

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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DELMAS

1986-01-28

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME o. (GETUIE IN CAMERA)

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490

COURT RESUMES ON 28 JANUARY 1986.

WITNESS IN CAMERA.

LINDILE MHLOBO, d.s.s (Through interpreter)

CROSS-EXAMINATION BY MR BIZOS (continued) : Could you please tell us in one word or in one phrase what was your position in Lesotho? What did you call yourself in the hierarchy of the ANC? -- I was working for the security with the ANC.

Did you have a title? -- I do not understand what do you mean by a title.

COURT : Were you a commander or were you a sectional com- (10) mander or did you have that sort of title? -- I was the commander of the transit. I was in charge of the recruits who had just arrived there. Before that I was with the regional intelligence, the head of the regional intelligence, the head of MI.

MR BIZOS : So, was your job to be done in Lesotho itself? -- In Lesotho and outside.

But it had to be intelligence work? -- It entailed that.

You recall that you gave us details of the regions in which the ANC had divided South Africa? -- That is so. (20)

Lesotho did not control, have activities to perform in relation to the Transvaal, according to the information that you have so far given us? -- That is so.

If you did come to the Transvaal on ANC business, it would have been a departure from the division that the ANC has made? -- That is not so.

Well, I am going to suggest to you that on your evidence so far it would appear that your forays into the Vaal Triangle that you have told us about and to Johannesburg, were frolics of your own? -- There is no such thing. I would ask the (30) defence to tell me how it happened that those things took

place?

I will ask you the questions I want to ask you, but if you want to explain in the answer to any particular question you may do so, but let me ask you this. It was no part of your work on the description that you have given us, as a highly placed intelligence officer to go and expose yourself to youngsters by teaching them how to make Molotov cocktails, giving them the formula? -- What I am going to explain is this. The ANC used to have a suicide squad which operated all over the country, though it is now defunct. There is a political (10) propaganda of the ANC which operates all over the country. People in the security and in the intelligence operate all over the country, because their duties entail collecting of the data and reconnaissance.

Was it part of your duty to come and teach young people how to make Molotov cocktails? Is that part of intelligence? -- As I said in my evidence-in-chief, teaching of the people about Molotov cocktails and Molotov, was my own decision at the time there. People in the security can be forwarded to various military structures which can be found there. (20)

But will you agree that the activities that you have mentioned that you are supposed to have performed in the Transvaal were outside the specific duties that were allotted to you by the ANC in Lesotho? -- There is no such. For one to plot a DLB a person must assess the situation of the place, reconnoitre the place and check on the presence of the enemy on that particular spot or vicinity. I would like to know if the defence would just explain to me what does he mean when he says it was outside the scope of my duty which was allocated to me by the ANC. (30)

Are you saying that you were sent specifically from Lesotho

to establish one deadletterbox? -- It is part of the whole, not only that.

Did you establish such a deadletterbox? -- Yes, I did. In fact, photographs of the place were taken by the John Vorster people after my return. There are photographs where I am pointing at this particular spot which were taken of me.

What does the photograph show, other than you? -- This place I am referring to the DLB and there is a crowbar or something, an iron similar to a crowbar, which is shown on that photograph. (10)

Were no explosives or other arms or anything found? -- Plotting a DLB and loading a DLB are two different things.

I want to ask you some questions in relation to your supposed trip into the Vaal Triangle. When did that take place? -- It was in early May.

Was that your first trip? -- That is so.

Is that when you stayed only for one day? -- That is so.

And you left Lesotho specifically for one day? -- I was supposed to return to Lesotho the following day with the person who was in my company. (20)

Who was that person? -- Stompie Mokgele.

Do you know where Stompie is now? -- The last time I knew of Stompie's whereabouts was when he was in Lesotho operating between South Africa and Lesotho and recruiting for the ANC from South Africa to Lesotho and in the company of the old man, the man called the old man.

That is now Wilberforce? -- That is correct.

Do you know where he is now? -- No, I do not know where he is.

Was your purpose to come and get him from the Vaal Triangle? -- That is not correct. What happened is, I was (30)

in the company of Stompie from Lesotho to South Africa. We had some things to deliver in South Africa. What that was I do not know, but we were supposed to have to return to Lesotho the following day. During that time Stompie was being sought by the police.

And you were to accompany him? -- That is right.

Were you to perform any act at all? -- No.

And other than accompanying them in and out and you not knowing what the - or what his precise purpose was, there is nothing else that you know about this? -- Accompanying him (10) just across the border is a different thing. In this case I accompanied him up to the place where he was getting to. I left him there and then returned to Lesotho alone.

I now want to ask you some questions about your trip to East London. You recall that you told us that you knew Brian Beza? -- Yes, quite well.

And you were at college with Kaya Beza? -- That is not so. What I said is, I know Brian because we were together in school. Then I said I came to know Kaya, because he was a courier for the ANC and I saw him in Lesotho as well. (20)

But what was wrong with the suggestion that you were at college with Brian or school? Was that your objection?

COURT : You used the word Kaya, as a co-scholar. That is what the witness denied. You mixed up Kaya and Brian.

MR BIZOS : I beg Your Lordship's pardon. But you were at school with Brian? -- That is so.

You went and stayed with them?

COURT : With the Beza's? -- Yes, that is so.

MR BIZOS : Is that because you were well acquainted with Brian? -- Partly. (30)

Did you have any instructions from the ANC that you should

hide your identity or your connection with the ANC as much as was possible? -- One does not have to be told. When you are a soldier belonging to any army, that is known to any soldier that you must try and hide your identity.

Was it also an instruction given to you by the ANC? -- No, not at the front. Those things you are being told, in fact, you learn them in the camp under tactics.

This was told to you? -- Yes.

I used this as an example, because I would appeal to you when I asked you were you told this by the ANC, if you had (10) said yes, I would have asked three questions less. -- I am waiting for a question.

Thank you. Was it necessary for you to disclose the fact that you were a member of the ANC to Mr Brian Beza? -- These people were known to me. For instance Brian knew that I was out of the country. Kaya knew that I was with the ANC. So, there was nothing to hide from them.

Did you tell the father that you were a member of the ANC?

COURT : Is there a father? (20)

MR BIZOS : I have a note "Beza se huis" and I thought that he mentioned three persons. Is there a Beza senior? -- Yes, there is.

He is the head of the house? -- Yes, both the parents are there.

That you disclose to the parents that you were a member of the ANC? -- Both the parents were there and another brother.

Did you disclose to the parents that you were a member of the ANC? -- There was no reason for me to tell them.

Is the answer no? -- That is so. (30)

You told us that you did not tell Brian because he knew?

-- Yes, he knows, because he knew that I was leaving the country.

What did Kaya do when you came to Lesotho? -- He was connected with the SACTU people, because he was employed at a place called CDA, that is Car Distributors Assembly.

You also told us that Kaya was a member of the East London Youth Congress? -- Yes, he was doing publications and politics..

During what period did he hold this office in the East London Youth Congress? -- I want to know that, because I do not even know when it was formed. I only know it from outside.

When do you suggest that Kaya was in charge of the (10) political work on behalf of the East London Youth Congress? When do you say that that was? -- I came to know about that within the easter holidays.

Of what year? -- 1985.

Do you know whether, during the period that you were in East London, or not the East London Youth Congress was an affiliate of the UDF or not? -- What I know is that there were differences between the East London Youth Congress and the UDF during the time that I was there. The cause of the complaints that I learned about while being in Lesotho from (20) the boys. That is why I say that... (Mr Bizos intervenes)

I am sorry to interrupt you. The question was a simple one.

MNR. JACOBS : As die getuie sy antwoord gee en 'n verduideliking gee, dan dink ek moet hy seker geleentheid gegee word om volledig te antwoord?

COURT : I have this difficulty that you do not interrupt the witness, but in fact you only interrupt the interpreter when he has already received the answer from the witness.

I think it would be more advisable to let him give the (30) answer and then criticise him for giving the answer.

MR BIZOS : May I appeal to Your Lordship to direct the witness to answer the questions directly. The question was a simple one.

CCURT : I know that. I will direct him immediately. The point is that neither you nor I can interrupt the witness and tell him that he is telling an irrelevancy for not answering the question when he is speaking in Zulu. It is only when it is being interpreted that you found that out.

MR BIZOS : This is now, before the answer even came, when he started adding to it, this is why. I do appreciate Your (10) Lordship's difficulty, but in order that we may get one, I repeat the appeal to Your Lordship that this witness be directed to answer the questions directly.

CCURT : You have a tendency sometimes to stray from the point, because the question here was do you know whether at the time the East London Youth Congress was an affiliate of the UDF. Either you knew it or you did not know it, but I still have not got an answer to it. -- The answer to that is no.

MR BIZOS : If you did not know whether the East London Congress was an affiliate of the UDF at the time, does it follow that (20) you would have gone for shelter to the Beza's because of your knowledge of Brian and the other members of the family and not because they may or may not have been affiliated to the UDF? -- That is not so.

Why not? -- Because Kaya was working hand in hand with the ANC and the East London Youth Congress policies were very sentimental to the ANC.

Let me then amend my question. That you went to these persons because you knew them and because of their connections with the ANC and not because they may have belonged to an (30) organisation which was affiliated to the UDF? -- That is so.

You yourself have no personal knowledge as to whether the person that you referred to as Stompie and the person that you referred to as Oldman were members of the VCA? — Concerning Stompie, that I know personally, because I am the one who had taken his biography.

So, you say that you know as far as Stompie is concerned, because that is what Stompie told you? — Yes, that is what he told me. In fact, it is written in black and white.

And about Oldman, how did you come to this knowledge? — Oldman used to talk about that. He did not hide it. (10)

He did not hide the fact that he was a member of the VCA, but you also got it from him. You yourself have no other knowledge other than what they might have told you? — No, except for what they told me, I have no other knowledge.

Where is Crown station? — It is in Johannesburg..

You there tell us that you met a man called Popplas or Small? — That is so.

You know of no other name? — Those are the only names that I know.

I am instructed that Popplas is a popular nickname (20) for a heavy bear drinker? — Well, that is your's. I do not know about that.

And the other person that you refer to is Satch? Or Search, we could not catch that? — S-a-t-c-h.

What does that mean? — It is a nickname.

What does it mean if you were to translate it for our benefit? — It is a person with a very dark complexion, the nickname Satch.

So, if we were speaking English we would call him Darky? — I do not know. (30)

You tell us that one of these persons you knew as a PAC

... / person

person? -- I did not say I know that person as a member of the PAC. I said I came to know this person when I was still a member of the PAC, because he used to visit a person by the name of Mvimbi.

You are quite right, I am sorry, I misread my note, that you made notice to that effect as well. How long ago had you met this Satch before you saw him in May 1985? -- I had seen him in December 1981 and January 1982 respectively.

COURT : Is that when you had seen him for the first time? -- Yes. (10)

MR BIZOS : And you had no contact between 1981 and 1985 with Satch when you saw him? -- That is so.

My Lord, may I ask Your Lordship for assistance. The evidence as to what organisation they might have belonged to, was ruled inadmissible. Is that correct?

COURT : Who belonged to what organisations?

MR BIZOS : These two persons, Darky, Satch and Popplas?

COURT : Yes, that is correct. I also deleted reference to Stompie and the Vaal Civic Association.

MR BIZOS : I ask for this, because I want to make it clear (20) that we reserve our right to make submissions to Your Lordship in relation to the admissibility of substantial portions of this witness's evidence over and above the objections which we did on an ad hoc basis during his evidence-in-chief. I did not recall the during in relation to the VCA, but I thought I would put on record our general reservations in this regard.

Did you meet the persons Satch and Popplas often? --

CCURT : Let us just get clarity there. He has already told us that he had not seen Satch from December/January 1981/82 until 1985. Do you mean in May 1985? (30)

MR BIZOS : In May 1985, during your stay here in May? -- I do

not understand often in this case. I slept at Satch's place and then I met Popplas through Satch.

For how long did you stay with Satch? -- I was there for the day, I slept there that night and then the following day I left.

Are you saying that you saw Popplas and Satch on your first trip or during your second trip? -- During my second trip, because when I was here for the first time I went back to Lesotho.

I want to read to you carefully the next bit of evidence (10) that you gave, because you said that you had instructions or you knew that if you had problems with finances you would go to any organisation such as COSAS and people that were affiliated to the Freedom Charter in order to get help? Was that your evidence? -- That is so.

You do not want to amend that in any way? -- No.

It was not really necessary for the interpreter's assistance. You understand precisely what that means in English? Correct? -- I understand, yes.

How does one become affiliated to the Freedom Charter? -- (20) I have not heard of that. I would still like to know that.

Are we then to understand that your knowledge or your instruction was completely unclear? I mean, who affiliates to the Freedom Charter? -- What I say it is, organisations that are in fact adhering to the Freedom Charter and are affiliated to the UDF.

That is not what you said. You said affiliated to the Freedom Charter and that is why I read it out deliberately and asked you whether you are sure that the wording was correct? Can you explain why you expressed yourself in such a way (30) when you are such a careful person, correcting me from time to

time even? -- With the Court's permission, if that is permissible, I am going to ask the prosecutor to show me my statement to see if there is such thing mentioned in my statement, because the prosecutor was the person who was leading me, but now from the way the questions are being put to me, it is as if I am being fed with words or words are being laid in my mouth to confirm something.

COURT: What counsel is putting to you is this. He says in your evidence-in-chief you said that you knew that if you had problems with finances you could go to any organisation (10) such as COSAS and people affiliated to the Freedom Charter in order to get help. Now you say that organisations adhering to the Freedom Charter, you mean organisations adhering to the Freedom Charter and which are affiliated to the UDF? Counsel is of the view that there is a difference between your evidence under cross-examination and your evidence-in-chief? He is asking you to explain that difference. -- I do not remember saying that, because in the first place that what is said is put to me, it is grammatically wrong.

Let us get the exact words then. Have you got the (20) Afrikaans words, because his evidence-in-chief was given in Afrikaans?

MNR. BIZOS: Ja. Die vraag was "Hoekom het jy na Khotso House gegaan?" en die antwoord wat neergeskryf is, is dit "Ek het geweet as probleme met finansies, kan jy gaan na organisasies soos COSAS, mense wat geaffilieer is aan Freedom Charter om hulp te kry." That is the note that - I am a bad note taker, I am relying on Mr Tip's notes.

HOF: Ja, ek het ongeveer dieselfde. Ek het "Ek het geweet ons was gesê as jy probleme het met finansies, mag jy na (30) die organisasies gaan soos COSAS wat geaffilieer is met die

Freedom Charter om hulp te gaan vra." Dit kom op dieselfde neer. Ek het geaffilieer hier neergeskryf. Net daarna het die getuie gesê "Hulle het gesê jy kan gaan hulp vra by organisasies van die Freedom Charter as jy probleme het." Toe is 'n lys organisasies genoem CYCO, UDF Cape, Western Province Civic Association.en 'n hele klomp ander.

MR BIZOS : Mr Tip's note is to the effect, after that, "Wat was die basis van die ANC se kant?" and the answer was "Geaffilieer aan ANC."

MNR. JACOBS : Mag ek 'n versoek rig. Ek dink die tolk het (10) die aandag daarop gevestig dat hy die mikrofoon so sit dat die woorde opgevang word in die taal. Miskien kan ons daardie passasie kry op die band en dit terugspeel.

HOF : Is daar so 'n verskil tussen wat hy gesê het en wat hy nou sê dat dit nodig is om die band terug te speel?

MNR. JACOBS : Daar is nie so 'n verskil nie, maar hoekom ek dit voorstel is omdat My Geleerde Vriend nou weer aangaan met mnr. Tip se nota en dit gaan aan die getuie gestel word dat hy nou teenstrydige verklarings maak en dat dit vir hom moeilik gemaak word, terwyl hy miskien voel dat hy dit anders(20) gestel het en dat dit, soos hy dit stel, 'n grammatikale fout is.

HOF : Wat sê, mnr. Bizos?

MR BIZOS : I am going to persist in asking questions not in relation only to this, but another matter that flows from it. If the witness is going to say, if the witness is going to maintain he did not say affiliated to the Freedom Charter, then I would support the application by the State, because I intend putting a number of questions based upon the statement. If he did make it, there are things which I want to ask him(30) about, which flow from it and his understanding of the

situation.

COURT : Yes, my note is that he said "organisasies soos COSAS wat geaffilieer het met die Freedom Charter."

MR BIZOS : If we are agreed on that, I would like to proceed and that is the only basis. If we agree that that is what he said, then I would like to proceed with the cross-examination on that basis.

COURT : That is of course not all he said. The next was "Hulle het gesê jy kan gaan hulp vra by organisasies van die Freedom Charter, as jy probleme het." (10)

MR BIZOS : "Van die Freedom Charter"?

COURT : Yes, the Freedom Charter was clearly mentioned. You can proceed.

MR BIZOS : You see, the purpose why you gave this evidence was in order to show what your instructions were. Correct?
-- That is correct.

Because His Lordship's note is "ons is gesê"? -- Dit is korrek.

So, you were told to seek help from people who were affiliated with the Freedom Charter? -- I still repeat, I (20) did not say that. All I said was, from people who are using the Freedom Charter as a working document, affiliated to the UDF?

COURT : We will have to play it back then.

MR BIZOS : Is the tape available? I suppose not. The record is presumably being typed. I have an indication from the recorder to that effect.

COURT : Yes, well, then we cannot play it back.

MR BIZOS : We will have to proceed on the basis of the correctness of the note. (30)

You see, was it your understanding that the Freedom

Charter was the key document upon which you were ... (Court intervenes)

COURT : Could I just interrupt at the moment. We can play the tape back when it is returned and listen to the original and have that re-interpreted.

MR BIZOS : But may I proceed in the meantime or does Your Lordship want me to go to another topic?

COURT : Well, it depends on how long your cross-examination is going to last.

MR BIZOS : I am hoping not to be dealing with this witness (10) tomorrow morning, unless some of the information that I am waiting for and which was supposed to be in Johannesburg by 09h00, has not yet arrived for various reasons.

COURT : Please continue with your cross-examination.

MR BIZOS : You see, because I am going to put to you that the record will show that you mentioned the Freedom Charter and that your mentioning of it shows a misrepresentation of the position of the UDF vis-a-vis the Freedom Charter and the affiliated organisations of the UDF vis-a-vis the Freedom Charter? -- As far as I know, the UDF has not accepted (20) the Freedom Charter as their working document. Though of course there are other organisations which are affiliated with the UDF which have accepted and are using the Freedom Charter as their working document.

Has the ANC adopted the Freedom Charter as a working? -- The policies of the ANC are based on the Freedom Charter. Therefore that is so.

And you were told that the UDF had not adopted the Freedom Charter? -- I say that as far as I know.

Is that because of the information you have got as (30) a member of the ANC that the UDF did not adopt the Freedom

Charter? -- I read that from documents.

Did you believe those as authentic documents purporting to tell the truth? Did you believe that fact? -- Yes, I did, because I in fact investigated from other people as well who confirmed it and said yes, that is the position.

Were these ANC documents that you saw it in or news letters or what? -- From newspapers.

Did you have access to South African newspapers, you have given us a list which I do not want to repeat? -- Yes.

It dealt with the questions of the formation of the (10) UDF, its policies, its non-adoption of the Freedom Charter? -- Yes, I was reading it from newspapers which we used to get. We used to get a bundle of newspapers from South Africa dating from the first day of the month, up till the last day of that particular month. Of the whole month we used to get a copy. The difference now is here. At the front you get it on a daily basis, but up in the camps you get it after the end of each month.

So, all the South African newspapers are available to members of the ANC, in the camps and in Lesotho? -- That (20) is so.

They are not censored by any chance, are they? -- No, they are not censored. The paper as a whole is being sent.

Even papers which are supporters of the Government's policy? -- Like for instance which one now?

I do not want to characterise them. Was the Citizen available, for instance? -- Yes.

CCURT : Did you get any Afrikaans newspapers? -- I do not remember reading Afrikaans newspapers in the camp.

MR BIZOS : And in Lesotho? -- Not in Lesotho either. (30) They used them to wrap bread. They do not read Afrikaans there.

unless it is required for wrapping bread.

Now, tell me this. When you read these newspapers - I suppose you also had to read them for the purposes of your intelligence work, because clever intelligence man can pick up information of here, there and everywhere? -- You do not have to be clever to pick up any information from a newspaper. Intelligence is according to lines. It does not need a clever person to sort of pick up anything from the newspaper, because from the look of things, it seems the defence is now sort of putting words to me. I do not approve of the way (10) he is putting the words to me by saying it needs a clever person to pick up something.

COURT : What would you like to gain by this line of questioning?

MR BIZOS : It will become apparant. It has direct relevance to what the witness said in his evidence-in-chief. It will become apparant very soon.

Did you in the newspapers read that the UDF denied that it was connection with the ANC? Did you read that? -- No, I only came to know about it last year when I read in the papers locally here in this country. (20)

You read statements from high officials of the UDF that they were not a front of the ANC? They denied this? -- That is so.

And also you had read that the UDF had not adopted the Freedom Charter presumably when you were in the camps and/or when you were in Lesotho? -- That is so.

But now, you know, there is something in your evidence which puzzles me. You told the Court in your evidence-in-chief that everybody outside the country refer to the ANC as the internal mission of the ANC? Do you recall that? -- Yes, (30) I recall that and I still say it and I repeat that. That

is what was happening there. You see, the thing is, what people are saying inside the country in the papers and what people are saying outside the country at the camps, those are two different things unless Mr Bizos was with us at the camps.

It is a privilege that I have not yet had, but we can proceed on the basis that I rely on information such as you give us and want to test it.

COURT : At the moment we are dealing with the witness's travels and not with yours.

MR BIZOS : Tell me, is there free discussion in the camp (10) when you read the newspapers? -- Yes. With the ANC there is time for reading newspapers and there is time for analysis. During the analysis you can say anything.

In this camp where you assured us that everybody, and you emphasised it that everybody would tell you that the UDF is the internal mission of the ANC?-- That is so.

Is the ANC not afraid that public statements may be made in newspapers by the responsible officials of its internal mission which can contradict that? -- There are certain things that people can do here in this country. For instance, (20) a person sent by the ANC to come and do something in the country here, after having done that, when this person is discovered, the ANC will say "No, we do not know that person." They will deny knowing him altogether.

Please try and listen to the question? Did anybody in your experience in the camp say to his comrade "Comrade, either the ANC is bluffing us or the leaders of our internal mission in South Africa are not telling the truth"?

COURT : On what aspect?

MR BIZOS : On whether the UDF is the internal mission or (30) not? -- If for instance today a person can come in front here

at a public platform and tell the people that he is a member of the ANC, that person must be very brave to be doing that, because certain things - you analyse things at your own. After the analysis then you take a decision of your own.

I will try and put the question in a slightly different form. Was any doubt ever expressed by any member of the ANC in relation to this assertion that you made with such confidence that the UDF is the internal mission of the ANC? -- Not during my time. I cannot remember it happening. It never happened during my time. (10)

I am going to read to you what the public statements, and I am giving it as an example, were in 1983 of Mr Molefe, accused no. 19. I will identify the source. It will be proved in due course. The Financial Mail of 25 November 1983. Could I appeal to you that when you are giving your evidence to either look at the interpreter or His Lordship, please. Just listen to this and please tell us whether you have heard anything like it. Mr Molefe was asked and his answer was published "It has been alleged that the UDF is an attempt to recreate the African National Congress (ANC)." His (20) answer is, "It is true that both the UDF and the ANC are groups oppose to apartheid in South Africa, but we must say categorically that we have no relationship with the ANC and do not envisage one, because we are operating legally and it is banned. The methods we are using to oppose the State also differ fundamentally. The ANC uses violence. We are dedicated to non-violence." If you were supplied with newspapers so regularly and so fully, how come that none of you heard, not what the ANC says about the UDF, but what the UDF says about the ANC? -- What I am going to say is, on this (30) day, 25 November 1983, I was at Tripoli waiting to leave

Tripoli for Kenia. This question that is put now, can be relevant to a person who was at the camp during that time.

I do not know.

And if I were to suggest to you that it will be proved to His Lordship that this statement was not only made on 25 November 1983, but that it was made - that this sort of statement was made over and over again in newspapers circulating in the Republic, that it was mentioned in speeches, by leading officials, how is it that it escaped your notice and your comrades in the ANC? — The speeches later, that is during (10) 1984, I used to see it, but this particular one referred to now by the defence, I do not know.

Did you see reports of speeches by leading members of the UDF during 1984 saying substantially similar things? — That is so.

Both in the camp and in Lesotho? — Yes.

And you were not the only one that you saw such statements from leading figures of the UDF? Your comrades in the camp and in Lesotho also saw them? — Yes, that is so.

But now, once you knew that the UDF had not adopted (20) the Freedom Charter, once you read in the newspapers that leaders of the UDF were shouting from the roof tops that they are not connected with the ANC and that they do not approve of their policy of violence, did you turn it around to anyone of your comrades and say "Hay, Comrade, somebody is not telling the truth here, somebody is bluffing us"? — I told this Court that a person analyses what has happened. I am not going to put my conclusion, but a person analyses what is happening.

Just answer my question. — Some of the things happen tactically and before you ask, you must think. (30)

Just listen to the question. Did you every go to anyone

of your comrades and say "What is this business that the secretary general of our internal mission is saying that he has got nothing to do with us? Or Mr Lekota, the publicity secretary saying that he has got nothing to do with us?" — That is what I am saying. I did not ask that, but I used my brains and analysed it for myself.

You see, is it or was it your experience that like all organisations the ANC or did it occur to you that the ANC may have been claiming things, which were not based on fact? — I was a dedicated cadre to the ANC. What my leaders were (10) telling me, I was just accepting as it is. Things that I would question, were military things, because there I needed my own assessment.

Were there not public statements by any of your leaders in relation to the UDF before your arrest? — Not that I can remember anything from the leaders in the ANC which was being said about the UDF.

Did any leader of the UDF ever in a speech at which you were present or in any document describe the UDF as the internal mission of the ANC? — I cannot remember meeting (20) anybody from the UDF at a camp or did I ever attend any UDF rally.

I do not recall that I asked you whether any leader of the UDF - if I did I am sorry. I thought that I asked you about any leader of the ANC.

CCURT : The question was whether any leader of the ANC to your knowledge ever described the UDF as the internal mission of the ANC. — I answered to that question.

Yes, but the witness's answer was not relevant to the question. The witness's answer related to whether he saw (30) UDF people at ANC camps.

MNR. JACOBS : Met respek kan ek net sê dat die vraag was gewees "any UDF leader".

MR BIZOS : I am sorry, I intended saying ANC. I cannot remember whether I used UDF or ... (Court intervenes)

COURT : Let us start all over again.

MR BIZOS : Have you ever heard any ANC leader call the UDF as the internal mission of the ANC? -- Not a political statement, but it was being mentioned in the camp.

I am not interested in the discussions in the camp. Was there no leader who made any policy statement in relation (10) to that? -- That is what the people who are in the leadership of the ANC used to talk about or say to us at the camp.

Who are these? The platoon commanders? -- I am talking about the national executive. A platoon commander does not form part of the national executive.

Well, I am going to put to you that on the information available to you, any member of the ANC that was claiming that in the camps was really blowing the ANC's trumpet? -- I am glad to know that.

Do political organisations, you who have such an inte- (20) rest in the affairs of man or politics, not sometimes make or members of organisations sometimes make claims which are not founded in fact? -- A person who may go about saying that as the policy of his party, then that person would be putting his party in a jeopardy, because things that you say in public, such statements, you must be sure of what you are saying, you must know what you are saying and you must be prepared or able to stand for what you have said.

Were there statements, by way of an example - never mind, I would not have a political debate with the witness. (30)
Tell me, if you knew that the UDF did not subscribe to the

Freedom Charter and if you knew that officials of the UDF had publicly stated that they did not support the ANC's policy of violence, why did you choose to go to the office of the UDF in order to get some money? — I understand the question and in fact I would like to ask from Mr Bizos, if the UDF claims that they do not go with violence, what about the people who are being killed in the townships by some other people who are members or who are with the UDF (the word used by the witness is ambiguous, it means who are affiliates of the UDF or who are members of the UDF). People are being (10) killed. They are put tyres, which is called a necklace by the very people who are members of the UDF or who are members of the organisations which are affiliates of the UDF. There are people who use to come back into this country and come and work clandestinely with the UDF.

COURT : What sort of people? — Cadres from outside the country.

MR BIZOS : Did you think that that was the shortest and best way in which you could answer my question? — It is because I wanted to expand on that, on the question of Mr Bizos. (20) That is why I preferred to answer it that way.

Do you recall what the question was? — Yes, I do.

What was it? — The question was if UDF had renounced to say that they are not working hand in hand with the ANC, why did I go and ask for money from the UDF.

Did you think that the allegations that you have made in relation to UDF affiliates, in relation to the disturbances in the country, was a relevant answer? — The position is this. A leader of an organisation may say something and tell the people what the policy of the ANC is, but whatever (30) the rank and file is going to do, that organisation is

responsible for what the rank and file is doing.

Is there anything else that you would like to get off your chest which we will describe to His Lordship in due course as anti-UDF propaganda? Get it out so that we can get on with the questions. — No, I am only waiting to answer questions which are being put to me. I am not here to slander any organisation. All I am here for is to tell what I know.

Tell me, which cadres do you say came into the country to work with the UDF? — I did not say they were working for the UDF. I said they were working hand in hand with the (10) UDF.

Which cadres came to work hand in hand with the UDF? — I am not going to reveal the names of those people, because at the present moment they are witnesses for the State in other cases.

Well, I am afraid that you have given evidence before His Lordship that ANC cadres came to work hand in hand with the UDF and I would like to know who they are, in order to test whether you are telling His Lordship the truth or not? I want to know who these people are? — I am going to ask for (20) the assistance of the Court there, because the people I am talking about, are still awaiting to give evidence in other cases and I cannot reveal their names, because another reason is, I do not know whether they are going to give evidence in this particular case in which I am involved or not.

How do you know who is going to give evidence or not? Have you become an investigating officer? — That is not so. I am not investigating.

How do you know who is going to give evidence and who is not going to give evidence? — I am not saying the people (30) I am referring to are going to be witnesses in this particular

case, no. Nor am I saying they are going to be witnesses in a specific case. I came to know through discussions when they paid me a visit, for instance here comes a person paying me a visit, under general discussions such things crop up, that we come to discuss their things, how they proceed and what not and what is happening to them.

General discussions held where? After your arrest?— After being released from jail, for instance when they paid me a visit at my residence or me paying them a visit at their residence. (10)

Oh, I see. So, are you telling His Lordship that you have no personal knowledge of the doings of these persons, but what they told you after your release as a narrative? — What was said in my presence at the camps, that I know and the discussions at the camps I know about that, but what is said in the country here in courts, I do not know about that.

COURT : Well, let me just get clarity before this whole thing gets out of hand. When you made the statement that cadres came into South Africa to help the ANC or work hand in hand with the ANC, did you ... (Mr Bizos intervenes) (20)

MR BIZOS : With the UDF.

COURT : With the UDF, did you make that statement of your own personal knowledge or merely what you had heard from somebody? — From my personal knowledge. All I am talking from information about is that they are giving evidence.

MR BIZOS : Who are the persons that you have personal knowledge of as members of the ANC who came into the country to work hand in hand with the UDF? — That is that point where I asked for the Court's assistance on that. These people, when that happened, were still outside the country. They were (30) later arrested and detained. They are now released. They

are going to give evidence as witnesses. My problem is, revealing their names here while they are still going to be used as witnesses. I feel I cannot do that.

Why? — Because I do not want to expose these poor other people's children.

My Lord, in our respectful submission, the State must indicate whether it intends relying on this evidence or not. If it intends relying on it, we are entitled to investigate it and I am going to ask Your Lordship to order the witness to answer. If the State indicates that it does not intend (10) relying on this evidence - on the evidence of this witness, I am not asking him to tell us about anyone else ... (Court intervenes)

COURT : You mean this portion of the evidence?

MR BIZOS : This portion of the evidence. If it is going to rely on this portion of the evidence, I am entitled to pursue it. If it says that it does not intend to rely on this evidence, because it has better evidence or whatever its reason may be, then I am not anxious in view of the difficulty to press the witness unless it is absolutely necessary. I (20) do not want the names just for the sake of the names, but the State must decide what they are going to do.

MNR. JACOBS : Die getuienis wat nou in kruisverhoor uitgekom het van getuies wat nog in ander sake moet getuig, het ek niks van geweet nie. Ek sal graag net wil ondersoek instel, as die Hof my geleentheid gee, by die polisiebeamptes, dat ek net hoor. Ek kan nie op die oomblik sê dit is die posisie en wat is die posisie nie.

COURT : Yes, it is virtually time for the tea adjournment.

MR BIZOS : May I ask a number of other questions, because (30) it may be able to be dealt with in another way. I do not

know if I have understood his answer to Your Lordship. It may be that we can deal with the matter in an alternative way if I am allowed to ask a couple of questions before the adjournment?

COURT : Yes, do that.

MR BIZOS : Did you yourself personally work with these people that you are referring to or is it what they came and related to you after they did it? — We were falling under the same missionary in Lesotho ... (Mr Bizos intervenes)

The question was, did you work with them or did they (10) relate to you what they had done afterwards?

MNR. JACOBS : Kan die getuie - ek sien die tolk wys elke keer dat hy is nog besig met die antwoord, dan gaan mnr. Bizos aan. Die getuie kry nie geleentheid om sy antwoord klaar te maak nie. Ons weet nie wat kom nie en dan word hy in die rede geval, dan kom ander vrae. Elke keer wys die tolk hom om stil te bly, maar dit gaan aan.

COURT : Mr Bizos, you have asked the witness not to watch you. Will you please watch the witness?

MR BIZOS : My Learned Friend is right, I did - but I did (20) respond to the interpreter's putting up his hand. — What I am saying is that we were working under the same missionary in Lesotho, but when they came into the country, they came alone. I was not with them. Each and every person who returns from outside this country, that person will have to make a detailed report about what was happening to him here and who the people were who worked with him.

You never accompanied any of these persons to any of their missions? — No, I did not.

And you would not be able to depose to the truth of (30) anything they might or they might not have said? — A person

working with you in the ANC and a person who underwent a training with you, is one person you trust and with the ANC we trust such people, we trust each other. Therefore, what a person tells me about what was happening to him at a certain place about a certain mission, this I have to accept as the truth, because I trust that person.

I think that that may have some bearing on our Learned Friend's decision, his attitude to the evidence.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

(10)

MNR. JACOBS : Ek kon nie uitvind van enige getuienis nie en onder die omstandighede het ek gedink dit is miskien wenslik in die lig van hierdie getuienie, die laaste deel van sy getuienie dat die deel van sy getuienis wat handel oor die hand in hand mense wat die land ingekom het en waar die getuienie by was nie, wat hand aan hand met UDF sou geloop het en gewerk het, daardie deel van die getuienis sal die Staat nie op steun nie.

HOF : Dit word so genotuleer.

LINDILE MHLOBO, still under oath

(20)

CROSS-EXAMINATION BY MR BIZOS : Let me see if I can understand your evidence correctly. You recall that we started on the questions why did you go to the headquarter of the UDF? -- That is so.

Then you told us many things. Let me try and summarise the many things that you have said in this way. It does not matter what Popo Molefe says and what Terror Lekota says, the reality of the situation in your mind was different and I am putting it fairly. Is that correct? -- That is so.

It may be a convenient time to mention to Your Lordship(30) that the name Terror is a socker field nickname and not in

relation to ... (Court intervenes)

COURT : What was his position?

MR BIZOS : I think he was at the back, but I will check on it. It does not matter what Terror Lekota and Popo Molefe say, the reality is different.

COURT : Is Popo also a socker term?

MR BIZOS : No, I think that is his proper name. You were a loyal member of the ANC, not now then? -- That is so.

And you would want to be careful to guarded secrets and if in fact the population, the ANC and the population was (10) being bluffed about this connection, you would want to guard that secret jeolously? -- That is so.

You were living with relatives?-- That is so.

In a house where a shebeen was being operated? -- That is so.

And a successful shebeen? -- That is so.

Where money and liquor flow at free? -- That I do not know.

Well, did you not see it there? You lived there? -- I had no interest in the moneys and their selling. (20)

I am not suggesting that you had an interest, but you saw money and liquor flowing freely? -- The liquor, yes, was flowing freely, but the money I do not know ... (Mr Bizos intervenes)

CCURT : You must wait. We have not got the answer yet. What was the answer? -- Yes, liquor was flowing freely there. About the money, I do not know. I hear about it for the first time here.

MR BIZOS : The shebeen was being run for a profit? -- I hear that for the first time. (30)

But why do you think the shebeen was run? At a loss? --

I had no interest in their gross profits or their gross losses.

I am not for one moment asking you whether you had an interest in any gross loss, but what I am suggesting to you is that these were relatives of yours and good friends? -- Yes, even then, even if they were my relatives, concerning their money, I have got nothing to do with that.

I want to tell you, as a loyal member of the ANC if you needed the comparatively meager sum for a shebeen keeper of R60,00, why did you endanger yourself, your organisation and this well kept secret between the ANC and UDF by going (10) to the headquarter of the UDF to ask for money as a stranded member of the ANC? -- What happened is this, I only went to stay with these people after I had been to town, which means then I was first in town, then to the township, they were not home, I later in the company of somebody else found them and then stayed with them.

But, you know, that is a bit of invention, I am going to submit to His Lordship, that just will not get you so far. This is not the first time that you were there? You knew that they were shebeen keepers? -- That is not correct. (20)

How many times did you stay there? Let us start with that? -- When I was still staying in Swaziland, I used to pay them some visits. There was no shebeen there. My aunt was still alive.

Where did you sleep the night before you went to the headquarters of the UDF? -- Germiston at Satch's place.

Why, knowing that you were going to relatives to stay, did you not postpone your decision to endanger the UDF and the ANC and the whole superstructure by at least seeing if you can get help from your relatives? -- In the first place (30) those people have got nothing to do with politics and secondly

I did not know whether I was going to find them home. So, the question of why I did not go to them first, I cannot see how does it come together with that.

Where did you sleep on the day that you came here for one day only? — I slept on my way.

Did you not come to Johannesburg at all? — No, I did not. I last saw these people when I left them and I only saw them again now after my release.

Are you working for a newspaper? — No.

Are you holding out to people that you are working for (10) a newspaper? — It is long that I have been putting that to people as a front for me. I would not tell them where I am employed. This is something new. After my release from jail, I started telling people that.

And do you approach people on the basis that you are working for a newspaper? — No, that one I do not know.

COURT : What did you use as a front? Did you use as a front that you worked for a newspaper before your arrest or after your arrest? — After my arrest.

MR BIZOS : Did you give the people who put you up in May (20) any money after your release? — Yes, I used to give them money. They are my people.

So, you gave money after your release to the people that put you up in May. Did you tell them that you were working for a newspaper and that were earning money? — All I told them is, when they asked me where I was employed, I told them I work for a paper, because they wanted to know where I get the money from.

How much money did you give them? — I spent some money on them. I remember giving my cousin sister there R10,00 (30) and the children. I gave them some money as well as my cousin

brother. I think I spent about R30,00. I gave to my cousin brother a loan, the amount of R30,00. After having given him the amount of R30,00, I then spent some money still in buying liquor.

This giving over of cash, more particularly to your female sister cousin, was that not a repayment for something you had done in May? -- No, there is no such.

I am sorry to put this to you? -- Well, you can put it, I am listening.

That you helped yourself to some money in May in the (10) view of your sister cousin? -- No, there is no such. It is a lie.

What I am going to put to you is that there was no need whatsoever for you to go to the headquarters of the UDF or to the Council of Churches for money? -- Well, there is no such. That is subject to your own assessment.

I may say, My Lord, that my failure thusfar to put what Mr Ndou would say about this, is not as a result of any deliberate holding back on my part, but we have not managed to consult with him yet. (20)

Tell me, whatever the truth may have been, was the ANC holding out in Lesotho that it had no military presence?

COURT : Where?

MR BIZOS : In Lesotho?-- Yes.

That is true? -- Yes.

And whatever the truth may or may not have been, was it holding out that the South Africans there were refugees? -- That is so.

Were there places at which people who fled from South Africa, for whatever reason, such as being detained or (30) because they consider themselves political refugees, where

they were welcomed? — Yes, there are.

And is there an UN office representing the UN commissioner of refugees? — That is so.

And do people go and apply - come from South Africa, did they go to the UN refugee office and report themselves and register themselves as political refugees from South Africa? — They would go there only after being cleared by the Lesotho police and their movements, having cleared them, except those who are non-alliant direct from the police station.

Are there places of residence for these people? — (10)

Well, it depends.

Are there places of residence for people such as I have described? — That is why I say it depends.

COURT : Will you explain, please?— For instance, in the first place, the non-alliant refugees on arrival there they go to the police station, that is where they stay. From the police station they will go to the minister of interior. From interior they go to foreign affairs. From Foreign affairs to UN. Then UN would put them in the arrival centre at the place called Mohaladitwe. In the case of the refugees, either (20) of ANC or PAC, on arrival there they will stay at the residences of the ANC or PAC. In case a person goes to the police station and explains there that he belongs to one of the organisations, ANC or PAC, then they will call their respective representatives to go and fetch them. That organisation will take a decision as to who is going to the arrival centre and stay there and who is not going to stay there. Arrival centre is a temporary residence for people. You are permitted to be resident there for a period of three months and then after that you go and sort out yourself about accommodation. (30)

That is the position.

Are there places at which refugees who have come away from this process - are there places in which refugees stay other than at the centre that you mentioned? -- Yes, there are.

And are there places of accommodation where people who came from South Africa as refugees and have been through the long process that you have mentioned who are staying collectively in particular houses? -- Yes, there are three houses.

You know, what I do not understand about your evidence is this. You are not going to suggest that every political(10) refugee from South Africa must be either a member of the ANC or the PAC? -- That is why I call them non-alliant refugees. I do not know whether you are listening.

COURT : It is not necessary to comment in the way you have just commented. It does not improve the relationship in court between yourself and counsel and it does not further the speeding up of this case. -- I beg your pardon.

MR BIZOS : Would a person who is - who denies affiliation, either to the ANC or the PAC, would he also be given a refugee's status in Lesotho? -- That is so. Those are the (20) people we call non-alliant.

These non-alliant refugees, have they got friendships with alliant refugees? -- Yes, that is so, because you meet at some many occasions.

Or you may even have been good friends in South Africa? -- That is so.

So, that His Lordship may get some idea eversince 1976 and the troubles that we then had, lot of young people without being members, even of the ANC or the PAC or even connected with any organisation, took flight because they feared (30) detention and they feared being arrested by the police. --

That is so.

And you mentioned that there were three houses?— Yes.

Which houses do you mean? — Those were the houses for the people who have completed - I am now talking of the people in the ANC - at different places, Queding, Seoli and Tsosani.

Are those the houses that you refer to as the ANC houses? — Those are not the only houses.

Are there a number of other houses at which people go and stay after they had been cleared in the manner in which(10) you have mentioned? — Yes, there are people who will be cleared under SACTU and they will be taken to a SACTU house.

Are people in, what you call an ANC house or a SACTU house entitled to visitors or is there a guard preventing visitors from going in there? — They do get visitors there, but there are certain requirements they must meet. For instance if you get a visitor, then they take you to an empty house.

Are the people entitled to ordinary visitors? Assume that this person stays in what you call an ANC house, can one of his relatives that managed to get away on a Sunday go (20) along and say "Hallo, my son" or "my daughter" to their child being in one of these houses? — Yes, a visitor like that can go there because what happens then is, if you are staying all by yourself in the house, then that person can spend the night there. If you are staying with other comrades, it is then that they take you to an empty house.

So, would it be correct that what you call ANC houses, are houses which - in which ANC orientated people may be staying, but to which visitors will be coming from time to time? — In the first places those houses are ANC houses (30) because the ANC is paying rent for those houses. If a person

pays a visit there as an individual, the ANC as an organisation must know about it. What is important is, you must report that, even if they are your parents.

Did I ask you any question about that? -- Your question was if people are not permitted to see visit anyone in the ANC houses. That is why I elaborated in explaining that.

Could I appeal to you that your function in this court is not to argue the case for the State or for anyone else.

COURT : I do not think that is entirely fair. I do not think that answer was meant in arguing the case for the State. He put it to you that they are allowed visitors in the ANC houses, but there are certain requirements. It seems to the witness that you are still dealing with that aspect and he is still stating the requirements. (10)

MR BIZOS : I was going to deal with this specific question on another basis. It was the general tenor of his evidence on other aspects that I was referring to, but let me deal with this question at this stage. You see, I asked you whether visitors could go into these houses. Is the answer yes?

COURT : He has already answered your question by saying if a person lives on his own in an ANC house, the visitor will visit him there. If he is living in the ANC house with comrades, he is not allowed to stay in the house, but he is taken to an empty house where the visitor and the visited then stay. (20)

MR BIZOS : Are you referring to stay over night in relation to this explanation or just an ordinary short visit? -- Because of the security risk, even if a person is there for a very short time, he is not allowed to be there with the person he is visiting. He is not permitted to see there the people. Therefore, that is why these rules stand. (30)

Please tell us, when did you first meet Mr Tozamile Gqweta? — That was in 1980 when I saw him for the first time.

Where? — Outside the court at Cambridge, East London.

Did you have any dealings with him? — I had no dealings with him. He was a trade unionist. I was a scholar.

When did you see him again? — Early July 1984.

Where? — At Kingdom's place. That is at Apatamai.

Who is Kingdom? — He is a member of SACTU and who is with the ANC outside.

Was he in the company of Mr Gqweta? — He was there (10) and Gqweta was also present.

How do you know that Kingdom was a member of the ANC? — I was staying with Kingdom in Lesotho. We used to see each other every day. He used to come to my place and I used to go to his house.

He was permanently in Lesotho? — That is so.

You say that he was a SACTU person. What is a SACTU person? — It is a section which deals with trade unions and workers here inside the country. It is outside this country but in this country it deals with the trade union and (20) worker.

Do you know whether it is a lawful or an unlawful organisation in the Republic? — I do not remember SACTU being that.

And has it an office in Lesotho? — It has got a personnel in Lesotho and the office which is there in Lesotho is an ANC office.

Openly? You say that openly the office of SACTU is the ANC office in Lesotho? — What I say is, SACTU has got a personnel in Lesotho, but the office in Lesotho is that of the ANC.

Who is the personnel? — It is quite a number of them.(30) For instance Les, Kingdom, Sticks, Mary is dead and then there

is Gwentshe Mzimkulu. Let us correct that, his name is Mzimkulu and then the surname is Gwentshe and many others.

How many in all would you say are members of SACTU in Lesotho? How many were there? -- I cannot give a number off-hand, but if I count them by their names, may be I can give you a figure.

Let us call them ten? -- They are more than ten.

You have told us that there is a SACTU house? -- That is so.

Where is the SACTU house? -- They have SACTU houses (10) at Apatamai, Matara, there is one Kubetswane. There is also a house in Roma.

So, can we infer from what you have just told us that there are approximately half a dozen SACTU houses? -- I know of about four.

At which house did you see Mr Tozamile Gqweta when you saw him there? -- Apatamai.

At a SACTU house? -- That is so. That is where Kingdom lives.

So, you saw Mr Gqweta visiting Mr Kingdom? -- That is (20) correct.

Did you have anything to do with SACTU? -- The security of the ANC had dealings with all the houses of the ANC.

I will repeat my question. Did you personally have anything to do with SACTU? -- No.

Is Mr Gqweta sufficiently well-known to SACTU not to have required a security check from a person such as you? -- I never said that I investigated his security.

Is the answer no? -- No.

Will you agree that you were not known whatever your (30) position may have been in the ANC or the PAC in the past,

you were not known to Mr Gqweta at that time? — There was nothing which could have led to his knowing me and I also did not want him to know me.

Was Kingdom in the ANC hierarchy your junior or your senior? — He had no position with the ANC. He was a treasurer with SACTU.

Was Kingdom a security conscious person? — Not only him, everybody in Lesotho.

So, the answer is yes? — That is so.

Was he an experienced official of SACTU from what you (10) could observe? — I would say so, yes, because he is experienced inside and outside.

Would you give us some idea of Kingdom's age? — I will say he is in his late twenties.

Some idea of Mr Gqweta's age? — I am not able to give an estimate of his age.

Can you recall the day on which you saw Kingdom and Mr Gqweta together? — No, I cannot.

Can you remember the day of the week? — I cannot remember that. (20)

Can you remember for how long you actually saw Mr Gqweta and Mr Kingdom together? — We did not stay long in that house. I think we were there for about fifteen minutes and then we left. I do not know for how long they were together there.

I want to ask you this. Were you in the company of Mr Gqweta and Mr Kingdom or not? — I was not in their company. I found them there.

When you found them there, did you join them or did you just greet them and stay one side? — On arrival there I entered the place in the company of one China. We went (30) past. After having gone past, we called one Lulu who in turn

called Kingdom to come to us. Then Lulu left. We had a talk with Kingdom. After having spoken to Kingdom, we then left.

So, the answer to the question whether you were in the company of both Mr Gqweta and Mr Kingdom is no? -- That is so.

And I do not suppose you would have violated the ANC's security instructions by evesdropping on any of the conversation between Mr Gqweta and Mr Kingdom? -- I would not do that.

And you did not do so? You did not evesdrop on their conversation? -- That is so. (10)

What is the nearest that you ever came to the two of them? -- I just went past them. The only person who was near to me, was Kingdom, because I had a talk with him or he had a talk with me.

What is the nearest that you got to Mr Gqweta on that occasion? -- I was in the other room.

Do I understand by that answer you were never in any - in the same room as Mr Gqweta? -- Except passing there.

How near did you get to Mr Gqweta when you passed him? -- I cannot remember, because I did not pay any attention (20) to that.

You did not pay any attention to what he was saying or what he was doing or who he had with him? -- What the purpose of his visit was there, that I got to know about from Kingdom, which resulted in our asking him to produce the passport from this person.

Whom did you ask to produce the passport? -- Kingdom handed us his passport.

Why would Kingdom hand you his passport? -- China asked for it, because of the following reasons. People coming (30) in Lesotho from home, there are those who use the border gates

and there are those who cross the river. Now, we check from their passports how they passports look like if a person went through a border gate. That was the reason why it was asked by China.

And why was it shown to you? — I was in the company of China. We were working together in the same department.

Did you see Mr Gqweta again on that occasion or any other occasion in Lesotho? — Yes, I did in passing.

Again you did not have anything to do with him? — No.

You did not speak to him? — No. (10)

You did not overhear him say anything? — No.

And as you told us in your evidence-in-chief the only information that you had about his trip was from Kingdom? — That is so. Not from Kingdom only.

But from other of your colleagues then? — Yes, the person who was typing the documents told me. This person's name I can give you, if the Court wants that person here, it is no problem. That person is available.

Who is this person that you say is available? — Nomasotja. (20)

Who is she? — She is a former SACTU member and former ANC cadre. She was in Lesotho.

And her surname? — I do not know what her surname is. All I know is the MK name, because we are calling each other on MK names.

How do you know that she is here and available? — She does come to my place. I also used to go to her place.

Here in South Africa? — That is so.

Since your release? — Both of us, yes.

Is she also a prospective police woman? — I do not (30)
discuss her private life with her.

If you are colleagues from Lesotho and good friends now, why not? There is no secret about? -- It never occurred to me that I must discuss that. When we meet we do discuss about things in Lesotho and whatever we are discussing about there. Sometimes we meet at work.

You only saw him at the SACTU house? That is Tozamile Gqweta? -- That is so.

And that is the only place that you ever saw him? -- Yes, as I have already said that I only saw him in passing.

At a SACTU house? -- No, I did see him in passing in (10) the sence that perhaps, for instance if I were to see a person driving in another car or while I am in another car. That is what I mean that I saw him in passing.

So, the only house that you ever saw him in was in a SACTU house? -- That is so.

You never saw him at any ANC houses? -- As I have already said to the Court, all the houses there, their rent are being paid by the ANC, because these houses are being divided. For instance, there are underground houses, there are houses called transit, there are SACTU and security houses. Even (20) the political department have houses, but all these houses are falling under the ANC.

I am going to read our note of your evidence-in-chief in relation to Mr Gqweta, where you said, according to the note that I have "Het jy hom gesien in Lesotho in kampe" and your answer was quick that there are no camps in Lesotho, but you added that "Ek het hom by huise van ANC gesien." -- That is true.

Do you consider that there is no contradiction between that evidence and the answers that you have given me two (30) to three questions ago?

COURT : Let us get the full piece of evidence, please.

~~According to the note of my learned assessor, there was an~~
addition and that is "Hy was daar om 'n rapport aan SAKTU ge-
maak."

MR BIZOS : With due respect I think that that is joining
two questions together in narrative form, because he was asked
whether according to our note, whereafter another question
was asked and the answer was "Hy het 'n rapport aan SAKTU
gemaak." We have it as a separate question and answer.

COURT: Yes, please continue. (10)

MR BIZOS : Do you consider that there is no contradiction
between the evidence that you gave a short while ago and your
evidence-in-chief? -- I do not see any contradiction in that.

Thank you, we will argue it. You told the Court, as
indicated by the learned assessor and it is in accordance
with our notes, that he had come in order to make a report
to SACTU? -- That is so.

Is that what Kingdom told you? -- Yes, that is what I
heard from Kingdom, but further I saw the writing on the
files, together with a typed out version of that. That is (20)
the typing which was done by Nomasotja.

During the course of the taking of your statement and
during the course of you being prepared to give evidence in
this case, have you been shown any documents? -- I do not
remember having been shown any kind of paper or document, except
for the Sechabas.

COURT : Between which dates?

MR BIZOS : After his arrest. Do I understand you to say
that after your arrest , during your interrogation, during
the period that your statement was being taken and during (30)
the period that you have been waiting to give evidence, you

have not been shown any documents, except the Sechabas? — Nothing was shown to me, except that I was shown the Sechabas and strategy and tactics. These were shown to me while I was still at Queenstown, and some photo's that I saw in the offices, photo's of other people, including myself.

You have not been shown any pamphlets? — I do not remember seeing pamphlets.

Or any letters? — Letters that were shown to me were those that I had written to home and those that were written from home to me in reply or just letters written to me. (10)

Yes, I do not think we have an interest in that, but you were not shown any letters or any documents or any correspondence of the ANC or anyone else? — No.

Were you shown Mr Gqweta's passport? — I do not know whether the people in Queenstown had it, because he had his passport and Queenstown is out of Transkai.

CCURT : Is the answer then no, I was not shown Gqweta's passport? — That is so.

MR BIZOS : Were you shown any report that was supposed to have been made by Mr Gqweta? — I cannot remember seeing (20) that report.

Why is your memory failing you or might your memory be failing you? If your previous answer is correct that you saw no documents at all, why should it be failing you in relation to reports supposedly written out by Nomasotja? Why would your memory be failing you in that? — It is a question of a linguistic problem. It is a figurative speech. In Zulu if I say I cannot remember seeing that, that is in fact denying that I did not see it.

We will leave it as the fault of the language for the (30) time being. — I will ask this interpreter to sort of bear

me out on that. In Zulu one can use a word the way in which I used it. Meaning that I did not see, but saying I cannot remember seeing that.

COURT : Is that so, Mr Interpreter?

INTERPRETER : I find myself in a predicament here, because in a way I will be giving evidence unless this Court says I would not be giving evidence.

COURT : Well, let us leave it at that.

MR BIZOS : I will not put the interpreter in a position in which he may feel uncomfortable, one way or the other. (10)

You described the document which you say you saw as a false document? -- That is so.

A passport? -- Yes.

Why do you describe it as a false document? -- If a person is applying for a passport and it is being issued, with his photo on the passport and the name given there is not that person's name, then it is a false document.

Are you saying only on the basis that the name Richard Meti did not correspond with the name you knew Mr Gqweta by?

-- That is so. (20)

Did it have his own photograph in this document? -- That is so.

Let us come to your Eastern Cape trip. When did you go to the Eastern Cape? -- I do not remember going to the Eastern Cape.

It may be a question of phraseology. Do you regard East London as the Eastern Cape? -- It is the border.

Alright, I am sorry. Your knowledge of the districts is better than mine. When did you go to the border district? -- In February. (30)

Of what year? -- 1985.

For how long did you stay there? -- Two weeks.

And whom did you see there? -- Tesana, Kaya and Brian and my other former schoolmates.

Other than that, did you do anything else? -- I had gone there for the work I had gone to do there. In other words, there was nothing in particular that I was doing there in the township.

We can leave that there for the time being. I want to now deal with another matter. Tell me, have you ever been to Cross Roads? -- Not prior to my release from jail, now (10) that I am released. I never went there. In fact my being at Cross Roads was just in passing there.

So, accept for driving past Cross Roads, you have not been there and have no personal knowledge of matters and so forth? -- That is correct. I do not have any personal knowledge of Cross Roads, though of course I know Cross Roads.

Do you know of Cross Roads? -- I know of Cross Roads.

I want to take up one of your statement to His Lordship. That is your emphatically saying that up to this day, the police have not been able to go into Cross Roads? -- That (20) is so.

During what period do you say the police have not been able to go into Cross Roads? -- From my knowledge since 1984 the police were not entering Cross Roads.

Up to this day? -- Yes, up to this day.

Where did you get this information from? -- About 1984, since 1984 that they are not entering Cross Roads? That I got from comrades. That up to date they do not enter there, is my own experience. That is what I saw myself.

You saw that the police did not enter Cross Roads (30) because you drove past it once?

MNR. JACOBS : As ek die getuie reg verstaan het, ek weet nie of ek verkeerd verstaan het nie, was dit voor sy arrestasie wat hy net een keer daar verbygery het.

HOF : Nee, ek het die indruk gekry voor sy arrestasie was hy nie daar nie en na sy arrestasie het hy een keer daar verbygery. -- That is correct. After my release from detention I went past Cross Roads. By saying I went past Cross Roads, I did not mean that I went past Cross Roads once only. I went past Cross Roads on several occasions. What I mean when I say I do not know Cross Roads is I know Cross Roads by (10) sight from far. I have never been in Cross Roads physically.

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MR BIZOS : Let us deal with the correctness of the reports that you got from your comrades. Is it the ANC line that there are liberated areas in South Africa? -- In fact the ANC is striving for liberated zones in South Africa.

Did your comrades tell you that Cross Roads was a liberated zone, because the police could not go in there? -- My understanding of a liberated zone or a semi-liberated zone is that it must fulfil certain requirements at first.

Could you spare us the details unless His Lordship or (20) the prosecutor want it. The point that I want to make is a simple one and I think we can make it more quickly. -- Saying that the police does not enter, that alone is vague. It must be qualified with some facts. In fact, if you put it there that the police does not enter, it nullifies that, unless one elaborates in details.

Try and confine yourself to the answering of my questions. Was Cross Roads represented to you by your comrades as a liberated or quasi liberated zone? -- That is so.

COURT : As liberated or as quasi liberated? (30)

MR BIZOS : Semi-liberated? -- Semi-liberated.

After your arrest and after you became a prospective policeman, did your colleagues and your driving past, tell you that the police to this day cannot go into Cross Roads? — We requested to be taken to these places, for instance Cross Roads to go and see how Cross Roads looks like. The reason being that we had certain that we wanted to verify there. We wanted to know exactly how the place looks like and verifying certain things that we knew about there.

If I were to suggest to you that there have been fairly regular raids into Cross Roads throughout the period that (10) you have mentioned, what would you say? — Yes, I will agree with you, but the people there, the residents, did not just sit down and look at it happening, the raids are now there, they must sit down and wait and see what is going to happen. They reacted against that.

Let me just confine myself to the point that I want to do it. If in fact there were regular raids into Cross Roads, the information that you repeated with such confidence that you got both from your comrades and your present semi-colleagues, appears to have been wrong? — Yes, from a (20) civilian point of view, yes. From a militant point of view, I do not agree.

In what capacity were you giving evidence to Your Lordship when you assured him that the police have not been into Cross Roads? — My analysis was from a military point of view. The terms that I was using here, were military terms and therefore for me to analyse it, it must be on a military point of view.

Well, we are before a civil court and not a military court. — I quite agree and I accept it that way, but now (30) the position is that you have a military person in a civilian

court. I will ask this Court to pardon me whenever I use military language.

What is so military about it assuring the Court that the police have not been into Cross Roads? Are you making an assertion of fact? -- The difference is this. When a civilian is told that the police does not enter a certain area, a civilian will give that an interpretation of a person who will just come to the border and look across the border and see there is Cross Roads, but the police does not go across the border into Cross Roads. A person who is now a military(10) person, that person will understand you to be saying the police, though they do get into Cross Roads, but they are met with problems and difficulties, which will result in their failure in executing their duties, for instance they cannot arrest anybody there, or they can go in for a very short time and cannot delay and be long in that area. That is what I mean.

I want to put something right at the outset to you before I ask any other questions. I am going to put to you that you liberately falsified the notion of soft target in order to (20) try and make your understanding of it fit into the allegations of this case? Do you admit or deny that?

MNR. JACOBS : Dit is 'n baie wye stelling. Ek weet nie of die getuie die akte van beskuldiging gelees het en weet wat is die feite van hierdie saak nie. Dit is 'n onbillike stelling om dit so wyd te stel as die getuie nie eers weet wat is die feite van die saak nie.

MR BIZOS : The question is capable of a simple answer. I do not expect the answer yes, but I merely asked the question in general form in order to indicate to the witness what (30) the purpose of the other questions are going to be and to the

Court.

COURT : Now you have put it, put your next question?

MR BIZOS : Were you told whilst you were in the ANC and whilst you were receiving your training, that the ANC had been allowed to sign the Geneva convention? — I was aware of that. If my memory serves me well, it was during I think 1976.

It does not matter when, but you were told.

COURT : Just a moment. To which convention are you referring?

MR BIZOS : The Geneva Convention on war and prisoners of (10) war. — Yes, I agree.

This it did on the basis that it is a national liberation movement? — That is so.

And in order that it may be distinguished from what is referred to as terrorist organisations? — Yes, I will agree to that.

There are certain benefits which signatories of the Geneva convention can derive?— That is so.

One of the benefits is that its soldiers, its cadres should not be treated as criminals, but as prisoners of (20) war if caught? — That is so.

In return the organisation has to go on record and strive not to attack what are called soft targets? — That is so.

And was your understanding that soft targets, by soft targets is meant the civilian population? — No.

Do you say - just try and listen to my question. Do you say that the civilian population is or is not a soft target for this purpose? That is all that I am interested in at the moment, your understanding?

COURT : This purpose being? The definition of a soft (30)

target in the Geneva convention?

MR BIZOS : In this context.

COURT : But is that term used in the convention? Soft target?

MR BIZOS : I do not believe. I believe that sort target is a shorthand for attacks on defenceless civilian population.

COURT : Yes, will you just repeat the question?

MR BIZOS : Was it your understanding that by soft targets, in the way in which the ANC uses it, is the defenceless (10) civilian population? -- It was like that.

Yes, that is what it means in this context? -- I agree. I say it was like that.

This is why the ANC when civilians do in fact get killed, and His Lordship knows about it and we all know about it unfortunately, the ANC makes statements in relation to it? -- Some of the civilians.

COURT : When you say it was like that and you emphasised the word "was", did it change? -- Yes, it has changed.

MR BIZOS : We will come to that and we will inform His Lord-(20) ship what the - Was that the declared policy of the ANC whilst you were being trained in the camp? -- It was like that publicly, that is to the public in the open, but otherwise secretly the ANC was killing them. In fact the ANC would kill them first? -- I will have to give you examples if necessary about some defenceless civilians which were caught by the ANC.

Yes, which examples? -- Mrs Hlapane and her children including Hlapane. McEwan was a civilian. He had nothing to use for his defence and the ANC killed them, Champ was (30) killed in Lesotho. A confused man who did not know what

was happening around him, was killed by the ANC in Lesotho.

It was alleged that he is a traitor and later it was discovered that he was not. Madoda's child. It was in fact a baby. When Madoda's house was booby-trapped, that baby was also hurt there and hundreds of people are being killed in Angola. A person walking just in the bushes to go and collect some fire-wood and that person would not come back, that person is killed. Some people are being taken away under the auspices that they are getting to Vienna and when you get there, only to find that those people never reached that place and later (10) you discover that those people died.

COURT : Vienna? -- Vienna, yes. That is the name of a camp in Angola. Nkosi's wife was a defenceless civilian, but the ANC shot her when they were shooting at Nkosi. I do not know what are we to talk about now, because the ANC is the signatory of the Geneva convention.

MR BIZOS : The question was this. Does the question of soft target relate to defenceless members of the public? -- That is why in reply to the question I said on paper it is like that, but in reality it is not like that. (20)

And have the ANC admitted most of the reality that you have spoken about in relation to like Hlapane and Nkosi? Have the ANC admitted, but have they given reasons that these persons were traitors to its course? They were in their ranks and they were traitors?

COURT : Is this now put in relation to Mrs Hlapane and Mrs Nkosi?

MR BIZOS : There is a rider to that. The way that we understand the position that there is a rider to that. In the process of attacking the persons who are considered (30) traitors, the innocent people may suffer. Is that the ANC

line? -- That will depend on the kind of weapon you are using. With a fire-arm you can pick on the person you are wanting from out of the people who are with that person especially in the house. If now you are going to use a hand-grenade you are going to injure a lot of people, but with a rifle you can pick on your target, the person you are looking for there.

Let us just ask you this. Can you please point to any statement made by any leader of the ANC that counsellors must be considered as soft targets? -- I was present at a camp with(10) Jimmy. We were just about to pass out when Lesjogonolo told us that he is the chief of operations and a member of the military council, which was formally known as the revolutionary council. He was telling us direct.

To kill counsellors? -- That people like that are standing in the way of the liberation of the people and such people are good for to be shot at.

Are you saying that you were given direct instructions to go and shoot counsellors? -- That is not the end of it. Themba injured some counsellors in Cape Town, Coloureds (20) and Blacks. It does not end there that you only hear about these things and you see them happening physically.

Which counsellors did Themba attack?

COURT : Let us just get clarity. Who is Themba? -- He is an ANC cadre. He was the chief of staff Lesotho Military Machinery.

MR BIZOS : And which counsellors did he attack? -- Those at New Cross Roads, the other at Mitchell's Plain.

Where did you get this information from? -- I was present there myself giving chase to Themba. (30)

In your capacity as a prospective policeman? -- That is

correct.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

LINDILE MHLOBO, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : With considerable feeling you enumerated a number of soft targets that were eliminated by the ANC? -- That is so.

If my chronology is correct most of the incidents that you have mentioned occurred before you joined the ANC? --
Three incidents. (10)

The Nkosi incident, the Hlapane incident and which other?
-- And Maquane.

You spoke with considerable feeling of the suffering of the innocent whilst you mentioned those three incidents.
-- Well, I hear that from you.

Well, is it a correct description what you hear from me?
-- I was counting the people who were killed by the ANC who were defenceless as you wanted me to put it.

The only suggestion that was that you said it with considerable feeling almost a sense of revulsion against the (20) ANC whilst you enumerated it? -- I had not come to the point where I will have to make a stand as to how I felt about the whole thing. I am just relating what happened and what I know. I am not trying to create any impression of expression from what I am saying.

If you say that if you gave the impression to me at any rate, and possibly to the members of the Court, that you consider those outrageous acts, would that be correct? --
Well, dying of a person is not something pleasing.

The widest possible publicity was given in public gene-(30) rally and we have already had some evidence in this court

/ about

about it, in the ANC circles, in ANC documents about these killings? -- That is so.

And in the ANC documents there was not only - there was certainly no apology, if anything, pride in the commission of those acts? -- I have not seen any document to that effect.

Did you know that Hlapane and Nkosi and Mkwanzazi were killed by the ANC before you joined them? -- Hlapane, Nkosi and Maquane. I do not know about Mkwanzazi.

I am sorry, I have got the name wrong. Those three you knew about? -- Yes, I knew about them. (10)

If you had any reservations about those actions and if you felt as strongly about it as you felt before the luncheon adjournment about the horror of it, why did you bother to join the ANC at all? -- That is not even one, which is a liberation movement, be it in South Africa or not where people are not being killed. There are ways in which they divide these things. There is what they call intricate discipline of a person, coercive discipline, they can coerce a person until that person dies. Those are the things I know about and that is not with the ANC only. (20)

I am going to suggest to you that you spoke with this tremendous feeling against the ANC before the adjournment and gave a number of illustrations... (Court intervenes)

COURT : Is tremendous feeling, not a bit of an exaggeration?

MR BIZOS : With feeling. You spoke with feeling about it as if you were condemning the ANC for these acts? -- That is not so. All I was saying is that the ANC is a signatory of the Geneva convention. On paper the ANC will say that they do not hit soft targets, but if you look at it in the real life, it is not like that. You dare go to the camp (30) of the ANC, you will see how people are being killed. A

person will say the ANC does not kill soft targets, while this person is here in this country. That is what makes me feel strong about it.

Why did you continue being a member of the ANC once you found those things out? — I have already mentioned that this does not happen with the ANC only, it happens to any liberation movement.

What I want to ask you is this. Did you regard the border or the Eastern Cape or any other region of the UDF as subscribing to the Freedom Charter? — I did not and I will (10) never until they adopt it.

If you in fact did say so, was that a mistake? — I do not remember saying that.

We have a note of it, My Lord, but I do not intend taking it any further at this stage.

I want to deal with the question of pamphlets that you have spoken about. I just want to get clarity in your evidence. Could you please tell us, we are not interested in your plastic carrier bag with ANC pamphlets in it, would you please tell us specifically of any knowledge that you have (20) of any specific pamphlet of any organisation supposedly affiliated with the UDF? That you have personal knowledge about? — I can tell you about pamphlets which were taken by some members of such organisations.

Can we get clarity in relation to that. Let us take the persons one by one. With whom do you want to start with and I want to have some clarity in relation to what you say in relation to that person? — What I say is about people from those organisations. You will tell me which one you want and I will tell you from there on. (30)

Please, which persons did you have personally anything

to do with pamphlets to be issued or distributed or prepared by organisations in South Africa? — I will first have to mention this that some of the people I am going to talk about are inside the country, some are outside the country. Another thing is, the pamphlets are the sole responsibility of the propaganda, political and propaganda department... (Mr Bizos intervenes)

Could you ... (Court intervenes)

COURT : Could he just complete what he is saying. You asked him a question. He is giving you a preface as to how he (10) is going to answer your question. Just give him that start and then an opportunity to answer your question. The pamphlets are the sole responsibility of the propaganda department. — All what we had to do with those documents, was just to check if they are not going to be arrested, not that we were issuing any document to any people.

Now you have been asked to name persons? — Some members of Makusa were given pamphlets concerning the May day. I do not know what their names are.

MR BIZOS : Mapusa. What is Mapusa? — Makusa. It is some (20) trade union of the Eastern Cape Metal and something. I am not well conversant as to what does it stand for.

Can you identify the pamphlet? — No, for the trade union's people I am not in a position to do that.

Do you know anything about that organisation? — All I know, they are people from the trade union.

You have told us you do not know their names. Do you know whether they were office bearers of the organisation or not? — No, I do not know.

Do you know whether this organisation was affiliated (30) to the UDF or not? — That I know from hearing.

Who told you? -- People who used to stay with those people.

So, you picked up some conversation? -- Yes

That the organisation which you cannot name, was affiliated to UDF. Right? -- Right.

That was a May day pamphlet? -- Yes.

COURT : May 1985 or 1984? -- It was in 1985 because May day I was not in Lesotho.

MR BIZOS : When is international labour day? -- No, that I do not know. (10)

What is May the 1st? -- International workers' day.

Oh, I see. You do not think that there may be a connection between the International workers' day and the International labour day? -- Well, there can be a connection between the two, but they are not the same. They are not identical.

I am glad to hear that you are so careful. Do you know whether the International labour organisation prints messages for labour day, workers' day each year? -- Yes, in their bulletins.

If I bring out a special bulletin for the 1st of May? (20)
-- That is so.

Is the International Labour Organisation called the ILO?
-- Those are the abbreviations, otherwise it is called the International labour organisation.

Do you know that the whole spectrum of trade unions in South Africa are affiliated to the International Labour Organisation? -- I had not done that research and I was not working with the labourers, therefore I hear that for the first time here.

Please let us hear what other pamphlet you have any (30)
specialised knowledge about, because the first one you

mentioned you did not know very much about. Let us hear the next one, please?

COURT : You keep on telling the witness or making comments on his evidence.

MR BIZOS : I will try to avoid that.

COURT : If you do that, you should not complain when he comments on your questions.

MR BIZOS : I will try and restrain myself. May I say in self-defence that we spent approximately fifteen minutes on something which the witness raised that he knew nothing about(10) and I was hoping by the comment to have a similar example.

COURT : But during the fifteen minutes we had two or three comments from your side, which I do not think were entirely warranted.

MR BIZOS : Could you please give us the next pamphlet that you know something about? -- Yes, the pamphlet concerning the democratic SRC and School Boycott.

I do not want you to please tell me what you have heard as part of the ordinary conversations that you had with your colleagues in Lesotho. Could you please tell us what (20) specific knowledge, what personal knowledge you have in relation to these pamphlets? -- I do not understand the question.

COURT : The learned counsel wants to know from you what you know from your personal knowledge, not what you in general conversation heard in Lesotho in the camps? -- Concerning the pamphlet, I did not open the pamphlet to see what the pamphlet is. All I was checking was the safety of the pamphlet and a thing that I can tell you about from my own personal experience, are the Sechabas and other magazines similar to the Sechaba, for instance Don. (30)

MR BIZOS : Can we then record that you have no personal

knowledge whatsoever in relation to the persons concerned or contents of or the purpose of any pamphlet related to the Democratic SRC's and the School Boycotts? -- I do not have personal knowledge concerning the contents of the pamphlets, though of course I know the people who were taking these things with them.

Who were these people? -- One is Sithera, Dick, the late Joe Juluka.

Did you meet them personally? -- I used to stay with them. They were trained ANC people who were connected (10) with the political propaganda department.

And they were residents in Lesotho? -- They were residents in Lesotho, but some boys used to come and see them there, for instance a person by the name of Andile Reeve, whom I knew was in AZASUM, also came in with some pamphlets.

Were those different pamphlets? -- Those were pamphlets pertaining to the school boycotts because Andile is a student.

Would you be able to identify the pamphlet they were concerned with? -- Yes, if it can be brought in front of me.

Were you not shown any documents? -- Like what for (20) instance?

This particular document, were you shown it preparing for your statement? -- No. As I say I last saw these things in Queenstown and I repeat I saw them at Queenstown.

Was the person whose name you mentioned Andile from Queenstown? -- No.

Can you give us any further information about this person? -- All I knew was that he was a student at the University of Natal and a former student from Fort Hare.

Any other pamphlet that you have any personal know- (30) ledge about? -- No, there is none which I can say I know from

from personal knowledge.

You would not like an opportunity to think some more that you might think of one or other pamphlet that you have forgotten about that you have personal knowledge of? -- Pertaining to pamphlets, there are quite a number of them. Bys boycott pamphlets, rent pamphlets, forced removals pamphlets. I understood from the defence that I must talk about the pamphlets of which I have a personal knowledge.

And you mentioned the two? -- I counted the two, but things that I heard from cadres or recruits I did not mention because of what was said to me that I must talk about what I personally know. (10)

We will leave it at that. Thank you. You also told us that the ANC buys duplicating machines? -- That is so.

Do you know that of your personal knowledge? -- I saw the receipt and the people who bought this were staying with me.

To whom were they handed over? -- One of those is in the possession of the police Queenstown. I do not know where the other one is. (20)

And you do not know to which organisation, to which individual it was given? -- Sithera is the person who requisitioned and in fact the receipt for it was given to him. When he left for a fresher course, I cannot tell who did he leave this with.

Was this a person who was living in South Africa or in Lesotho? -- Both.

And it was bought whilst he was in Lesotho? -- He was in South Africa. I believe, if I am not mistaken, a completed a year inside South Africa. (30)

I would like to deal with the Letta Nbulu concert. You gave

us a number of names in your evidence-in-chief? — That is so.

You gave us the name of Bapa Ncokutu. Please tell us what personal contact you had with this person? — I was with Bapa at a party at Mvula. We went to the border to go and meet some people who were coming to Lesotho. It was myself, Bapa and Solly, the three of us. At the party which we attended, Bapa, Joachim and Solly as well as Mvula left the party. On his return, that is Joakin, he said that they had gone to give these people some crash course.

Who is Joachim?— Joe. (10)

Was Bapa there when this was said? — No, it was myself and Joachim discussing that. We would not discuss that in the presence of Bapa.

Do you remember what my question was? — Yes, whether I had any contact with them or met them before.

Whether you had any personal knowledge or personal transactions with - between yourself and Bapa Ncokutu for a start? Just confine yourself to that, please, what you did with Bapa Ncokutu, if anything, other than being at a party with him? — It is only a discussion. (20)

At the party? -- In the car on our way to the border.

What was that discussion about verby briefly, please, so that we can go on? — We were discussing the political situation here at home and his affiliation. It was a political discussion.

Were you and he expressing views about the political situation in South Africa? — That is so.

That is all? — I then asked him about his affiliation and then he told me.

What was his affiliation? — He is a member of the (30)
UDF and he is with the executives of the Western Cape.

Let us just get that absolutely clear. When do you say he told you that he was on the executive of the UDF in the Western Cape? -- In December.

What year? -- 1984.

He did not tell you about his past association. He told you then that he was then a member of the executive of the Eastern Cape of the UDF? -- I did not ask him about whether it was in the past tense or not.

Because this is a matter that we can get instructions - about very quickly. You told the Court a question but one (10) ago that he was an executive member of the UDF. What I am going to put to you is that if he did tell you that, he could not have been telling you the truth, because he ceased to be a member of the executive of the UDF in February or March 1984? -- Well, I hear for the first time about that. If he decided to tell me lies then, he was telling me lies.

Did you have any personal contact with Zou Kota? -- Only greeted that person at this party where we were together. I had no discussions with that person at all.

At all? You never spoke to him? -- No. (20)

Was this also a party in December 1984? -- These people were together.

At the same party? -- Yes.

Did you have any discussion with this person about his or her affiliation? I am not sure whether it is a man or a woman yet, Zou? -- No, he did not.

Did you go and ask anyone else about this person's affiliations? -- I did. I asked Solly because he is the person who was hosting the party and another reason being that he is from Cape Town, with them being from Cape Town., (30)

Whom did you ask? -- Solly.

Solly who? — He is known as Solly or China. Some people knows him as Steve.

The man with the three names. He told you that Zou Kota was what? What was his affiliation? — According to that person Zou was a member of the UDF, if I am not mistaken from the Western Cape connected with the publicity.

Let me repeat to you what you said in your evidence-in-chief "Zou Kota publicity secretary of UDF at Western Cape." When you said so in chief was that how you remembered it? — That is so. (10)

You see, because I want to suggest to you that Steve or China or whatever the third name was, must have had prophetic powers, because the evidence before His Lordship is going to be that Zou Kota became publicity secretary in March 1985? — I hear about that for the first time. That is what I knew about that person and that was the end of it.

Is Zou a man or a woman? — It is a woman.

Any other person that you have any personal knowledge about? — Mvula and Miranda.

Were they also at the party? — They were there. (20)

And did you also ask them about their affiliations? — I spoke to Mvula personally. In fact at some stage I was in the company of Mvula going to purchase some liquor. I knew Mvula to be from one stage at the University of Turfloop or to have been there before.

And did you question him about his affiliation? — I said he was from AZASO.

And Miranda? — I did not enquire anything about Miranda.

Or did you enquire anything about Miranda from anybody else? — All I heard was that Miranda was also from the UDF in the Western Cape. And furthermore that she told Glen (30)

that she, Miranda, is employed as a social worker.

Did you have any other dealings with these persons other than what you have described to us? -- The only dealing I can talk about that was to accompany Solly when he, Solly, was taking food to the hotel. They were staying at Lakeside.

So, that you have no personal knowledge whatsoever as a result of personal dealings with these persons in relation to any pamphlets? -- What I know is, they left with some pamphlets and what I can tell you is that I am not the one who handed them the pamphlets. (10)

And you would not therefore know what the pamphlets were? -- I would be telling a hearsay if I were to say that.

Just by the way. You say that you accompanied Bapa to the border region. Could you give us a date for that, please? -- I was taking about the border and not the border region. If one is talking about the border in Lesotho, that is a different thing altogether from the border region.

Thank you for explaining that. If I have put it wrongly, I am sorry, but even I understand that difference. Could you just give us when you accompanied that person? -- The following day, that is after the show. It was the 24th. (20)

24th of ? -- December.

When was the show? -- The 23rd.

COURT : That was now 1985? -- 1984.

MR BIZOS : And the party was when? -- The party was held the same day. This party was held from Christmas eve right through to the Christmas.

Finally you remember that you told us that you only had personal knowledge in relation to the two pamphlets. Can we save time by agreeing right away that you have no personal knowledge in relation to any pamphlet for the Vaal (30)

Triangle? -- From a personal experience that perhaps I mean I was there at the time when these transactions took place about the pamphlets. I was not there. All I can tell this Court is that I am aware that some pamphlets were being sent there, and not from personal experience though.

My lord, I have reached the stage, if it pleases Your Lordship, where a line was drawn across the evidence and the rest was the next day. It will be a convenient stage if it is convenient to Your Lordship to adjourn.

CCURT : You have not perhaps completed your cross-examina-(10) tion? -- No, I

MR BIZOS : No, I am at the end of the evidence-in-chief given on 23 January and there is another about eight or nine pages given on the 24th. In any event, as I have indicated, there are persons whom we hope to see this afternoon to enable me to complete the cross-examination of the witness subject to certain reservations.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 29 JANUARY 1986.

DELMAS TREASON TRIAL 1985-1989

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