

THE WITNESS, BRUNO MTOLO, ENTERS THE WITNESS BOX.

MR. REES: M'Lord, this witness is an accomplice and Section 254 is applicable.

MILNE, J.P.: It has been represented to me by Counsel (20 for the State that you are an accomplice? ---- That is so.

That is that you were a participator in one or more of the offences with which the accused or some or other of them are charged. It would appear, therefore, if that is the position, in giving evidence you will be (25 answering questions that will tend to incriminate you. Are you willing to give evidence, notwithstanding that? ---- Yes, I agree.

BRUNO MTOLO: (Sworn, states).

MILNE, J.P.: An order will be made, excluding the (30

public/.....

public from the Court during the hearing of the evidence of this witness. This order is not to apply to representatives of the Press.

EXAMINED BY MR. REES:

Do you know or not - do you know whether or (5 not any acts of sabotage had been committed in Natal during 1962 and 1963? ---- Yes, I know.

Do you know by what persons or groups of persons these acts were committed? ---- It was performed by a group known as the Regional Command in Durban with (10 various groups working under the Regional Command.

Were you or were you not a member of this group or association? ---- I was.

MILNE, J.P.: What is the name of the association? ---- At first it had no name and it was only during July or (15 August that I heard the name.

Which year? ---- 1962.

What was the name? ---- Mkonto we sizwe'.

MR. REES: The Regional Command that you have referred to, would you just describe the structure of this organisation?

---- On the Regional Command there was one, Curnick (21 Ndhlovu. He was the Captain and then Billy Nair; he was a Deputy Captain. He was the correspondent to the High Command in Johannesburg. Then Ronny Kasrils.

MILNE, J.P.: What was he? ---- He was a Lieutenant. (25

In what? ---- In the Regional Command. And Eric Mtshali. He was a sergeant. It was during May or June, 1962, that Eric Mtshali was sent overseas. Then myself - Bruno Mtolo, I was an assistant technician. In June, 1962, when the - early in June, 1962, I took (30

the place of Brian Shedu as technician.

MR. REES: I think we can make the spelling as Chaitow.

MILNE, J.P.: Is that a European? ---- A European, yes.

Was he a chemist? ---- Yes.

MR. REES: What was the purpose or the objects of the (5

association or what did they want to achieve or do? ----

The object of this association, it was a wing of the
A.N.C.

What did they want to achieve? ---- Because
the A.N.C. had failed in its objects without bloodshed. (10
The objects of this association was to obtain by force;
to obtain from the Government with what the A.N.C. had
failed.

What was that; what did they want to obtain?
---- To get rid of the present Government and to put in (15
a Government with our objects.

And how were you going to get rid of the
Government? ---- The first steps would be sabotage.

The second steps? ---- If the Government
would not listen, then we would start guerilla warfare. (20
If the Government would not give in to that, then we
would start a war, no matter who was involved.

MILNE, J.P.: Against whom? ---- To fight the Government.

When you say 'no matter who was involved'?
---- All the supporters of this association would then (25
fight the Government.

The Government, do you mean the members of the
Government? ---- Yes.

The members of the Cabinet? ---- To fight
with the supporters of the Government. (30

cp with evidence of giving a share in wealth

Who are they? ---- The Europeans that support the Government.

MILNE, J.P.: In what way would this warfare be undertaken? ---- I cannot say at this stage because we were a growing association. We were informed of the different stages that this association would take. (5)

Is it the case then that the only stage that was ever reached was the stage of sabotage? ---- Yes.

MR. REES: Was anything done in preparation for any of the further stages? ---- Yes, while these acts of sabotage were committed, people were recruited and sent away for training. They went away for military training, to be taught the acts of warfare. (10)

Where were they sent to? Do you know? ---- (The Court intervenes). (15)

MILNE, J.P.: What is the relevance of this?

MR. REES: As Your Lordship pleases.

MILNE, J.P.: Before you go on, you said you were going to perform acts of sabotage in order to get rid of the present Government and put in a Government with your objects? ---- Yes, with the objects of the A.N.C. (20)

What were they? ---- That every person in the Republic would be entitled to vote, of all races and all women too.

By what method were you going to get rid of the present Government by sabotage? ---- I can't say exactly how sabotage was going to get rid of the present Government. We were not planning all these things. There was a higher command - a High Command who were doing all the planning. We were acting on in- (25) (30)

instructions from them.

You had no idea how the acts of sabotage were to operate to remove the present Government and to substitute for it a different Government? ---- This is how it was explained to me in the first stages: In the first instance, the sabotage. If the Government would not listen, then we would go over to guerilla warfare. (5

I am speaking of the sabotage. How does the Government 'listen' to sabotage? ---- We were told that we should go fully out on Government property. And also the property of persons supporting the Government. Then it would not be Government property, but property of persons who support the Government, and that they should be frightened by the acts of sabotage. That was my impression too, that the fear should be brought on the Government by the acts of sabotage. (10 (15

MR. REES: Would you just tell the Court, as far as the Regional Command you have referred to, is concerned, the circumstances under which it was formed. That is, when was it formed and who all were present when it was formed originally? ---- (The Court intervenes). (20

MILNE, J.P.: Just one moment. I understood you to say that you joined it and took somebody else's place. Is that not so? ---- Originally it was formed in 1961. (25

Well, you don't know about that, do you? (25

MR. REES: With respect M'Lord, I think his evidence was that he was at first an assistant technician and afterwards he became the technician, taking the place of somebody.

MILNE, J.P.: Were you an original member of the Natal

Regional Command? ---- Yes.

MR. REES: Just tell the Court where it was formed, what happened at the formation? ---- I would say between November and December, 1961, I was called by Billy Nair on a certain day. (5

If Billy Nair should be here, would you point him out? ---- That is him standing up.

MILNE, J.P.: Indicates No.4 accused.

Yes, you were called by Billy Nair on a certain day? ---- He informed me that a European had come here from Johannesburg and that they had a meeting with him on the previous day. This European had told him that he was sent by the National Executive of the A.N.C. to inform us, that because the A.N.C. had failed in all its attempts, in the attempts without bloodshed. That they had now decided that there should be a certain wing, and that they should now assist in ways like sabotage. (10 (15

MR. REES: M'Lord, may I just check with the Interpreter whether or not when the word 'bloodshed' is used, it could also mean violence, in the context in which it is used? (20

MILNE, J.P.: I think we must leave that for cross-examination, Mr. Rees.

MR. REES: Just carry on? ---- To put it in another way, the A.N.C. had failed in its attempts of non-violence and they now reverted to acts of violence. (25

What was the next or the first thing that happened as far as you are concerned. That is, was there a gathering or didn't you go anywhere? ---- Yes, after (30

Billy Nair had informed me that a wing would be started here to assist the A.N.C. with the bloodshed. This wing would be known as the Regional Command. The Regional Command would be under the High Command which was in Johannesburg. And he also informed me that my name was in the Regional Command. He then told me again that there was a European coming from Johannesburg and he was to teach us as to what weapons would be used. (5

MILNE, J.P.: Was this to be the same European or some other? ---- Another European. (10

Did you eventually at any stage meet a European? ---- Yes, we saw this European.

Who all saw this European? ---- Myself, Billy Nair, Ronny Kasrils, Curnick Ndhlovu, Eric Mtshali and Brian Chaitow. (15

Where did you see him? ---- In Ridge Road, in Ronny Kasrils' flat.

Did Ronny Kasrils live alone in that flat or did he live there alone with somebody? ---- He was staying there with his girlfriend but as far as I can remember during those days, she was not there. (20

What is the name of his girlfriend? ---- Eleanor Anderson.

MILNE, J.P.: When was this occasion when you saw this other European? ---- I think it was the beginning of December, 1961. (25

Who was this other European? ---- Harold Strachan.

MR. REES: You speke about one Curnick Ndhlovu being present there, if he should be present, would you point him out please? --- The fourth person from the right in the front row.

MILNE, J.P.: Accused No. 8 identified. (5)

MR. REES: Just carry on, what happened at this meeting or gathering? ---M'Lord he informed us that they had now changed the methods of non-bloodshed of the African National Congress to a method of bloodshed M'Lord.

Yes? -- This decision was taken by the National Executive of the A.N.C. He also told us that this National High Command had been started in Johannesburg; that is a Committee M'Lord. (10)

Yes? -- And he told us that in every Province there would be a Regional Command, which would be under the High Command which would be in Johannesburg. That we would still support the A.N.C. but that we would take all our instructions from the High Command which would be in Johannesburg. (15)

Just to come down to this; were you taught anything by this person or not? -- Yes M'Lord. (20)

What were you taught?-- He taught us about a petrol bomb; he taught us about another bomb called the dry charge M'Lord and the Molotov cocktail. (25)

Who all were present when he taught you these items? --- I was there. Billy Nair; Gurnick Ndhlovu; Ronny Kasrils; Eric M'tshali, and Brian Chaitow.

Now what did he teach you about the petrol bombs? --- M'Lord, must I explain how a petrol bomb is made, is that what is expected of me? (30)

MILNE, J.P.: Do we really need this. Were you taught to make petrol bombs at work or did you never try them out?
---M'Lord I was taught how to make a petrol bomb and after that I made them.

Successfully or unsuccessfully? ---The way Strachan taught us to make a petrol bomb was only used on one occasion; that was on the 15th of December, and they were not used again; the Strachan bombs. *Check with other oxid* (5)

Where was it used on the 15th of December? ---
At the Bantu Administration Office, Ordinance Road, in Durban. (10)

Were you present? --- Yes M'Lord, I made that one together with others.

And when it was used? -- Yes M'Lord, I was in charge of that group that worked there. (15)

MR. REES: Now you said subsequently you departed from the Strachan method; how did you depart from it and in what respect did you depart from it; I am sorry, may I put the question this way: What did the amended bomb consist of, just very briefly? --- M'Lord, there was only one difference from the way Strachan told us to make the petrol bomb and the instruction we received later; the only difference was in the detonator M'Lord. (20)

What did the petrol bomb consist of firstly?
--- M'Lord the first petrol bomb, detonator, was a mixture of aluminium powder; and potassium of permanganate, equal parts. This is put into a tube of one inch diameter; a plastic tube; the length of the tube was two inches. This tube is closed on the one side and a half-inch depth of powder is inserted into this tube M'Lord. (25) (30)

On top/.....

On top of this mixture a layer of ground potassium is then put on top of this mixture in the tube; potassium of permanganate M'Lord.

Carry on? -- On top of this is then put an ordinary tissue used by ladies. (5

Yes, it is not necessary to go into all this detail. Was that particular method of detonation or ignition used throughout; was it also used that way in 1962? ----(Mr. Rees intervenes.)

Now just tell the Court, without going into details, what exactly did the petrol bomb consist of in the later stages? .. For instance start with the biggest container; was it a tin or a box ? -- M'Lord a tin was used; a petrol tin with a handle to carry it. (10

Yes? ---- And the chemicals were different M'Lord. (15

Yes? -- And the tube was no longer plastic; a bicycle tube was used M'Lord.

Yes? .. Just tell the Court what was the method of ignition? ----Potassium of chlorate; potassium of permanganate; flower of sulphur; that is mixed in equal parts, and it was detonated with sulphuric acid; the sulphuric acid is put into a capsule; the capsule is closed; M'Lord this mixture of powder is then already placed in (20

a bicycle tube. The petrol is filled to half in the tin M'Lord. When this petrol bomb is to be used a hole is made on the side of this bicycle tube; the bicycle tube is then lowered through the opening in the tin containing the petrol. (25

MILNE, J.P: How is it lowered, by what means? ----

(30

Through/.....

Through this hole made through the side of the tube a string is tied and you hold it by the string M'Lord. It is then that you take a capsule; put sulphuric acid into the capsule; you close it and it is then placed in the bicycle tube on top of the chemicals M'Lord. (5)

MR. REES: Yes, carry on? --- The screw-cap is then put onto the tin and it holds the string which is still protruding from the top of the tin M'Lord. It takes about twenty minutes for the sulphuric acid to burn away the capsule. It then gets into contact with this powder M'Lord. It then explodes and it forms a flame M'Lord. M'Lord the petrol is spilt and it causes a fire. (10)

Can you remember what the first occasion is, if any, in 1962, when any petrol bombs were used? --- M'Lord it was after the arrest of Mandela; when we heard that he had been taken to Court M'Lord. (15)

Yes, and then? -- It was then decided by the Regional Command that we did not agree with this act done by the Government towards Nelson Mandela.

And in consequence of that, what did the Regional Command decide? --- M'Lord we were then picking out certain places which we were going to attack with petrol bombs M'Lord. (20)

Yes? -- And also by other means; not only petrol bombs. (25)

Can you recollect - who was present when the Regional Command came to this decision? ---All the members were there and Gurnick Ndhlovu was in charge M'Lord. Excluding Eric tshali whom I have said was sent away in June, 1962, and also Brian Chaitow, as I have already said/..... (30)

See Riv. Case

said that he was not with us anymore in 1962.

Can you recall what the instructions were; to whom they were issued and what happened? --It was decided that Ronny Kasrils should contact all these various groups under the Regional Command. (5

Yes? ---And he should find out which places they have in view which could be attacked with petrol bombs.

MILNE, J.P. To find out what places who had in view? --- Various groups had been formed under the Regional Command (10 and Ronny Kasrils as a lieutenant was in charge. In charge of all these groups.

Yes, well now, I understood you to say that it was decided that he would contact all the groups under the Regional Command to find out what places they had in view. (15 Who do you mean by "they"? ---M'Lord these various groups that I have mentioned.

MR. REES: Who were in charge of the various groups at that particular stage; or who were the leaders of the various groups that were concerned? --- (Court intervenes) (20

MILNE, J.P.: Just one moment before you answer that question; did you meet any of the people who were in charge of any of these groups? ---M'Lord I would say that I had seen the majority of them.

Who were they? ---The Hammarsdale Group, (25 Solomon Mbandshwa was in charge.

Did you ever meet any other members of that group? ---I remember one.

When you met him; did you meet him for the purpose of discussing the affairs of "mkonto we sizwe" (30

or /.....

or just casually? ---We working together and also discussing matters concerning the "mkonto wesizwe".

And what other leaders of groups did you contact as a member of the Regional Command; did you as a member of the Regional Command contact? What other group (5) leaders did you as a member of the Regional Command contact? ---Johannes Phungula.

Yes. ? -- David Ndawonde.

MR. REES: If David Ndawonde should be here, would you point him out? - The second person in the back row (10) from the right-hand side.

MILNE, J.P.: Identifies Accused No. 18.

MR. REES: Yes? -- Oblon Duma, he is not here M'Lord. Justice Mpanza. Ebrahim Ismail.

If Ebrahim should be here, would you point him (15) out? --- The first person in the front row.

MILNE, J.P.: Identifies Accused No. 1.

MR. REES: Yes? -- And also Kisten from Clairwood.

If Kisten should be here, would you point him out? --- . The fifth person in the front (20) row.

MILNE, J.P.: Identifies Accused No. 5.

MR. REES: What is Kisten known as? --- He is also known as Zulu.

Now in regard to the carrying out, or the (25) achieving of the objects of this Association, you have mentioned that there were various sub-groups.

MILNE, J.P.: Groups I think he said.

MR. REES: Groups, thank you M'Lord; there were various groups and you have mentioned some of the leaders?--Yes. (30)

Now/.....

Now how - could they just blow up or commit acts of sabotage as they liked or was there some control exercised?

--- They were controlled by the Regional Command.

MILNE, J.P.: The question is whether they could commit acts of sabotage without referring to the Regional Command? --- (5
M'Lord it was not right for them to act on their own, but there were mistakes made where they did. It was only very seldom.

Now you said that it was decided that Kasrils would contact the group to find out what places they had (10
in view for attack with petrol bombs? -- That is so.

Does that evidence of yours imply that Kasrils was to find out from the Group Leaders the places that they themselves had thought about, not places thought about by the Regional Command ?---They get their instruc- (15
tions to look out for certain places.

What was done as a result - what was done, if anything, as a result of the decision to require Kasrils to contact all the groups? ---Kasrils came back and made a report to the Regional Command. (20

MR. REES: I don't want the details at this stage yet, was or was not the report discussed? ---Yes M'Lord.

Was any decision arrived at as a result of this discussion?--- Yes M'Lord.

And was this decision to be conveyed to any- (25
body or not? --- When a decision had been taken by the Regional Command the report was sent to the High Command.

No, I am just interested in your local decision. Was any further instruction issued to Kasrils or not? -- (30

M'Lord/.....

-- M'Lord, he was told to tell these various groups that the target that they had mentioned were suitable M'Lord.

Now in consequence of these instructions - I am sorry; what was Kasrils's function after any attack had been made? ---M'Lord he would go back to the members (5 of this group get a report from them and then report again to the Regional Command.

Now, can you remember what instructions were given to Kasrils on this first occasion about incendiary bombs and other matters?---(No answer.) (10

Perhaps to simplify the matter, about how many targets were attacked on this occasion? --- (Court intervenes)

MILNE, J.P.: Did you hear about these from some other person? ---I heard it from the Regional Command. (15

You heard how many attacks had been made? ---
Yes.

You can't say which member of the Regional Command proposed it? ---Ronny Kasrils; he is the one that made the report that he had obtained from the various groups. (20

MR. REES: M'Lord there can be a misunderstanding here. The evidence which I thought I had led was that this was the report to the Regional Command acting as Regional Commander of which he was then a member?

MILNE, J.P.: Yes, but you asked him how many - he (25 doesn't know of course except what he was told. He can't say to his own knowledge unless you ask him that.

MR. REES: M'Lord I have already established that it was Kasrils's function to report back to the Regional Command.

MILNE, J.P.: We have had it that he did report back. (30

MR. REES: Before I come to that question M'Lord, I would like to clarify the issue a little further. Now what was your function before the attacks were carried out; did you have to do anything? -- My duty as a technician was to test these bombs beforehand and keep them ready M'Lord, (5 together with Babenia.

Now if Babenia should be here, would you point him out? -- The third person in the front row.

MILNE, J.P.: Identifies Accused No. 3.

MR. REES: Now just dealing still with this first series (10 of attacks, did you or did you not prepare any bombs? --- I prepared these bombs together with Babenia in his room.

MILNE, J.P.: When you say you prepared these bombs; do you mean that you put the sulphuric acid into the capsule and put the capsule into the bicycle tube? ---No, the sulphuric (15 acid is put into the capsule when the work has to be done; we only went as far as putting the petrol into the tin; the powder into the bicycle tube.

MR. REES: Now what did you do with these items that you had prepared thus? ---M'Lord they were left in Babenia's (20 room; the arrangement was that Ronny Kasrils would call with the leaders of the various groups to collect them.

Who were the leaders of the groups that were to come and collect with Ronny Kasrils these articles? --- (Mr. Gurwitz intervenes.) (25

MR. GURWITZ: M'Lord so far we have had no evidence from the witness as to how the groups - as to his knowledge of who were the leaders of the various groups M'Lord. The evidence has been that he knew some members, but whether or not they were appointed as leaders, we (30

don't know/.....

don't know yet.

MILNE, J.P.: He has referred to them as leaders Mr. Gurwitz.

MR. GURWITZ: M'Lord I understood him to have referred to them as being members.

MILNE, J.P.: I understood him to answer me, when I asked him which leaders he'd met, he mentioned a number of people (5 by name as being leaders.

MR. GURWITZ: M'Lord if that is the position I don't proceed with my objection.

MILNE, J.P.: You said they were left in No.3's room where the leaders of the groups were to collect them? --- (10 Yes.

Were you present when they collected them? -- I was not there.

This room of No.3, where was it? ---At that time he was staying in a lane close to May Street. (15

You said these petrol bombs that you and No. 3 accused prepared were left in No. 3's room where they were to be collected? ---Yes.

Now do you say this room was in a lane near May Street? ---M'Lord I would say that the front of the (20 house faces May Street. He rented a room in this building.

MR. REES: Do you know from whom he had rented it? -- From another Indian, I don't know the Indian.

MILNE, J.P.: When was it that you and No.3 accused prepared (25 these petrol bombs? --- I think it was October, 1962.

COURT TAKES THE SHORT ADJOURNMENT.

On resumption.

(WITNESS MTOLO) Still under oath.)

MR. REES. (Cont.) M'Lord I wish to digress for a moment onto another aspect. Bruno would you have a look about the Court and if you should see any of the members of this Association here in Court, would you point them out (5
- each one, and as you point them out I will ask you a further question?

MILNE, J.P: I would like you in dealing with this question that is being put to you to keep in mind that it is implied in the question that your knowledge of the member-(10
ship of the particular person is your personal knowledge; not what has been reported to you by someone else? --- Yes.

Unless it has been reported to you by that very person himself. Do you understand that? -- Yes.....(Pause).....
M'Lord the position is where it is not quite clear to me (15
that there were occasions where we were together; I was together with Ronny Kasrils, at a meeting of the Regional Command and he had informed the Command in my presence who were members and who were leaders of certain groups.

Yes, but it is not that that I want you to (20
speak about; do you know of your own knowledge?...You have mentioned Billy Nair as being a member; you have mentioned Gurnick Ndhlovu as being a member; you have mentioned No. 1 accused, Ebrahim Ismail as being a member; you have spoken as - of No. 3 accused Babenia (25
as helping you to make such a bomb; now that is four of them. Now are there any others amongst these accused persons whom you yourself can say, of your own knowledge, or from what they themselves told you, (30
that they are members of the "mkonto we sizwe" or were members, /.....

members? -- I understand now.

MR. REES: Now would you start on that side. Just a moment

- I think we will do this thing systematically. Have a look at the first person sitting there. ? -- I have mentioned Ebrahim, the first person. No. 1 accused.

Did he hold only one office, or one post, or did (5 he hold more than one post that you know of? ---As time went on he became a member of the technical committee.

The person next to him, do you see him? -- I have no knowledge about him.

The person next to him? -- I have mentioned him, (10 that I was with him on the technical committee.

Now what is his name? ---Babenia.

That is accused No. 3 M'Lord.

What was his job or task? --- M'Lord, we were making these bombs together M'Lord. (15

The person next to No. 3? - M'Lord, he was Deputy Captain and he did correspondence with the High Command.

The person next to him; accused No. 5? --- I have had reports about him, but I can't say that had a personal conversation with him. (20

MILNE, J.P: Just one moment.....(Pause).....Do you know his name? -- I know him as Kisten, and also as Zulu.

MR. REES: How did you come to know him?----.....(Court intervenes.)

MILNE, J.P Where did you first meet him? -- I got to know (25 him through a report that was made to the Regional Command.

Where did you first meet him? ---He used to come to Lakhani Chambers where I saw him and I also saw him at Clairwood M'Lord.

And you know nothing then about his activities (30

Except/....

except what you have heard from other people, other than himself?---No, only through reports that I received at meetings of the Regional Command.

MR. REES: No. 6? -- I know him.

Who is he? -- George Naicker.

(5

Did you have any personal dealings with him?

-- Yes M'Lord.

Did he hold any office in "Mkonto we sizwe"?

---He was looking after the finance of the Regional Command.

He was keeping the safety fuse and detonators for us. (10

MILNE, J.P.: Is this something that you know or heard? ---

That I know. The motorcar that we used to go about with stayed with him.

MR. REES: Could you have a look at Exhibit A.O. A.O.1

firstly - have you ever seen that motor vehicle before; (15
the motor vehicle shown on that photograph? --- It is similar M'Lord, that was also a Taunus.

What was the van used for? ---We used to have meetings in it at times and we used to travel to certain places to hold the meetings therein; meetings of the (20
Regional Command.

Now when you used that vehicle for these purposes; who was usually the driver? ---Billy Nair M'Lord.

The person next to George Naicker, Accused No. 7 ?-- I don't know him. (25

MILNE, J.P.: He does not know No. 7 accused.

MR. REES: The person next to him, do you know him? --- I don't know anything connecting him with sabotage M'Lord.

MR. REES: I don't know what his number is? No. 9 thank (30
you.

MILNE, J.P.: That is No. 9 accused.

Then/.....

MR. REES: Then we come to Accused No. 8. Curnick N^o lov^u?

-- I know him.

Yes, what was he? --- He was the captain of the Regional Command.

Was he known as the captain throughout or did he (5
also have any other function or designation? -- Only
afterwards when these ranks were changed he was known as
the leader of the Regional Command.

What was his function at the meetings of the
Regional Command. ? ---M^oLord he was in charge of the meeting (10
like a Chairman.

The next person - Accused No. 10? --- I know him
M^oLord.

What is his name? -- Riot Mkwanzazi.

What was his function, if any? ---He was one of (15
a group at Kwa Mashu.

No. 11 Accused, Alfred Duma - I am sorry I didn't
intend to mention the name? --- I do not know him.

No. 12? -- I do not know him.

And this one, an Indian person? -- I don't know (20
him.

MILNE, J.P.: Does not know No. 19 accused.

MR. REES: The man next to him, accused No. 15? -- I don't
know him.

The one next to him, Accused No. 16? --- I don't (25
know him.

The one next to him, Accused No. 13?-- I know him.

Who is he? -- Bernard Nkosi.

Did he have anything to do with this organisation?

--Yes, M^oLord. (30

What/.....

What? -- At the beginning he is one of those that cut the signal-wires at Hammarsdale.

That will be Count 2 M'Lord.

Accused No. 14?-- I don't know him.

And the next one, No. 18? -- I know him. (5

Who is he? -- David Ndawonde. At the beginning he was trained by me. I trained him how to make a petrol bomb.

Yes? ---Later on he was one of the members of the Regional Command.

MILNE, J.P: When was that? -- It was in 1963. (10

Before that he was a Section leader.

MR. REES: Do you know whether or not he knew what the object of this Association was? ---M'Lord, yes, because I remember on a certain occasion I gave him a book on Guerilla Warfare by Shakware (?) M'Lord. (15

Now what is the position about the book, Guerilla Warfare, by Shakware, and how did that enter into this organisation? -- M'Lord the "Mkonto we Sizwe" was to proceed on the same lines as this Guerilla Warfare, how Cuba got their independence. (20

From whom did you get this book? ---M'Lord we received five of these books from Johannesburg from Jack Hodgson; they were bought by Ronny Kasrils.

And what happened to these books? -- They were circulated amongst the groups. (25

Now did the Regional Command know anything about them or was that done purely on the initiative of Ronny Kasrils? --- After these books had arrived and they were on hand Ronny Kasrils made a report to the Regional Command that these books had arrived and they were on hand and that they should be used. (30

Yes, and then? ---- It was then decided that

members of the Regional Command should read them first.

MILNE, J.P.: Mr. Rees, I don't know what the purpose of this examination is about these books. No charge is made of that.

MR. REES: M'Lord, it is corroboration of what some of the other accomplices have said. (5

MILNE, J.P.: It is corroboration outside relevancy. It doesn't matter. How is it relevant?

MR. REES: It is relevant to implicate particular accused and it is also relevant to (The Court intervenes). (10

MILNE, J.P.: He says he gave a copy of this book to No.18 accused, but all this about Kasrils getting it in Johannesburg ... (Mr. Rees intervenes).

MR. REES: M'Lord, the point is - the only point I am making at the moment is that it was discussed by the (15 Regional Command and the distribution went with the (The Court intervenes).

MILNE, J.P.: Yes, the charges don't relate to guerilla warfare. They relate to sabotage.

MR. REES: The further particulars that I supplied made (20 it quite clear that the intention was (Silence).

M'Lord, I will ask my learned friend, Mr. Bornman to look for the point. I don't propose to press this point any further in any event. I just wanted to establish what I have already done. (25

I refer you to accused No.17? ---- (The Court intervenes).

MILNE, J.P.: The last one in the back row. ---- I do not know him.

MR. REES: Would you just tell the Court what - just name (30

them - I will rephrase that question. Would you name the various types of explosives that were used by this organisation? ---- (The Court intervenes).

MILNE, J.P.: This is from your own knowledge once again. Not from what you have heard? ---- From when? From (5 1961 or 1962?

MR. REES: From 1962. The beginning of 1962? ---- What (5 was mostly used was dynamite, pipe bombs, petrol bombs. Then there was the cutting of signal wires with pliers.

We will talk firstly about dynamite. Just (10 answer these first few questions 'Yes' or 'No'. Do you know where the dynamite was obtained? ---- Yes, I know.

Do you know who obtained it? ---- I know.

Were you present or not when it was obtained?

---- I was present. (15

Do you know why it was obtained? ---- Yes.

Do you know whether or not it was a decision of the Regional Command or just some individuals, that it be obtained? ---- It was the decision of the Regional Command. (20

MILNE, J.P.: When was it obtained? ---- If I remember correctly, it was April, 1962.

Mr. Rees, is there some relevance in this evidence?

MR. REES: Yes, M'Lord, the dynamite was obtained and (25 that was the dynamite which the evidence will show was used throughout.

Firstly who were the persons who obtained the dynamite? ---- It was myself, Billy Nair, Ronny Kasrils. We were travelling in a motor car driven by Manie Isaacs.

Where was this dynamite obtained? ----

Between Mariannahill Station and Mariannahill Mission.

Was it obtained during the day or during the night? ---- At night time.

Where had the subject of obtaining dynamite (5 first been discussed? When I say 'where', I mean who all were present? ---- All the members of the Regional Command.

Who was that? ---- Curnick Ndhlovu, Billy Nair, Ronny Kasrils and I. (10

Once this dynamite had been obtained, where was it taken to? ---- It was taken to the home of George Naicker.

Do you know where or under what circumstances the dynamite as such was first used? ---- I think when (15 it was first used, it was at New Germany and Sarnia.

MILNE, J.P.: Were you present? ---- I was present when the dynamite was divided.

Where was that? ---- In the garage of George Naicker. (20

When was that? ---- Between October and November, 1962. ||

Did you know anything about the objective before the dynamite was prepared? ---- Yes.

Was that something that you had been told (25 by somebody? ---- This was a matter that was discussed.

Discussed by? ---- With those who had all to go together as it was discussed by the Regional Command.

Do you mean to say that this particular (30 objective at Pinetown was the subject of discussion by

the Regional Command? ----- Yes.

This particular objective? ----- Yes.

And do you say too that the particular objective at Sarnia was also discussed by the members of the Regional Command? ----- Yes. (5)

That is before the dynamite was acquired for the purpose of carrying out these two objectives? ----- That is so.

To whom was the dynamite handed after it was prepared? I am asking now of your own knowledge. If you don't know, I don't want you to say anything that you've heard about that; only what you know of your own knowledge? ----- It was given to Billy Nair, Ronny Kasrils; I took some. (11)

MR. REES: Just tell the Court how it came about that it was decided to use this dynamite on the first occasion or first group of occasions? ----- (Mr. Rees adds). (15)

Before you get there; after you had taken this dynamite to George Naicker's garage? (The Court intervenes). (20)

MILNE, J.P.: 'Home' he said. ----- In his garage.

MR. REES: What happened to the dynamite after that? ----- Some of it Billy Nair and I hid in a bush at Shallcross. Ronny Kasrils - I don't know who he was with - he hid some. He hid some at the Bluff. (25)

MILNE, J.P.: You weren't there? ----- No.

You did not see him taking it from George Naicker's home? ----- Although I didn't see, Ronny Kasrils himself told me.

I don't want to hear what he told you. I've

asked you before to say what you know of your own knowledge and not what people told you. If it was told you by one of the accused, that is different. Now you say some of the dynamite that had been taken to George Naicker's home, was hidden at Shallcross. Did you have (5 any personal hand in that? ---- Yes, I was present.

Were you present when it was taken from George Naicker's home? ---- Yes.

When was that? ---- Between April and May.

Which year? ---- 1962. (10

Was any of it left behind in the garage as far as you know, the dynamite? ---- Yes.

MR. REES: Would you just tell the Court, before this dynamite was taken out, do you know whether it was prepared in any way or put into anything or was it just (15 taken out loose? ---- (The Court intervenes).

MILNE, J.P.: I wonder Mr. Rees, whether you would take some part in warning the witness to speak only of his own knowledge? I am doing it constantly and I am getting rather tired of it. (20

MR. REES: With respect M'Lord, I am proposing to lead him only at the moment on those matters where (The Court intervenes).

MILNE, J.P.: If you would only just remind the witness about matters on which he can speak of his own know- (25 ledge.

MR. REES: I shall bear that in mind M'Lord.

When - do you know from your own knowledge whether or not this dynamite had been prepared in any way or put into anything before it was taken away? ---- (30

It was placed into tins on my instructions.

Whom did you give these instructions to? ----

The Regional Command.

Where had you obtained your knowledge how to deal with it - with the dynamite? ---- After we had (5
obtained the dynamite, Billy Nair wrote to Johannesburg that we should receive training and I went up to Johannesburg to receive my training there and at that time I had already received my training. I had already received my training when I took the dynamite from the garage. (10

Just tell the Court exactly how was this dynamite prepared when you took it away from the garage?

MILNE, J.P.: Just for the purpose of hiding it at Shallcross or for the purpose of exploding something with it?

MR. REES: On this occasion when you took it to hide it? (15
---- It was put into tins - 4 -gallon tins with round lids on top. It was secured with Elastoplast on top. One was secured with Elastoplast with red crosses. Billy Nair told me that that is the one that contained gelignite. (20

MILNE, J.P.: Do you know anything about any gelignite being put into the garage of George Naicker? Of your own knowledge? ---- Yes.

When was that? ---- At the same time with the dynamite. (25

Billy Nair told you that the tin which was secured with Elastoplast with the red crosses contained gelignite? ---- Yes.

MR. REES: When you and Kasrils removed the one lot of dynamite or gelignite, what exactly did you remove? (30

How many tins? ---- It was Billy and I. If I remember correctly - I am not too sure - I think we took six tins.

MILNE, J.P.: To Shallcross? ---- To the bush at Shallcross.

MR. REES: What did you do with it there? ---- M'Lord, (5
excuse me. They were not all tins; they were containers made of plastic.

MILNE, J.P.: Do you mean that some of the containers were not tins, others were tins? ---- Some were tins, others were plastic containers with a screwtop. You (10
twist the lid when you put it on.

How did those plastic containers with the screwtops compare in size with the 4-gallon tins? ---- I would say that they were about the same size, the same height and I think if one measured water into the one (15
and poured it into the other, it would be the same size.

MR. REES: Would you have a look at Exhibit 28(j) and 28(b)(1)? ---- (The Court intervenes).

MILNE, J.P.: What is that, that you have in your hand? ---- This is one of the tins that contained dynamite. (20

MR. REES: Would you have a look at Exhibit 28(b)(1). Does that mean anything to you? ---- This is the plastic container which I spoke about. These contained mostly cordtex.

MILNE, J.P.: Did you take cordtex from the garage to (25
Shallcross? ---- Yes, we took it from the garage to Shallcross.

MR. REES: And then what did you and Billy Nair do with the dynamite that you took to Shallcross? ---- We dug a hole and put it into this hole. (30

MILNE, J.P.: How much was it - how many containers? ----
If I remember correctly, in the region of six receptacles.

MR. REES: What instructions, if any, did the Regional
Command give about the disposal of the rest of these ex-
plosives? ---- Apart from the dynamite about which Ronny (5
Kasrils had made a report, certain dynamite was taken to
Johannesburg and exchanged for detonators.

Was this discussed in the Regional Command or
not? ---- Yes.

When you refer to the Regional Command or (10
any decision of the Regional Command at which either or
both accused Nos.4 and 8 were not present, will you in-
dicate it every time? ---- Yes.

Before - do you know from your own knowledge
of any attempts to put the dynamite or the explosives at (15
some other place before they had been taken out on this
occasion which you referred to now? ---- Yes, it was
discussed that it be taken to Chatsworth.

Who discussed it? ---- Billy Nair discussed
that with me in the absence of Curnick Ndhlovu. (20

And then, what did you and Billy Nair decide?
---- Billy Nair told me that George Naicker had found a
place at Chatsworth where it could be placed.

Were you personally concerned in moving or
attempting to move this dynamite? ---- Yes. (25

Was an attempt made or was the dynamite in
fact moved? ---- Yes, the dynamite was removed to that
place and brought back again.

Who all were involved in this removal? ----
Myself, Billy Nair, George Naicker and Eric Mtshali. (30

Just tell the Court what happened. Where did you find the dynamite on that occasion. Where did you find the dynamite and/or explosives on that occasion? ---- In George Naicker's garage.

And then, what happened to it? ---- We placed it in a van, driven by George Naicker. (5

Just tell the Court then what happened? ---- We took it to this place that I mentioned at Chatsworth. MILNE, J.P.: What date was that? ---- I think it was still during April or thereabouts. (10

1962? ---- Yes.

MR. REES: Yes, and then? ---- Yes, 1962. When we got there, George Naicker got off and went and spoke to the owner of the house. After a while he came back, got into the car and drove off and said that we are going back. (15 When we arrived at the garage it was off-loaded and placed back into the garage. He said then that he had spoken to the farm owner, that we should hide the dynamite there. And he said then that when he got there, there was a manager on this farm who knew nothing about this. (20

We won't go into further details about that. I would now like you to tell the Court about the first occasion when it was decided to use this dynamite. I just want you to get your mind on this aspect. Firstly, who all were present when this decision was taken? ---- (25 It was myself, Curnick Ndhlovu, Billy Nair and Ronny Kasrils.

M'Lord, I proceed now to lead evidence on Counts 7, 8 and 9. How was this matter raised? How did it come to be discussed? ---- Billy Nair said that (30

he had received a letter from the High Command what we were waiting for, that we did not use the dynamite. It would eventually 'go off' or go bad. He said we had everything, the dynamite and detonators and they did not know what we were waiting for. We then decided to start (5 using it. Ronny Kasrils was given instructions to go round looking for pylons. At a subsequent meeting, Ronny Kasrils handed in a map on which he had drawn and marked off pylons.

And where were these pylons that he had drawn and marked off? At what places? ---- There was one at (11 New Germany, Sarnia and one near the Kudamore quarries.

What did the meeting decide, if anything, about this? ---- It was decided that I should accompany Ronny Kasrils on a scooter and he should point out (15 these pylons to me. After we had done that, we went back and made a report to the Regional Command. I agreed that those pylons were suitable. Ronny Kasrils said that he would take Billy Nair to point out the one at Kudamore quarries and find out whether it was suitable. (20

MILNE, J.P.: Did you not go to look at the one at Kudamore to see if it was suitable? ---- Yes, I had been on the rounds with Ronny Kasrils as I have mentioned.

And you decided that it was suitable but in spite of that, the Regional Command decided that (25 Kasrils must take Billy Nair to view the one at Kudamore? ---- I didn't explain fully. After I had been to all these pylons, they were divided. It was decided that I should blast the one at New Germany. Ronny Kasrils should blast the one at Sarnia and the one at Kudamore (30

quarries by Billy Nair.

MR. REES: What else was decided; what had to be done?

----- Because the three of us were senior members of the Regional Command, that each one should take a sergeant of a separate group. I mean a leader of a - of each (5 group. Each person should go accompanied by the leaders of three groups.

Did the meeting decide who the leaders were that you had to take with you? ----- Yes.

Who were they to be? ----- Jerry Khumalo, (10 Ablon Duma and Solomon Mbandwa.

Did the meeting decide whom Billy Nair should take with him? ----- Those that I think I remember, Kisten, one we know as Zulu and Ebrahim.

MILNE, J.P.: Is that No.1 accused? ----- Yes. (15

MR. REES: Did the meeting decide whom Kasrils was to take with him? ----- He would be accompanied by Coetzee Naicker and Justice Mpanza. The others I do not remember.

What did you do next? ----- (Mr. Rees adds)

Was there any further reconnaissance or not? (20 ----- It was decided that each one should go there with his group leaders and take measurements of the pylons. The measurements were to measure the cordtex. I did that. After I had done that, we had a Regional Command meeting. It was decided that we all go to the garage of George (25 Naicker to enable me to show the others how dynamite worked or how to work with dynamite.

Just pause there a moment. How did you acquire your knowledge of working with dynamite? ----- In Johannesburg. (30

Had you gone to Johannesburg for this training on your own or had you been sent by somebody?

----- I was sent there by the Regional Command.

Just carry on. You said they were to meet in George Naicker's garage? .----- We then met in the (5 garage of George Naicker.

Who were you? ---- It was myself, Billy Nair, Ronny Kasrils, George Naicker, Solomon Mbandswa. Before we met in this garage, Ronny Kasrils and I went to Shallcross and fetched a tin; a tin containing dynamite.(10 And one of these plastic containers that contained safety fuse and cordtex. After we had then gathered in this garage belonging to George Naicker, I then measured off some cordtex with string.

We won't go into the details of what you've (15 done but would you just tell the Court whether everybody that you've mentioned participated in these preparations or was there somebody who was a mere spectator? ---- Every one present participated by putting a hand to the preparations. (20

Were the explosives and the materials that were to be used prepared into one group, two groups, three groups, four groups or any other number of groups or batches? ---- It was divided into three parcels.

Could you give the Court just an enumeration of what went into each of these parcels? ---- Dynamite, (26 cordtex, safety fuse, cotton wool, benzine, envelopes containing powder and small blackish bottles with drippers like eyedrop bottles, containing sulphuric acid and tins that I had made with a wire on the outside, putty, (30

Elastoplast and black tape.

You have mentioned powder and eyedrop bottles; the powders that you have just mentioned, where did they come from? ----- The powders were handed to me by Brian Chaitow. (5)

Where had they been kept before this occasion? Or where did you obtain them from immediately before going to this garage? ----- Babenia had kept them.

Who mixed them? ----- Babenia mixed the powder. (10)

Did Babenia know with what purpose, either generally or specifically, he was mixing these powders? ----- He knew the purpose for which he mixed these powders although he did not know probably the specific points where they were to be used. (15)

Into how many lots had these powders been divided? ----- Three separate packets of this powder, contained in brown envelopes.

Where were they divided into three lots? ----- (20) I had told Babenia to mix the powder and to place it into three envelopes.

MILNE, J.P.: Where had you told him that? ----- At Lakhani Chambers.

When was that? ----- 1962. (25)

About what month? ----- Between October and November.

THE WITNESS STANDS DOWN.

THE COURT TAKES THE LONG ADJOURNMENT.

(30)

ON RESUMPTION:

BRUNO MTOLO: (Still on oath).

EXAMINED BY MR. REES: (Continued).

Just before the adjournment you were busy talking about the arrangements or the preparations that (5) had been done in George Naicker's garage? ---- Yes.

I show you exhibits 7(b), 8(a) and 9(a)(1) and (2). What are they? ---- I made these. They serve as a timing device.

Would you use the middle one, the one with (10) the wire on it and just briefly tell the Court what is the function of each little part. You are now referring to Exhibit 8(a). Is that correct? ---- Yes. In the small round dish the powder is placed. The piece of wire attached to the tray holds the safety fuse. This enabled (15) you to bend the wire to adjust the safety fuse to be in a straight, to hang in a straight line over the small dish. In the big tray cotton wool is placed all round the small dish. Benzine is then poured over the cotton wool. After you have then prepared your charge and (20) everything is set, then you put some sulphuric acid into a capsule. The capsule is then placed on top of the powder in the small round dish. It takes twenty minutes for the sulphuric acid to eat its way through the capsule. It then gets into contact with the powder (25) in the dish. As it gets into contact with the powder, then a fire starts. The fire then ignites the safety fuse. The purpose of the cotton wool and benzine is that if the powder does not ignite the safety fuse, it is just to make sure that the flame from the cotton wool (30)

will then ignite the fuse.

Just the construction. How was the small dish fixed onto the big one? ---- With lead.

Was it soldered on? ---- Yes.

And the wire? ---- Also soldered onto the tray. (5

Did you prepare these trays yourself or did you have the help of anybody? Did you prepare these trays yourself or did you have the assistance of anybody? ---- I made them myself with nobody's assistance. (10

You told the Court I think, that you - that the Regional Command had decided that you and certain Section leaders should carry out the sabotage at New Germany? ---- Yes.

And you've already told the Court that you went out to see the place? ---- That is so. (15

When it came to the actual execution, that is the night when the actual blast was committed, when - who was then with you? ---- Jerry Khumalo was no longer there. It was myself, Solomon Mbanswa, Ablon Duma. (20

Did you proceed and cause the blast or not? ---- Yes.

I want to go back a little. At the Regional Command meeting, was anything decided about the time when the blast should be completed or the preparation should be completed at the actual pylons? ---- The time was stipulated. (25

Was there a discussion as to why it had to be at a certain time? ---- The time stipulated was (30

9 o'clock so that all the explosions should take place at one time.

Was it 9 o'clock in the morning or 9 o'clock at night? ---- In the evening.

When the preparations were made in the garage, was there anybody there who did not know for what purpose the explosives were being prepared? ---- No, I don't think that there was anyone who did not know. (5)

Do you know of any other occasion when dynamite was used? ---- That refers to a time when I took part myself? (10)

Yes. Did you take part yourself? ---- Yes.

Where? ---- Between Cliffdale and Shongweni. (15)

MILNE, J.P.: This occasion at New Germany, what was blasted there? ---- It was a pylon, holding electric wires.

What was the date about? ---- I think it was between October and November, 1962. (20)

And this event at Cliffdale, when did that take place? ---- Shortly after the first one.

MR. REES: Did the event at Cliffdale have any connection or relationship with the ones at New Germany, Sarnia and Kudamore quarries? ---- Yes, I would say that there is a connection because we were just finishing off dynamite that was left over from those first three places. (25)

When you say they were left over, where had they been left over? ---- They were left in the (30)

garage belonging to George Naicker.

Just tell the Court, this place at Cliffdale - M'Lord, this refers to Count 10. This place at Cliffdale, what was the target there? ---- It was a pylon or a standard holding up the electric cable for the rail-ways. (5)

Were you alone or somebody with you? ---- I was with Solomon Mbandswa.

Did the Regional Command know anything about this attack before it took place? ---- Yes, they had knowledge. (10)

Just tell the Court? ---- The first decision was that we had to blast a pylon near the Mariannahill Station. There it was myself, Solomon Mbandswa and Bernard Nkosi. (15)

Did you carry that instruction out to its completion? ---- No, we were frightened by the police.

Yes, and then. I don't want you to go into details about the one where you were frightened. Just carry on with the consequences? ---- (The Court intervenes). (20)

MILNE, J.P.: Mr. Rees, I think your question was 'Did the Regional Command know beforehand?' And then he went on to say it was first decided about blowing up the pylon near Mariannahill Station. (25)

MR. REES: That is correct.

MILNE, J.P.: Did the Regional Command know anything beforehand about the blowing up of the pylon at Cliffdale? ---- At first they did not.

MR. REES: Carry on on your own? ---- After we were (30)

frightened/.....

frightened by the police at Mariannhill, I went to the Regional Command and made a report, that we were frightened by the police and we did not carry out the blast there? I then said that we wanted to go higher up towards Cliffdale. (5

What was the attitude of the Regional Command? ---- They agreed.

Yes, and then? ---- Bernard Nkosi was then not present. We carried out the blasting.

From whom did you obtain the explosives on this occasion; that is the dynamite? ---- Ronny Kasrils fetched the explosives from Naicker. (10

With what means was this dynamite to be set off? ---- The intention was to ignite it or to set it off the same way as we did at New Germany. (15

Who, if anybody, supplied the ignition material? ---- I told Babenia to mix the powder and to hand us a capsule, and sulphuric acid.

MILNE, J.P.: What did he do in consequence of that? ---- He handed it to me. (20

Did he know for what purpose you wanted it? ---- Even if he did not know that it was for this particular point at Cliffdale, he knew that it was for the purpose of carrying out the work somewhere.

And this powder - did he give you any powder and capsule and sulphuric acid as a result of your instructions? ---- Yes, he handed it to me. (25

What was done with it? ---- I took it with me when I went to carry out this work at Cliffdale.

What work, if any, was carried out there? --- (30

Although these articles were not used on that occasion because it was a rainy day. It was lit with a match.

What happened to these articles eventually?

---- I threw it all away.

(5

MR. REES: To get one matter clear; is there any difference between dynamite and gelignite? ---- Yes, there is a difference.

What is the difference? ---- I think dynamite is 8 inches long; the thickness one inch in diameter. Gelignite is about $4\frac{1}{2}$ inches long. I don't know exactly what the thickness is, but I think it is slightly thinner than the other.

(10

On these explosions that you've referred to, was only dynamite used or was dynamite and gelignite used or was only gelignite used? ---- (The Court intervenes).

(15

MILNE, J.P.: Was there any explosion at Cliffdale? ---- Yes.

What was exploded there? ---- It is a pylon holding up the electric cable for the railways.

(20

What was used there? Dynamite or gelignite? ---- Dynamite.

And at New Germany? ---- Dynamite.

MR. REES: Do you know of any other dynamite attack, or gelignite? ---- (The Court intervenes).

(25

MILNE, J.P.: Do you know of any other attack with dynamite or gelignite that you took part in? ---- I can only say that on other occasions I prepared the dynamite, the safety fuse into the detonator, but I

(30

did not go to these spots personally.

What is the first one that you have in mind?

---- South Coast Road, near Umlazi.

Where was this matter first raised? ---- At a meeting of the Regional Command. (5

Who raised it? ---- Ronny Kasrils.

Was that before it had been done or after it had been done? ---- Before it was done.

How did he raise it? ---- He said that the Clairwood Group were all ready to blow up a pylon on the (10 South Coast Road. The matter was discussed; they decided that they should carry on with the work.

Was it decided who the leader of this group was to be? ---- Yes.

M'Lord, I don't know whether this is the (15 type of evidence that Your Lordship wishes to have excluded. He will now give the name of one of the accused persons.

MILNE, J.P.: Perhaps you could manage to do without it.

MR. REES: With respect M'Lord, my submission is that I (20 wish to lead it and that is why I raised it.

MILNE, J.P.: When you say that it was decided who the leader was to be, did you have anything to do with giving that leader any instructions? ---- No, Ronny Kasrils was the person contacting the persons concerned. (25

You were not present when he was contacted? ---- No.

Did you ever receive any report from that leader about the matter yourself? ---- No, the report was made by Ronny Kasrils. (30

Is it intended by this for the Court to be asked to make a finding as to who the leader was, on this evidence? If so, I will want to hear argument as to its admissibility.

MR. REES: I would welcome an opportunity to address argument to Your Lordship on this matter. (5)

MILNE, J.P.: That is for the purpose of establishing that it was that person who was in fact the leader?

MR. REES: M'Lord, not for the purpose of establishing that. (10)

MILNE, J.P.: What is the purpose then?

MR. REES: The purpose is to show the conspiracy; the purpose is also to show who the participants were in the conspiracy and (The Court intervenes).

MILNE, J.P.: It doesn't show who the participants were. (15) It shows who was arranging that some participants be (Mr. Rees intervenes).

MR. REES: Yes, M'Lord, and as corroborative of the evidence of other witnesses. I don't think I should say more at this stage in the presence of the learned Assessors. (20)

MILNE, J.P.: I am afraid if it is going to be used for the purpose of asking the Court to make a finding that that person did in fact do the work, because it was decided that he should, I would rule against you.

MR. REES: I don't claim to wish to use it in that restricted sense. I can address the legal argument to Your Lordship now. Perhaps I should make my position clear. I am not asking the Court to deduce from this evidence which he will give now that the person concerned in fact did it. What I am leading evidence, is that the specific person was the one who was directed to do so. (25)

MILNE, J.P./.....

MILNE, J.P.: We don't know that he was directed. This witness can't say so. He can only say it was decided to direct him. That is admissible insofar as it goes; it involves the Regional Command, but it can't involve this man; it can't be used as evidence against him; if it is not intended to be used as evidence against him I don't see why it should be admitted? 5)

MR. REES: With respect M'Lord I do propose to use it as evidence against him. That is the subject on which I would like to address argument to Your Lordship.

MILNE, J.P.: Very well.

(Argument not recorded.) (ASSESSORS LEAVE COURT -) (10)
(Witness stands down and leaves Court)

RULING: (MILNE, J.P.)

I do not think that the evidence which the State proposes to lead through this witness about the identity of the person who it was decided - alleged to have been (15) decided by the Regional Command - was to be the leader, to carry out the act of sabotage - an act of sabotage at Umlazi or Clairwood, involves a narrative, either express or implied, of the kind referred to in the case of the State versus Bondi, 1962, Volume 4, S.A., 671.A.D. (20) As was said in that case the evidence in question which was actually admitted by the trial court was a piece of information conveyed to the witness merely as a matter of interest, something said "en passant" by her son because he thought it might intrigue her to know it. (25) The judgment says further: "It was information in no way contributing to the formation of the conspiracy or furthering its execution. It partook of the nature of a 'bitbit of interesting scandal.'" Here the evidence sought to be led appears to me to be a statement made (30)
in the/.....

course of a meeting of the Regional Command in the furtherance of the objects of the "Mkonto we Sizwe" - that is in the furtherance of the objects of the conspiracy of its various members. In my view the proposed evidence is clearly admissible in the light of the (5 judgment in the case of Regina versus Mayet, 1957 (1) S.A. 492, A.D. It seems to me to fall clearly within the language of SCHREINER, J.A. who gave the judgment of the full Court in that case; (Schreiner, J.A. at page 494.) Here indeed there is other evidence as (10 pointed out by Mr. Rees after the learned assessors had retired, that No. 5 accused was a member of the "Mkonto we Sizwe" and that he took part in the offence alleged in Count 9. I rule accordingly that the proposed evidence that it was decided at a meeting of the Regional (15 Command that No. 5 accused should be the leader in respect of the particular act of sabotage in question, is admissible against the particular accused concerned.

(ASSESSORS ENTER COURT.) (20

WITNESS MTOLO (Still under oath.)

MR. REES: (Cont.) Bruno, before you went out you had told the Court that the Regional Command had decided what Section or Section leader was to undertake the sabotage at Umlazi Bridge. (25

MILNE, J.P.: He didn't mention Umlazi Bridge Mr. Rees - at Umlazi!

MR. REES: I beg Your Lordship's pardon. At Umlazi?--Yes, M'Lord.

Now who did they decide what Section leader (30

was/....

was to do the work? -- The Section leader of the Clairwood Group.

And who was that? --- Kisten, also known to us as Zulu.

Where, or in respect of what was this act to be committed? ---It was a pylon close to Umlazi M'Lord. (5

MILNE, J.P.: What was this pylon carrying? -- Electric wires.

Serving what?---Electric wires going to the South Coast M'Lord.

Railway wires or some other wires? -- I don't think that they belong to the Railways. (10

MR. REES: Where was it? --- Reports received....(Court intervenes.)

MILNE, J.P.: No, no not reports received! !

MR. REES: From whom was the report received? -- Ronny Kasrils M'Lord. (15

Before or after the blast had taken place? --- He made a report before and after the blasting.

MILNE, J.P.: In making the report before the blasting, did he indicate where it was to take place? ---Yes, he said it was close to the Umlazi Bridge. (20

MR. REES: Now was any arrangement made about the explosives? Who supplied the explosives? --- Ronny Kasrils; he went himself to speak to George Naicker.

Now who sent him to speak to George Naicker? --- I sent him because I wanted safety fuse and a detonator. (25

And where was the safety fuse and detonator kept? -- They were kept by George Naicker.

What did you want them for? ---I wanted it to insert a safety fuse into the detonator M'Lord. (30

For whom/....

MILNE, J.P. For whom? -- I would then hand it to Ronny Kasrils....(Court intervenes.)

I don't want to know who you would hand it to; to whom did you hand it? -- I handed it to Ronny Kasrils.

MR. REES: And what was Ronny Kasrils to do with it? --- (5)
He would hand it to the Group leader M'Lord.

Is that in accordance with the usual procedure or was this an exceptional procedure? -- That was the usual custom M'Lord.

And how was this explosion to be set off? --- (10)
M'Lord with the powder and sulphuric acid.

And who prepared that?--- I can only think that Ronny fetched it himself.

MILNE, J.P. Who prepared it? --- Babenia.

Did you see him prepare it? ---M'Lord he was in (15)
charge of all the chemicals; I did not see him prepare it.

MR. REES: Now do you know whether or not any property of a person as opposed to the Government was ever attacked. A private individual..

MILNE, J.P. Of your own knowledge? --- Yes. (20)

MR. REES: Where was this matter first raised? -- At a meeting of the Regional Command.

Who raised it? ---Billy Nair.

This will be evidence on Count 12 M'Lord.

Who is the person who was the object of this attack? -- (25)
Kajee M'Lord.

Just tell the Court what was the nature of the discussions in the Regional Command? ---M'Lord, Billy Nair said that Kajee was one of the Indians who was a supporter of the Government, and something should be done to frighten (30)

him/.....

him M'Lord.

Yes? --- During the discussions Billy said that he had an office in Alice Street, and that his office should be attacked with explosives.

Yes? --- It was agreed M'Lord that this should be done. It was decided that it should be done by Ebrahim's group. (5)

Yes? --- Arrangements were made with Ronny Kasrils - that he should go to George Naicker; that he should bring safety fuse and a detonator the following day.

Yes? --- And that he should talk to Babenia to prepare a powder and sulphuric acid M'Lord. (10)

Yes? -- At a subsequent meeting of the Regional Command Ronny Kasrils made a report and that the group had done their work and that the office was blasted.

MILNE, J.P.: Isn't that narrative? (15)

MR. REES: May I just ask a further question in this regard?

Did Ronny Kasrils come and tell the Regional Command just because he liked to tell him or was he required to come and tell them the result of all actions taken? --- It was his duty to make reports of all work done to the Regional Command because it was necessary for the Regional Command to prepare reports and send them to the High Command. (20)

And who was the person who actually prepared the reports for the High Command? --- Billy Nair.

Did he make these reports in clear or did he make them in code? --- He made them in code form. (25)

It sometimes happened that a High Command sent a person to take the report himself.

Now do you know of any other attack where (30)

dynamite/.....

dynamite was used? ---Yes M'Lord, there was a place at Hammarsdale.

On what occasion did you first learn of this attack?

MILNE, J.P.: Did he say that he took no part in it. (5)

MR. REES: Where, under what circumstances did you first get to know about it? -- I heard it at a meeting of the Regional Command.

Was that before it had taken place or after it had taken place? -- Before and after. (10)

Dealing firstly with before; who raised the matter? ---Ronny Kasrils raised the matter before the attack.

And then what did the Regional Command do? --- They agreed.

And who was selected to do the work? ---Solomon Mbandswa, and his group. (15)

Before we go on there - M'Lord this will be evidence on Count 13. I digress for a moment. Did you ever have anything to do with the training of any members of the Hammarsdale Group? --- Yes, I taught Solomon Mbandswa. (20)

Anybody else? ---Johannes Pungula.

Now to come back to this Count 13. After it was decided that Solomon Mbandswa and his Group should do this, who prepared the explosives? ---As in previous occasions I prepared the safety fuse and the detonator; I handed it to Ronny Kasrils. (25)

About when did this attack take place, do you know? ---This followed very closely on all these other attacks.

Where did you get this safety fuse and the detonators from? ---Ronny fetched it from George Naicker. (30)

You got/.....

MILNE, J.P.: You got it from Ronny? -- I took it from Ronny

MR. REES: Do you know anything about any other dynamite attempts? ---Karridene.

Where was this matter first raised, ? -- At a meeting of the Regional Command. (5)

Who raised it?-- Ronny Kasrils.

This would be Count 19. Now just tell the Court what the purpose was and what the whole discussion was concerning this? -- Ronny said M'Lord, he said that he wanted to try and cause a train to derail that carries goods (10 M'Lord. He said because the police were keeping a lookout on the main line. So that the police would go down and concentrate on the South Coast line, so that we would get a chance to attack again on the main line.

How was it proposed; how would he try to derail (15 the train? ---He would tie some dynamite onto the rail of the railway line.

Yes? --- And he would have a long piece of cordtex leading away from this dynamite so that when it explodes he would not be injured M'Lord. (20

Yes? --- And at the end of the cordtex he would attach a short piece of safety fuse.

Will you indicate about the length of this safety fuse? -- He would use a short piece of safety fuse in the detonator M'Lord. He would then tie the detonator onto the (25 cordtex M'Lord. Then when he lights the safety fuse and the detonator explodes the cordtex then transmits the ignition to the dynamite M'Lord.

Yes and then, what about the train? ---He would light the safety fuse immediately he sees a train. (30

And/.....

And so that when the train arrives at this spot the rail would be damaged and broken M'Lord and then the train would fall.

Was the safety of the persons on the train considered at all? ---M'Lord at first the safety of persons was considered, but at this time the stage had been reached where they didn't care about the safety of persons M'Lord. M'Lord the stage had been reached not to care very much about injuries to persons. (5

Now who prepared the explosives - I am sorry - I will rephrase that: Who supplied the explosives? --- What I took from Ronny was a piece of safety fuse and a detonator. (10

Yes, and what did you do with it? ---I prepared it and handed it to him. (15

Dynamite or....? --- He fetched the dynamite himself because he knew where it was kept, when he had received the training to work with it.

Who had trained him? ---I had taught him in George Naicker's garage. (20

MILNE, J.P.: You were asked who fetched the cordtex - was any cordtex used as far as you know? ---M'Lord even if I didn't see it, he said....(Court intervenes.)

I don't want to hear what he said.

MR. REES: Where was the only place where he could have got it? -- George Naicker's was the only place. (25

MILNE, J.P.: What about this place at Shallcross? --- He couldn't go and dig for cordtex if there were reels of cordtex that had not been used with George Naicker.

How do you know that they hadn't all been used? --- I knew because we'd left it there when we had made preparations/..... (30

preparations for the first attack M'Lord.

Yes, but then you have spoken of a number of attacks; how do you know it wasn't all used up and they had to go to Shallcross. By saying that George Naicker's was the only possible place where he could have got it? -- (5
As far as I remember there was a full reel left with George Naicker, and another half.

How many times were you in George Naicker's garage in 1962? -- The day we took the dynamite there M'Lord, and on the occasion when we took it to Chatsworth (10
and brought it back again, and the time when I went there to make preparations for the attack at New Germany, Sarnia, and Kudamore, and on the day when we went there to take our parcels.

All for those three places? -- Yes. (15

Was that the last time that you were there? --
As far as I can remember that was the last time.

And was it on that occasion that you saw there was about a reel and a half of cordtex left? -- Yes.

Isn't it possible that that reel and a half had been used up inbetween? ---NO 'M'Lord. There is a (20
long piece of cordtex around a reel and it was impossible to finish it on those places that I have mentioned. As far as I can remember there is 500 feet of cordtex around a reel.

(WITNESS STANDS DOWN.)

COURT ADJOURNS UNTIL 10 o'clock, 21.1.1964.

On resumption.

WITNESS MTOLO (Still under oath.)

MR. REES. (Cont.) You were busy yesterday dealing with dynamite attacks. Do you know of any other case where dynamite was used, or instance?--- Yes M'Lord, on the South (5 Coast.

Which place? ---M'Lord telephone cables in a manhole.

Did you get to know about this before it occurred or after it had occurred? ---M'Lord I heard about it before (10 and after, the attack.

Dealing with before, on what occasion was it? --- I heard about it at a meeting of the Regional Command.

M'Lord this is Count 21. Who raised it?-- Ronny Kasrils. (15

What did he say or what was decided by the Regional Command? ---M'Lord he said that the Clairwood Group were ready to make an attack on this manhole.

Yes, and then? --- It was agreed that it should be done and they should proceed. (20

Yes? -- After some time.....(Mr. Rees intervenes)

I don't want the report afterwards. I just want to know: The Regional Command decided they could proceed? --- Yes.

Then who prepared the explosives? --- As in previous (25 occasions I prepared the safety fuse and the detonator, and I handed it to Ronny Kasrils.

Now where was the safety fuse obtained from?

MILNE, J.P: By you? -- From Ronny.

MR. REES: Now, was any timing devices to be prepared in this (30 case. ?-- No M'Lord, it was a long fuse, they said they would light/.....

light it by hand .

Are you aware of any other dynamite attack? ---
Yes at a bridge close to the Berea Road Station.

When did you first hear of that?---I was not
present at a meeting where this subject was raised; I was (5
only present when a report was made after the blasting.

Who made the report? -- Ronny.

To whom did he make the report? -- To the Regional
Command.

And what was the nature of the report which (10
he made?

MILNE, J.P. Just one moment. Is this intended to be
narrative?

MR. REES: M'Lord no, it is intended to be evidence against
Accused Nos. (15

MILNE, J.P. Just one moment before you mention their
names. Is it evidence with regard to the Regional
Command?

MR. REES: Yes M'Lord.

MILNE, J.P. When you say the nature of the report, (20
it is rather wide; it might include names and other
matters.

MR. REES: Thank you M'Lord. Without mentioning the
names of the persons other than those on the Regional
Command.....(Court intervenes.) (25

MILNE, J.P. Can't you put it this way: I thought you
had put to the witness a general point that when he
referred to the Regional Command he was to say whether
No. 4 and 8 accused were absent. If they were absent
from any particular meeting?--- (30

MR. REES/.....

MR. REES: That is correct.

MILNE, J.P.: Well now he says that this report was made to the Regional Command; he has not said Nos. 4 and 8 were absent, when the report was made.

MR. REES: When this report was made, was the report (5 about the success or otherwise of this attack.? ---

(Court intervenes.)

MILNE, J.P.: You were asked to answer that question either yes or no? ---Yes.

MR. REES: And according to the report was the report a (10 success or was it a failure?

MILNE, J.P.: That is narrative again, is it not?

MR. REES: With respect not M'Lord, because it leads to whether or not - it leads to what the reaction of the Regional Command was to the report. (15

MILNE, J.P.: I see. Any objection. ?

DEFENCE: NO OBJECTION.

MR. REES: Yes? --- M'Lord, the report usually was.....(Court intervenes.)

MILNE, J.P.: No, the report in this particular case, (20 about the railroad station? Were you present when a report was made about the Berea Road Station? -- Yes.

It was reported to you as to whether it was a success or not. Now Counsel is asking you whether it was reported to you that it was a success or was it (25 reported to you that it was a failure?

INTERPRETER: M'Lord with all respect, may I just explain what the witness had said. The position is the report was that the work had been done, but they could not say whether it was a success or not because when an explosion (30

takes/.....

takes place they are no longer there.

MR. REES: That is in effect the answer I wanted.

Did the Regional Command give any instructions as a result of this report? ---In connection with what? This work M'Lord?

Yes, was anything to be found out or was the matter just left, or was newspapers to be looked at; or was somebody to go somewhere; something like that? (5

---Yes, we were watching the newspapers.

This relates to Count 25 M'Lord. Now you have also mentioned.....(Court intervenes.) (10

MILNE, J.P: Can you tell me what month and year this report was made to you about the Berea Road Station - the bridge near the Berea Road Station? --- I can't say exactly which month it was; I can only say that since the commencement of these attacks at New Germany, Sarnia, and Kudamore Quarries, it happened at short intervals until March, 1963. (15

Can you not remember which was the last of the dynamite explosions? --- There was quite a long interval between March and an explosion at Kwa Mashu, that was done with dynamite. (20

Can you not remember which was the last of the dynamite explosions? -- The one at Kwa Mashu. A signalbox at Kwa Mashu.

MR. REES: That would be Count 27 M'Lord. (25

Would you tell the Court when did you first hear about the attack on the signalbox at Kwa Mashu? ---The same as in the last case, I was not present at the meeting before. I only heard at a subsequent meeting because at that time, before the explosion, I was either at Table (30

Mountain or in Johannesburg.

MILNE, J.P. : Can't you remember the date when you heard a report made; Did you hear a report - did you as a member of the Regional Command hear a report from anybody about the explosion on the signalbox near Duffs Road? --- (5
Yes.

When was that? --- I think that it may have been during June.

I understood you to say a little while ago that the last of the Dynamite explosions was in March? -- (10
I was answering a question by His Lordship, asking me about the date of the explosion in the manhole, and I explained that from the commencement of the explosions at New Germany, Sarnia and Kudamore, and the one in the manhole, they happened at short intervals, but I could not (15
give a definite date.

Yes, but do you remember I asked you when the last of the dynamite explosions took place? ---M'Lord when I mentioned March I was just trying to explain the time when the explosion occurred in the manhole, but I said that the last of the dynamite explosions took place at Kwa Mashu. S(20

And are you suggesting that the explosions in the manhole at Clairwood was in March? ---It was during that period; from the time of the commencement of the attack at New Germany, Sarnia and Kudamore; it was in that period (25
up to March M'Lord.

Can you not remember the date when it was reported to you about dynamite being used at a bridge near the Berea Road Station? ---No, I can't remember the date or the month, but it was within that period. (30

MR. REES: Do you know of any other dynamite attack in
the/.....

the City of Durban itself? ---Yes M'Lord, I think it was the office of the Nataller at Umbilo M'Lord.

On what occasion did you first learn of this attack? -- I heard about it at the Regional Command before and after.

(5)

Who raised the matter? -- Ronny.

What was the purpose? --- M'Lord, he said that Justice Mpanza was ready to go and attack the offices of the Nationalist Party.

Handwritten notes:
Riv. One
Riv. Two

Then what instructions, if any, did the Regional Command give as to what should be used?---It was decided that they should proceed M'Lord.

Was anything decided about the preparation of the explosives? --Yes, Ronny brought to me a piece of safety fuse and a detonator.

(15)

Yes? -- I prepared it and handed it to him.

Was anything further said about this? --- At a meeting of the Regional Command afterwards he made a report to us.

M'Lord, the contents of the report I propose to lead again against the members of the Command.

(20)

MILNE, J.P.: Without mentioning names.

MR. REES: Yes. Now was - actually it is one portion of the report: When Ronny Kasrils made his report was there anything said about the exact place where the

(25)

explosion had occurred? --- When he came back he made a report that they had authorised the attack on the offices of the Nationalist Party; when they got there they found that there were some persons inside the building; they then placed the explosives next to the building of the Nataller M'Lord.

(30)

And/....

And what was the attitude of the Regional Command to that? --- They accepted it.

MILNE, J.P.: I am afraid I haven't quite followed this: What relationship has the offices of the Nationalist Party paper to the Nataller, if any? Was there any relation- (5
ship - were the offices of the Nataller different from the offices of the Nationalist Party? ---According to the reports that I received I formed the opinion that there were two separate buildings.

MR. REES: Now what was the purpose of this attack, why (10
was the Nationalist Party offices to be attacked? --- Because the Nationalist Party are supporters of the Government.

You have also spoken about petrol bombs? -- Yes (15
M' Lord.

Before you get there, where was the safety fuse kept; by whom? ---,The safety fuse was kept by George Naicker, together with the detonators.

How did it come about that he kept the safety fuse and detonators ; deal firstly with the safety fuse? (20
---M' Lord, it started off because we started working in his garage.

Yes? ---After we had cut off pieces of safety fuse that were going to be used, the remaining safety fuse was left there. (25

Now was anything said in your presence, and in the presence of Accused No. 6 (George Naicker) about him keeping these things, or was it just understood? --- M' Lord it was mentioned that these things should not get damp, and(Court ;intervenens.) (30

MILNE, J.P.: Who mentioned it? ---I am not sure whether

I mentioned it or whether it was Billy, but I think it was Billy that mentioned it.

Mentioned that the safety fuse must not get damp?

---- Together with the detonators M'Lord, and that he should keep them. I think that there was a time that I asked that I should keep the detonators, so that I could keep them in my record-player. Billy Nair said no, that George Naicker should keep everything together. (5

When he said this, where was George Naicker?

---- We were together in the garage. (10

MR. REES: Just deal with the acquisition of the detonators; where had they been acquired? --- (Court intervenes)

MILNE, J.P.: Were you present when the detonators were acquired? --- I was present the day a report was made by the person who brought them. (15

MR. REES: To whom did he make the report? -- To the Regional Command.

Did you know beforehand that the person would bring detonators? -- No.

Now/.....

Now when the person brought them, was the matter discussed by the Regional Command? ---- Yes, in the presence of this person.

Who was this person? ---- Joe Modise.

What took place in the Regional Command (5 when he brought these detonators? ---- We had written a letter to Johannesburg about certain things that we had received which we thought that they were detonators. Joe Modise then told us that those articles were relays and not detonators. He then said that he had brought (10 us 20 detonators. He then said that we should change dynamite for the detonators. Give him dynamite.

And did you give him dynamite? ---- Although I was not present when he was handed any dynamite, the decision was taken that he should be handed dynamite (15 by Billy Nair.

MILNE, J.P.: This dynamite that you've exchanged for the detonators, did you see it? ---- No.

MR. REES: You said you had received twenty detonators? ---- Yes. (20

Were these the only detonators that the association ever had at their disposal or did they have any more? ---- Those are the only ones that I remember.

Who was given the custody of these detonators? ---- (The Court intervenes). (25

MILNE, J.P.: Were you present when anybody was given the custody of them. When Joe Modise brought them, to whom did he bring them? Did you see them? ---- Joe Modise said he had handed them to Billy Nair in his presence. (30

Did he say that in the presence of Billy

Nair/.....

Nair? ---- Yes.

You didn't see them yourself? ---- I saw detonators for the first time in George Naicker's garage when they were handed to us as we required them.

MR. REES: And who handed them to you as you required them? ---- George Naicker. (5

MILNE, J.P.: I thought you said you sometimes got them from Kasrils? ---- Later on when I was preparing the fuse for the later attacks, they were handed to me by Ronny Kasrils. (10

You personally saw Joe Modise, did you? ---- Yes.

And then he made this report to you in Billy Nair's presence about handing over the detonators to Billy Nair? ---- Yes. (15

What did Billy Nair say to that? ---- He agreed and said that the detonators were there.

When was that conversation when you, Joe Modise and Billy Nair were all present together? ---- It was between August and October, 1962. (20

And do you say that on some occasions you were thereafter handed detonators by George Naicker? He himself handed detonators to you personally? ---- Yes.

MR. REES: Now the detonators and the dynamite and the cordtex were they being kept for this association or were they just being kept for individuals? ---- It was for our association. (25

I would like you to deal with the Technical Committee. You told us yesterday that first (30

a European was the head of the Technical Committee. Is that correct? ---- Yes.

What was the main function of the Technical Committee? ---- The duty of the Technical Committee was to make weapons. All the weapons required by the various groups. (5

Would you detail the various persons who became members of this Technical Committee. You have mentioned yourself and you have mentioned the European. Now who was the next person and the person after that, if any, and the person after that, if any? Deal with them one at a time and say about when they joined the Technical Committee? ---- (10

As I've already mentioned, in the beginning it was a European; then I was in charge of the Technical Committee. Towards the end of 1962, Babenia was brought into the Committee. I think it was (15

during the middle of 1962 and at the same time Coetzee Naicker and Michael Masuko. These two that I've mentioned, Coetzee Naicker and Michael Masuko did not attend meetings regularly. We carried on, the two of us, Babenia and I; we carried on, if I remember (20

correctly, until the beginning of 1963. It was then decided by the Regional Command that we should increase the members of the Technical Committee. It was then (25

decided to put Ebrahim on the Technical Committee as well. Ebrahim said that there was an Indian youth studying Science at the Indian University. I think that was during May, 1963. I reported that to the (30

Regional Command. The Regional Command decided that I should contact and see this youth. I spoke to (30

Ebrahim and said that he should make arrangements for me to see this youth; I think it was on a Friday. In the afternoon he came to me with this youth. I said to this youth that I wanted to test his knowledge on science. (5

Did he pass the test? ---- When I asked him about the various powders to make a black powder, he knew them.

Did he tell you what his name was? ---- I had been told his name was Siva. (10

MILNE, J.P.: He did you not tell you his name? ---- Ebrahim introduced him to me as Siva.

MR. REES: And then? ----- I told him that I was satisfied with him and he would hear at a later stage what his position was. I made a report to the Regional Command and that this youth was satisfactory. I told Ebrahim to inform him that he was now accepted as a member of the Technical Committee and that I would see him at a later stage. I also told Ebrahim to tell him to think of certain chemicals that may be useful in making bombs. (15 (20

Did you have any further personal dealings with this person? ---- No, I did not get into contact with him again because soon afterwards I was wanted by the police and I ran away. I received constant reports from Ebrahim that they had formed a Technical Committee. (25

We won't go further into that aspect. I think you have detailed yesterday the various materials that the Technical Committee used. Was materials ever bought? For instance, permanganate of potash or (30

or something of that nature? ---- Yes, some was bought.

Who supplied the money with which these materials were bought? ---- Billy Nair.

In connection with the - did you ever purchase black powder? ---- (The Court intervenes). (5

MILNE, J.P.: Did you personally purchase black powder?

---- Black powder was never used during this period.

MR. REES: What are the constituents of black powder? ----

Saltpetre, charcoal, flowers of sulphur.

And the thermite mixture? ---- Aluminium powder and iron-oxide. (10

Did you obtain any aluminium powder? ---- Billy bought aluminium powder.

What was it in? ---- In some round tins. With a round lid on top. (15

Where was this powder kept? ---- At first it was kept at my home at Mariannahill. When it was realised that the police were following me it was then decided by the Regional Command that the tools and everything should be transferred to Babenia. (20

Was that done? ---- Yes.

About when? ---- 1962.

MILNE, J.P.: 1962? Were the police after you then? ---- M'Lord, may I just have time to think? I am sorry, I was wrong. In 1962 the aluminium powder and the tools were kept at my home at Mariannahill. The capsules, sulphuric acid, potassium of permanganate, potassium of chlorate, flowers of sulphur, icing sugar and other articles like bicycle tubing, those things were kept by Babenia. And then it was in 1963 when I was followed (25 (30

by the police. It was then decided that the tools and the aluminium powder should also be transferred to Babenia.

When did you run away? ----- The police started frightening me in January. (5)

When did you run away? ----- It was in May when the 90-Day Act was introduced that I ran away.

Where did you run to? ----- I was hiding at Georgedale at first. Then I was hiding at Kloof. Then I was hiding at Winston Park. I would not mention other places where I spent a night or two. (10)

MR. REES: Whilst we are on the subject, who hid with you at Kloof? ----- Myself, Ronny and Ebrahim.

Who hid with you at Winston Park? ----- The three of us. (15)

Why was Winston Park acquired or selected? ----- It was when I returned from my meeting with the High Command in Johannesburg. The National High Command had told me that it would be well if we also found a place to hide the same as they had in Johannesburg. (20)

MILNE, J.P.: When did you have this meeting with the National High Command in Johannesburg? ----- I think it was at the beginning of June, 1963. NB

MR. REES: I now go back to the Technical Committee. Can you tell the Court, was Billy the only man who supplied cash to you for the acquisition of materials or (The Court intervenes). (25)

MILNE, J.P.: One moment please. Did anyone ever supply you with cash for the purpose of purchasing materials? ----- Yes. (30)

Who was that? ----- To buy chemicals, I was

given money by Billy.

When was that? ---- On the first occasion it was in 1962. After that he did not hand me the money into my hands but we went together to buy.

MR. REES: Is that all? ---- Yes.

(5

{ Did you receive any money for any other purposes? ---- Yes, there was money that I obtained from George Naicker when I went up to Johannesburg.

MILNE, J.P.: Was that in June, 1963? ---- About the end of May, 1963.

(10

MR. REES: What was George Naicker's position then? ---- He was looking after our money. }

Would you tell the Court, or mention some of the places where the Regional - where the Technical Committee met and had meetings? ---- We used to meet at the Botanic Gardens, near Howard College.

(15

When explosives and things like that were being prepared, where was that prepared? ---- The petrol bombs that I mentioned yesterday were prepared at the home of Babenia, in May Street. After that, when he had moved to North Street. It is there that I mixed some thermite. Dynamite, that I prepared in the garage of George Naicker. I fixed safety fuse into detonators in the office at Lakhani Chambers.

(20

What was the number of the office? ---- 316.

(25

You had yesterday - you spoke of a number of attacks that took place on a particular night. I am leaving dynamite out of the question for the moment? ---- Yes.

(30

I just want you to answer 'Yes' or 'No' to the first few questions. Was there any special reason for a number of attacks over a very short period? ---- I would say in 1962, after the arrest of Nelson Mandela (Mr. Rees intervenes).

(5)

Where was the matter first raised? ---- The meeting of the Regional Command.

And what was the decision of the Regional Command? ---- It was decided that because of what the Government had done to Nelson Mandela, we must show our disapproval.

(10)

And how were you to show your disapproval? ---- It was decided that all the groups should pick out certain places which would be attacked with petrol bombs.

(15)

What were the groups that were decided on and what was each to do? ---- When Ronny came back with the report, the groups that I remember are these: Ronny said that he could burn the offices of the Special Branch. He said that the group under Ebrahim could burn Kajee's office. The Kwa Mashu group could burn the offices of the Bantu Administration Department.

S
W

There was another group that I can't remember which one it is, but it was decided that they could do some work at the Bantu Administration offices in Stanger Street.

(25)

MILNE, J.P.: Is that all that you can remember? ---- I am just still thinking.

MR. REES: Was it to be only petrol bombs or anything else? ---- At other places the groups were to cut signal wires.

(30)

THE WITNESS STANDS DOWN.

THE COURT TAKES THE SHORT ADJOURNMENT.

ON RESUMPTION:

(5

BRUNO MTOLO: (Still on oath).

EXAMINED BY MR. REES: (Continued).

You were busy dealing with the number of attacks that took place on the same night. (The Court intervenes).

(10

MILNE, J.P.: No, he didn't say they took place on the same night.

MR. REES: We will deal with the number of attacks that had something to do with Mandela's arrest? ---- Yes.

Was anything decided as to about the period when they were to take place? ---- It was decided to have these attacks - I am not sure whether it was the day he went to Court or when he came back from Court.

(15

MILNE, J.P.: Who? ---- Nelson Mandela.

Was he released on bail? ---- Because these attacks were in connection with the arrest of Mandela, to show our disapproval. I don't know whether it was the day he went to Court or whether he came back that the attacks had to take place.

(20

You don't know what was arranged about when the attacks were to take place? ---- I remember it was a Sunday if I am correct.

(25

What was a Sunday? ---- The day of attack.

The day of attack? Do you mean the day that it actually happened or do you mean that a Sunday

(30

*CP Riv
Carr*

was arranged? ---- It was arranged for a Sunday and it took place on the Sunday.

What was arranged for a Sunday? ---- To attack with these petrol bombs and to cut the signal wires.

(5

MR. REES: Do you know of any other attacks in which petrol bombs were used? ---- Was that during this period in question?

No, during the whole period? ---- There was a time when an attack was made with a Molotov.

(10

When did you first get to know about the Molotov attack? ---- I heard at a meeting of the Regional Command.

Was that before it occurred or after it had occurred? ---- I heard before and after the attack.

(15

Did you say before and after? ---- Yes. Before we go further, { I would like to explain something, in connection with the four petrol bombs and the signal wires, where I said that an attack would be made on the offices of Kajee. A report was received that they had got a fright by a night watchman at the offices of Kajee and that bomb was then put in a train; in a passenger train going up the North Coast.

(20

And what was the Regional Command's attitude to that? ---- This frightened the Regional Command to hear that it was put in a third class. Ronny said - the sergeant of the group said that it was all right because the train was empty. The coach into which this was put.

(25

Now you were going over to the Molotov bomb

(30

attack; how did that originate? ---- Ronny reported that the group under Stephen Dhlamini - I am sorry, Stephen Mtshali, was ready to attack the goods trains on the North Coast with Molotov bombs. The Regional Command discussed this and told him to proceed.

Handwritten in green ink: "M RIV" with a large checkmark.

(5)

What did the Regional Command as such believe, what damage or what would be the effect of a petrol bomb? ---- The petrol bomb would burn the - the Molotov bomb would burn the truck and its contents.

(10)

And the ordinary petrol bomb? ---- The attack on the goods trains were done with Molotov bombs, not petrol bombs.

I now want you to go back and think of the petrol bomb as such? ---- The petrol bomb is placed at a certain place, it explodes, spreads the petrol about; it ignites and it causes a fire.

(15)

MILNE, J.P.: What was the idea of causing a fire? ---- To burn the object where it is placed.

MR. REES: Coming back to the first, these bombs that were used in connection with or that were connected with Mandela. How were they to be ignited? ---- With a powder that was used as a timing device with dynamite.

(20)

And who prepared the timing device? ---- Babenia and I.

(25)

Had Babenia received any training in this connection or not? ---- I had taught him.

With what object? ---- As a member of the Technical Committee he should have the knowledge so that when I am busy somewhere else he could carry on.

(30)

On this particular occasion when you and Babenia prepared the ignition device, what was the final thing that you handed over to somebody? ---- I prepared the bombs together with Babenia. They remained in Babenia's house. (5

Just answer these questions then. The powder, was it put into the tube or was it left out? ---- It was placed in the tube.

Was it in a paper or was it just loose in the tube? ---- It was poured into the tube. (10

And then, what was the tube put into, if anything? ---- The tube was placed then next to the respective tins. It was then all ready so that the person carrying this bomb away would just drop this tube into the tin, so that he can just place the capsule containing sulphuric acid into the tube. The piece of string onto the tube is then held over the opening of the tin and held down with a screw-cap. (15

How was he to convey the sulphuric acid? ---- Some small black bottles were bought with drippers. Eyedrop bottles. (20

Did Babenia know why he was preparing these bombs or assisting you to prepare them? ---- He did know because he and I were talking.

Do you know anything about a Kwa Mashu Residents' Committee or Association or something like that? ---- I know something about the Bantu Advisory Board of Kwa Mashu. (25

What do you know about them? ---- Curnick Ndhlovu made a report to a meeting - at a meeting of the (30

Regional Command.

M'Lord, this will relate to Counts 14, 15 and 16. ----- He made a report that the Bantu Advisory Board was making working conditions difficult for them. He was then Secretary of the Residents' Association of Kwa Mashu. It was then decided by the Regional Command that fear should be brought on the members of the Bantu Advisory Board.

(5)
Bant
Assoc
Kwa Mashu
Riv

Does that mean they should be frightened?

----- Yes. I was then asked whether I could suggest anything with which they could be frightened. And I said that they could be frightened with pipe bombs. It was then decided that I should make some pipe bombs, hand them to Curnick Ndhlovu. He would then in turn hand it to the Kwa Mashu Group. It was decided to warn the group not to injure any people. I went to the room of Babenia and I made three bombs.

(10)
Riv

Where/.....

Where was Babenia? ---I will say he was present because that is the time that I taught him how to make pipe bombs.

And where did you obtain the pipes from? --- Billy Nair and I had bought them from the Globe Electric, (5 together with other too.

And then, when you had prepared the bombs?--- After I had made these bombs I handed them to Gurnick Ndhlovu.

How many did you hand to him? ---I handed him (10 three, together with capsules and sulphuric acid.

Will you have a look at Exhibit 14.A.1 - what does that appear to you to be? --- I will say that this is part of one of those bombs that I made because this belongs to an electric pipe fitting similar to those that I used (15 M'Lord.

Exhibit 14.A.2 ?---This is also similar.

I show you Exhibit 15.C.?-- This is also similar M'Lord.

Exhibit 15.D.? ---These appear to be parts (20 of the stoppers used on the pipes M'Lord.

And 16.D ? -- This is also similar M'Lord.

MILNE, J.P: Is that similar to 14.A.1 ? -- Yes, these are all similar M'Lord.

MR. REES: When you had used these pipes, were they the (25 only ones that you had bought or did you have other pipes of this nature over? -- There were some left over M'Lord.

And where were they left? ---As I said previously, first they were kept in my room at Marianhill and later they were transferred to Babenia. (30

MILNE, J.P: Were any of these pipe bomb containers taken

to/.....

to or left at Babenia's room ? -- Some were taken to Babenia.

By whom? -- I did personally.

Now you handed over three completed ones, did you? -- Yes. (5

Were the others not ever completed? ---They were not completed.

Look at Exhibit 18.A. . Can you say anything about that? ---It appeared at a later stage that Babenia was not in a position to saw off the ones that I had left.(10

Can you say anything about Exhibit 18.A.? -- I am explaining M'Lord. I then explained to Babenia that if he could not make the others he should go to a plumber and buy what they call a nipple, couplings and stoppers. They would then give it to him fully prepared. (15

Who, the plumber? -- In the store.

In the plumber's store? -- Yes.

Yes? -- After that he told me that he had bought it M'Lord.

{ Do you know anything about Exhibit 18.A.? --- (20 M'Lord whether this is the same one I can't say, but at one time I had told Babenia to bring me two because I wanted to use them at some other place.

Did he ever do that? -- Yes.

What did he bring you? ---He brought me the (25 parts;when assembled would form two complete pipe bombs like Exhibit 18.A.

MR. REES: And what did you want to do with them?--- We were going to use it on a person who was a friend of the Induna at McCords.

That/.....

Handwritten initials and a checkmark, possibly "Ri" with a checkmark, and the number "30" written below.

That doesn't form part of the charge sheet M'Lord. The other one, where was that to be used? ---The next one was used on the Induna personally.

That is also not part of our case. Yes, did you have any other dealings with bombs of that nature? --- (5) I don't know of any other; Babenia just continued.

Do you know anything about beerhall incidents? --- I remember it.

When did you first learn of it? -- At a meeting of the Regional Command. (10)

What was the nature of the discussions at the Regional Command?--- Ronny Kasrils raised the subject that beer was refused to females at the beerhall. It was at the time when the women objected to the men drinking beer at the beerhall. Ronny Kasrils made a report that Justice Mpanza was ready to attack three beerhalls. (15)

Yes? --- It was decided that he should tell these groups to proceed. After that Ronny Kasrils made another report to the Regional Command. He said he did not know what had happened; but he only had a report that they only attacked the beerhall at the Point, and when he questioned Justice Mpanza about the others he was not satisfied with his explanation why the other two were not attacked. (20)

Yes? ---The Regional Command then sent me to go and question Riot Mkwanzazi as to what had happened to these two bombs. When I spoke to Riot Mkwanzazi he did not tell me what they did with the other two bombs. He only told me about the one that they used at the point.(Point.) (25)

What street is that? -- I think that beerhall (30)

is in Bell Street.

Yes? -- I then made a report to the Regional Command that Riot Mkwanazi did not tell me what they did with the other two bombs.

And was the Regional Command satisfied with that? ---They were not satisfied by the way Justice Mpanza (5 proceeded with this work.

And then? ---Because the Regional Command did not know what they did with the other two bombs.

What happened to Justice Mpanza eventually? --- I think in the end he was sent to a place outside the (10 Republic for Military training.

And did the Regional Command make any decision as to who should replace him? ---It was decided that Steven Mtshali should take his place because Justice Mpanza's work was not satisfactory. (15

Now what did the Regional Command as such believe about the power or the possibilities of the pipe bombs? --- I had explained to the Regional Command that the pipe bomb is powerful.

Yes, what could it do? --- I said to them that (20 a pipe bomb could injure a person when you are close to it because it explodes and pieces fly about.

Have you ever tested the pipe bomb? ---Yes, and on one occasion I took Ronny with me and we tested one out on the beach. (25

What was the effect? ---It explodes and it breaks up into pieces which fly about all over the place.

And did you ever test the petrol bomb? ---Yes, M'Lord.

What was the result? ---A petrol bomb explodes, (30 throws/.....

throws petrol about; it ignites and a fire starts M'Lord.

Just going back to the beerhall incidents; who was instructed to make these bombs? --- I will say that at that time all the material was with Babenia M'Lord.

It was then a known fact that when any bombs were required (5)
Ronny should go and speak to Babenia.

Would you have a look - I wish to show you a few exhibits; the toolbox please. I show you Exhibit 31.D.
- do you know that box at all? -- Yes.

What is it? ---The box when bought in any store (10)
contains stocks and dies .

MILNE, J.P.: Do you mean dyes for staining clothing or some other kind of dye? --- A die to cut a thread onto a pipe.

MR. REES: Yes? ---This box was bought by Billy Nair and I (15)
with the stocks and dies.

For what purpose?-- To cut threads on pipes.

For what purpose? --- To make pipe bombs because they are expensive. To buy pieces already threaded are expensive.

Would you just have a look on the inside of that (20)
box, Exhibit 31.D. Do you recognise the contents? -- Yes.

Without going into details; what does it contain? ---- Stocks and dies as I have said; locknuts, bushels; hacksaw, blade, cup -links (couplings ?)

What can you say about those couplings? --- This (25)
is part of those that I took when I made same bombs.

MILNE, J.P.: Let me see them; what are these things that you have called couplings, used for? -- These are couplings for joining electric piping.

Coupling - C O U P L I N G - that is what (30)
you are saying? -- Yes.

Now/....

Now this Exhibit 18.A. has that got any coupling?

---Yes, but that is a waterpipe.

Where is the couplings in Exhibit 18.A.? ---

This is the coupling.

That is the part that screws in at each end? --

Yes.

(5

Then some sort of a nut with a screw is screwed into the coupling? -- Yes.

The effect of that then is a stopper at both ends when each has had attached to it a coupling with a nut? -- Yes.

(10

Will you look at Exhibit 17.A.1. Is that the galvanised iron pipe?-- Galvanised water piping.

And 15.C. ? ---This is called black piping for electricity.

That is a complete piece of piping - is it (15 undamaged? --- This is damaged.

That is about the same size as these couplings that you have mentioned? --Yes.

Well now, this Exhibit 15.C., when you say it is damaged - do you mean it has been cut or what? --- (20 M'Lord it is bulging at the one place, and on the one side a piece was broken off inside the coupling M'Lord.

Inside the coupling! It hasn't got any coupling has it? --- This is a coupling.

Exhibit 15.C. itself is a coupling,?-- Yes. (25 Into this coupling has been screwed a reducer and a stopper.

This Exhibit 15.C., is that identical; is it exactly similar in kind and size to the couplings which you have referred to as being found inside this box,

Exhibit 31.D.? -- The coupling is exactly the same. (30

Now/.....

Now these couplings that you found in the box, there is a group of them - how many? About ten, strung together? --- Yes.....There are twelve M'Lord.

What is a stock, have you got a specimen of a stock there? --- This is a stock. (5)

Does that consist of two metal cylinders screwed into a device for making screw lines on a pipe? --- This complete object is called a stock; it is dismantled just for the purpose of fitting into the box.

What is it used for? --- Into this chuck (?) is fitted the die to cut the thread into a pipe. (10)

Have you a specimen of the die there. Is that what you now produce on a piece of paper - have you there two dies? ---There are two sections.

Two sections of one die? ---Yes.

Do they fit into this stock? -- Yes M'Lord. (15)

Let me see how it fits in? --- (Silence.)

is Now that you have fitted the dies into the stock,/the instrument complete? - Yes.

Can those dies be altered in size so as to be adjusted to the diameter of the pipe on which it is sought (20 to make rings? ---There are different dies, to cut from three-quarter to one-and-a -quarter inches.

Are there any dies in that box that would be capable of making the rings that you see on Exhibit 18.A? --- The stocks and dies before Court was specially bought (25 for cutting threads in electric piping.

Not in this galvanised iron piping? -- Not for water piping or galvanised piping.

What else have you got inside this box, that has anything to , if at all, with pipes? ---There is a (30 spanner/.....

spanner to set the dies, and some hacksaw blades for cutting the pipes. There are couplings for three-quarter inch piping; also for electrical use M'Lord.

MR. REES: Do you see there a teaspoon? -- Yes.

What was its purpose? --For measuring chemicals (5
M'Lord.

Into what? ---When we work with chemicals M'Lord.

And the hacksaw blades, what are they for?

MILNE, J.P.: They were used for cutting the pipes.

MR. REES: Thank you M'Lord. And there is a packet with (10
a yellowish powder? Exhibit A.S. refers to the contents
hereof.? -- Flower of sulphur.

What was that used for ? --- This powder
was used for the mixing of pipe bombs; mixed with others.
To round off this matter I show you an object, Exhibit 16.E. (15
looking at it from the outside, what does it appear to you
to be ?--- This is a complete pipe bomb, the only thing is
it has no chemicals inside.

And where were pipe bombs that looked like that
one used?---The three that were used on the Advisory Board (20
at Kwa Mashu.

Was any decision made as to who were to place
these bombs? ---The decision was taken that the Kwa Mashu
Group would place them M'Lord.

Do you know who the leader of the Kwa Mashu (25
Group was? ---I think at that time it was still Justice
Mpanza.

Now when these bombs were made for use for
this Kwa Mashu Committee, did Babenia know what they were
being made for?--- I think he knew but I did not tell (30

him/.....

him at which specific place they were going to be used.

I show you Exhibit 28.H. and Exhibit 28.K.
Will you open them up and have a look at those two items.
The first one I wish you to look at is 28.H. They are
both new exhibits which go in now M'Lord. These are (5
plastic bags into which we have put the tins containing
dynamite.

MILNE, J.P.: I understand it was put in by Sergeant
Eysele on the 5th of December. 28.H.

MR. REES: I am indebted to Your Lordship. ? -- M'Lord (10
I notice on the one.....(Court intervenes.)

MILNE, J.P.: Which one? --- 28.H.There is a red cross
on it which was to signify that it was gelignite.

MR. REES: Now put that one one side completely. Take
all the things with youNow 28.K. (15

MILNE, J.P.: that was also put in by Sergeant Eysele,
on the 6th of December, according to my notes?

MR. REES: Thank you? -- This is one of the plastic bags
into which we had put the tins of dynamite.

MILNE, J.P.: I see some red stuff on that too; what is that (20
? ---This confuses me because it doesn't look like a cross;
it looks as though it had just been patched M'Lord.

MR. REES: I just want you on this one aspect - do you
know anything about the Post Office? --- Yes M'Lord.

What do you know about it? ---I knew before (25
- I knew something about it before and after the attack.

Before it happened, how did you get to know? ---
At the meeting of the Regional Command.

Who raised the matter? --- Ronny Kasrils.

Yes, what was raised? --- He said that he (30
wanted/.....

wanted to make an attack on the post office.

Why? ---- Because the post office is one of the Government buildings.

What was the Regional Command's attitude? ----
The Regional Command agreed if he saw his way clear to do (5)
so he could proceed.

This is evidence on Count 17 M'Lord. What was decided who was to prepare or supply the bombs? ----
M'Lord it was not for the Regional Command to decide who was going to prepare the bombs, it was a known fact, that (10)
whenever Ronny wanted a bomb or anything where he should go.

Where should he go? --- To Babenia M'Lord.

What type of bomb was to be used? ---- A pipe bomb
M'Lord.

Do you know of any other occasion where a pipe (15)
bomb was used? ---- Office or showroom of the Bata Shoe Company.

Yes, when did you get to know about that? ----
It was at the time or soon after the strike at the Bata Shoe Company in Pinetown. (Count 20.-) M'Lord it was raised by Billy Nair that seeing that the European will not (20)
listen to the complaint of the employees of the Bata Shoe Company at Pinetown, that they should also be frightened
M'Lord.

Yes? ---- Ronny Kasrils said that he could do the work M'Lord. (25)

Yes? --- He said that he would attack their office in town at the corner of Gray Street and some other street - Pine Street.

Yes? ---- He was authorised to proceed with the work. (30)

Yes? ---- At a subsequent meeting he made a

report/.....

report that he had done the work.

What type of bomb was to be used? ---A pipe bomb
M'Lord.

Was there any reason why you didn't make these
particular bombs ? ---M'Lord the one reason is because all (5
the chemicals and everything was then in possession of
Babenia M'Lord, and he had his room. I had a room in town
it was not safe because I shared it with other people
Do you know of any other occasion where a
pipe bomb was used? --- I think in the Albert Park. (10

When did you first hear of that? I believe
it will be Count 18 M'Lord, I would just like to get a
little more particulars from him.? -- I heard about it
before and after this attack.

And what was the object of the attack? --- (15
The object was to attack a signal cable with this pipe
bomb.

Count 18 M'Lord. Where was the matter discussed?
--- At a meeting of the Regional Command.

Who raised it? ----- Ronny Kasrils . (20

What was the object? -- The object was to test
this pipe bomb whether it could damage these cables, to
cut them off.

Was it decided who was to place it? ---.....

Who or what group? --- Ebrahim's Group M'Lord. (25.

Will the Court bear with me for a moment please
That completes my examination of this witness.

MR. THIRION: M'Lord at this stage I apply that the
cross-examination of this witness should stand over until (30
Friday so that the defence can have more time to go through
his evidence and to compare it with the evidence which
other/.....

other witnesses have given on the same subject, so as to properly cross-examine, and also to discuss certain points with the accused.

MILNE, J.P.: Are you not in a position to go on with regard to the evidence he gave yesterday? ---In a way (5 but not to properly cross-examine the witness. (Mr. Thirion) (Discussion ensues.)

MR. REES: M'Lord I object to the matter; I submit the defence knew the possibility of this witness being called at a very early stage; he has been mentioned by (10 most of the State witnesses, and the nature of the defence cross-examination, in my submission, made it clear that they anticipated that he would be called. (Continues addressing Court.)

MILNE, J.P.: We will adjourn now, and you could investigate your position during the adjournment. (15

THE COURT TAKES THE LONG ADJOURNMENT.

ON THE 22nd JANUARY, 1964, THE COURT RESUMES.

MR. A. WILSON NOT PRESENT. OTHER APPEARANCES AS BEFORE.

ON RESUMPTION:

MR. THIRION ADDRESSES THE COURT.

FURTHER ARGUMENT ENSUES.

(5)

THE COURT ADJOURNS UNTIL 10 O'CLOCK ON THE 23rd JANUARY, 1964.

ON THE 23rd JANUARY, 1964, THE COURT RESUMES.

(10)

MR. A. WILSON NOT PRESENT. OTHER APPEARANCES AS BEFORE.

ON RESUMPTION:

MILNE, J.P.: For the purposes of this enquiry the confession made by accused No.5 as recorded by the Magistrate on the 19th July, 1963, goes in by consent as EXHIBIT A(y). It is also recorded that on behalf on accused No.5 it is (16 admitted that accused No.5, prior to making this statement recorded by the Magistrate, contained in Exhibit A(y), he informed the Magistrate that he was acting freely and voluntarily, that he was in his sound and sober senses (20 and that he was not unduly influenced.

MR. THIRION: M'Lord, there is also another statement made on the 21st July, 1963.

MILNE, J.P.: Just one moment. It is placed on record by consent that a copy of the statement which No.5 (25 accused made to Detective-sergeant Grobler on the 19th July, was handed in at the conclusion of Mr. Rees' argument by consent as Exhibit A(z).

A further statement, handed in by consent, made to Lt. Steenkamp on the 21st July, 1963, as (30

EXHIBIT A(z)(1).

MR. REES: M'Lord, may I just rectify one matter. With regard to the first statement, that is A(z), the evidence was led that the statement and the questions were put by Lt. Prins and recorded by Grobler.

MILNE, J.P.: It is recorded that the Exhibit A(z), the (5 statement made by accused No.5, is as recorded by detective-sergeant Grobler.

MR. THIRION: The statement made to the Magistrate is on record as Exhibit A(y).

(10

THE COURT TAKES THE LONG ADJOURNMENT.

ON RESUMPTION:

R U L I N G.

MILNE, J.P.:

(15

The evidence sought to be admitted is that on the 21st July, 1963, accused No.5 pointed out a place at Clairwood where the act of sabotage alleged in Count 21 took place, and certain other spots close-by to it. On page 1396 of the record it is stated that I said on (20 the 17th December on this question that I would then give no formal ruling on it. That was an error in the transcription. What I said was that I would then give no final ruling. Since then I have heard the evidence of both Sergeant Grobler and Lt. Steenkamp. No further (25 evidence has been sought to be led by the Defence.

I have now heard a much fuller argument upon the matter than I heard in December; an argument occupying a day and a half, and I am indebted to Counsel on both sides for their assistance. The question of (30

admissibility/.....

admissibility falls into two main parts. I shall deal first with the admissibility of the confession, A(y).

It is conceded by Mr. Thirion that if the confession which was reduced to writing before a Magistrate on the 19th July, itself is admissible, the (5 pointing out on the 21st July would also be admissible, but he claims that the confession is inadmissible because it was not made freely and voluntarily and without undue influence within the meaning of Section 244 of the Criminal Code. As far as the events of the 21st July (10 themselves are concerned, I may say that the accused - that is accused No.5 - did not say in his evidence that he pointed out the spot or spots at Clairwood on that day because his freedom of volition was impaired. His evidence is that he did not point out any spots at all, (15 and that he was taken to the place by the police who themselves pointed out the spots to him.

Approaching the matter in the way that Clayde, C.J. did in Rex versus Simon Bene as quoted in Regina versus Annanias, 1963(3) S.A. 486 (S.R.) at page (20 488, (and see Rex versus Badu, 1945, A.D. at page 823) it would be difficult indeed to hold that the alleged pointing out was made by the accused in consequence of the impairment of his volition due to anything that happened to him that day. There is nothing to induce (25 me to think or to suspect that any improper impulse was brought to bear upon the accused on that day in the nature of violence or a threat of violence. I am quite satisfied, after having seen and heard the relative witnesses, including the accused, that no acts of (30

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