance for it.

And at some stage he furnished you with a report? --- A report on "Delta" arrived, yes.

Well he says it was handed to you, it wasn't sent to the box, that it was actually handed to you? --- I remember the report. I don't remember the details.

And I have a copy of the report here which I'd like to (20 show to you. Would this be the report that you received? --- I have had access to this report, yes.

You think that that might be the report that you saw? --- I have had access to that report.

Well I am instructed that it was widely distributed. You wouldn't disagree with that? --- That is correct.

I think Your Worship, that for the sake of completeness we should hand this in.

COURT: What is the next exhibit number?

MR. KUNY: It will be "K" I think.

Now there is something else I want to deal with, Mr. Edwards
/ and ...

and you will be in a position to help us in this regard. The picture that you have given is of yourself as a person who as a member of the National Intelligence Service, previously B.O.S.S went into - onto the campus and into student politics in effect to try and illicit as much information as you could about student politics, let us say, amongst other things? --- Amongst other things I collected information concerning individuals because they were of the utmost interest to me.

Right. Now let us not mince words about this, it is much easier to use the colloquialisms. You know about the (10 various reports over the years in newspapers about spies on the campus, don't you? --- Yes.

You know that for many years now there have been complaints from the English speaking universities in this country about the fact tht spies have been operating on the campus, isn't that so? --- That is correct, yes.

And in fact we have a number of instances of this in the course of various trials. We have the instance of a man called Brookes in the mid-1960's on the Natal University campus in the Arenstein trial. Did you know about Mr. Brookes? Have you (20 ever heard about him? --- Yes, I have.

We had the instance of a man called Bruno, Derek Bruno, who revealed himself as a policeman in the course of the NUSAS trial in 1976. He had been operating on the Wits campus and had been a member of the Wits S.R.C.? --- That is correct.

And in the course of that same trial there was a man whose name I can't remember who had been operating on the campus of the University of Pietermaritzburg? Correct? --- Is that so, Your Worship?

You don't know about that? --- No.

Well that was so. Then we have Captain Williamson of

/ course ...

course, as the prime example? --- Prime example of what?

Of the spy on the campus? --- He was never found out as a spy on the campus, Your Honour.

Well he revealed himself subsequently as having been one. I'm not concerned about whether he was found out at the time. I'm trying to establish the fact that spies operate on the campuses of the white English-speaking universities? --- Your Worship, I disagree with you on that aspect as the terminology I feel is slightly inaccurate. Members of the National Intelligence Service and members of the South African Police infiltrate via organisations on the campuses into the ANC and other subversive organisations. That does not necessarily mean that one can label them spies, as they are of course fully employed Government officials. If they ... (interrupted) (10

Mr. Edwards I'm sorry, you seem to be disagreeing on terminology but basically we know what we are talking about. You were on the campus as a student who was there to infiltrate into what you call the left on the campus? Isn't that so? --- I was a student at Rhodes University as I've mentioned before, given the specific task of preparing myself for an infiltration of the ANC, which I subsequently did and subsequently achieved. (20

You made yourself a very acceptable member of what you call the leftist community, for want of a better term? --- That is correct.

Now the leftist community, as far as you are concerned, means all those people at this university who were strongly anti-Government? --- Not necessarily so. Leftists are not anti-Government, they wish to put a new Government into power. I mean they are not (indistinct) people that have no Government.

No, I'm saying that they didn't want another Government. --- Oh, sorry.

/ I'm ...

I'm saying they were strongly anti-Government, this Government? --- Uh, anti-this Government?

Yes? We are talking about South Africa today.

COURT: I can follow the confusion, anti-Government, it means anti having any Government at all.

(Mr. Kuny and Court speak simultaneously)

MR. KUNY:I'm sorry, Your Worship. Now you made yourself an acceptable member of that community? --- That is quite correct.

And you had ulterior motives in doing so? You wanted to get as much information as you could about them, not so? --- (10 I wanted to collect information of a certain nature in that community, yes, with an eye to further infiltration of the ANC in particular.

And you were reporting back on people and on organisations and activities, weren't you? --- Your Worship ...(interrupted)

I'm not asking you about the nature of your reports, I'm just asking you to confirm that you were in fact reporting back all the time? --- On what, Your Worship?

On what you were finding out about people, about activities about organisations on the campus? --- That is correct. (20

And I'm quite sure that you were not the only person who was operating in this sort of capacity, there were probably others although you don't have to say yes or no. But having worked in these circles and moved in these circles, you know very well that amongst people at a university like Rhodes, possibly Wits, possibly Cape Town, Natal, there is a justifiable apprehension about police or Government surveillance and interest in all their activities? Isn't that so? --- If you say so.

No, I'm asking you, from your experience. You were there for many years and let us be frank about this, Mr. Edwards? --- In a (indistinct) society such as South Africa, yes, there is a

/ great ...

great deal of interest.

A great deal of interest? --- Ja.

By whom? --- I beg your pardon?

Interest by whom? I'm not sure that you are answering my question? --- By the public presumably.

No, no, no. --- The public comprising people at Rhodes University.

No, I'm sorry, we are at cross-purposes. I'm saying that from your experience of students, let us stick to Rhodes for the moment, at Rhodes University, who were politically aware they generally had a great deal of apprehension about the extent of police surveillance of their activities, of their interests, of their statements and so on? --- Your Worship I think that is largely incorrect. I think a small section of the community at Rhodes University will have had that apprehension. But other people who were not specifically politically involved or not at all involved, would have had no apprehension. (10

I'm talking about those who are politically aware or in some way politically involved and by political involvement I'm not talking about illegal political involvement. Do you agree? (20 --- Your Worship I can only say that if the individuals at that university feel that they are being placed under surveillance by the police and they fear it, indeed perhaps that situation exists. (Mr. Kony and witness speak simultaneously) cannot give you an answer on that question because I have no demographic data on which to answer that question.

Now Mr. Edwards you were there, you know, you were one of the people who was watching them, you and persons like Captain Williamson, Derek Bruno and so on. You were watching. You were reporting back. You were showing an interest for the purpose of your work as a National Intelligence Service agent and reporting

/ back ...

back on all manner of activities and people, weren't you? ---
That is correct.

Yes, and therefore people were justified in having this kind of fear and apprehension that they were being watched and reported on? (Prosecutor intervenes)

PROSECUTOR: Your Worship I must object at this stage. Really I fail to see - I submit that Your Worship will fail to see what possible relevance to this case can be had whether there was a justifiable or an unjustifiable apprehension. It is in my submission even going very far to canvass at this trial whether (10 there was such an apprehension. The accused are not charged with the student activities, with "Delta" but with certain specific events and which happened on and off the campus at Rhodes University. And I must submit with a measure of regret that I have the impression that the witness and his associates are being tarred.

COURT: Yes Mr. Kuny?

MR. KUNY: If Your Worship looks at the indictment you will see that the accused, one of the things that the accused is being - is alleged to have done was to have supplied or to have formulated (20 a secret code. That is in paragraph A(i). The accused is alleged to have told various discussion groups on the campus which have been labelled or are being labelled by the State discussion groups related to the ANC or for the purpose of indoctrinating people to the policies, objects or purposes of the ANC. The accused is alleged to have agreed upon a hiding place should anything go wrong. The accused is alleged to have hidden documents and books, publications and from all this the State is presumably going to infer or try and derive support for its contention that the accused was engaged in unlawful political activity of the nature alleged. And the purpose of this cross-

/ examination ...

examination - and perhaps I shouldn't be arguing this with the witness present, Your Worship, because I submit that he shouldn't in fact be hearing what I am submitting and I think I'd like to make my further submission in his absence if I may.

COURT: The witness can just stand down for a moment.

MR. KUNY: The purpose of this cross-examination, Your Worship, is to show that on a campus such as this with the extent of police, Government surveillance that students have become accustomed to ...

END OF BELT.

that the accused was engaged in unlawful political activities of the nature alleged and the purpose of this cross-examination, and perhaps I shouldn't be arguing this with the witness present, your worship, because I submit that he shouldn't, in fact, be hearing what I'm submitting and I think I would like to make my further submission in his absence, if I may.

WITNESS STANDS DOWN.

MR. KUNY CONTINUES: The purpose of this cross-examination, your worship, is to show that on a campus such as this, with the extent of police and government surveillance that students(10) have become accustomed to, even perfectly lawful activity of a political nature is spied upon, is reported back on and is regarded in a sinister light and it may result in deprivation of passports, bannings, detentions or other measures and all that I am trying to show to this witness is the extent of this constant surveillance to which the students have become used and subjected and therefore that conduct which indicates a measure of concealment of the nature that is being alleged against the accused is not necessarily to be construed in the light in which my Learned Friend will construe it, and that is(20) the purpose of this cross-examination and I submit, sir, that in the context of this case it is highly relevant and I am entitled to advance cross-examination on these lines.

WITNESS RETURNS.

COURT: Just carry on, Mr. Kuny.

MR. KUNY: Sorry Mr. Edwards, I'm not quite sure what my last question was, but what I was putting to you was that the extent of, and I'm using it in the general sense because I know you are not a policeman, you are a member of the National Intelligence Service, but the extent of surveillance, police (30) surveillance or intelligence surveillance on the campus is

quite/.....

quite extensive, isn't it? -- Your honour, I'm at no liberty to divulge that information.

I can't hear you? -- I'm at no liberty to divulge that information.

Well, I won't press you on your own, on what is privilege as far as you are concerned, but do you agree that over the years this has been, and you know this from your association with NUSAS and with various organizations on the campus, you know that this has been a perpetual complaint from the English speaking universities in this country, isn't (10) that so? -- I have been aware over the years that I was in the field, of accused people who admitted that they had been working for the security forces (interruption)

On campus (interruption) -- That I am aware of, perhaps I can remember one (interruption)

COURT: I don't think you are following the question, the question is that the students, or of the students themselves were aware of this surveillance as put by the Counsel. -- In other words then that (interruption)

They didn't know who the individuals were, they (20) didn't know whether there was one or whether there were a thousand or whether there were two thousand. -- I see.

But they were of the opinion that they were under surveillance. -- Oh yes, students were under the opinion that they were being watched, quite correct.

MR. KUNY: Many, many students, quite a number of them, get quite paranoid about this (interruption) -- That is quite true and, in fact, that paranoia is perpetuated through the local student newspapers and other media.

Yes, that's the point I am trying to get at, I'll (30) come to the facts of it in a moment but certainly as far as,

in/.....

in people's own minds on campus this is a perpetual topic, isn't it? -- Yes, it's a perpetual topic and it is perpetuated by people in newspapers, who obviously also have an aim in mind when they perpetuate such things.

And it is also perpetuated, isn't it, by the revelation that you and Williamson and Bruner and other people from time to time have, in fact, been what have been termed spies on the campus, isn't it? -- There 's no reference (interruption)

McGivern is another, isn't that so, Mr. Edwards? -- It's difficult to give you a straight answer on whether we (10) are regarded as spies on the campus. I don't know whether I was regarded as a spy on the campus. I wasn't, whilst I was a spy on the campus nobody knew I was a spy on the campus. However, after leaving Rhodes University and my cover having been blown, it is quite obvious that these inferences are then made, that I was a spy on the campus.

I'm not asking you to characterize yourself as a spy or not, I'm saying that you were regarded, as have been Williamson and Bruner and others, as having been spies on the campus, is that so? -- Certainly as a spy, whether it is on (20) the campus or in Geneva or in Johannesburg is another matter (interruption)

Well, wherever but inter alia on the campus, not so? -- Inter alia on the campus?

Yes, and in fact, it appears that over the years the National Intelligence Service and the Security Police have accumulated a great deal of information about student activities and about the activities of individual students and student bodies. -- I'm not at liberty to answer that question, your worship. (30)

And in fact NUSAS, as an organization, has come

under/.....

under tremendous attack as a left wing organization, hasn't it? -- Yes.

And NUSAS leaders have been charged arising out of their NUSAS activities. -- No your honour, not necessarily out of NUSAS activities, but activities of people coming in from overseas as in the Breytenbach situation.

No, come on Mr. Edwards, you know about the 1976 NUSAS trial? -- Oh yes.

You agree. -- As a (inaudible).

As (inaudible) that is the trial concerning NUSAS(1) leaders. -- (Inaudible).

So, what I'm trying to point out is that a lot of the, what I've termed paranoia, is justifiable paranoia, that people are being watched, that people are being reported back on and that people therefore feel the need, even though they may be involved in perfectly legitimate activities, to be cautious about what they say and do, isn't that so? From your own experience (interruption)

COURT: What is the question actually, you say it is justifiable paranoia and then you add those other two questions. (20)

MR. KUNY: Well, may I break it up.

COURT: Yes, I think it's wiser, because if you get an answer now, we don't know what the answer (interruption)

MR. KUNY: Yes, I'm sorry, I should have broken the question up. Mr. Edwards, that people are often justifiably paranoid about the extent of surveillance.-- Your worship, can paranoia be justifiable?

Well, o.k., you may be right about that, are justifiably afraid of the extent of surveillance on the campus. -- And you are now referring to? (30)

Well, from your experience, let's take the Rhodes

campus/.....

campus to start with. -- Your worship, I think that from my knowledge of the actual number of students that have been detained or tried I would have said, knowing that there are legal procedures in the land, that these were done for something, as a result of what the detained had done, so I therefore argue that if these people are involved with things that they know are illegal, then there will be justifiable paranoia.

You assume that if someone is detained he must have been involved in something illegal? -- I certainly would assume that. (10)

Even if he is never charged with having done anything illegal? -- I would assume it.

And people who are banned? -- Also. I would assume it, yes.

People whose passports are removed? -- I would assume it, yes.

Those things happen to students, don't they, they have happened repeatedly over the years, haven't they? -- They have happened, your worship, but I don't think the scale of this thing is so large that it has become a major obstacle in the (20) processes that take place at our universities.

Well you would, of course, know from your years on NUSAS how NUSAS was under attack. -- This is under political attack (interruption)

Well, we're dealing with politics, Mr. Edwards, aren't we? -- That is correct.

And it was under political attack, it was labelled a left-wing organization, it has been called subversive, it has been called all sorts of things, hasn't it? -- It has been called all sorts of rude names, that's quite correct. (30)

And it has been, in a sense "white anted" from

inside/.....

inside by people who have, like yourself, gained access to the highest eschelons of the organization and then have been reporting back on it. -- Your worship, I feel that the phrase "white anting" is not applicable. We were in NUSAS, as I have explained for about the third or fourth time, in order to create a situation whereby we would be absorbed into the A.N.C. This did not have anything to do with white anting NUSAS because it would have been going against the whole thrust of the infiltration.

Now, but the fact is, and this is what I am trying (10) to get at, that all the time you were reporting back to your superiors on what you were finding out from inside, not so? -- Your worship, Mr. Kuny has no idea what I was reporting back to my superiors and I am not prepared to make a statement on the precise nature of (interruption)

All right, I wont press you on that, you were reporting back, full stop, is that correct? -- Amongst other things I was reporting back and I was also assimilating a great deal of information, (interruption)

Now, I want to get back (interruption) -- (Inaudible(20) - simultaneous talking)

I want to get back to this letter (Court interrupts)

COURT ADJOURNS. COURT RESUMES.

KARL ZACHARY EDWARDS still under oath.

CROSS-EXAMINATION BY MR. KUNY RESUMES:

Mr. Edwards, I was about to come back to this letter. We were dealing earlier with the deletion of this signature.

COURT: It wasn't a signature, it was an initial.

MR. KUNY: Sorry, the initial. I wanted to ask you, was it an initial in handwriting or typed? -- It was a, as far as I (30) recall it was a handwritten initial.

And/.....

And what was the initial? -- J.

And how did you delete it? -- I just photostated it so it would disappear.

I can't hear you? -- I photostated it so that it would disappear.

You put a piece of paper over the initial? -- Ja.

And how many copies of that photo, how many did you photostat? -- As far as I can recall I only photostated the one and then subsequently, obviously, for the trial a number of others have been photostated. (10)

You see, I'll tell you why I'm asking, because the accused will say that he had no dealings with Jeanette Curtis. He knew her, but he had no dealings with her.

COURT: No dealings with?

MR. KUNY: With Jeanette Curtis, Jeanette Schoon. -- Do I answer you?

Yes. -- Your worship, if accused no. 1 had had no dealings with Jeanette Schoon, then the Counsel is trying to say that this letter does not come from Jeanette Schoon.

Yes, exactly. -- But when I received this letter (20) from Jeanette Schoon she instructed me to take it and deliver it to Guy Berger.

Yes, I can't, I'm not in a position to challenge your statement that you received this document from her, I don't know whether you received it from her, I'm not saying you didn't receive it from her, I'm saying that this letter couldn't have been written by her because he didn't have dealings with her. -- I beg your pardon?

I said this letter couldn't have been written by her because he didn't have dealings with her.-- Oh, he didn't (30) have dealings (interruption)

No/.....

No, that's what I'm saying to you. The fact that she handed it to you doesn't necessarily mean that she wrote this letter. -- Your worship, I did not see Jeanette Curtis type this letter, that is no question.

Yes.

COURT: You can merely say it was handed to you by her. -- (Inaudible) I have said that previously.

MR. KUNY: So in other words you are not in a position to say that this letter was necessarily written by her. -- No, well I mean, I do not have access to her typewriter so I wouldn't (10) know her typewriting, but I must say the gist of the letter, the way it is set out and the words used are very similar to the sort of thing that she used to write to myself and other people.

Well, that's your inference (interruption) -- That is my opinion (interruption)

You could be wrong. -- I could be wrong, but as I know these things, that is how it is.

And was it in an envelope? -- Yes, it was in an envelope. (20)

Was it sealed? -- It was sealed.

So she handed you an envelope, she didn't hand you this piece of paper? -- No, that's quite correct.

And was it an envelope which was addressed? -- Yes, it was addressed to 4 Anglo African Street, to my recall.

COURT: Addressed to where? -- To no. 4 Anglo African Street.

MR. KUNY: With a name on it? -- With the name on the top, Guy Berger. Unfortunately, your worship, I never kept the copy of the front of the envelope.

Yes, it is unfortunate, it would have been rather (30) important, but so you received a sealed, closed envelope with

something/.....

something in it. -- Yes.

She wasn't necessarily to know that you would open it. -- Certainly not.

And you don't know who wrote the contents of that envelope? -- That is correct.

You then took it back with you to Pretoria or Johannesburg, I don't know where, and you then opened this and read it, photocopied it, deleted the initial, put it back in the envelope, sealed it and delivered it. -- That is correct.

I must say also that accused no. 1 has no recollection(10 of your having delivered this to him. -- Your worship, many people do not have recollections of events that take place.

Yes, I'm not saying emphatically that it didn't happen, I'm saying that he has no recollection of your having delivered this to him. -- Well, I have a distinct recollection that I delivered this letter to him.

But then, of course, you saw him on many occasions from time to time. -- That is true.

Yes. (Faulty recording) in this cross-examination, I'm going to submit to his worship that you haven't really (20 (faulty recording) I just want to put to you that so far (faulty recording) if your worship will bear with me, I think I'm finished but I just want to (end of Belt 25 faulty)

BELT 26:

MR. KUNY RESUMES: But why didn't you keep one photo copy with the initial and delete the initial from another, I mean I can't see the security involved in deleting an initial on (inter-
ruption) -- Your worship, as I stated before, the function of the National Intelligence Service is to collect information which can be reworked to form intelligence, therefore these (30) letters passing through my hands I looked at as sources of

information/.....

information that could be reworked. I was not looking at them as possible exhibits at trial, so in this particular case I made this alteration of simply cutting off the initial.

Yes, but the point is that in the present context that could be rather important. -- Yes, of course it could.

Yes, and for the purpose of reworking material, what would it have mattered whether the initial was left on or off? -- Your worship, I think I've answered that question.

COURT: Right.

MR. KUNY: Now, I want to come back to something else briefly. (10) When you gave that money to Guy Berger for Delta, where did it emanate from, the R200? -- That was I.U.E.F. clandestine money.

You didn't tell Berger that? -- As I mentioned earlier, I don't think I told him that as it was my opinion that people should not be told what the source of the finances was.

But there was nothing illegal about that, was there? -- No, there wasn't.

The use of I.U.E.F. money for Delta? -- Ja. (20)

Isn't it correct, though, that you told him at the time you gave it to him not to tell Cedric de Beer about it? -- That is correct.

And to keep a low profile about it. -- That is correct.

Why? -- Simply because I did not wish other people to find out what dealings I was having with other people, and as you will know from your vast experience of political trials and so forth, there are certain modus operandi which are utilized by individuals of the A.N.C. whether recruited (30) or whether enforcing of the A.N.C. that follow this type of pattern/.....

pattern, i.e. not divulging unnecessary information to people who should not necessarily have it, in other words, the need to know principle.

But you see, you are actually confirming what I was putting to you earlier, that you were attaching some kind of secrecy and sinister connotation to something that was perfectly above board, isn't that so? -- I was only making it clear to the recipients of the funds that I did not wish them to divulge who was giving them the funds, simply because I wanted to protect my own position as an agent infiltrating, (10) or who had infiltrated, the A.N.C. and the I.U.E.F. Naturally one must have some form of protection and that protection is silence, and that money was given to people with good will and in the understanding that they weren't going to go running around telling everybody where they got the money from.

But was there any reason why Guy Berger, who was running a perfectly above board and legitimate organization known as Delta, one which you approved wholeheartedly, and he was receiving R200 from you for that organization, couldn't have said that the funds came from you? -- He could have told (20) Cedric de Beer that if he wished, but I did it, as I have said before, in order to try and keep separate the various types of networks that at that stage were being run. E.D.A. constituted my cover, so to speak, inside the country, of which the A.N.C. was fully aware and the N.I.S. was fully aware, and my I.U.E.F. links to a great extent were to be hidden, especially in the clandestine money which was sent to South Africa on the instructions of Lars Gunnar Ericsson of the I.U.E.F., that that money should be given to projects which were worthwhile in various places, so I did not wish to divulge that type of (30) information which had nothing to do, whatsoever, with Cedric de/.....

de Beer or anybody else.

Yes, I'm sorry, you were trying to hide your I.U.E.F. operations from whom? From the A.N.C? -- No, I had instructions (interruption)

I'm sorry, from the A.N.C. were you trying to hide it? -- I had instructions from Lars Gunnar of the I.U.E.F. to, just to give money internally, which I did, and similarly had instructions from the A.N.C. that during the distribution of that money I was to look, I was to de-brief individuals in order to obtain intelligence on who were possible recruits (10) for the A.N.C. That was one of the functions of intelligence, as you may know.

And who were you acting on behalf of there? The National Intelligence Service or the A.N.C. in de-briefing people? -- Your worship, to clarify the situation, as you can see I was involved in three distinct jobs. Firstly, I was a member of the National Intelligence Service, secondly, I was a member of the A.N.C. and thirdly, I was formally employed as a member of the I.U.E.F. in order to undertake certain tasks. As you can see, this situation can be complicated (20) at times, but the instructions from the A.N.C. were that I was to collect intelligence. The instructions from the I.U.E.F. were that I was to give money to people within South Africa on my jurisdiction, in other words, how I felt fit to distribute that money.

And you are saying that this R200 came from the I.U.E.F. and not the E.D.A? -- That's quite correct.

And you gave accused no. 1 the impression that he should keep it all very quiet and secret. -- That's quite correct. (30)

Even though there was nothing illegal about it,
isn't/.....

isn't that so? -- Nothing illegal about...?

About your giving him money for Delta from the I.U.E.F? -- No.

And he was under the impression that this money was coming from E.D.A? -- I don't know what impression he was under. He certainly must have known that the money was coming from me.

Well, and you were working for E.D.A. -- That is correct.

And E.D.A. distributed this sort of money. -- Not(10) in cash, normally in cheques.

But he could have been under the impression that this money came from the E.D.A? You didn't contradict that impression? -- He could have been under that impression.

If your worship will bear with me, I think I'm finished but I just want to...

NO FURTHER QUESTIONS.

RE-EXAMINATION BY PROSECUTOR:

Mr. Edwards, I'm not quite sure if I understand your evidence correctly in so far as the deleted initial on (20) EXHIBIT J is concerned. Now, did you delete the initial or did you merely black it out on the (interruption) -- No I just, no I took a piece of paper and put it over there and I deleted the (inaudible and interruption)

So it was deleted from the photocopy? -- From the photocopy, yes.

Did you delete it from the original? -- Not as far as I am aware.

So the original letter that was, that you handed over to the accused no. 1, did it contain the letter J or not?(30)

-- Yes/.....

-- Yes indeed.

And what was the accused no. 1's reaction when you gave him this letter, did he react in any way? -- Yes, he was very polite, your worship (interruption)

COURT: I can't hear you. -- He was very polite, he said "thank you".

PROSECUTOR: Do you know whether he opened and read the letter? -- No, he didn't read it in my presence.

The accused, was the accused in any way amazed, did he ask you "Where does this come from? Why wasn't it posted?"(10) or anything like that? -- Your worship, I handed him the letter and said "This is from Jeanette", gave it to him in his hand and that is about all that took place. He said "Thank you", and that was that.

Mr. Edwards, one further aspect apropos the Richers, you said you used them as a cut-out. -- Yes.

You would go to the Richers, in other words, and say "Look, I'm here, I want to see Jeanette Schoon, I don't want to contact her directly, arrange contact"? -- Quite correct. I'm'sorry, that isn't quite correct, what I mean to say is (20) that I used to go to them and say "I would like to see the Schoons and would you please convey a message that I would like to see them".

And did they oblige? -- Indeed they did.

Did they at any stage ask you why you were going about it in this roundabout fashion, why don't you go to the Schoons? -- No, they did not.

You took this to be part of the operation? -- No, I took this to mean that Peter Richer and Loren Vlotman were fully aware that I was involved in some form of, let's call (30) it clandestine activity in party with the Schoons, but as I

have/.....

have explained in the court up until now, there are certain modus operandi which go along with it.

The system or mode of having a cut-out, as you put it, with a low profile, is that commonly used within the ranks of the A.N.C? -- Personally in my experience with the A.N.C. from 1977 till 1980 every device which was used by intelligence services, especially the Eastern bloc intelligence services has been copied and, in fact, Eastern intelligence services are responsible for the training of A.N.C. members and that these methods are in popular and regular use. (10)

Now, that letter also refers to "if you want to send a message to me to effect your escape, send a letter to Loren", how would that fit into this picture?

COURT: Repeat please?

PROSECUTOR: That letter contains the instruction or the request that if the accused no. 1 wished to convey a message to the Schoons to effect their escape from this country, that they should not send this request directly to the Schoons but to Loren, how would that fit into the picture? -- That fits in perfectly with maintaining what is known as "cover". (20)

Just one last aspect, Mr. Edwards, you made mention of dead letter boxes for trades.

COURT: Dead letter boxes?

PROSECUTOR: Yes.

COURT: Repeat that question.

PROSECUTOR: The witness has made mention of dead letter boxes, or deadletter boxes, or dead letterboxes, I don't know, what is a dead letter box? -- A dead letter box is either physically a box or a room or any hiding place in an open area, or in a building, where the normal, in the normal course of daily (30)

life/.....

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