

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(APPÈLAFDELING)

In die saak tussen -

NCIMBITHI JOHNSON LUBISI

Eerste Appellant

PETRUS TSEPO MASHIGO

Tweede Appellant

NAPHTALI MANANA

Derde Appellant

en

DIE STAAT

Respondent

A P P È L

TEEN DIE SKULDIGBEVINDINGS EN VONNISSE VAN SY EDELE REGTER
J.P.O. DE VILLIERS GELEWER IN DIE HOOGGEREGSHOF VAN SUID-
AFRIKA (TRANSVAALSE PROVINSIALE AFDELING) OP 17 NOVEMBER
1980.

NAMENS APPELLANTE:

NAMENS RESPONDENT :

PRISCILLA JANA & ASSOCIATES,
2de Vloer, Abbey Huis,
Commissionerstraat 51,
JOHANNESBURG.

DIE PROKUREUR-GENERAAL,
PRETORIA.

WEBBER & NEWDIGATE,
Maitlandstraat 136,
BLOEMFONTEIN.

DIE PROKUREUR-GENERAAL,
BLOEMFONTEIN.

VOLUME 16

(bl. 1379 - 1477)

I N D E X . S

VOLUME 16

BLADSY

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HOF : Laat ek net sien waar ons was.

MNR. BROWDE : U Edele, u het vrae gestel aan beskuldigde nr. 3.

HOF : Ja en u wil nog herverhoor moontlik?

MNR. BROWDE : Ek het al klaar herverhoor.

HOF : Laat ek net sien of daar 'n paar notas is wat ek gemaak het waaroor ek hom wil vra.

NAPHTALI MANANA, nog onder eed (Deur tolk)

HOF : Wie was julle leier? -- Ons het nie 'n leier in hierdie land gehad nie, maar wel 'n persoon gehad wat (10 verantwoordelik was vir wat hier gedoen moet word in hierdie land. Die leiers het ons almal in die buiteland gelaat.

Van jou, beskuldigdes nrs. 1, 2 en Lungile, wie was julle leier? -- Beskuldigde nr. 2.

Hy is jonger as jy of beskuldigde nr. 1, nie waar nie? -- Ja, dit is so.

Hoekom maak julle 'n jong man leier van twee persone wat redelik ouer is as hy? Wat is die rede? -- Die ouderdom is nie van belang in hierdie geval nie. As ons terugkom van die buiteland af, as ons terugkom in hierdie land, (20 dan is ons ewe groot, natuurlik die kwessie van die ouderdom uitgesluit. Dit wil sê, met ander woorde, al is hy 'n leier, is hy 'n leier wat jonger is in ouderdom, maar wat van belang is, ons moet met hom saam werk. Hy is alleenlik verantwoordelik om terug te rapporteer aan die buiteland, byvoorbeeld as daar iets verkeerd aangegaan het. Dan sal hy verantwoordelik wees om terug te rapporteer.

As hy nou besluit het dat julle val die polisiekantoor nie aan op daardie betrokke dag nie, maar twee dae na die (30 tyd, wat sou gebeur het? Moes julle na hom luister? -- As

... / daar

daar 'n grondige rede was, sou ons dit aanvaar het, maar ons moet eers sit en die ding ondersoek en sien wat sy redes is. As hy 'n goeie rede daarvoor gee, dan kan ons dit so aanvaar.

Kom ons aanvaar julle stry. Dit is drie teen hom. Jy en Lungile en beskuldigde nr. 1 sê nee, dit moet die Donderdag wees, hy sê nee, dit moet die Sondag wees en hy bly by sy punt, hy wil nie toegee nie, wat dan? -- Die uitvoering van die opdrag sal dan onmiddellik gestaak word en almal van ons sal die land verlaat en teruggaan na (10 die buiteland toe om ons saak daar te gaan rapporteer. Dan sal dit daar bespreek word wat die oorsaak van die probleem is en dan opgelos word.

Jy het gesê hy is 'n leier. Ek het daardie woord in jou mond gesit. Wat was sy rang? Was beskuldigde nr. 2 'n "commander" of wat? -- Ek sal nie sê hy was 'n "commander" gewees nie, maar wel, ek kan sê dat hy betrokke was in die politiek, want ons het eintlik te doen met politiek.

Wie het besluit dat hy, beskuldigde nr. 1, sou die motorkar bestuur? -- Toevallig was hy die enigste persoon wat 'n motorvoertuig kon bestuur het van die groep van ons. Geen een andersins kon bestuur het nie. (20

Wie het besluit waar elkeen sy posisie sal inneem? Byvoorbeeld jy by die hoek van die straat? -- In die beplanning van die hele ding was ons almal bymekaar gewees. Ons het ooreengekom dat almal van ons nie by hierdie aanvalplek moet ingaan nie, dit wil sê die polisiestasie. Daar moet ander persone wees wat buite sal wees en wag hou. Dit was nie eintlik spesifiek besluit dat jy of daardie een sal by so 'n punt moet gaan staan nie. (30

GEEN VERDERE VRAE.

... / MR. BROWDE

was at school.

So, how were you funded? -- I was funded by the Rand Bursary Fund.

Did you get a scholarship from the Rand Bursary Fund?
-- That is correct.

And I understand you never failed a year while you were at school? -- That is correct.

In fact, you got a double remove, from St. 4 to St. 6?
-- That is so.

When you finished school, did you have to find a (10
job in order to earn money? -- That is correct.

With whom did you stay during that period? Where was that? -- I was staying in Dobsonville township with my parents.

The people who lived at Boons, were they permitted to live there and they have always been, or what happened to them, including your parents? -- The people had been staying there peacefully for many years, up to and during about 1967 to 1969 when they received an order from the Commissioner that they had to leave the place and be (20
taken to some other place known as Leidig.

Was your grandfather involved in that? -- Yes, he was.

And what was his attitude to the removal? -- I would say about three-quarters of the people who stayed there, were against being removed from there. They refused to go to the other place. The argument was that they had a land card, this is a receipt which their grandfather had received originally from Paul Kruger when this land was purchased. (30

Who told you this? -- My grandfather. Esau Moloko

... / is

is his name.

What happened then? -- Quarter of the people who were agreeable were removed to Leidig and three-quarters did not want to be removed. They remained there and they were taken into detention, rather the heads of the families were taken by the police there and brought to Pretoria where they were detained. What happened thereafter is, the children, the women and the other people, cripples, who were left behind, were then removed during the absence of the heads of their families to Leidig and (10 after this removal, those who had been in detention, the old men, were then released and also taken to Leidig.

At Leidig, how did the land compare with that at Boons? -- The land at Boons was a very fertile land. It was being cultivated. The people there owned stock, they had cattle, sheep and goats. This compared to the land out at Leidig, which was very arid, it is situated on the foot of the Magaliesberg Mountain. It is very hot over there.

Are there grazing facilities there? -- No, there (20 was none, excepting that when the people arrived at Leidig, they did not have the stock any more, because they were compelled to sell the stock before leaving and then, a certain limit concerning goats and pigs was put and then people were made to pay tax for the keeping of the last mentioned live stock.

Did you grandfather regard this as a just removal?
-- He did not take it as such.

Did he tell you ever what the cause of this was, why people were being removed? -- He did not understand either (30 why this action was being taken.

... / Did

Did he ever give up wanting to go to Boons? -- He never did until during this year when he passed away, he still hoped that he would be able one day to get back to his land.

How did you feel about this as a youngster? -- I took this to be a very bad thing to be done to people, people to be removed from their land to a place which I know to be like Leidig.

I understand that you were employed in various capacities from about October 1973 until 1975? -- Yes, that (10 is so.

And would you describe in that time as being politically motivated or involved? -- I would say, though I was aware of the things that affected me and things that were happening around me, I would not say I was involved politically during that time.

Just tell His Lordship how it came that you were arrested in 1975? -- I was working at Doornfontein then. In Johannesburg I was stopped by the police who wanted to see my reference book, which I unfortunately did not (20 have with me. I was then arrested.

Did you actually - were you an owner of a reference book? -- Yes, I was.

And when you could not produce it, what happened to you? -- I was first taken to the police station, where I was then taken to the Magistrate's Court, West Gate.

And what happened there? -- I was sentenced to a term of imprisonment, fourteen days.

Were you given the option of a fine? -- I do not remember whether there was any mention of a fine. What (30 I do remember is, I was brought into Court, asked where

... / my

my reference book is. After explaining I was told I was being sentenced for failing to produce it and fourteen days was mentioned.

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And did you then serve fourteen days? -- Yes.

Where? -- I was taken to the Modderbee Prison. This was on a Friday. I was there at Modderbee Prison until the Monday and on Monday a farmer, Afrikaans speaking, came and took two of us to go and work on his farm. This was a farm where we woke up in the morning and our duties were to clean the pig-sty, and after doing this, we would be (10 taken to the lands and there our duties were to remove stones behind a certain tractor that was ploughing the lands.

How would you describe the living conditions on that farm? -- Firstly we were given some mealie meal and salt, this salt that has not been refined and then we were given a room in which we were to sleep.

Were you paid for your work? -- Yes, we were being paid at the rate of 25c a day.

How did you feel about this? Did you feel guilty (20 of having committed an offence? -- No, I felt I was not guilty of any offence.

And what did you attribute this incarceration? -- I took this to be the result of some of the laws of the apartheid system.

I want to come now to June of 1976. Did you yourself participate in any of the unrest? -- I did not partake.

Why not? What did you consider the issue to be in those demonstrations? -- I took this to be a matter for the students, that the students were airing their grie- (30 vances.

... / Did

Did you see or hear of any things that affected you personally? -- I would say, what affected me, affected me as a resident as Soweto. These are some of the things that were happening there. Like for instance, on the second day of the riots, this was on the 17th, me and some friends went around the township seeing what was happening and then at the Ekwezi railway station we found two groups of people. On the one side were the policemen and on the other side students. Between the students and the policemen were lying two students. They were dead and closed (10 with newspapers. They were covered with newspapers. Again at Mzinhlope I saw a group of students on the one side and on the other side the police. I heard shots being fired. I saw the students scattering, running in different directions. I saw one of the students lying on the ground. I saw the police approaching that person who was lying in the ground and again I saw a policeman shooting him at point-blank range.

Were you very distressed by this? -- Yes, I was.

Did you hear that groups of people, after this, were (20 leaving South Africa? Groups of young Africans? -- Yes, I heard.

And what did you decide to do? Did you decide yourself to leave, to join the other young Blacks that were leaving? -- I also decided to leave.

Then and there or later? -- This was in September of 1977.

Why did you decide to do that? Were you at that stage in employment? -- I was not employed.

How did you come to be not employed? Had you been (30 working for Die Beeld newspaper? -- I was employed by the

... / Beeld

Beeld newspaper.

Just tell His Lordship what happened, how it was brought to an end? -- I was employed there as a driver. I was driving a light delivery vehicle which was involved in an accident during one weekend. The result of this collision is that the van, the light delivery van, was a total write off. The company ordered that I pay R300. I did not have this amount.

Could you have borrowed this from your parents or your grandparents? -- No, they would not have been able (10 to, because they did not have this amount.

And what did you feel about how your lot was in South Africa? -- My feeling was that the Black person in South Africa was so oppressed that his living conditions were difficult.

Had any of your friends left by that time? -- One friend had left earlier. I think this was in 1976. He had gone to Britain.

And what did you decide to do?

COURT : Could we leave that for later? (20

MR. BROWDE : Yes.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 14h00. COURT RESUMES AT 14h00.

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IKANYENG MOSES MOLEBATSI, still under oath

EXAMINATION BY MR. BROWDE (continued) : Mr. Molebatsi, my last question before the luncheon adjournment was, did you then decide to leave South Africa? -- Yes.

Tell His Lordship and Learned Assessors, where were you going to go to? -- To Botswana.

Did you have any clear picture of what you were (30 going to do once you got there? -- No.

... / Did

Did you decide to go in the company of others or alone? -- I decided to leave alone.

What did you imagine you were doing for yourself when you left at that time? Were things going to be better, were they going to be worse? What did you imagine? -- I was actually getting away from a situation and that I did not know what was going to happen in Botswana, though I believed that the people in Botswana lived better. I believed that on my arrival there, I would be granted political asylum, and probably get a job there, a better(10 job or a scholarship.

Did you tell your parents about that you were going to leave? -- No, I did not.

Why not? -- Firstly, I do not think they would have allowed me to leave and secondly, they would have started talking about my intention until it reached, say, the police.

Were you running away from the police in any way? Had you done anything that you feared the police? -- No, I was not running away from the police.

In any event, you crossed the border into Botswana?(20 -- I did.

Incidentally, at that stage was it a difficult operation to get across the border illegally? -- No, there was no difficulty in getting across the border. Many people were leaving in this way. It was generally known how people went about this.

In any event, you crossed into Botswana and what did you do there once there? -- I proceeded to the Gabarone police station and the police at Gabarone gave me forms which I had to fill in. I had to go and take photographs(30 of myself. I was asked by them if I had a place where I

... / was

was going to stay. I told them I did not, since I did not know anybody in Botswana. I was told that there were people outside the police station who I could talk to and make arrangements for my accommodation.

And did you do that? -- I did that.

These people, who were they? -- I did not know - originally I did not know who these people were, but later they introduced themselves as being members of the ANC. It was then arranged that they would give me place, a place to stay. (10

At that stage, did you know anything about the ANC? -- No, excepting what I had read in the newspapers.

As a result of coming into contact with these people in the way you have described, did you receive information from them on what the ANC stood and what its principles were? -- That is correct.

Was this during about a six week period in Gabarone? -- That is so.

I do not want to go into the detail which His Lordship has heard on several occasions, but just tell His Lordship(20 briefly, what did you learn the ANC stood for? -- It was explained to me that the ANC stood for the Black people of South Africa. It stood for the complaints or the grievances of the Black people in South Africa, and that the ANC also stood for or to expose the grievances of the Black people of South Africa to the world, and the eventual liberation of the Black people from the present government.

Did you understand that this would be a racial war of Black against White? -- No. That was explained to me. (30 It was said that the ANC was as such not against the White

South African people and that the ANC was against oppressive laws of the apartheid system.

How was the ANC to achieve its objects of liberating the Blacks from the oppressive laws of the apartheid system? -- It was explained that the ANC was involved in a political warfare mostly and that there was also an armed struggle.

In regard to the armed struggle, what were the targets of the ANC? -- It was said that the targets were buildings that were symbols of apartheid. It was said (10 that these targets and all the targets have got to be within the meaning of what symbolises - they have got to be politically motivated. They have got to be things that symbolise the apartheid system.

What you told His Lordship is that what was taught to you in the early days when you were in Botswana? -- That is correct. It was taught to me from Botswana and as I proceeded forward.

Did you then join the ANC? -- I did so.

Did you agree to undergo military training when it (20 was suggested to you? -- I did.

As a result, did you receive training in Angola? -- I did.

Ending up at the Funda camp? -- That is correct.

The various camps that you were at, I think you were at the camps that have been mentioned here, the engineering camp and so on, did you or did you not still receive talks on the ANC principles and political motivation and things of that kind? -- It is correct. I went through three camps and in all these camps, we received political (30 lectures.

... / Did

Did you receive lectures pertaining to the attitude of the ANC to the indiscriminate killing of lay people, those unconnected with what you call political targets? -- Yes, we did.

What was that attitude? -- The ANC is against the indiscriminate killing of people in this manner.

Was it ever compared with other organisations which are known for, what we call terrorist activities? -- Yes, we were taught in comparison to organisations such as the Red Brigade, the Japanese Red Army, Black September, (10 Baader Meinhof.

How were those organisations described to you? -- These organisations are involved in things such as kidnapping, hijacking aeroplanes, demanding money, ransoms. These are being referred to as Left Wing Extremist organisations.

How would the ANC, according to your teaching, have viewed the Silverton bank incident? -- I would say the happening at Silverton, at the Silverton bank, is altogether contrary to the policy of the ANC. (20

Why? -- Because people were held there as hostages and there was also shooting of civilians and another thing is, a bank is not a target as defined.

At the end of your training, were you taken to Moçambique in August 1978? -- That is so.

And I understand that you were ill for a long time? -- It is so. The climate in Moçambique did not agree with me.

What was the trouble? What was your ailment? -- Sinus. I also suffered headaches. I also had a chest problem. (30 Asthma? -- Yes, asthma.

... / Did

Did you have to undergo regular medical treatment in Moçambique? -- That is so.

I want to turn to September 1979. Were you given a mission to come to South Africa? -- This was in October.

I beg your pardon. In October. -- October 1979.

What was that mission? -- My mission was to come and find three bases and after that I had to get back to report.

Where were the bases to be? In what area? -- In Ga-Rankuwa.

For that purpose, did you enter South Africa on 22 (10 October 1979 at the Oshoek border-post using a forged Swazi passport? -- That is correct.

Talking about a passport, did you ever have a passport of your own? -- I never had one.

The passport found bearing your photograph had the first entry I think some time in 1969. When was the first time that you ever left South Africa? -- September 1977.

And ^{have} you told His Lordship and gentlemen how you went out and where you came in on that occasion. You went out illegally without a passport and came in with a forged (20 passport? -- I have done that.

These bases, did you establish them? -- Yes, in that I found places that could be used as bases.

And did you go back to Maputo via Swaziland at the beginning of November 1979 in order to report this? -- I did so.

What was your next mission that you came on to South Africa? -- My next mission was on 22 November 1979. I was given a drawing, a sketch and I was told to come and find a DLB which appeared on the sketch and also to trace a (30 person by the name Thabo and that after that I had to
... /report

report back again.

Did you find the DLB? -- I did.

And Thabo, did you trace him? -- I did not find him.

Is this the mission on which you saw your brother who gave evidence in this case? -- That was at that time.

And having found the DLB and having failed to trace Thabo, did you return to Moçambique? -- I did so.

The next time you came across, what date was that? I think it was your last entry into South Africa. -- This was on 9 December 1979. (10)

With whom did you cross the border on this occasion? -- I came in with Benjamin Tau.

That is accused no. 5? -- Yes, and another one Zindile.

Is Zindile one of the men we have since heard was killed in the bank? -- That is so.

When did you first meet Zindile? -- In November 1979 I met him for the first time.

Insofar as the others are concerned, the other two who were involved in the bank, namely Stephen Mafoko ... (20 (Court intervenes)

COURT : Stephen Fanie Mafoko.

MR. BROWDE : Humphrey Makhubo. Did you know either of those two? -- I did not know them. I saw them in about December 1978 and this was at Moçambique.

Did you ever have anything to do with them? -- No.

What was the object of your coming to South Africa on 9 December in the company of accused no. 5 and Zindile? -- We had a mission to reconnoitre the Waltloo petrol and oil tanks. (30)

With what object? -- The object was to attack it ... / subsequent

subsequent to it being reconnoitred.

How long were you told to reconnoitre it before attacking it? -- There was no length of time specified. It depended on us. It depended on when we were satisfied we had sufficient data.

How was the attack to be carried out? Had that been decided? -- It had to be shot at with a Bazooka, RPG-7. It mostly depended on the reconnaissance. If it was necessary, explosives would also have been used.

Being placed at the tanks? -- Yes. (10

Who took this decision to attack the Waltloo tanks? -- It was an order which we received in Moçambique.

From what rank of people did you receive this order? What body of people? -- From the leaders of the ANC.

Were you in a position to make a decision of that kind on your own? -- No.

It has been said in this Court that you were a member - various things, one that you were a member of the Transvaal Missionary Headquarters, another that you were a member of the Transvaal Regional Headquarters Urban. What was (20 your rank in fact, if any? -- I belonged to the rank and file; that evidence is not true.

Obviously to attack Waltloo in the way in which you described, would have required both the weaponry and if necessary the explosives. Where were they to come from? -- From the DLB.

Which one? -- The DLB that I have just mentioned earlier in evidence that I discovered.

When you saw it originally, were there arms and ammunition in it or was it empty or what? -- Yes, they (30 were there, although I did not check what was inside, but

I could see that it contained certain things.

COURT : Mr. Browde, does this refer to any of the DLB's that have been disclosed in evidence or is this a different DLB?

MR. BROWDE : I think it ... (Court intervenes)

COURT : Why I am asking you the question is, it means very little, someone will have to clear it up. Perhaps you can be of assistance.

MR. BROWDE : Perhaps I can do that if I can, My Lord.

Perhaps you can assist His Lordship in that. Has (10 this DLB that you are talking about been described in evidence? -- Yes, I think it was described as AH.

Just look through that and tell His Lordship which DLB are you referring to? -- It is the DLB on photo's 1 and 2 on EXHIBIT AC.

The base in which you were, to which you were to go is that in that book also? -- The base is in this book.

Would you just tell His Lordship which photo is that? -- Photo's 6 and 7, 8 and 9. From photo's 6 to 9 is the same base. Also on photo 10. (20

6 to 10? -- 6 to 10.

COURT : This was described as a halfway base.

MR. BROWDE : Is that the one that was described as a halfway house? -- That is the base.

You and Zindile and accused no. 5 came across, you say, on 9 December and did you go to the base in Ga-Rankuwa which is the one you have referred to on the photographs?-- We proceeded to that base, yes, at Ga-Rankuwa, the halfway base.

For how long were you there? -- I think for about (30 eight days.

... / And

And during that time were there anybody else in that base other than you and Zindile and accused no. 5? -- Nobody else.

Did you carry out a reconnaissance of Waltloo at all? -- Yes, we did.

On how many occasions did you carry out a reconnaissance of Waltloo? -- I went there once.

And did you as a result of that reconnaissance make a sketch of Waltloo on a cigarette box which has been handed in as evidence? -- Yes. (10

You were arrested on 18 December 1979? -- That is correct.

By that time had it been decided whether it was possible and safe to attack the oil refineries in the way that you were told to do it in Moçambique? -- No.

While we are on that subject. Assuming your reconnaissance had shown, you had not been arrested and you had gone on with your reconnaissance and you had found that it was a feasible thing to attack Waltloo without causing extensive loss of life, let us say, of people (20 there, what would you have done? -- If that was the position, then we were not to attack it.

What would you have done? Would you have just stayed on in the base or what? -- We would have gone back to Moçambique.

You say that a time when the reconnaissance - you did that only once and you did not know whether it was possible or safe to attack the refineries. Then you were arrested. -- That is so.

During your arrest - incidentally, was that the (30 last time you saw Zindile? You never saw Zindile again?

-- I last saw him on 17 December.

Did you ever hear any one talk about an attack on the bank or any bank? -- No.

We have heard, His Lordship has been told about an abortive attack on Waltloo. Had that taken place by the time you were arrested? -- I was not present on that occasion.

My Lord, it has just been brought to my attention that in the EXHIBIT AW, there is a misprint. Your Lordship will see, it says "Beskuldigdes ingevolge artikel (10 6 aangehou"en langs beskuldigde nr. 4 staan 20 Desember 1980. Dit moet 1979 wees.

HCF: Dit sal so verander word.

MR. BROWDE : During your detention, were you held by - did you come into contact with Mr. Van der Westhuizen? -- I did.

I do not want to go into details, because I do not think it is necessary, but in brief, were you assaulted by Mr. Van der Westhuizen? -- Yes, I was assaulted by him.

And did you lay a complaint against Mr. Van der Westhuizen with the authorities? -- I did. (20

And on a complaint by you, were you examined by a district surgeon, a doctor? -- I was seen by a district surgeon.

My Lord, at this stage, I want to interrupt this to hand in a document which My Learned Friend was good enough to give me, which purports to emanate from a doctor who examined this accused on 31 January 1980.

MR. JANSEN : My Lord, I did give My Learned Friend a copy of it, but I cannot see how it can be admissible to be handed in by My Learned Friend at this stage. (30

COURT : Shall we call the doctor?

MR. JANSEN : We should call the doctor.

COURT : Unless you can come to an agreement, Mr. Browde?

MR. BROWDE : Well, if My Learned Friend insists, I shall have to do that. I understood My Learned Friend, I spoke to My Learned Friend about this. As I said, he was good enough to give it to me. I thought that ... (Court intervenes)

COURT : Mostly I cannot make head or tail out of these examinations, especially if they are handwritten. (10

MR. BROWDE : I shall be very happy to subpoena this doctor.

COURT : He is probably a ... (Mr. Browde intervenes)

MR. BROWDE : I do not know who he is.

COURT : If it is a district surgeon, then I shall give instructions. You do not have to subpoena him.

MR. BROWDE : I would be very pleased if you would.

COURT : Captain Nel, who is the investigating officer, will see that he is here. It is as easy as that. The point is, when do you want him? (20

MR. BROWDE : Perhaps tomorrow, My Lord.

HOF : Kaptein, as u kan, sien dat hy hier môre is. As dit onmoontlik is of hy is besig moet een of ander probleem, dit is nie nodig dat hy alles nou los en hier kom nie, maar as hy kan kan, moet hy môre hier wees. So nie'n bietjie later.

MR. BROWDE : Did you voluntarily agree to point out various places that Mr. Van der Westhuizen says you pointed out? -- I did not.

What in fact happened? -- I was taken to Van der Westhuizen to these different bases, made to stand there (30

... / and

and then photographs were taken of me.

Let me take for example the Pretoria West police station. As far as you were concerned, were there any plans that you knew of of the ANC or anything else which involved the Pretoria West police station? -- I knew of nothing.

And the Villieria police station? -- Nothing that I knew of. I did not even know where it was.

Incidentally, His Lordship has been told by the witness Zulu that there was a document called the (10
revolutionary council document. Do you know of such a document? -- I do not know of any such document.

As far as you are aware, what is the policy of the ANC based on, if it is based on a document? -- It is based on the Freedom Charter.

I want to deal with the so-called pointing out which took place at Springs or near Springs of that cache of arms. Would you just tell the Court in your own words what led up to that visit of yours to that area, from the beginning. -- We were at Eldorado when Van der (20
Westhuizen asked me what I knew about Springs. I said to him that I was told in Moçambique that somebody got arrested in Springs and that the name of this person is Hinsa. I also said to him that I was told that the police were armed with fire-arms. Nothing was found in the possession of this man that was arrested.

As a result, what happened to you? -- On 25 February I was fetched by a Strydom and Lesatsi. These are two police officers from the Compol Building. They took me to Springs. (30

And who did you find there? Incidentally, Lesatsi
... / is

is a Black member of the security police? -- Lesatsi is a Black member of the security police.

You were taken to Springs. Who did you find there? -- I found Van der Westhuizen and Radebe.

As a matter of interest, My Lord, I think I am entitled to say this. I think the witness said Van der Oosthuizen and that is the name that he uses. He has used it to me before and I just want to know whether he might not have used that to the interpreter as well? -- (If I may explain. He said Woosthuizen and it was not (10 clear whether he said Westhuizen or Oosthuizen and then he explained when I asked him, that Van der Westhuizen is the person he is referring to)

It might be relevant to the question of Mr. Van der Westhuizen's credibility subsequently, My Lord, but that is a matter for argument.

However, what happened at the site - by the way, before that, then you came to the site that was described in evidence. Is that right? -- That is correct.

Had you ever been there before? -- I had never (20 been to the place described before that day. As a matter of fact I had never been to Springs. I did not know Springs.

And what happened at the site? -- We found a policeman, a Mr. Botha, Westhuizen and Strydom and Lesatsi. These people accompanied me to the place that was described in evidence. On arrival there, they showed me a certain hole. Next to this hole was an empty bag. Westhuizen then said to me I must proceed from there and look for another DLB. I then left from there, being followed by (30 Westhuizen and Lesatsi. They were coming behind me.

... / Excuse

Excuse me. I just want to ask you something. You were walking away from the hole that you were being shown? -- Walking away from the hole that was shown to me.

How were you dressed? -- I had on a black pair of trousers. I did not have shoes on.

What else did you have on your legs? -- I had foot-shackles on.

And you walked? -- Yes, I was walking.

You say followed by? -- Westhuizen and Lesatsi.

And what happened while you were walking? -- I took(10 a few steps, I think about 10 steps. Westhuizen then called me and told me to take the other direction, the opposite direction as I was walking.

AND did you do that? -- Yes.

And then what happened? -- I was just walking. I was not counting how many steps I was taking. This was because my feet were stabbed, my feet were painful as a result of the stones and the grass. I was walking bare-footed and all the time I was facing the ground. As I was walking I saw a spot on the ground. This was obvious (20 that people had been tramping on the grass and there were some leaves, branches, tree branches lying around. I started walking towards that spot and Westhuizen told me to stop immediately and point at a place with my finger so that I must be photographed.

And was that done? -- Yes.

Did you have any personal knowledge whatsoever of what was in there or in that vicinity in regard to arms and ammunition and anything of that kind? -- I did not.

Or the Springs DLB, did you know anything about (30 that? -- I did not know anything about that.

COURT : Is that just another name for the same spot?

MR. BROWDE : Part of the same spot.

COURT : Or the Springs DLB. Is that another name for this particular spot which he indicated?

MR. BROWDE : Yes, it is another name for that. Well, part was a DLB, part was a, I do not know. There seems to be two areas.

COURT : Then I do not follow your question.

MR. BROWDE : Any of the arms that were found there in that area, did you have any personal knowledge of those (10 arms? -- I did not have any knowledge of arms found at Springs.

My Lord, I think I have finished with this witness. I wonder if Your Lordship would allow me a short adjournment. I would just wish to make sure that I have not left anything out.

COURT : I shall always rather allow you - you cannot discuss anything with him?

MR. BROWDE : No, of course not.

COURT : So, you can go through your notes. Should you (20 find that you have not led anything, I will allow you to re-lead it at a later stage.

MR. BROWDE : As Your Lordship pleases.

COURT : Then I think we rather carry on, because my chambers are very far. By the time I get back, quarter of an hour is wasted.

KRUISONDERVRAGING DEUR MNR. JANSSEN : Toe jy aankom in Mosambiek, het jy dadelik die ANC raakgeloop, baie kort daarna? Ekskuus, nie in Mosambiek nie, in Botswana? -- Dit is korrek.

(30

En daar het hulle aan jou verduidelik die ANC sal

... / kyk

kyk na die mense, die Swartmense, in Suid-Afrika? -- Dit is heeltemal reg.

Jy het natuurlik belanggestel in hoe die ANC na die belange van die Swartmense in Suid-Afrika sal kyk? -- Dit is so.

En jy het hulle baie uitgevra daaroor? -- Ek het hulle uitgevra.

En het die mense daar en dan vir jou gesê dat die ANC beoog om te veg teen die Blankes in Suid-Afrika, teen die Regering van Suid-Afrika? -- Dit is so. (10

En die ANC beoog om met wapengeweld die Regering in Suid-Afrika omver te werp? -- Nee.

Hoe sou die ANC dan veg en waarvoor sou die ANC dan veg het hulle vir jou vertel? -- Dit is aan my verduidelik dat die stryd 'n politieke een is. Dit is vir my gesê dat aangesien die stryd 'n politieke een is, word die geveg polities uitgevoer. Hulle het wel melding gemaak van 'n gewapende geveg, maar hulle het gesê dit is 'n sekondêre aangeleentheid.

Hoe sou die ANC nou polities veg om die Regering (20 van Suid-Afrika mee weg te doen? -- Byvoorbeeld, mense te leer, mense polities te onderrig deur pamflette te gee.

Wat sal dit nou help? -- Dit sou gehelp het om die mense bewus te maak van sekere feite. Om hulle te leer om op hulle eie voete te staan vir hulle eie regte.

Maar die mense in Suid-Afrika het mos geweet waar hulle nie goed daaraan toe is nie? -- Dit is so, maar die meeste is nie so bewus nie.

Al die Swartmense in Suid-Afrika is tog seker (30 bewus daarvan - daardie tyd, jyself ook- dat daar ... / afsonderlike

afsonderlike ontwikkeling hier bestaan? -- Ja, maar dit hang af van hoe 'n sekere persoon die situasie verstaan.

Nou maar goed, as die mense nou polities bewus gemaak word, wat sal dit nou help om die toestand van die mense te verbeter? -- Dit sou gehelp het in dié sin dat die mense dan uit sou gekom het met hulle klagtes. Hulle sou dan nie net gesit het en niks gedoen het nie.

Maar die mense kom mos al jare uit met hulle klagtes? In 1960 het jy Sharpeville gehad waar mense met hulle klagtes uitgekom het? -- Die voorval byvoorbeeld te (10 Sharpeville het alleenlik te Sharpeville plaasgevind en dit is nie waar al die Swartmense woon nie. Hulle woon in die hele land en dit is nie net in Sharpeville waar hulle onderdruk word nie, maar in die hele land.

In 1976, Juniemaand, het die mense oor die hele land, volgens, hulle, soos ek verstaan, protes teen Afrikaans as 'n medium van onderrig hulle griewe gerig. -- Dit was studente gewees.

Maar mense het hulle griewe gelig. Hulle het bewus geraak van probleme en van die maniere waarop hulle dit (20 kon lig, hulle griewe kon lig? -- Ek stem saam. Dit was studente ook in sekere gebiede, soos Soweto, Guguletu, Nyanga en ander plekke.

Wat sou jy nou gedoen het toe jy by die ANC aansluit? Wat was jou plan? -- Die ANC sou my geleer het hoe om goed te verstaan en hoe om aan te gaan.

Watter goed verstaan en waarmee aan te gaan? -- Hulle sou my geleer het wat die politieke toestand is in Suid-Afrika, hoe om dit te verstaan.

En dan? Jy was mos nie 'n dom man gewees nie. Jy (30 het jou matriek gemaak. Jy weet mos wat is die politieke

... / toestand

toestand hier? Jy vlug juis daarvandaan hier weg? -- Dit is so, maar ek het nie politiek so goed verstaan soos ek dit later verstaan het na ek die onderrig ontvang het nie.

Jy het nou aangesluit by die ANC sodat jy onderrig kan ontvang. Wat wil jy met die onderrig maak? -- Die ANC het vir my geleer en hulle sou besluit het hoe om in te pas by hulle beleid.

Het jy op daardie stadium geweet dat die ANC 'n verbode organisasie in Suid-Afrika was? -- U bedoel toe ek (10 uitgegaan het uit die land?

Ja, in Botswana, toe jy nou hierdie onderrig ontvang het? -- Ek het nie geweet nie.

Het jy voordat jy Suid-Afrika verlaat het al iets gelees oor die ANC? -- Ja, ek het.

Wat het jy gelees van die ANC? -- Ek kan nie so goed onthou wat dit was wat ek geleer het van die ANC nie, maar wat ek onthou is dat ek iets gesien het in die koerante met ANC.

Was dit 'n organisasie wat algemeen hier in Suid- (20 Afrika bestaan het? -- Ek kan nie onthou nie, dit was lank gelede.

Jy het gesê politieke onderrig is die primêre doel van die ANC en dan militêre optrede was die sekondêre doel? -- Ek het so gesê.

Wat sou nou gebeur met die militêre optrede? Hoe sou dit nou toegepas word? Wat is vir jou gesê? -- Dit sou toegepas gewees het om die politieke geveg teen Suid-Afrika te ondersteun. (Ek weet nie of dit duidelik is nie. Die woord wat hy gebruik het, is om dit te "back") (30

HOF : Herhaal dit dan net weer met die woord "to back"?

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