

Edward is? -- I agree.

And Bernard certainly would not confide in you? -- Yes, he is so much older than me, that he would not confide in me.

And accused no. 6, you say, was a friend of Bernard's? -- That is correct.

Will you agree that to those people of the age of accused no. 6 and Bernard, you are a young child? -- Yes.

When you came home that day when you say you saw accused no. 6 in your house, you walked straight past (10 him without speaking to him? -- That is so.

You knew, of course, that he had not come to see you? -- That I did not know.

You knew that he had not come to see you. He was not your friend? -- He was not a friend of mine, though we knew one another.

In the years between 1976 when you say you saw him in your parents' house and 1980, had you ever heard about him? -- The last thing I heard of him was by my brother. He said that he just went missing with friends of his (20 from Kwa-Mashu. They do not know where these people had gone to.

What makes you remember that the party was in 1976? -- I still remember well that my brother left home in 1975 to go and stay in Kwa-Mashu and that he made a party for his first child the following year which was in 1976.

What makes you remember that he left in 1975? Could it not have been in 1974 that he left home? -- I still remember well that his wife, my brother's wife, was expecting a child in 1975. I also remember that they were working (30 together at no. 320 West Street.

... / You

You do not remember when Edward left school? -- I do not know.

You do not even remember the ages of your brothers? -- I do not know.

What happened in 1976? Did anything important happen in your life in 1976? -- Nothing that happened in 1976 is important to my life, excepting the party that I have mentioned.

COURT : Is this brother that he says "my brother left home in 1975 to live in Kwa-Mashu", I take it that must be Edward? Will you just clear that up, because you came back later to the name Edward. (10

MR. BROWDE : Which brother left home in 1975? -- That is Bernard.

Edward still lives at home? -- Edward still lives at home.

And the brother who told you that accused no. 6 had gone missing, as you put it, that was Edward? -- No.

That was Bernard? -- That was Bernard.

Is it not true that quite a lot of people went missing in 1976 from the township where you lived? -- I do not know of people going missing in 1976. I am hearing this for the first time from counsel. (20

Let us not that there be a misunderstanding. What did your brother Bernard tell you? You told His Lordship and gentlemen assessors a little while ago about what happened to accused no. 6. -- This was just a general discussion. My brother had visited home from Kwa-Mashu and in the dining-room he mentioned that Phumulani and certain friends of his have just gone missing from Kwa-Mashu. They do not know where they have gone to. (30

... / That

That is right and as far as you were aware, were those the only two that had gone missing? -- This was from hearsay, yes.

Yes, I understand that was from hearsay. -- This was the only people that I heard of which had gone missing.

Was there not talk in the township that many young people had left? -- No, I did not hear of that.

The story that you told His Lordship in answer to My Learned Friend's questions is that all that happened between you and accused no. 6? -- I would say, yes. (10)  
Pertaining to me, that is all that happened.

How many times were you taken by the police to make statements? -- I remember that they fetched me once from home.

Is that all? -- Yes.

Are you sure? -- This is what I still remember, but I would not say that this is positively so. It is quite a long time ago that this happened.

You remember one occasion? -- Yes.

You made a statement to the police? -- I did. (20)

Did you tell them everything that you told His Lordship? -- That is correct.

Did you tell that voluntarily? -- I just told them. They were asking me what happened. They also told me to tell them the whole truth so as to avoid getting into the kind of trouble that I was in.

I do not quite know what you mean by that, but what I am getting at, the police asked you to tell them the whole story and you told it? -- That is what I did.

Just like you told His Lordship this morning? -- (30)  
Just as I told His Lordship today.

On the first occasion that the police took you? --  
That is correct.

And were the police satisfied with you? -- Yes, they  
were.

By the way, the policemen that took the statement  
from you, to whom you spoke, are any of them in Court?  
-- Not, the person who had fetched me. He is not in Court.

I said the person you spoke to, to whom you made the  
statement? -- No, he is not in Court.

IN any event, you made the statement and you satis-(10  
fied them on the first occasion? -- I made a statement  
and I take it they were satisfied, because they did not  
worry me thereafter.

And they never took you away from home again, the  
police? -- No.

So, if your mother says you were taken away on two  
occasions, that is wrong? -- As I said earlier, this hap-  
pened some time ago. I cannot say with certainty on how  
many occasions they took me.

But there was no need to take you twice? -- Do you (20  
say it was not necessary for them to take me again?

Yes, what was the need to come and fetch you again?  
-- I do not know, because I had done nothing wrong. I  
do not know why they would have fetched me.

Since that time that you made that statement, had  
the police worried you at all? -- I would not say they  
worried me, but from time to time, police did come, the  
Black members of the police force.

To visit you? -- Yes.

What for? To say good morning to you? -- No. This (30  
was because there was a little job or jobs that I went

... / out

out to do with them.

Your statement, was that ever shown to you again after the first time that you had made it? -- No, not that it was shown to me, but it was read over to me.

When was it first read over to you? -- I would not remember the date. It is a long time ago.

Was that when you first made the statement? -- No.

In what month did you make the statement? -- It was in January.

In what month was it read over to you?-- I do not (10 remember, it is a long time ago.

Was it in February, was it the next month? -- I do not remember.

Any way, it is so long ago, that you cannot remember when it was read to you? -- Not that it was read once.

Was it read many times to you? -- It was read out on quite a few occasions and the police asked me if I wanted to add anything, whether I have remembered anything in the meantime which I did not mention in that statement.

When was that? -- As I say, I do not remember the (20 occasions, it was a long time ago.

I just want to test that for a moment. The police came to you and said to you do you want to add anything? -- Yes, like when, on the occasions that I had gone out with the police. We would go via the office, at times see the police officer to whom I made the statement.

Did he ask you whether you wanted to add anything? -- Yes.

And what did you say? -- I said no, there is nothing further. (30

And then? When was that? When did that happen? --

... / As

As I say, it is a long time ago. This happened over a few occasions. I do not remember when it was.

Are you telling His Lordship that on a few occasions the police asked you whether you wanted to add anything? -- A few days, yes, but after I had told them that there is nothing that I can add, they left me.

And the last time they said that you, was that a long time ago, so long ago that you do not remember? -- If I am not making a mistake, the last time was during last month. (10

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

JEFFREY KHAMBULE, still under oath

CROSS-EXAMINATION BY MR. BROWDE (continued) : Jeffrey, I think you have just told His Lordship and the gentlemen before the adjournment that this statement of yours was read over to you recently? -- Yes, I said so.

When? -- This was during last month.

Why? -- I do not know why they did it.

How many times has it been read over to you, your (20 statement. Tell His Lordship. Think hard and tell him how many times has it been read over to you? -- As I have said earlier, it is quite a long time ago that thing happened. I do remember that the statement was read to me during last month. Further than that I do not remember.

And did that statement say that the accused told you he was in Russia? -- Yes.

Have you ever heard of the ANC? -- I have read in the papers about it.

Is that the only place you have heard about it, from(30 the papers? -- That is so.

Did the word ANC, the expression ANC, was that never mentioned to you by the accused? -- That was not mentioned by the accused to me.

Do you know, the accused, one of the things that he has not been charged with, is having gone to Russia? It has not been suggested that he had gone to Russia. Can you explain that or do you not know? -- I do not know.

And this machine that you are talking about, did you ask the accused what sort of machine it was? -- I did, yes. I asked him what kind of machine is that. He said(10 the best would be for me to go for training, then I would see what kind of machine that is.

You left that out in your statement this morning? -- What is it that I left out?

That you asked him what sort of machine it was and he said if you want to know, you must go and get training. You did not tell His Lordship and gentlemen that this morning? -- No, I mentioned this. I said when I asked him what kind of machine it was, he said would I not be interested in undergoing training, so that I can discover (20 for myself what kind of machine this is.

I want to put it to you that you did not say that when My Learned Friend asked you to tell His Lordship everything that happened. He said yes, carry on, tell everything, but this you did not tell. Why not? -- I mentioned this.

I can tell you that, that that is not true? -- I do not know. I am convinced I said it.

Very well. I just want to put it to you now. Are you saying that it was in the context of this machine that he said to you "Come and get training, then you will(30 see what the machine is?" Is that what he said you must

come and get training for? -- No, it was not in the context of this machine.

Please, do not let us get confused about this. I just want to clear this up properly. At what stage of the conversation did he tell you about the machine? Before he spoke about Russia or after he spoke about Russia? -- He told me about the machine, after having explained how he left and up to the time he was in Russia and then coming back.

Tell His Lordship and gentlemen the whole conversa-(10 tion about the machine? Everything about the machine? -- Phumulani said to me, when they came back from Russia, they came back to their camps, which camps are in Angola. He said further that on arrival in Angola, their leaders instructed them to go and shoot certain Whites who are in Angola. That they went to shoot these Whites, chased them out of Angola into South West Africa.

I do not want to be rude to you, but you are repeating your evidence like a parrot. I asked you the question, what did he say about the machine? -- But then it was (20 interpreted to me that I had to explain everything about the machine.

That is right. That was the question. -- That is what I am explaining.

Well, explain it. -- Then he said he was using that machine during this chase and then he did not explain to me what kind of a machine it was.

Is that all he said? "During this chase I used this machine", but he did not tell you what sort of machine it was? -- Yes, it was thereafter that he discussed further (30 and came to the point where he said if I were to go for

... / training



training, I would discover what kind of a machine is it.

Have you told His Lordship again everything that was said about the machine? -- Yes, I have.

So, it was in order to discover what the machine was, that he suggested you go for training? -- Yes, he wanted me to discover what kind of a machine this is and furthermore to learn about the art of warfare.

But it was when you asked about the machine, that he said if you want to discover what the machine is, go for training? -- I have explained earlier that he asked (10 me if I would be interested in undergoing training and it was again when I mentioned the machine, that I spoke of him having said I can go and discover what kind of machine this is.

I want to put it to you that also that you did not say to His Lordship and gentlemen earlier when My Learned Friend asked you to tell us? -- I mentioned it.

C83

I am going to suggest that you have not told the truth to this Court and that accused no. 6 did not try to recrute you? -- He did mention that to me. (20

By the way, you knew the accused from Kwa-Mashu? -- Yes.

He had been to your house to a party? -- Yes, he did.

Other than that, was he a visitor to your house? -- Yes, he had been a visitor.

To your brother Bernard? -- No, he was then visiting Edward. Bernard was not staying at home any more. Accused and Edward are agout the same age.

Had you ever had a discussion with him yourself before that about anything, before this day that he tried to (30 recruit you? -- No, not between me and accused no. 6

... / before

before that.

So, the first discussion you had with him, he told you all about his military training in Angola and in Russia and the whole thing that you have told His Lordship and he tried to recruit you as well? -- That was the first time, yes, that he had a discussion with me. He spoke to me because there was nobody else he could talk to at the time.

He could have spoken to you about football? He did not have to talk to you about making war? -- Well, he (10) could not have discussed soccer with me. We had never played together. We had never sat and discussed soccer together.

You had never made war together, had you? -- No, I have never done that before.

And what is more, he did not tell you "Look, you must please not mention this to anybody else that I am recruiting people to go out of the country"? He did not say that to you? -- No, he did not mention that.

So, you were free to go to your friends at school (20) and say "You know this Grant Shezi, he is recruiting for people to go overseas"? You could have done that? -- It just did not occur to me to do that, because I told him firstly that I was not interested.

But you could have done it if you wanted to? He did not ask you not to? -- Well, it is only that I am not used to talk about things that I have been discussing with other people.

And he told you that he had come back with a mission, "opdrag", mandate, orders, to blow up certain places (30) which he did not name? -- Yes.

... / He

He did not name them? -- He did not name these places.

You did not ask him or did you? -- I did ask him, but he said in reply that he was not going to tell me the places.

Did you know that he was going to leave South Africa again after he had spoken to you? -- Yes, he mentioned that he had come to get other people and after he had completed what he had come here for, he would go back again.

But he did not tell you why he was going back? -- (10  
He did not mention the reason, excepting that he mentioned that he would be going back with the others that he would get to accompany him.

He did not tell you why he was going back? -- No, he did not.

He did not tell you when he was going back? -- No, he did not.

He did not tell you where he was going back to? --  
He did not specify, though I concluded that going back means from where he had come from. (20

Is the ANC not very well known? Those three letters, the name ANC, very well known in Lamontville? -- I do not know about it.

You, Jeffrey Khambule, do not know about the ANC? --  
No, nothing.

Do you know what the letters stand for? -- My knowledge is only from what I read in the newspapers, what they stand for.

Just listen to the question. Do you know what they stand for, ANC? -- Yes, I know. (30

What do they stand for? -- African National Congress.

... / When

When did you first know that ANC stood for African National Congress? -- I read of this in the newspaper the day on which Steve Biko had died.

When was that? -- I do not know what day's newspaper it was.

Do you remember in what year it was? -- I do not remember in what year it was.

How long have you been reading newspapers? -- It has been a long time. I read newspapers every time, days like today. (10

Yes, but you have been reading newspapers for years? -- Not years.

Well, what? Months? -- If I am not making a mistake, about a year and a half ago I started reading newspapers.

Do you mean in the middle of 1978? -- I do not remember.

You see, Biko died in 1977. Three years ago. I think yesterday was the anniversary of his death? -- As I have said, I do not remember when he had passed away.

But where you reading newspapers at the time that (20 Biko died? Were you then already reading newspapers? -- I came to know by reading in the newspaper, not at the time of his death, but some time after his death.

What did the ANC have to do with Biko's death? -- It was only mentioned that Biko was a leader of this organisation.

Oh, is that what was mentioned? In what newspaper was that? -- This was in the Rand Daily Mail.

Well, I just want to put it to you that Biko had nothing to do, nobody has ever suggested that Biko had (30 anything to do with the ANC? -- Well, that is how I saw

... / the

the writing in the paper.

That is how you remember it? -- Yes.

That is what your memory is? -- That is how I remember it.

RE-EXAMINATION BY MR. JANSEN : No questions.

HOF : Hoe oud is jy? -- Ek is 18.

Die broer wat net ouer is as jy, is dit Bernard of Edward? -- Dit is Edward, dan is daar twee meisies, dan ek.

Kyk, moenie die ander kinders noem nie. Daar is (10 drie genoem hierso. Bernard, Edward en jy. Ek wil weet hoe julle in die huis inpas. Jy sê jy is 18 jaar oud. Dan kom wie? Wie is ouer as jy? Edward of Bernard? -- Edward. Van die drie seuns kom ek na Edward. Tussen my en Edward is daar twee meisies.

Ja, ek het vir jou gesê ek wil niks hoor van die meisies nie. Dan die oudste is Bernard? -- Dit is Bernard.

Jy weet nie hoe oud Bernard of Edward is nie? -- Dit is so.

Jy het gesê tussen jou en Edward is daar twee (20 meisies? -- Dit is korrek.

Die een wat net ouer is as jy, hoe oud is sy? -- Sy is twee jaar ouer as ek.

Dan is daar nog 'n meisie bo haar en dan Edward? -- Dit is heeltemal reg.

Daardie tweede meisie, hoeveel ouer is sy as daardie sustertjie wat net ouer is as jy? -- Daar is ek nie seker nie.

Is daar enige kinders tussen Edward en Bernard? -- Nee. (30

Toe jy met beskuldigde nr. 6 gepraat het, was beide

... / Edward

Edward en Bernard reeds uit die huis uit of nie? -- Soos ek alreeds verduidelik het, Bernard bly nie meer daar by my ouers se huis nie, hy bly in Kwa-Mashu.

Op daardie stadium? -- Op daardie stadium, maar Edward wat nog wel saam met ons by my ouers se huis woon, was toe nie tuis gewees nie.

Ja, ek weet dit, maar het hy nog skoolgegaan of het hy vir homself gewerk? -- Hy het al gewerk.

Daar is 'n vraag aan jou gestel of jy vir beskuldigde nr. 6 oor hierdie masjien gespreek het en jy het gesê (10 ja en hy het vir jou gesê as jy gaan vir onderrig of vir "training", soos jy dit noem, dan sal jy sien die tipe masjien? Hoe dit werk? -- Dit is so.

Waar sou jy hierdie "training" ondergaan of het hy nie gesê nie? Die opleiding? -- Hy het my nie gesê nie.

Ek het van jou vrae wat jy geantwoord het aan die advokaat vir die verdediging verstaan dat jy twee keer gepraat het oor opleiding in Rusland. Die eerste keer oor die algemeen en die tweede keer toe jy met hom oor die masjien gepraat het? -- Dit is so. (20

Wat is so? -- Dit is so dat eers het hierdie opleiding ter sprake gekom toe hy vir my gevra het of ek nie sal belangstel om sulke opleiding te ondergaan nie.

Ja, maar dit is nie die opleiding nie, dit is waar? -- Alhoewel hy nie presies gesê het waar ek die opleiding sal ontvang nie, het ek aangeneem dat ek hierdie opleiding sal ontvang waar hy vandaan kom.

Waar was dit? -- Hy het van Angola gekom.

Met ander woorde, Rusland as 'n plek waar jy opleiding sou ontvang, is nooit genoem nie? -- Hy het Rusland (30 genoem as 'n plek vir opleiding. Hoekom ek van Angola

praat is omdat hy eers na Angola toe gegaan het en daarna Rusland toe. Ek het aangeneem dat indien ek belanggestel het, sou ek Suid-Afrika verlaat het en eers Angola toe gegaan het.

Waar sou jy uitvind hoe hierdie masjien werk? -- Hy het nie vir my gesê presies waar dit sal wees nie.

Het jy aanvaar waar jy sou uitvind hoe die masjien werk? -- Ek het nie daaraan gedink nie.

MR. BROWDE : My Lord, I wonder if Your Lordship would allow me, just one small matter which I am reminded of (10 as a result of Your Lordship's questions to this witness which I perhaps forgot to put? It is a small matter?

COURT : Yes.

RE-CROSS-EXAMINATION BY MR. BROWDE : You told His Lordship ago that when this happened between you and the accused, your brother Bernard was in Kwa-Mashu? -- Yes.

Is that the truth? -- Yes, it is the truth.

Was he not in jail in Durban? -- I knew him to have been in Kwa-Mashu. I do not know when he was taken into custody. (20

Your mother said that at that time your brother was in Durban Central Prison? Did she not speak to you about that? -- No, she did not.

Was it not a matter of concern at home that your brother was in jail? -- It was a matter of concern.

Well, then you must have known it? -- I came to hear of this on 31 January when I was told that my brother had been sentenced and to what term of imprisonment.

31 January 1980? -- Yes.

What date did the accused come? -- This was on 26. (30

Do you remember that? -- Yes.

... / That

That he came on 26 January? -- Yes.

What day of the week was it? -- It was a Saturday.

NO FURTHER QUESTIONS.

EDWARD KHAMBULE, v.o.e. (Deur tolk) NR. 113 (64)

ONDERVRAGING DEUR MNR. JANSEN : Die vorige getuie, Jeffrey, is u jonger broer? -- Dit is so.

Hoe oud is uself? -- Ek is 26.

En u werk te Durban? -- Ek werk te Durban.

Bly u nog saam met u moeder Jane Khambule te Lamontville in dieselfde huis? -- Dit is so. (10)

Het u 'n broer met die naam van Bernard? -- Ek het.

Hoe oud is hy? -- As ek nie 'n fout maak nie, dink ek 27 of 28.

Dit is gemeensaak dat beskuldigde nr. 6 aan die begin van die jaar julle huis te Lamontville besoek het? -- Ja, hy het daar by die huis gekom.

Kan u onthou die datum wat hy daar aangekom het? -- Ek kan net onthou dat dit op 'n Saterdag was. Van die datum is ek nie seker nie.

Watter Saterdag was dit? In die middel of aan die (20 begin of aan die einde van die maand? Kan u onthou? -- Dit kan ek ook nie onthou nie.

Die betrokke Saterdag wat u hom nou daar gesien het, hoe laat het u self by die huis aangekom? -- Ek sal nie die tyd kan onthou nie. Dit was al in die aand gewees.

Het u die dag gewerk? -- Ek het gewerk op daardie dag.

Tot hoe laat? -- Ek het gewerk tot twee-uur namiddag.

Waar is u na twee-uur heen, na werk? -- Ek het na 'n vriend van my gegaan. (30)

Vir hoe lank? -- Ek het vir 'n lang tyd daar vertoef,

... / alhoewel



alhoewel ek nie kan sê hoe lank dit was nie.

Toe u nou by die huis aankom, wat het u daar gevind?  
-- Ek het die huis binnegegaan en op die rusbank het ek toe vir Phumulani gesien waar hy gesit het.

Phumulani, is dit nou beskuldigde nr. 6? -- Dit is beskuldigde nr. 6 in die saak.

Het u hom herken of geken op daardie stadium? -- Toe ek die huis binnegegaan het, het ek net die persoon wat ek daar gesien het, gegroet. Ek het hom nie herken nie. Ek is eers in die slaapkamer in. Toe het ek uitgegaan (10 en ek gaan na die gemakshuisie toe. Toe het ek teruggekom, die huis weer binnegegaan en my moeder het toe my aandag daarop gevestig dat 'n sekere persoon met my wil praat. Ek het toe nader aan die persoon gegaan en langs hom gaan sit. Ons het mekaar gegroet en toe het ek vir hom gevra -- toe het hy vir my gesê sy naam is Wuzi Mthembo. Ek het hom tot op hierdie stadium wat hy vir my sy naam gesê het, nie herken nie. Ek vra toe vir hom waarmee ek vir hom kan help en toe sê hy hy het kom kyk of my broer tuis is.

Watter broer? -- Bernard Khambule. (20

Ja? -- Ek het toe vir hom gesê dat Bernard nie tuis is nie.

Waar was hy? -- Ek het nie vir hom gesê waar Bernard was nie.

Ja? -- Ek het hom toe daarna uitgevra waar hy vandaan kom, watter Wuzi hy is. Toe sê hy vir my sy regte naam is Phumulani Shezi en nie Wuzi Mthembo nie. Toe vra hy vir my om na hom te verwys as Wuzi Mthembo en nie na sy van as Shezi nie.

Het jy vir hom gevra hoekom met jy nou so maak? -- (30  
Ek het hom toe nie gevra hoekom ek na hom as sulks moet

verwys nie, maar onmiddellik toe hy vir my gesê het sy naam is Phumulani, het ek hom herken, want ek het hom voor dit geken toe hy nog groot geword het.

Van waar af het u hom geken? -- Hy was 'n vriend van my broer Bernard en hulle het gewoonlik daar by die huis gekom.

Wat gebeur toe nou verder daar by julle huis? -- Op daardie stadium het 'n vriend van my toe ingekom. Ons het 'n afspraak gehad om na 'n sekere plek toe te gaan. Ek het toe my vriend aan die beskuldigde voorgestel en verder (10 gesê dat ek en my vriend van plan was om na 'n sekere plek toe te gaan en indien beskuldigde nr. 6 iets wil sê, moet hy dit nou sê. Beskuldigde nr. 6 vra toe vir my of ek daarvan bewus is dat hy nie by die huis was nie, dat hy weg was. Toe het ek vir hom gesê ja, ek weet dat hy nie by die huis was nie, maar ek weet nie waarheen hy was nie.

Was die vriend van u teenwoordig gewees tydens die gesprek? -- Ja, my vriend was daar, hy het daar gesit.

En Jeffrey? -- Jeffrey was nie in die huis nie. (20

U sê toe vir hom u weet hy was weg. Wat gesels julle verder? -- Ek het om verskoning gevra. Ek het gesê ek en my maat wil loop. Toe het hy vir slaapplek gevra by my ouers se huis en nog verder gesê dat indien ek hom sien, moet ek nie vergeet om na hom te verwys as Wuzi Mthembo nie en nie Phumulani nie.

Het u toe ingestem om vir hom slaapplek te gee daar? -- Die slaapplek het hy nie by my gevra nie. Ek dink hy het by my moeder gevra om daar by die huis te slaap.

Is u toe saam met u vriend daar weg? -- Ek is toe (30 weg met my vriend.

Wanneer het u toe teruggekom? -- Dit was omstreeks tienuur in die nag gewees wat ek teruggekom het.

Toe u by die huis aankom, wat vind u toe, toe u nou terugkom tienuur die aand? -- Ek het gevind dat die beskuldigde in ons slaapkamer is. Hy was saam met Jeffrey daar gewees. Dit was voordat hulle geslaap het.

Wat maak jy toe jy daar aankom? -- Ek het eers gaan bad en toe het ek my kos saamgeneem na die slaapkamer toe waar ek gesit en eet het.

Is dit dieselfde slaapkamer as waarin Jeffrey en (10 die beskuldigde was? -- Dit is so.

Wat gebeur toe daar in die kamer? -- Hy het toe begin en probeer om met my te praat, maar toe was ek nog besig gewees om te eet.

Wie? -- Ek verwys na Phumulani.

Beskuldigde nr. 6? -- Beskuldigde nr. 6.

Gaan aan en vertel nou mooi vir die Hof waarom julle gesels het wat u kan onthou? -- Ek het hom eers gevra, aangesien hy nie tuis was nie, waar het hy homself bevind. Sy antwoord was dat hy buite die grense van die Republiek(20 was, hy was in ander lande, soos Rhodesië en Rusland.

Waar was Jeffrey op daardie stadium? -- Jeffrey was by gewees.

Wat het hy gedoen? -- Hy het op sy bed gelê. Ek is nie seker of hy aan die slaap was en of hy net gelê het nie.

Het Jeffrey saam met julle gesels, aan die gesprek deelgeneem of nie? -- Jeffrey het niks gesê nie. Die posisie is ook dat ek en beskuldigde nr. 6 nie hard gepraat het nie. (30

Beskuldigde vertel nou hy was buite die grense van

... / die

die land en hy noem Rusland en Rhodesië, wat gaan nou verder aan? -- Hy het toe vir my gesê die rede hoekom hy soontoe gegaan het, was omdat hulle daar opleiding ondergaan het wat gebruik kan word in oorlog.

Ja? -- Daarna het hy toe vir my gevra of ek nie belangstel in hierdie soort opleiding nie. Ek was nie gewillig gewees om opleiding te ontvang nie en toe het ek hom ook gevra wat die rede is vir hierdie opleiding. Toe het hy vir my begin sê. Hy het vir my gevra of ek bewus is van die feit dat mense in hierdie land onderdruk(10 word. Ek het nie daarop geantwoord nie. Toe het hy verder aangegaan en vir my gevra of ek die geskiedenis van die Kaapprovinsie ken. Toe vra ek vir waaromtrent. Toe het hy aan my verduidelik wat hy bedoel. Hy het vir my gesê hy bedoel hoe die mense daar sukkel, wanneer dit begin het. Hy het vir my gesê dit het begin met die aankoms van die Blankes in die Kaapprovinsie.

Wat het hy daarvan gesê? -- Hy het verder aangegaan deur te sê dat die Blankes het na hierdie land gekom en toe het die mense van hierdie land begin sukkel. Die (20 Blankes het die vee wat die mense gehad het, begin verminder dh toe die mense laat begin om belasting te betaal. Hy het daarna vir my gevra of ek goed verstaan het wat hy nou net vir my gesê het en toe het ek vir hom gesê dit is nie duidelik nie. Nadat ek vir hom gesê het dit is nie vir my duidelik wat hy bedoel nie, het hy gesê dat hy vir my 'n ander voorbeeld sal noem. Hy vra toe vir my tot hoe ver op skool het ek gegaan. Ek sê toe vir hom. Hy vra toe vir my of ek geskiedenis op skool geleer het. Ek het vir hom gesê dat ek wel geskiedenis geleer het, maar(30 nie tot in die hoër klasse waar ek was nie. Op 'n stadium

het ek geskiedenis gelos. Hy gee toe vir my drie woorde en vra vir my of ek hierdie woorde ken. Die woorde was "Kommunisme, sosialisme en imperialisme." Ek het toe vir hom gesê dat ek nie verstaan nie. Hy het toe aan my gesê hy sal 'n verduideliking aan my gee oor die naam wat gebruik word in die land waar hy vandaan kom, naamlik kommunisme. Hy het vir my probeer sê dat by die plek waar hy was, waar hy vandaan kom, het hulle lekker gebly, hulle het nie gesukkel nie.

Watter land was dit? -- Dit was Rusland. Hy het (10 vir my gesê in Rusland word kommunisme gebruik. Hy het vir my gesê dit beteken niemand in daardie land het enigiets wat aan hom persoonlik behoort nie. Enige ding word deur enige persoon gebruik. Hy het vir my probeer sê van wette wat persone onderdruk en verder gesê dat in Rusland werk die mense beter daar, want hulle werk minder ure. (Meganiëse defek)

K84

K85

Vertel maar van die aangename werksure in Rusland? -- Net voor die masjien moeilikheid gegee het, het ek gesê hy het vir my gesê in hierdie land word die mense (20 onderdruk indat hulle vir langer ure werk vir min besoldiging.

Hoe werk hulle in Rusland? -- Soos ek alreeds gesê het minder ure per dag.

En die vergoeding in Rusland? -- Ek kan nie onthou dat hy vir my van die besoldiging gesê het in Rusland nie, maar hy het wel gesê dat die mense daar geld kry. Hoe hulle dit kry, kan ek nie onthou nie. Hy het verder gesê dat die mense niks kort het daar nie. Hulle het alles.

(30

Wat sê hy verder? -- Hy het verder vir my gevra of

... / ek

ek verstaan wat hy sê, of dit vir my duidelik is wat hy sê en toe ook gevra of ek miskien belangstel in wat hy vir my gevra het en of ek bereid is om saam met hom te gaan.

Waarheen te gaan? -- Om saam met hom Rusland toe te gaan om hierdie opleiding te ondergaan. Ek het vir hom gesê dat ek geen rede sien hoekom ek soontoe moet gaan nie. Ek het vir hom gesê ek is 'n man wat werk, ek is 'n man wat kinders het. Ek het ook aan hom gesê dat wat hy aan my verduidelik het, nie duidelik is nie. Ek ver- (10 staan dit nie. Ek het hom toe op hierdie stadium verskoning gevra en gesê ek wil slaap. Toe het hy gesê aangesien ek nie so mooi verstaan wat hy aan my verduidelik het nie, sal hy 'n ander persoon na my toe stuur wat met 'n boek sal kom om hierdie verduideliking te kom doen.

Het julle toe aan die slaap geraak? -- Voordat ek geslaap het, het ek vir hom 'n paar vrae gevra.

Wat het jy vir hom gevra? -- Ek het hom eerstens gevra hoe hy die land verlaat het, waar sy maats is saam met wie hy die land verlaat het. Hy het my nie gesê hoe (20 hy die land verlaat het nie, maar aan my gesê dat die vriende wat saam met hom die land verlaat het, het hy buitekant die grense van die land agtergelaat.

GETUIE STAAN AF.

K86

HOF VERDAAG TOT 14h00.      HOF HERVAT OM 14h00.

EDWARD KHAMBULE, nog onder eed

ONDERVRAGING DEUR MNR. JANSEN (vervolg) : Voor die ver-  
daging het u die Hof meegedeel dat die Saterdagand voor  
u en die beskuldigde aan die slaap geraak het, het u vir  
hom so 'n paar vrae gevra? -- Dit is reg. (30

Toe het u vertel van die vriende van die beskuldigde

... / wat

wat hy agtergelaat het wat saam met hom die land verlaat het? -- Dit is so.

Is daar nog iets wat u hom gevra het? -- Nee, daarna het ek hom nie verdere vrae gevra nie. Ons het geëindig deurdat hy gesê het hy sal iemand anders stuur, aangesien ek hom nie verstaan nie.

Het u hom die volgende oggend weer gesien? -- Ek het die volgende oggend baie vroeg opgestaan en ek is toe weg.

Het u die beskuldigde daarna weer gesien? -- Toe ek terugkom het ek hom ontmoet toe hy uitgaan. (10

Dit was die Sondagoggend toe hy die huis verlaat? -- Dit is so. Toe het ek halfpad saam met hom gestap. Ek het hom vergesel.

Het julle toe weer hieroor gepraat? -- Ons het niks weer oor hierdie aangeleentheid gesels nie.

En na die Sondag, het u hom weer gesien? -- Ja, ek dink, as ek nie 'n fout maak nie, was dit die Dinsdag gewees.

Wat wou hy toe gemaak het? -- Dit was toe ek inkom dat ek die beskuldigde ontmoet het op sy pad uit. Hy het net vir my gesê dat hy 'n boek van hom kom soek het daar. (20 'n Boek en 'n hoed.

Daarna het u hom nie weer gesien nie? -- Dit is so.

U het nou vir die Hof gesê dat u hom uitgevra het omtrent die tyd wat hy weg gewees het? -- Ja, ek het vir hom daaromtrent gevra.

Hoe het u geweet dat hy weg was? -- My kennis daarvan was gebaseer op hoorsê.

Nou maar goed, los dit. Wanneer het u hom die eerste keer vermis? -- Ek het nie self uitgevind dat hy vermis is nie, behalwe wat ek gehoor het. (30

Ja, maar wanneer het u hom nou vermis? Of as u nie

kan onthou nie, sê dan net so? -- Ek sal nie kan sê wanneer dit was nie. Hoe dit gekom het dat ek navrae gedoen het, was omdat ek foto's van hom gesien het.

U het ook vir die Hof gesê dat die beskuldigde u meegedeel het dat hy sekere opleiding ontvang het? -- Ja, dit het ek van die beskuldigde gehoor.

Waar oral het hy opleiding ontvang? -- Hy het gepraat van Rusland eerstens. Beskuldigde het gepraat van Rhodesië, maar hy het nie gespesifiseer wat hy daar gedoen het nie. (10)

Watter tipe opleiding het hy in Rusland ontvang? -- Die enigste wat hy vir my gesê het, is dat hulle geleer het hoe om oorlog te voer, hoe om vuurwapens te gebruik, hoe om vuurwapens reg te maak indien dit gebreek is.

Ja? -- Hy het ook gesê in hierdie oorlog as daar mis-  
n vliegtuig  
kien in die lug is, is hy ook geleer om dit af te skiet.

Vir watter doel het hy hierdie opleiding ontvang? -- Ek het hom daardie vraag gevra. Die enigste antwoord wat hy vir my gegee het, was dat hulle wil baklei om vry te kom dat die mense nie onderdruk moet word nie. (20)

Teen wie wil hulle baklei? -- Hy het 'n voorbeeld gemaak van sersant Nkosi, die persoon wat vermoor is. Hy het hom as 'n voorbeeld gegee van mense wat die ander uitgee of verkoop. Dit is mense wat ander mense nie goed behandel nie.

Hy het sersant Nkosi genoem. Wie het hy nog genoem, teen wie moet daar nog baklei word?

MR. BROWDE : My Lord, the question has already been asked. Teen wie sou hy baklei het en hy het 'n voorbeeld gegee van sersant Nkosi. With respect, My Lord, I think My (30  
Learned Friend is going very close to cross-examining



this witness now.

HOF : Stel die vraag op 'n ander manier. Ek weef wat u wil hê en ek sal daardie vraag op 'n ander manier maklik kan stel.

MNR. JANSEN : Die opleiding wat hynou ontvang het, het u reeds gesê die mense moet kom baklei? Sodat mense vrygemaak kan word? -- Dit is so.

Teen wie moes daar baklei word? -- Hy het nie vir my gesê teen wie hulle gaan baklei nie. Hy het gepraat van die onderdrukking van mense. (10)

Watter mense word onderdruk? -- Swartmense. Hy het gesê die Swartmense word deur die Witmense onderdruk.

Hoe sou hulle baklei? -- Hy het nie gesê hoe baklei sal word nie, maar ek onthou dat hy melding gemaak het van wapens wat hulle van die ander lande inbring hierso, maar hoe dit gebruik sal word, het hy nie gesê nie.

MR. BROWDE ASKS FOR A SHORT ADJOURNMENT.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

EDWARD KHAMBULE, still under oath (20)

CROSS-EXAMINATION BY MR. BROWDE : Mr. Khambule, you do not remember the date on which this conversation between you and accused no. 6 took place? -- I only remember it being on a Saturday, but the date I am not sure of.

Do you remember the month? -- No. It is quite a long time ago that this happened.

How long after it happened were you first approached by the police? Do you remember that? -- No, I do not remember that as well.

Of course, when you had this conversation, you did (30 not know that you were going to have to give evidence in

Court? -- It is so, I did not know.

You did not even know that you were going to be required to make a statement to the police? -- I did not know that.

You yourself you say were not interested in communism? -- No, I was not interested.

You were happy in your job? -- Yes, just as I am still satisfied with my job.

You knew you had responsibility to your family? -- That is correct, yes. (10

So, you were not interested in going out of South Africa for any reason? -- That is correct.

So, really this conversation with accused no. 6 was of no interest to you? -- Not at all.

And you did not make any notes? -- I did not make notes.

And when the police first communicated with you, were you interrogated? -- Yes, I was interrogated.

For how long? -- I was taken in the morning from the place of my employment, up till about two o'clock during (20 the day.

Were you given plenty of time to say all you knew about what transpired between you and accused no. 6? -- It was not immediately on arrival when they started asking me questions. I was left there for some time.

But you had plenty of time, you were not rushed, you had plenty of time in which to tell the police everything you knew about what had gone on between you and accused no. 6? -- That is correct.

Could you remember everything on that first occasion (30 that you were interrogated? -- I got a bit confused

... / when

when they came to fetch me on the first occasion, because I did not expect the police would come and fetch me.

Could you remember everything that had gone on between you and accused no. 2 the first time that you were interrogated? -- No, not that time. Not everything.

How long was that occasion since the last time you saw the accused? Let me just rephrase that. How long had gone by between the time when you last saw accused no. 6 and the first interrogation by the police?-- As I said earlier I do not remember how long it was. (10

Can you give His Lordship any indication? Was it a month or more, less? -- It is difficult to estimate, because I may estimate wrongly.

On that first occasion, did you make a statement to the police even although you were confused? -- Yes, I did.

Was it taken down in writing? -- It was taken down in writing.

Was it read back to you? -- Yes, it was.

Did you sign it? -- I signed it.

In what respects were you confused when you made (20 that first statement? -- Firstly, I did not expect the police there. I had not committed any offence to warrant the coming of the police to me.

Yes, but what I mean is this, was that first statement that you signed wrong in any respect? -- I signed the statement because the police said if after the signing of the statement I recall something that happened, that I would have the right to come and tell them this and this happened, which I had forgotten.

Listen to the question. Was the first statement (30 you signed wrong in any respect? -- No, there was nothing

... / wrong

wrong.

So, your confusion did not lead you to say anything that was not correct? -- I had to sign the statement because I was asked to do so.

Just a moment. I said to you, is it correct that your confusion did not lead you to say anything that was wrong? -- No, it did not.

Did it lead you to leave anything out? -- Yes, it did happen that I left out something.

What did you leave out? -- I had left out what I (10  
have already told this Court earlier in my evidence.

COURT : Yes, the counsel is asking you what? -- What I left out was what the police captain asked me there whether accused no. 6 had told me what he had gone to be trained in. I then told the captain that I have forgotten to mention that he said the use of fire-arms to shoot down an aeroplane whilst a person is on the ground.

MR. BROWDE : Is that the only thing you left out? -- That is all I added to my statement and this came about when the captain asked me about that. (20

Did the captain ask you about it on the first occasion that you made the statement? -- The captain only wrote down what I said and did not ask me anything thereafter.

How many times were you interrogated by the police? -- On two occasion.

On which occasion were you asked by the captain this question which you have just put about the shooting down of the aeroplanes? -- It was on the second occasion.

What I want to know is, on that second occasion, is(30  
that the only difference that statement and your first

... / statement

statement, this inclusion of the shooting down of aeroplanes? -- That was all.

Why then do you tell His Lordship on the first occasion you were confused? What was the confusion? -- What confused me is, I was told inside the place of my employment that there are police waiting for me at the gate. I did not know why the police wanted to see me. I had not committed any offence.

But what did the confusion lead you to do? In what way did it result in confusion? -- The manner in which (10 I was approached. This is how I was approached by the police. They came to me and said "Yes, you, you keep criminals at your home." Then I was told by the police that they are going to take me along, they have asked for permission to take me along from work.

Did you ask what criminal did you keep at your home? -- No, I did not ask them that, but this is what caused me to be confused because I did not know what they actually by saying so.

Did this confusion lead you to make any mistakes (20 in your statement? -- No. This confusion did not cause me to make any mistakes in my statement, but it did cause me to forget saying certain things, because I was not free. Thinking freely.

And this led you to forget this question of the shooting down of the aircraft? -- Yes, that I forgot, but I recalled it when I was being questioned about it.

The second time? -- That is correct.

But that is the only thing you forgot? -- That is correct. (30

And did you tell the police that the accused had told

... / you

you that he had been to Rhodesia? -- I told them.

And he never mentioned any other places, only Rhodesia and Russia? -- He only told me of these two places.

Did you ever compare notes with your young brother Jeffrey? Perhaps I better not use that expression. It can lead to confusion. Did you ever discuss with Jeffrey what the accused had told you? -- No, I did not have the time to discuss that with him.

Come on. Do you not see him every day? -- Firstly, I am employed. I leave my home quite early in the morning (10 and come back late in the night.

What time do you come back at night? -- Between nine and ten, depending on what time I knocked off.

Jeffrey, what is he doing at nine or ten or whatever when you come back from work? -- I usually find everybody asleep at home.

You share a bedroom with Jeffrey, do you not? -- That is correct.

Do you mean to tell His Lordship and gentlemen even over a weekend you did not have an opportunity of dis- (20 cussing this matter with Jeffrey? -- No, it also did not occur to me that I should discuss it with him.

Did you know that Jeffrey was interrogated by the police? -- Yes, I heard of that at home. This was after I had told my people that I had been taken by the police for questioning.

Were you worried to hear that your little brother was interrogated by the police? -- I did not follow Jeffrey's being taken by the police much, because I had already been taken in and I knew why I have been picked up. (30

I asked you, were you not worried that your little

... / brother

brother, your young brother, had been taken in by the security police for interrogation? -- No.

You did not think of asking him what was it all about? -- No, I did not think of asking him, because I was thinking of what had happened to me.

And your mother was also interrogated, was she not? -- Yes, she was.

Did you ask her what happened to her? -- I did ask her, yes, but she was not interested in telling me.

So, you asked your mother, but you did not ask Jef- (10) frey? -- That is correct, yes.

Did you ever compare with your mother what the accused had told her with what he told you? -- No.

You see, we have heard evidence up to now from both your mother and your brother that the accused said that he went to Angola? He did not tell you that? -- That is what they know, unknown to me.

He did not tell you that he had been to Angola? -- No, he mentioned the countries that I have already spoken of. (20)

Actually, the countries you have mentioned are Rhodesia and Russia? -- That is what I have said, yes.

Are you not making a mistake? Did you not mean Angola? -- No, I still remember it.

Did you never tell the police that it was Angola? -- No, I do not remember that.

Do you know that Jeffrey says on the very night on which he spoke to you, the accused told him he had been to Angola? -- I was not present then.

No, I know that. -- I do not know about it. (30)

Will it surprise you to hear that he mentioned Angola

to Jeffrey but not to you? -- I am hearing this for the first time.

Have you ever heard of the ANC? -- I usually read about it in the newspapers.

I did not ask you where you have heard of it. Have you heard of the ANC? -- Yes, I have heard of it.

Jeffrey also said he read about it in the newspapers only? -- I usually read of the ANC in the newspapers.

Do you not speak to other people of the ANC in Lamontville? -- No, I would not discuss anything about it, (10 because there is nothing I know about it.

Have you ever heard of Nelson Mandela? -- Yes, I have.

Who is he? -- I know him as Nelson who is in prison on Robin Island.

Why? -- I know him as the leader.

Of? -- The ANC organisation.

Where did you read that? -- I usually read this in newspaper captions.

You see, you knew that the accused had disappeared (20 at a certain time, did you not? -- I knew that he was not there.

And that he had disappeared? -- That is correct.

With others? -- That I have heard, yes.

Do you remember that in 1976 there was trouble practically throughout the country which started in Soweto? -- I remember it.

I mean, you are a grown man, you read the newspaper? -- Yes.

Do you have a radio? -- Yes, I do have. (30

Do you listen to the news? -- I do listen to the news.

... / Do



Do you remember the news was full of what was going on in the country in 1976 with unrests? -- I do remember that.

And you know very well that many people were known to have left the townships at that time? -- That I would not know.

What do you mean you would not know? I am putting to you that you knew? Did you know or did you not? -- No, I did not know that people were getting away.

You knew that the accused went? -- Yes, that I (10 knew. I knew he was not there and that he had left.

And others with him? -- Yes.

Did you ever enquire, wonder where these people had gone to? -- I did not make enquiries.

Why not? Were you not interested? -- No, I was not interested.

You see, according to my instructions this discussion between you and accused was about the ANC? -- Are you putting it to me?

Yes, I am? -- I wonder whether it is being put to (20 me that I spoke about the ANC or is it the accused who spoke to me about the ANC?

What difference does that make? -- What I am trying to explain is that the accused did not say to me "What we are now discussing about, pertains to the ANC." He only explained to me certain things.

Why do you say am I asking whether you spoke about the ANC or whether he spoke about the ANC? -- This is because I do not know anything about the ANC and that the accused did not say anything about the ANC. (30

I am just putting it to you. I put it to you that

... / this

this was a discussion about the ANC? -- I am hearing that for the first time today.

And that you asked where it gets its support from? -- I did not ask that.

And it was in that context that Soviet Russia was mentioned? -- No. When I asked him about the places where he had been to, Russia was mentioned. I did not ask who was supporting the ANC.

And I put it to you that it was in that context that you discussed communism? This long discussion about (10  
communism took place? -- When communism was mentioned it was in an endeavour by the accused to explain to me how people live over there.

That is precisely so and I put it to you that it is on that basis that either you are misleading the Court or you are drawing the wrong inference to the effect that he had been there? -- No, this was what he told me.

Is it possible that there was a misunderstanding about Russia, about his having been to Russia? -- If that is the position, how could he have told me how they lived (20  
over there and furthermore say that if I was willing, he would see to it that I get there.

Is that your answer? -- Unless the question is repeated?

I will repeat it. I asked you whether there could not have been a misunderstanding and that what he told you was about Soviet Russia without him having been there? You do not have to be there to be able to talk about it? I can tell you how Eskimo's live, but I have never been to the arctic circle? -- I only listened and understood (30  
what he was telling me.

... / Yes

Yes, but I have asked you now, is it possible that you understood that he had been there, without him having said so, because he knew so much about the way people live there? -- He mentioned Russia.

Very well. I think you said the discussion ended up by saying that if you wanted to know more, he would send a person who would show you a book about it or he would come with a book? -- He said because I seemed not to understand it or I am not satisfied about what he says, he would send somebody who would have a book to (10 come and explain to me.

That is right, because you were interested to learn about it, were you not? -- Firstly, I was not interested in all this and I knew that when he comes for the second time, he would not find me at home.

If he said "I am going to send somebody with a book" and you were not interested, why did you not say to him "No, please, do not send anybody with a book, I am not interested"? It would have been much easier? -- I did not ask him to send this person with the book. The only (20 thing is that I kept on saying "I do not know what you are talking about", that was when he said he would send somebody with a book.

But why did you not say to him "Look, I am not interested, please do not send anybody with any books"? -- This is because I knew that I would not meet him again.

Were you never home? -- As I have said, I am just never home, excepting the time that I have mentioned when I come to sleep.

Also on Saturday afternoons when you knock off (30 work? -- I knock off late on Saturdays. It happened that

on this particular Saturday, when I met him, I came home earlier because I had asked for permission to leave work earlier.

Any way, I am just going to tell you that I will submit to His Lordship that it is nonsense to say that you did not tell him not to send the man because you knew you would never be home to meet anybody? -- I have evidence and I can prove that I am just never home. I only come home late to sleep.

So far the evidence is that on the one day that the(10 accused was there, you were there? However, you said that the accused tried to recruit you?

COURT : Are you going over to something new now, Mr. Browde?

MR. BROWDE : Yes, My Lord.

COURT : I think it would be better to take the adjournment now.

MR. BROWDE : As Your Lordship pleases.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 16 SEPTEMBER 1980.

(20

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