

PREPARATORY EXAMINATION

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF JOHANNESBURG
HELD IN JOHANNESBURG
IN DIE MAGISTRAATSHOF VIR DIE AFDELING VAN JOHANNESBURG GE-
HOU TE JOHANNESBURG

BEFORE MR.:

VOOR MNR.: F.C.A. WESSELS.

REGINA VERSUS:

KONINGING TEEN: FARRID ADAMS AND OTHERS.

CHARGE:

HIGH TREASON

AANKLAG:

FOR THE CROWN:

MR. J.C. VAN NIEKERK.

VIR DIE KROON:

MR. LIEBENBERG

FOR THE DEFENCE:

Mr. V.C. BERRANGE

VIR DIE VERDEDIGING:

MR. COAKER

MR. WEINBERG

MR. ROSENBERG Q.C.

MR. MAISELS Q.C.

MR. ZWARENSTEIN

INTERPRETER:

TOLK:

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forget my pass when going to getch water and the police meet me, I shall not go to the house to show him the pass, but will be taken in pick up van and be charged for being not in possession of this pass. I am sure to say no European women will ever carry any pass. This is only a bluff. This is our land. Why should we carry a pass. We are going to Pretoria one of these days to tell Mr. Strijdom that we shan't carry any pass. This time police will not raid shimiya, but will raid women for passes. We women in Natal will do what other women have done in the Transvaal, although means and ways can be done by Mr. Strijdom to stop us going there, we will get there."

The next speaker? --- Abel Mohale.

Will you omit that. You have a list then of names of several speakers. Will you go to the speaker Yengwa? --- This Yengwa who is the speaker now, is not Yengwa the Accused.

Omit that as well. The next speaker? --- Albert Luthuli.

Read what he said? Is that Chief Luthuli? --- Yes.

Read? --- "I stand to say I and my executive thank you for your endeavour to organise all women in this province to stand fast against passes. We are encouraging you to go forward, but whatever you do, don't forget those women in farms and reserves, for they too don't want any pass. Although I know you cannot organise them there, but try some other means to make them understand".

At the end of your notes, you also have a list of names of persons who attended the Conference? --- Yes.

Will you mention the names of Accused persons whom you have not mentioned previously? --- Abednego Ngcobo (143); S. J. Manana (133); Pious Mei (135); Dórothy Nyembe (144); Dr. M. M. Motala (138);

You hand in your notes EXHIBIT G. 785? --- I do.

You also hand in document containing the Presidential Address of Chief Luthuli? ---Yes.

That is EXHIBIT G. 786. Where did you get it? --- I got it in the Hall.

You also hand in a leaflet, EXHIBIT G. 787? --- Yes.

Is it in native language? --- Yes.

Did you make a translation? --- Yes.

And your translation is attached, EXHIBIT G. 788? --- Yes.

Is your translation correct? --- Yes.

Where did you get that document? --- Before the meeting, this was distributed to everybody. This was being distributed at the door before the commencement of the meeting.

Read? --- "The Natal Congress Conference will take place in Pietermaritzburg, Commations Hall,..... near the hospital. In this Conference everybody in Pietermaritzburg is invited, including..... and all other districts in Natal. This Conference is one of the important Conferences, more because of the many abominable laws passed by the Parliament to oppress. It enslaves the black nation, it enslaves the whole black nation, all persons here, to hear Congress leaders giving their views. This Conference will be opened on Saturday the 28th July 1956 until 29th July 1956 2 p.m. Come union members to hear for yourselves....."

Leave out the rest. You hand in another Circular which you found at the Conference? EXHIBIT 789? --- Yes.

Is it in native language? --- Yes.

Did you make a translation of that? --- I did.

You hand that in EXHIBIT G' 790? --- Yes.

Is your translation correct? --- Yes.

Will you just in every case check to see that it is the correct translation of the document? Is it correct? --- Yes.

Will you read right from the top of your translation? --- "Report on Work and Workers, by the sub-committee of Trade Unions. President, sons and daughters of Africa. Intro-

ductory. In this time of difficulty in our struggle for freedom it is important that the national organisation of the African National Congress to have a sharp eye in saving and distribution of wealth to black workers of South Africa, because of colour bar so that the sweat of the black man be worthless to him just like sweatening of the dog. Also that the rulers of this country compels us to work for overseas big bosses who are running this country. That is why all black workers in towns and farms are getting the lowest wage and this will remain permanently as it is, until agreement between master and servant is based on Freedom Charter."

Now will you omit the rest and turn to page 2, to the heading 'Politics', about the middle of your translation. Read there? --- "Politics. It must be clear that to deprive the black people of all rights and wealth, also to refuse them enjoyment in this country by the present and the previous Governments, so to refuse them liberty by means of pass system. So that they give themselves up into rural areas to work hard, and receive the lowest pay. It is the aim of the Government to have the Africans in rural areas to work in farms so that the farmers must also fill up their banks. In every country the only hope for workers are unions in every factory in the world, workers are forming trade workers organisations. The present Government had tried by all means to stop such organisations, but we can say much about the previous government in disturbing such unions. Since 1924 when the Nationalist Party with Labour Party helping the Industrial Concilliation Act put it clear that any black workers who is not an employee who is today known as a labourer. Therefore this Act also puts it clear that a labourer cannot receive privileges as an employee. The employees are Europeans, Coloureds and Indians, but because of..."

Will you omit the rest and go to the next heading 'To

Organise Freedom Armies'. Read from there? --- I cannot find it.

From where you stopped about three paragraphs lower down. Read from there? --- "To organise Freedom Armies. In connection with organising Freedom Troops, the national organisation is to handle assegaais with one hand and fight for rights and liberty in the country. That is why we raise the point of unity in the Congress and South African Congress of Trade Unions. Some organisations are especially there to deal with passes and other legislations of oppression. It is also necessary for the national organisation to acknowledge the countries how to fight poverty amongst the African people. Wage of £1 a day. Withdrawal of passes. Withdrawal of apartheid laws. The Settlement of Labour Disputes Act. Above all these resolutions to raise up all African grievances, grievances must be added to the welfare of the..... for all in the Freedom Charter. All members of the Trade Workers Union are not to be included in the National Organisation, nor the National Organisation members to be included in the Workers Union in the cities or rural areas . so as to prevent blood of workers in rural areas and small towns (Pinetown.....)"

Leave out the rest. Was it issues by any person? Do you see the name? --- S. J. C. Dlamini.

Is there an Accused person of that name? --- Yes, that is S. Dhlamini (128).

You ~~also hand in~~ another Circular which you received at the Conference, EXHIBIT G. 791? --- Yes.

Is it in native language? --- Yes.

Did you make a translation? --- I did.

You hand that in as EXHIBIT G. 792? --- Yes.

Is your translation correct? --- Yes.

Just read the heading of your translation, Exhibit G. 792? --- 'Notice. Women proceeding to Pretoria'.

You also hand that in? --- I do.

You hand in another circular which you received at the Conference? --- I do.

EXHIBIT G. 793? --- Yes.

Is it also in native language? --- Yes.

Did you make a translation? --- Yes.

You hand that in EXHIBIT G. 794? --- I do.

Is your translation correct? --- Yes.

Will you check and see whether the translation, Exhibit G. 794 is a translation of the whole document? --- Yes, it is.

You hand that in? --- I do.

And you hand in a report, which report is it? --- Draft Resolution by Provincial Executive Committee, African National Congress, Natal.

Did you receive it also at the Conference? --- I did.

EXHIBIT G. 795.

(12.8.56)

EXAMINATION BY P.P. CONTINUED :

Did you also make notes at a meeting held on the 12th August, 1956? --- Yes.

What meeting was it? --- African National Congress Women's League.

Where was it held? --- Trades Hall, Johannesburg.

Were you on observation duty there? --- Yes.

Did you make a list of names of persons who you saw at the meeting? --- I did.

Will you go through your list and mention the names of Accused persons whom you saw there? --- Dorothy Nyembe (144);

(10.10.55)

EXAMINATION BY P.P. CONTINUED :

Did you make notes at a Conference held on the 10th October, 1955? --- Yes.

What Conference was it? --- African National Congress, Two Sticks Branch, Durban.

What time did the Conference commence? --- 9 a.m.

Until when? --- It ended in the afternoon, but I do not see just where I have written it down.

How many persons attended the Conference? --- 40 men, 51 women.

Is that all? --- Yes.

Who was the Chairman? --- G. Nyembe.

Who was the Secretary at the Conference? --- A. Gumede.

Is he one of the Accused? --- Yes (129). h

Who was the first speaker at the Conference? --- G. Nyembe opened the meeting.

What did he say? --- "G. Nyembe opened the meeting at about 9 a.m. and declared the meeting a closed session and the undermentioned persons were present"

Then you have a list of names of persons, is that correct? --- Yes.

Will you go through them and mention the names of Accused persons? ---- P. G. Mei (135); P. H. Simelane (150); B. Mkize (136). |

What is the next note you have after the list of names? --- Speech by Gumede. /

Is he one of the Accused? --- Yes (129).

Were you inside the Hall when he addressed the Conference? --- Yes, it was 12 o'clock and I was in the Hall.

Read what he said? ---- "Gumede : Sons and daughters of Africa. I would like to tell you that passes are a big machine to control African people. I would like to remind you of late Nkosi who died fighting against passes here in Durban. Even the Group Areas Act means nothing but a pass because you cannot stay anywhere without producing a pass. Passes are a problem even to a policeman when off duty. This system amounts to fascism. Now the said thing about it is that these passes are imposed on African people only. Today we are here as delegates of the African National Congress in this Conference

to discuss the pass laws. Now our women are becoming victims of this law. Now I would like to make this one of our resolutions, whether we object pass laws on our women. This will be a dangerous thing to our women because police will take advantage on our womenfolk as is the case in liquor and beer."

The next speaker? --- G. Nyembe.

Is that the Chairman? --- Yes.

Will you omit that and get to the speech of Dorothy Nyembe? --- "Dorothy Nyembe..."

Is she one of the Accused? --- Yes (144).

Read? --- "I think it was serious enough for men to carry passes. Now this is being forced on we women. I dare say here at Cato Manor, police will play havoc on us. I am sure we will have different children in the family. The Government make mistake by not recruiting women police to deal with other women. I ask that all women in this house should divorce their husbands if husband does not take action in defence of his wife. I do not like to be medically examined by a European doctor".

Then you have another list of names of speakers. Will you go to the speech of Dr. W. Z. Conco? --- Yes.

Is he one of the Accused? --- Yes (127).

Read what he said? --- "Chairman and members. Glad to have this opportunity in connection with the Natal Conference. Firstly I greet you all in the name of the African National Congress and must tell you that this what I am to say to you is from J. Luthuli. (a) (Names of banned men in Natal were read). So I think this Conference will carry out desires of all banned men today. The A.N.C. is gaining fame and popularity amongst all people. Why? Because (i) of its truthfulness; (ii) its determination and its fearlessness. The Nationale Party is determined to its apartheid policy, and I say it is the only strong organisation amongst the whites. The United Party is proving a failure, the Liberal Party is half-way with

us of the African National Congress in some points, but we still go further than that, we of the African National Congress go on the unconstitutional method for we defy, whereas - for we differ, wher as the Liberals say No. We must sweat if we want freedom. The African National Congress has done a lot of good. It had succeeded in introducing the Congress of the People, which formed the Freedom Charter, but I still say this is too little than what we are to do next, e.g. passes for women, influx control, reclamation scheme, Bantu Education, which I consider more serious. I do not consider it right for us to nominate school boards ro fight this inside. The Native Representative Council failed so why do we go the same way in this Bantu Education. We decided to boycott this education. The Ilanga Lase Natal published a very big article because we decided to boycott this education. You must know that now about sixty teachers have been expelled by the Native Affairs Department through Dr. Verwoerd's spies. Children will be taught in Zulu up to Standard VI. In due course all subjects will be in Zulu or so, but we don't hear these boards objecting to this. Just see this Scho l leaving certificate for Africans will be Standard II, whereas for all other races it is Standard Vi. The Removal Scheme I will leave this subject for the next meeting. Pass Laws. Your women will bear babies in gaols and charge offices although this has not yet become an Act, but it is going to be done. Remember the Black Sash women. They said we must not do it, but why they are doing it. Luthuli's Illness...."

Will you omit the rest of his speech. And then, was there another speaker, P. G. Mei? --- Yes.

One of the Accused? --- Yes (135).

You hand in your notes EXHIBIT G. 796? --- I do.

At that same Conference, did you receive certain circulars? --- I did.

Where did you get them? --- Inside the Hall.

And you hand them in EXHIBIT G. 797 to G. 802. Are they all written in native language, is that correct? --- Yes.

What language? --- Zulu.

Witness Solomon Dunga will give evidence as to the translations of these documents.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION RESERVED.

ZACHARIAS STEPHANUS THOMAS, duly sworn;

(27.6.54)

EXAMINED BY THE P.P. :

You have already given evidence? --- I have.

Did you make notes in respect of a meeting held on the 27th June, 1954? --- I did.

You have your notes before you? --- I have.

What meeting was it? --- African National Congress meeting, held at Uitenhage.

What time did the meeting commence? --- At 2.35 p.m.

Until when? --- I did not make a note until when.

Who was the Chairman? --- I don't see anything on my notes, whether I marked it or not. I will just go through it. The meeting was partly on when I arrived.

Was it already in progress? --- Yes.

Will you start reading from the beginning of your notes? Was that a speech? --- I don't know. I made a note of somebody speaking there. I am unable to say who that person was. I'll read out what he said. "I am still speaking about this day, our remembrance day. We are hired in our country. The sins of a person don't follow you, but you follow it. The law of Europe is divide and rule. The Europeans came to this country with bullets and bombs. We were placed on this earth by God. The freedom was made by God. Before God made anything, he divided the water and earth. Why did God make us. A black man is like a tennis ball. If you hit it he jumps up and is not like a stone. Even if they shoot me to die I will stand

up and look for my freedom." Then I made a note of Mtwana of Johannesburg, and then Florence Matomela is the next speaker.

Do you know whether she is one of the Accused? --- She is (111).

Read what she said? --- "Today we are surprised to see that the children born on the 26th June, 1952 on our remembrance day. The Chairman said that there is no young child who can carry a stick. I want you young daughters to carry your children and not to let them fall. You are told by the Bible you must stand in peace and not be in the yoke of oppression." Then Mtwana spoke.

Omit what he said. The next speaker? --- Regerend Gawe.

Is he one of the Accused? --- I wouldn't be able to identify him.

Do you know him? --- No. I only found out the name afterwards.

Read what he said? --- "I want to read a piece out of the Bible which is not in your Bible. It was in the Bible before it was printed in your Bible. If a person is oppressed, you go to God who will help you in your oppression. You will decide that this road is the road shown to you by God. To overpower is not by stick but with the truth. Some of you run away from God. This gathering shows that the Africans have woke up. You must go forward and not backward. If you speak of God you must not cry. You are waiting to be put in gaols. You are frightened by the gaols."

The next speaker? --- Njongwe.

Omit what he said. The next? --- W. Sisulu.

Is he one of the Accused? --- Yes (70).

Read what he said? --- "I don't want to talk long as you have seen the big bull here. We are doing this because the sun is sinking. Our work have already been completed. Yesterday, the 26th June, 1954, the day we called our priests to look at us. Our reading given to us by Qamota will not be removed by

Verwoerd. Those people at Johannesburg who are to be driven out of their houses, we are standing with them whole heartedly."

The next speaker? --- Luthuli.

Is that Chief Luthuli? --- Yes.

One of the Accused? --- Yes (132).

Read what he said? --- "I just want to say that Africa must return with your help. I have already said so to Malan. If Africa returns, it will be in our hands. If Africa don't come back it will be through the failure of you people. You must listen to your leaders. I want you to listen carefully to your leaders. They came hereby boat. We are not arguing the point. Africa is ours. You are the person causing the delay in our way of freedom. The freedom is a thing of God. Those who want it and those who said they don't want it. We must go on to the Congress in order that we go forward. We must take work where we get together and go forward together. We say the liars amongst you and you see a man hiding in his house instead of going to the meetings. You must go forward. You would see a person who is afraid will sit down, but if you go forward, he would eventually follow you."

The next speaker? --- Njongwe.

Read? --- "Those of New Brighton who are here must know that Henen is to be boycotted that he should close this week. It is a long time we are playing with him".

You hand in your notes EXHIBIT G. 803? --- I do.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. COAKER :

You have attended a great many meetings of this sort in the course of your duty? --- I have.

You can't really remember anything about this meeting apart from what is written in your notes? --- I can remember it.

You can remember the meeting? --- Partly, because the

wind was blowing terribly that day.

That made it difficult for you to hear? --- Correct.

So you were unable to get down more than a very small portion of what was said? --- Correct.

What language was used by the speakers? --- Which speakers

Did they use different languages? --- Mtwana spoke Xosa. Florence Matomela spoke Xosa. Luthuli spoke Xosa, a mixture of Zulu and Xosa, but I can understand that.

Are you a native linguist? --- I am.

Was this your translation from those speeches? --- I took it down in longhand on the notes whilst writing it in translation.

So it is your translation that we have here? --- Yes.

You did your best to take down as much as you could of what was said? --- I did.

But in fact you were not able to get down more than a very small percentage whilst writing in longhand? --- I took down what I heard.

You wouldn't get down more than a very small percentage of what was said because you were writing in longhand? --- I came there when the meeting was in progress. I only took down what I could hear from the meeting.

Listen to my question. You could not get down more than a very small proportion of what was said because you were writing in longhand? --- That is correct.

You say that the person whom you described as Luthuli spoke in Zosa mixed with Zulu? --- That is right.

Which of the native languages is the one which you yourself understand? --- I understand Xosa.

And that is the language which you are sufficiently expert to make a translation? --- Yes.

Do you claim to be a Zulu linguist? --- I can understand Zulu.

Everything in Zulu? --- Not everything.

Then you can understand some Zulu insofar as it resembles Xosa? --- Yes.

But where there is a difference in Xosa, you can't understand it? --- No.

Where did you get the name Njongwe? --- I know him.

Where did you get the name Sisulu? --- I know Sisulu.

And you also know Luthuli? --- I do.

NO FURTHER QUESTIONS.

NO RE-EXAMINATION.

NATHANIEL SOGONI, duly sworn;

(11.8.56)

EXAMINED BY THE P.P. :

You have already given evidence? --- Yes.

Did you make notes in respect of a meeting held on the 11th August, 1956? --- I took the names of the people.

What meeting was it? --- It was held at the Trades Hall, Kerk Street, Johannesburg.

What meeting, do you know? --- No.

Will you go through your list and mention the names of Accused whom you saw there?

BY THE COURT :

Will evidence be led as to what it was? --- Zulu gave evidence too this morning of the same meeting.

Was Zulu with you? --- Yes, we were on observation outside the Hall.

BY THE P.P. :

Further evidence will also be led.

BY THE COURT :

What organisation will this be according to the evidence we will hear? --- Conference of the Federation of South African Women.

BY THE P.P. :

Mention - you said you made a list of the names of persons whom you saw there? --- From Port Elizabeth.

meeting.
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W264.

Zulu said
12/8/57

Will you go through and mention the names of Accused persons? --- F. Baard (99);

Is that all? --- Yes.

On the next day, the 12th August, 1956, did you again keep observation at the same place? --- Yes.

Did you again make a list of names of persons whom you saw at the Conference - at the Trades Hall, rather? Will you go through and mention the names of Accused persons? --- F. Baard (99).

Is that all? --- Yes.

On the 9th August, 1956, were you on duty at the Union Buildings, Pretoria? --- Yes.

Were you there again on observation duty, is that correct? --- Yes.

Was there a procession of women at the Union Buildings? --- Yes.

Do you know in connection with what? --- In connection with the protest against the issue of passes.

Did you make a list of names of persons whom you saw taking part in the procession? --- Yes.

Will you go through it and mention the names of Accused persons? --- F. Baard (99).

Is that the only one? --- The only one I saw from Port Elizabeth.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. COAKER :

With regard to the meeting at the Trades Hall, you and Zulu were in the Street outside the Trades Hall, were you? --- Correct.

You watched people who went into the entrance into the building? --- Yes.

NO FURTHER QUESTIONS.

NO RE-EXAMINATION.

(23.6.56)

JACOBUS MARTHINUS BESTER, duly sworn;

EXAMINED BY THE P.P. :

You have already given evidence? --- I have.

On the 23rd June, 1956, did you take possession of certain documents? --- I did.

Where? --- Sea Point.

In Main Road, Sea Point? --- Yes.

What was going on there? --- There was a table and signatures for the Freedom Charter were being collected.

What type of documents did you take possession of? --- Signature list entitled 'Sign the Freedom Charter' issued by the Cape Town Congress of Democrats.

You have a specimen sample before you? --- Yes.

You hand that in EXHIBIT G. 804? --- Yes.

And what other type of documents, just mention the other type of document you took? --- A number of pamphlets also entitled 'Sign the Freedom Charter'.

You have a specimen as well of that, EXHIBIT G. 805? --- Yes.

By whom was it issued? --- The Congress of Democrats,

Any other type of document? --- Also in the form of a pamphlet, with the heading 'The Freedom Charter'.

EXHIBIT G. 806. Issued by whom? --- The Congress of Democrats.

Can you give the Court an idea of how many documents you took possession of, how many documents you saw there? --- What is included in the exhibits here.

Was there a bundle of documents, or only one? --- No, there were quite a number of documents.

Similar to those you have handed in? --- Yes.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. COAKER :

Did you have a warrant to seize these documents? --- Yes.

Who issued the warrant? --- The Magistrate, Cape Town.

Did it empower you to seize all the copies of any such document? --- Yes.

Where is that warrant? --- It is in the possession of the Crown.

May I see it, please?

BY THE P.P. :

I am not in possession of the warrant.

BY MR. COAKER :

Did you personally obtain this warrant? Did you go to the Magistrate and ask him for the warrant? --- Yes, it is the normal procedure.

Why did you do that? --- It was the obvious thing to do. We do a thing legally.

You say one must act legally? --- Yes.

You mean you saw that some signatures were being collected and so you decided you ought to seize the signatures and documents relating to them? --- The documents as they were on the tables. We had information that application had been made for the placing of the tables.

Did you receive instructions from your superior officer to act in this way? --- No, it is in the course of investigations.

I don't think - You learnt that an application was made to place tables in this position? --- Yes.

So, beforehand you obtained a warrant from the Magistrate and as soon as the tables were in fact placed there and signatures had started being obtained, you then seized the documents in terms of a warrant? --- Yes.

Which of course put a stop to the obtaining of signatures? --- Obviously.

Because there were no longer any forms left? --- Correct.

Were you obtaining these forms for the purpose of evidence? --- Naturally, it was in the course of investigations.

You wanted them for evidence, not for any other reason?

--- No.

Why then did you deem it necessary to take all the documents you found and not merely specimens of them? --- I thought it would be evidence if you took the complete set of documents that was on the table.

Because you will agree with me that there are a number of copies of the leaflet called 'Sign the Freedom Charter', a number of copies of a document entitled 'The Freedom Charter' and several copies of a document entitled 'Sign the Freedom Charter' with a place for a list of signatures. That is so?

--- Correct.

Why did you think it necessary to take about fifty copies of this pamphlet called 'Sign the Freedom Charter' if you wanted it merely as evidence? --- It is all evidence. The whole set of documents.

If there were a thousand copies, would have taken a thousand? --- Yes.

I don't suppose you were in any way interested in putting to a stop, in bringing to a halt the attempt to collect signatures for the Freedom Charter? --- That was not the idea. Just to collect evidence.

NO FURTHER QUESTIONS.

NO RE-EXAMINATION.

(Int. A.J. Maree - Eng.-Afr).

DANIEL MICHAELIS CHRISTOFFEL JOHNSON, verklaar onder eed;

VERHOOR DEUR DIE P.A. : (15.8.54)

U het reeds getuienis gegee? --- Ja.

Op 15 Augustus 1954, het u gegaan na die Banketsaal, Kaapstad? --- Ek het.

Was daar n Konferensie aan die gang? --- Daar was.

Watter Konferensie was dit? --- Dit was n Konferensie van die Congress of the People.

Wat het u daar gedoen, vertel ons wat u daar gesien het?
--- Ek het saam met ander lede van die mag gegaan en ek het
beslag gelê op sekere dokumente wat in besit was van ene
Greenwood Ngotyana.

Is hy een van die Beskuldigdes? --- Hy is (92).

Jy handig nou die dokumente in wat jy by hom geneem het?
--- Ja.

BEWYSSTUKKE G. 807(a) tot (o)? --- Dit is reg.

Begin met Bewysstuk G. 807(a). Wat se dokument is dit?
--- Dit is a getikte stuk, met die opskrif 'Cape Western Provin-
cial Conference of the Congress of the People held on the 15th
August, 1954, at the City Hall, Cape Town at 10 a.m.'.

Sal u net lees van die begin? --- "Report of Mr. G.
Ngotyana, organising secretary of the Cape Western Action
Council of the Congress of the People on the third item of the
agenda of the Cape Provincial Conference - of the Cape Western
Provincial Conference of the Congress of the People. Mr. Chair-
man, brothers and sisters. The National Volunteer Board calls
for a great nation wide campaign to rouse the people against
apartheid and prepare them for devisive steps to defeat it and
root it out of the seat of power. They call on the citisens of
South Africa to take part in the campaign. They call for 50,000
South Africans to volunteer for active intensive work in the
campaign, mobilising a spirit of resistance to apartheid and
carrying into every corner of our the message that we must
stand and fight till apartheid is defeated. Volunteers must
raise to new heights, greater even than during the Defiance
Campaign. The spirit of the people of all races to win free-
dom by their own efforts. Volunteers must carry throughout the
country the message of the coming Congress of the People and
must gather the demands of the people for the Freedom Charter
which will be adopted at the Congress of the People. Volunteers
must meet the reckless violence and reliance on force of the
Nationalist Government with discipline, a refusal to be provoked

and a determination to carry on their struggle till liberty is won. It is not necessary for me to deal with the structure of the organisation as such, but to explain the procedure for enrollment. Volunteers must sign an application form for enrollment as a Freedom Volunteer and these forms are ready for anyone who wants to apply now. They are printed in both languages, English and Xosa. They must the pledge, such a pledge is already translated in Xosa in order to enable every African to understand clearly the meaning of the pledge. All Volunteers must accept the code of discipline which is already in both the languages and obtainable right now for any African. The purpose for a code of discipline is to teach all Volunteers a sense of service, responsibility and discipline. Volunteers must be encouraged to plan their own work and to accept responsibility of all tasks given them. Volunteers must obey all orders given to them by their leaders. Volunteers must accept criticism and reprimand without ill feeling. Volunteers must set an example to all by their appearance, bearing and conduct. Therefore they must maintain a high standard in cleanliness both in person and in dress. They must at all times avoid drunkenness and hooliganism. While on duty they must be erect and alert. Volunteers must never allow themselves to be provoked into..."

Sal u die res uitlaat. Nou gaan na BEWYSSTUK G. 807(b). Wat se dokument is dit? --- Dit is twee blaadjies in handskrif met die opskrif 'Minor Areas; and Major Areas'.

En BEWYSSTUK G. 807(c), was is dit? --- Dit is 'n getikte stuk, blykbaar onder die briefhoof 'Cape Western Action Council of the Congress of the People' met die adres 'P. O. Box 4552, Cape Town, 5th August, 1954, and Addressed to Mr. A. Benyana, 1 Radis Cottages, Klein Drakenstein Road, Hugenot, C.P.'

Was it signed by any person? --- Dit is nie geteken nie.

Sal u na dokument G. 807(d) - wat is dit? --- Dit is n getikte stuk met die opskrif 'Speaker's Notes on the Congress of the People'.

Die volgende een, G. 807(e)? --- Dit is n soortgelyke omsend brief blykbaar, ook met die opskrif 'Report from National Volunteer Board'.

Die volgende dokument 807(f)? --- n Getikte stuk met die opskrif 'National Action Council for the Congress of the People Draft Plan and Campaign'.

Die volgende ene 807(g)? --- Dit is n briefhoof van die 'National Action Council of the Congress of the People'. Dit kom van 4a Kort Street, Johannesburg, South Africa, 1st July, 1954 and it is addressed to The Secretary, The Joint Working Committee, A.N.C., S.A.C.O.D., S.A.C.P.O., P. O. Box 4347, Cape Town. En dit is onderteken deur ene W. M. Sisulu.

Die volgende dokument, G. 807(h)? --- Dit is ook n getikte stuk op n briefhoof van die National Action Council of the Congress of the People, met die adres 4a Kort Street, Johannesburg, South Africa, 3rd August, 1954. And then the heading 'Provincial Committees for the Congress of the People' en dit is onderteken ook deur ene W. M. Sisulu, for Secretariat.

Ken u so n persoon, W. Sisulu? --- I don't know the person, but I know who the person is. He is one of the Accused in this case (70).

Sal u net daardie dokument lees. Dit is (h)? --- "The Provincial Committees of the Congress of the People. Dear Friend, As you are aware, there will be a meeting of the full National Action Council in Durban on Sunday, August the 15th, the purpose of the Council meeting is to consider the progress made to date and to plan the next stages in the campaign for the Congress of the People. Your region will have no representative at the Council and he will be required to give a full report on the work which has already been done in your region and on your detailed plans for future work. This report should,

if possible, be submitted in writing. Any queries in this regard should be sent to the Secretariat at the above address. Yours fraternally, W. M. Sisulu, for Secretariat."

Die volgende dokument, G. 807(j)? --- Dit is n getikte stuk, met n hoof 'Cape Western Action Council of the Congress of the People, P. O. Box 4552, Cape Town, 13th August, 1954 and it is addressed to The Chairman, National Action Council of the Congress of the People'.

Die volgende dokument, G. 807 (k)? --- Dit is n afgerolde stuk in naturelle taal.

Die volgende dokument G. 807(l)? --- Dit is ook n afgerolde stuk in naturelle taal.

Die volgende dokument G. 807(m)? --- Dit is ook n afgerolde stuk, of n dokument, met n naturelle taal op die een kant en die ander kant is in Engels.

Die Engelse hoof, opskrif? --- 'National Volunteer Board of the National Action Council. Freedom Volunteers Code of Discipline'.

Die volgende dokument G. 807(n)? --- Dis ook n afgerolde dokument in naturelle taal.

Die volgende dokument G. 807(o)? --- Dis ook n afgerolde dokument met die hoof 'Cape Western Action Council of the Congress of the People'. Dan 'The Cape Western Provincial Conference of the Congress of the People to be held on the 15th August, 1954, at 10 a.m. at the Banqueting Hall, City Hall, Cape Town.' En dan gee dit die tye van die werk - die agenda wat afgehandel sou word daardie dag.

Is al persoon wat u onthou het, die een wat u genoem het, Greenwood Ngotyana wat daar gewees het? --- Ja.

VERHOOR DEUR P.A. VERVOLG :

(17 en 18.12.55)

Gedurende 1955 het u die jaarlikse Konferensie van die African National Congress te Bloemfontein bygewoon? --- Ja.

Watter Kongres is dit? --- Dit is n Kongres van die African National Congress gehou te Bloemfontein.

Kan u onthou watter datum dit was? --- Ja, dit sou op die 16e Desember 1955 gehou gewees het, maar omdat dit n vakansie dag gewees het, kon hul nie die Kongres gehou het nie en dit is op die 17e en 18e gehou.

U het nie notas in verband met daardie Kongres nie, is dit reg? --- Nee, ek was net bloot vir observasie diens daar gewees.

Het u enige van die Beskuldigdes daar gesien? --- Ja, ek het drie van die Beskuldigdes van Wes-Kaapland daar gesien.

Wie het u daar gesien? --- John Mtini (91); Joseph Morolong (88); David Mgugunyeka (87).

Onthou u nog die geval toe n sekere skip 'Midway' in Tafelbaai gewees het? --- Ja, ek kan dit goed onthou. Dit was n Amerikaanse vliegtuigdraer.

Wanneer was dit? --- Dit was vroeg - of liever dit was in Januarie 1955.

Was u op diens naby die skip? --- Ja, ek was daar gewees.

Wat het daar aangegaan? Wat het daar gebeur? --- Daar was n betoging gewees.

Deur wie? --- The South African Peace Council. Dit was volgens plakate wat ek gesien het wat mense opgehou het.

Was enige van die Beskuldigdes onder daardie persone wat die betoging daar gehou het? --- Ja, Sonia Bunting was daar. Ek het met haar self gepraat. (79).

Kan u nog onthou wat die opskrifte op die plakate was, of kan u nie? --- Ja, daar was ook n stuk in die koerant daaroor, en onder andere verskyn sy in die New Age met haar plakaat en daarop het gestaan 'Atoms for Construction, not for Destruction' as ek reg kan onthou.

Kan u sê hoeveel persone daar deelgeneem het aan daardie demonstrasie? --- Daar was n groot menigte op die kaai langs die skip, en daar het n hele klompie mense met

die baniere en plakate gestaan. Ek het geskat so omtrent tien tot vyftien mense.

GEEN VERDERE VRAE NIE.

KRUIS-VERHOOR VOORBEHOU.

(Int. E. Mazwai - Eng.-Zulu)

AMOS NHLAPO, duly sworn;

EXAMINED BY THE P.P. :

You are a Native Detective Constable, South African Police, stationed where? --- Benoni.

During December, 1955, were you stationed at Kimberley? --- Yes.

Were you instructed to go to Bloemfontein? --- I was.

What day did you depart from Kimberley to go to Bloemfontein? --- On the 16th December.

Did you actually leave Kimberley on the 16th December? --- Yes, on the 16th December at 2 a.m.

Do you know what was taking place at Bloemfontein before you left? --- Yes.

What was going to take place there? --- There was a Conference of the A.N.C.

In what capacity were you going there? Did you go to the Conference, first? --- I was together with the members of the A.N.C. who were going to Bloemfontein from Kimberley.

Did you also go as a member? --- Yes.

Where - you said you were going with members of the A.N.C. Where did you meet them? --- They did not know that I was a member of the Police.

Where did you meet the members? --- 593 Location, Kimberley.

Did you then go from Kimberley with them to Bloemfontein? --- Yes.

At the Conference at Bloemfontein, did you draw up a report? --- I did.

Where actually? Just tell the Court the circumstances

under which you drew up the report. Was it inside the Conference or where? --- I was inside the Conference.

And you now have that report before you, is that correct? --- Yes.

Will you read from the beginning of your report? --- "Wet met at No. 593 on the evening of the 15th December, 1955. We were twelve in number. We paid the sum of £20 to Mr. Poholo for the journey to and from Bloemfontein. We left at 2 a.m. on the 16th December. We arrived at Bloemfontein at 6.45 a.m. We arrived at the residence of Mr. Mafura at No...."

Do you know whether Mafura is one of the Accused? --- ✓
Yes (155)

Read on? --- "... At No. 3338 James Scott Street, Bochabela Location. There we were told where our lodging was arranged. The lodging was 7/6d. per day, and delegation card. On the 16th, on the same day, at 10 a.m. we went to the Anglican Church for an half an hour service. After the service the mother of the A.N.C. Mrs. Luthuli took the lead when we marched in the streets singing protest songs. Mrs. Luthuli lodged at No. 3410 Matlabe Road, and Chopps - Abraham Sechoareng lodged at 3361 King Road..."

Do you know Chopps? --- Yes.

What is his name? --- Abraham Sechoareng. ✓

Is he one of the Accused? --- Yes (158).

Read on? --- "At 12 midday I board the bus to town in view of seeing the C.I.D.'s. I found that they were not in the office. The notice was pinned at the door that they will be in at 2.30 p.m. I returned to the location. At 2 p.m. on the 16th I met Dr. Letele..."

Is Dr. Letele one of the Accused? --- Yes. (154).

Read on? --- "He told me that there is a man from Transvaal. He is banned from the A.N.C. but he had come to Bloemfontein. Now he is looking for accommodation so that they should hide him. From there we parted. I board a taxi to

town to report to the Detectives. Still they were not in office. At night I went to the house of Johannes Motloug, the policeman...."

You must read your report as it is? --- "I board a taxi to town to report to the C.I.D.'s still they were not in. It was 3.15 p.m. The taxi demanded 6/- for a special run. The same night I crept and went to C.I.D. Constable Johannes Motloug about what I heard from Dr. Letele. On the 17th the women had their meeting. Lilian Ngoyi was the chief speaker on the passes and Bantu Education Act..."

Lilian Ngoyi, is she one of the Accused? --- Yes (52) ✓

Read on? --- "After that they held a vote for the women who will take up the lead of the A.N.C. Women's League. The Results were as follows...."

Mention the names of persons elected? --- "Lilian Ngoyi (52); Mrs. Brandt, Secretary; Mrs. Bisit, Treasurer;

Were the Committee members of the African National Congress Women's League also elected? --- Yes.

Will you read the names of Accused persons elected to this Committee? --- Ranta (62); Mohlakoene (156); Mashaba..

Do you know her name? --- No.

Could you point her out? --- No.

BY THE COURT :

Do you know whether it is a male or a female? --- Female.

Can you point out this person? --- No.

How do you know she is an Accused person? --- Only by the name.

Have you got a list of the Accused persons? --- No.

How do you know that this person Mashaba is an Accused person? --- I know that there is a Mashaba who was arrested.

Were you told so? --- No.

How do you know there was a Mashaba arrested? --- I read it in the newspaper.

What about Mohlakoene? --- I only saw this person at the

Conference when I took down the names.

You won't be able to point out this person? --- No.

How do you know she is an Accused person? --- Only of what I read in the papers.

And Ranta? --- The same applies.

That wouldn't be proper identification, Mr. Prosecutor.

BY THE P.P. :

Will you read on from your report? --- "On the 17th the the following..... (witness inaudible. Interpreter reads his notes for him).... were voted as Ministers or Commissions. The Minister of Labour, Mr. Masina. Minister of Land, Mr. Ntsunungwa. Minister of Houses and Security, Mr. C. J. Mayeko kiso. Minister of Education and Culture, Robert Resha. Minister of Laws, Mr. Hutchinson, Johannesburg."

Do you know any of those persons voted as Ministers? --- Yes.

Who? --- Robert Resha.

Is that all? Can you say whether he is one of the Accused? --- Yes, he is. (63). (Interpreter continues reading witnesses' notes) "... The Congress of Democrats sent Mrs. Helen Joseph on its behalf. She said that the passes made for women its just an insult to Native women. The European women will carry the passes only to make the Native women to carry, they will not be asked to produce passes wherever they go. In other words it is just a frick to get Africans to be in possession of that dirty and abominable paper, so called Registration Book (Pass). She told them to fight tooth and nail against it."

Do you know the person Helen Joseph? --- I do.

Is she one of the Accused? --- Yes (13). (Interpreter continues reading) "At 11.30 a.m. on the 17th the reporters, we ordered to leave the hall. As they were reporters from the Bantu World. The Bantu World is regarded as the hostile press, because is the Government paper. Some delegates were in favour

of the Bantu World reporters. It was difficulty for the Chairman, Reverend Calata to decide. Anyhow, a vote was made. Those in favour of the B. World lost and the Bantu World reporters had to leave the hall in peace."

Do you know the Reverend Calata? --- I do.

Is he one of the Accused? --- Yes (100). (Interpreter continues reading) "...At 7.30 p.m. all the delegates from Cape had a meeting. It was decided Mr. Ntsunungwa should leave the secretaryship to another gentleman. We all agreed upon that suggestion. The meeting was carried out through the night. The topic for the night was for Bantu Education Act. They are all against. They will still keep the children away from school until such time something had to be done about the B.E.A."

Do you know Mr. Ntsunungwa? --- I do.

Is he one of the Accused? --- Yes (124). (Interpreter continues reading)... "On the 18th Mrs. Luthuli asked the Chairman, Reverend Calata to hand over the letter she had written to Mr. Ntsunungwa to read it. It read thus : This is my happiest time in my life to attend the A.N.C. Conference. As you know that since the expulsion of my husband from A.N.C. by the tyrannic policies of this country I did not attend meetings anymore. But for the love of my country I will be with you people, although the satan is banning our leaders. Note from Chief A. J. Luthuli. : I wish the Conference be a success as we hope that one day we will success in achieving our freedom. What really impresses me and my wife is that in 1954 December some of you on their return from the Conference which was held in Durban on their way home touched my place in Stanger where the grave of the great Chaka is, the man who believed in unity. I am banned from the A.N.C. but my soul is not banned at all. Mayebuye Afrika! There was a moment of sorrow when the delegates heard that Dr. Moosa was arrested by C.I.D.'s in town when he was just coming to location.

A letter from Trevor Huddleston was read, thus : To me its a grievance to miss the Conference as there are many obstacles laying in my way, moreover there is much work for me. I say I am going home. I'm sorry to leave S.A. at stage of movement to liberty. England is my mother and South Africa is my wife. In my prayers S.A. is first to be prayed for. Long live A.N.C. C. R. Trevor Huddleston Isitwalandwe. Mayebuye Afrika! On the Freedom Charter least was said about. As they were issued with the copies to preach the godpel of freedom and know it by heard. Private meeting the following was said...."

I don't want the next portion to be read. Then there are merely elections and a list of names. You have made a note 'Elections' is that correct? --- Yes.

Then you have a list of names of persons, is that correct? --- Yes.

What elections were those? For what? --- Elections then. The first three were elected for three years.

For what? --- President, Secretary, Treasurer.

Of what? --- A.N.C.

For the whole of South Africa? --- Yes.

Will you read the names? --- A. J. Luthuli, President. O. R. Tambo, Secretary. Dr. A. Letele, Treasurer.

Whom do you know of those three? --- A. J. Luthuli.

Is he one of the Accused? --- Yes (132).

Yes? --- Dr. A. Letele.

Is he one of the Accused? --- Yes (154).

Then you have Executive Committee? --- Yes.

You also have a list of names under that? --- Yes.

Were those persons elected to serve on the Executive Committee? --- Yes.

Read the names and if you know a name of an Accused person, mention it? --- Z. K. Matthews..

Is he one of the Accused? --- Yes (109).

Yes? --- Ngoyi.

Do you know her Christian name? --- Lilian Ngoyi.

One of the Accused? --- Yes (52).

Yes? --- Robert Resha.

One of the Accused? --- Yes (63).

Yes? --- Reverend Calata.

One of the Accused? --- Yes (100).

Yes? --- Mqotha.

Is he one of the Accused? --- Yes (118).

Are those the only persons you know? --- Yes.

You hand in your report EXHIBIT G. 808? --- I do.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. COAKER :

Will you start off by pointing out, if they are here, the people called Ntsunungwa...? (Witness identifies Accused No. 11). You have just pointed out a man who gave his number as Accused No. 11. That is man is Ntsunungwa, is he? --- Yes.

Will you point out, if he is in Court, - I suggest to you amongst these people you have mentioned as people who are known to you, are a number who are not well-known to you? --- Maybe only one, but I know most of them.

What do you mean maybe only one? --- I mean if I go amongst these people, as they are such a crowd here, when you get nearer to them they drop their heads and it is quite possible to make a mistake in pointing out the right person.

I put it to you - are you suggesting by the way, that the person you have just identified was not the right person now? --- My own, I am satisfied that he is the person.

You are satisfied that he is Ntsunungwa? --- Yes.

And he did not drop his head or make it difficult for you? --- Before he could drop his head I got up to him.

Where have you heard this story about people dropping their heads when you try to identify them? --- As I went up to

these people, they all dropped their heads.

Indeed? The man you pointed out was sitting in the front row and it was not necessary for you to go amongst the Accused, was it? --- Why I say that, as I went up to them they dropped their heads, that is why I say so.

I put it to you, for the record, that His Worship was watching, I was watching, my learned friend was watching and - my learned friend was not watching - Mr. Slovo was watching, and the people did not as you suggest dropped their heads as you approached them? --- They did drop their heads.

When did you join the African National Congress? --- 1955.

What date? --- I do not remember the date.

In the first half or the second half of the year? --- In July.

Did you have a membership card? --- Yes.

Did you attend meetings of the branch regularly? --- Whenever there was a meeting, I attended it.

Were you elected to be an officer in your branch? --- Yes, in the Youth League.

What office did you hold? --- Assistant Secretary.

Were you elected a delegate to attend this particular Conference in Bloemfontein? --- Yes.

When did you join the South African Police? --- 1954.

Where were you stationed at that time? --- At Benoni.

Are you now again stationed at Benoni? --- Yes.

How long were you stationed in Kimberley and a member of this particular branch of the African National Congress? --- Nine months.

Did you make regular reports during that period? --- Yes.

How many Conferences did you attend? --- The Congress of the People, and also the one at Bloemfontein.

Where was this Congress of the People? --- Kliptown.

Did you attend as a delegate? --- No.

Did you attend as a member of the Force? --- I was a Constable, but I did attend.

What I want to know is, did you go there openly as a Constable, or did you go there as a delegate? --- As a Constable.

Were you mingling with the delegates or were you mingling with members of the Force? --- When I got to Pimville, I mingled with the delegates, then we all went down together.

Did you attend the whole of that Conference, the Congress of the People? --- Yes.

In doing as you did in Kimberley, were you acting on the instructions of your superior officers? --- Yes.

Were you transferred from Benoni to Kimberley in order to enable you to join the African National Congress at Kimberley? --- Yes.

Did you pretend that you had any sort of work in Kimberley? Any employment other than with the Police? --- I did.

You say you regularly attended Branch meetings and sent in reports? --- Yes.

When did you make this report which has been read to us today? --- At 593, where I was and on my arrival at Bloemfontein, and at the Conference itself.

You mean you sat in the Conference actually writing while it went on? --- Yes.

Can I see the original, please? So that as a person made a speech you wrote down what that speaker said? --- Yes.

I want you to look at this report, EXHIBIT G. 808 and tell me whether any of this, actually any of this writing on this paper in what you wrote at the Conference? --- From Exhibit G. 808 I wrote this, at 593.

BY THE COURT :

At 593? Is that in the Bochabela Location? --- At the house of Sechoareng in Kimberley.

Which portion of the notes did you write in Kimberley?

--- From 'We met at 593' to 'We left at 2 a.m. on Friday'.

Is that on the first page? --- Yes.

BY MR. COAKER :

Now, the following paragraph from 'We arrived in Bloemfonte..', where did you write that? --- At Mafura's place.

On this very piece of paper which you now have in front of you? --- Yes.

You wrote that at Mafura's place. How far did you go there? --- Till the sentence : 'We were told where our lodging was arranged..' on the first page.

Did you write anything while you were at the Anglican Church? --- Yes.

What did you write while you were there? --- I only wrote that I was there. I did not write anything further as the prayers were being conducted.

And when did you resume writing?--- After the service - the sentence starting 'After the service..' That I wrote after we left the Church, as far as 'singing protest songs.' That is also on page 1.

You wrote that where? --- In the street.

You pulled out your little piece of paper and wrote this note. Was that while you were marching and singing protest songs? --- Yes.

Then you made a note that Mrs. Luthuli lodged at a certain address and Chopps at another address? --- Yes.

Where did you write that? --- 'Lodged at No. 3410..' that I wrote where Chopps was staying.

Who is Chopps, is he a friend of yours? --- He was my friend, because we were all members of the Youth League.

You wrote this at his lodging, did you? --- Yes.

Your next note that at 12 midday you boarded a bus to town. Where did you write that, on the bus? --- When I got to the office.

The office of the police? --- Yes.

So you wrote at 12 midday I boarded the bus to town in view of seeing the C.I.D.'s. I found that they were not in. The notice was pinned on the door that they will be in at 2.30 p.m.' Is that where you stopped that particular note, or did you go further? --- Yes. Carry on reading, I then returned to the location.

'I had paid 6d. bus fare.'? --- Yes.

Did you write all that at the police station? --- Yes, I wrote that at the Police Station, because I knew that it was 3d. fare each way.

So you wrote 'I then returned to the location. I had paid 6d. bus fare.' before you returned to the location? --- Yes, because I knew you would pay that.

Yes, you didn't think the bus would break down on the way or anything like that? --- No, you can never stop an accident, If it has to happen, it has to happen.

Not to go on indefinitely with this, did you from time pull out this piece of paper and make notes consisting of a few sentences at a time whenever something happened? --- That is correct and if there is anything I find that is worth writing I would write it down.

For example, in the next paragraph, you have this : 'I board a taxi town to report to C.I.D.'s still they were not in it was 3.15 p.m. The taxi demanded 6/- for a special run'. Where did you write that? At the police station again? --- After he had taken be back to the location.

You didn't think you should make a note of having been to the police station whilst you were there this time? --- No, it is only that the taxi driver said that he was in a hurry and that he would leave me. I just ran up to the office, I found that there was nobody in the office and then I ran back to the car.

Then you have got 'The same night I crept and went to

C.I.D. Constable Johannes Motloung about I heard from Letele.' Where did you write that? --- I wrote it at Johannes' place when I found him out.

Then you go straight on in the same paragraph 'On the 17th the women had their meeting' --- Yes.

'Lilian Ngoyi was the chief speaker on the passes and B.E.A.'? --- Yes.

Did you write those two sentences at the same time and place or at different times and places? --- This happened on the following day, that was on the 17th. This I wrote at the hall.

At the hall, in the meeting? --- Yes.

And you then made notes of the elections of the A.N.C. Women's League, is that right? --- Yes.

This person Ngoyi, was she known to you? --- Yes.

Was she at the meeting? --- Yes.

Now you have got these elections relating to the Women's League with a list of names, and you follow immediately with the sentence 'On the 17th the following were voted as Ministers or Commissions'? --- Yes.

Where did you write that? --- In the hall.

What language was used at this Congress? --- English, Sesotho, Zulu.

Can you remember whether these people were in fact Ministers or Commissions? --- It was said Ministers or Commissions.

In what language? --- English. There were two interpreters, one interpreting into Zulu and the other one into Sesotho.

I suggest to you that the word used was not 'ministers' but 'convenors'? Convenors of Commissioners? --- Commissions or Ministers.

Which one came first, Ministers or Commissions? ---

Commissions.

So they were called Commissions or Ministers? --- Yes.

They were not called Ministers or Commissions? --- No, they started with Commissions.

Will you give me your original notes, please? Your usual method of handwriting is to write or print each letter separate from the next, is it not? --- That is so, but I can also scribble.

You mean you can write so that you join your letters together? --- Yes.

Is that what you mean when you say scribble? --- Yes.

When you are in a hurry, I take it you scribble? --- Yes.

When you have lots of time in which to write, then you write your letters out separately, as if printed? --- Yes.

With regard to these persons whom you describe as Commissions or Ministers, is it correct that the whole Conference only lasted on this occasion two days? --- Yes, but the position is this. I did not write down everything that was said by everybody, because some speakers were speaking very fast.

What I am putting to you is this : The whole of this Conference lasted only two days? --- Yes.

And during that time a very large number of subjects was to be discussed? --- Yes.

In order to break down the discussion into a number of different groups, are there not certain commissions appointed, different groups of people who talk about different subjects? --- A man would stand up and speak on a certain topic, and after he had spoken he would sit down and the next person would be called upon to talk.

I know that is what happened during the sessions of the Conference proper, but in addition to that, there are

separate discussions carried out simultaneously on a number of topics, such as land, houses, education and so on. Isn't that right? --- Yes, that is so, and there they would not allow us to write and I would just write a few points here and there.

Afterwards? --- When they announced the Ministers, I wrote that down, but after that they said we should not write. We should not write their functions.

Don't try to side track onto something different. I am dealing now with the question of a variety of different discussions on different subjects taking place in different commissions or different committees. I have told - You have told me, I think, that that is what actually happened. Is that so? I think you have already said that this does happen? --- Yes.

Can you recall which particular committee or commission you took part in? --- They said that Minister So-and-so, his functions was to do this. All of them.

Were you yourself a member of anyone of these commissions to hold these discussions, or not? --- No.

I am putting it to you, if you don't know you must say so, that these different persons whom you have named here as ministers, had to call together or convene a group to discuss their particular topic? --- Yes, they said they would do that, but they would have to meet the Executive Committee before.

Before what? --- Before they go on with the work for which they were elected.

And then, if your notes are correct, Mr. Masina's group would talk about labour, Mr. Ntsunungwa's group would talk about land, and so forth? --- Yes.

At a certain stage the meeting went into private session? --- Yes.

And non-members and press reporters were asked to

leave? --- Yes.

At that stage, were you able to write or not? --- I wrote.

And did you keep a fairly full record of the private session? --- No, not all. I only wrote down what I could hear.

You wrote down as much as you could hear? --- Yes.

Was there any reason why you couldn't hear anything that was going on? --- Yes, there were many people making a noise, some raising up their hands, wanting to put certain questions.

At any rate, you managed to get a note of the subjects that were discussed? --- Yes.

As far as I can see there was a discussion on finance? --- Yes.

(Leave granted to H. Tshabalala No. 77, to be absent for a portion of the day on 3/7/57).

CASE REMANDED TO 3.7.1957.

COURT RESUMES 3rd JULY, 1957.

APPEARANCES AS BEFORE :

MR. COAKER ADDRESSES COURT :

Accused Absent : Position same as on 2.7.1957.
In addition : No. 31, S. Malupi; No. 121 F.
Ntsangani and No. 135, P.G. Mei
are ill. Medical Certificates
will be handed in later.
No. 83, L. Forman in back in Court.
Medical Certificates handed in
relating to No. 146, D.A. Seedat
and No. 142, B. Nair.
No. 74, O. Tambo; No. 151 B.
Yengwa and No. 9, S. Esakjee are
absent.
Leave granted to No. 34 L. Masina
to take No. 77 H. Tshabalala to
the doctor this morning.

AMOS NHLAPO, duly sworn;

(Int. E. Mazwai - Eng.-Zulu)

CROSS-EXAMINATION BY MR. COAKER RESUMED :

I was questioning you yesterday when we were interrupted by rain, about the private session of this particular Conference? You told us that you made certain notes during the private session as well as during the public session? --- Yes.

You, as a policeman, were introduced into the African National Congress for the purpose of reporting to the authorities any offence that you might discover, is that correct? --- Yes.

You were a member of the Security Branch and it was your duty to report any offence or any threat to the State which you might discover? --- Yes.

You went to this Conference for that specific purpose? --- Yes.

You attended both the public sessions and the private sessions as a delegate to the Conference? --- Yes.

The only matters which you felt it your duty to report are the matters which you have referred to in the notes which have been handed in? --- Yes.

At that time of course nobody at this Conference, except yourself, was aware of the fact that you were a member of the Police Force? --- Yes.

Have you resigned from the African National Congress, or are you still a member of it? --- I did not resign, but I went back to my duty in Benoni.

You just disappeared from Kimberley, I suppose? --- Yes.

And your reports for a period of some nine months have been handed in to the police in regard to the meetings you have attended? --- I did.

CROSS-EXAMINED BY MR. SLOVO :

When you were sent to Kimberley, were you told who to contact? --- Yes.

Who was it? --- Members of the Congress,

Were any specific names given to you? --- Yes.

Who? --- Chopps, the Secretary, that is Sechoareng.

Did you contact him when you first got there? --- I first met him at the Congress of the People at Kliptown, but then at that stage I did not know that he was the Secretary.

When you got to Kimberley, did you go and see him? --- I did.

Did you at any stage announce yourself as a policeman while you were in Kimberley to anyone? --- No.

At Bloemfontein, when you took these notes? --- Yes.

Was there anybody there to help you, any other policemen, at the Conference? --- No.

Did you discuss the form of your notes with any other person? --- No.

Before you joined the Special Branch, were you in Benoni for all the previous years of your life, or do you come from somewhere else? --- No.

How long have you been in Benoni? --- Seven months.

And before you joined the Police Force, what were you

doing? --- I was attending school.

Had you ever been to Kimberley before? --- No.

What made you decide to go to Kimberley? To join the Congress? --- My authorities, my superior sent me.

Who are your superiors? ---The Constables with whom I was working.

Who is that? --- Sergeant Moeller.

Could you indicate to the Court when you were approached to go to Kimberley, what your instructions were precisely?--- I was told that I was being transferred and I would see when I get there. I was not told anything further.

When you got to Kimberley, who did you see? --- I got to Constable Markram and Sergeant Serfontein.

And what did they tell you? --- They told me that I would have to join the Congress.

Is that all? --- They told me further that whatever happens at the Congress, this I must report.

Did they tell you how you must join the Congress? --- Yes.

What did they tell you about how you must join the Congress? --- They said I should approach the Secretary.

Did you give your right name? --- Yes.

Did you tell those with whom you associated where you came from? I am not talking now about the police? --- Yes.

Did you tell them that you came from Benoni? --- No, I told them that I came from Douglas.

Were you instructed to say that? --- Yes.

While you were there, what was your occupation on the face of things. You didn't announce that you were a policeman? What did you say to them you were doing? --- I said I was employed in town.

Did you say employed as what? --- I said I was employed by a Building Contractor.

Were you told to say that? --- Yes.

By your superiors? --- Yes.

Did you have any papers indicating that you were employed by these building contractors? --- No.

Was any pass issued to you reflecting any employment with any person other than the police? --- No.

Can you give any explanation as to why you were told to leave when you were told to leave, why you didn't stay on as a members, why you were recalled to Benoni? --- I told my superior officers in Kimberley that I wanted to go home.

For any special reason? --- No, only that I did not like Kimberley.

Did you leave anyone in your place when you left? --- No, I do not know of anybody, I just came this way.

NO FURTHER QUESTIONS.

NO RE-EXAMINATION.

(Tolk : A.J.Maree - Afr.-Eng).

FRANS SCHOLTZ LOUW, verklaar onder eed;

(17.12.55)

VERHOOR DEUR DIE P.A. :

U het reeds getuienis gegee, is dit reg? --- Dit is reg.

Het u notas gemaak in verband met 'n ~~Konferensie~~ gehou op 17 Desember 1955? --- Dit is reg.

U het nou u notas voor u? --- Ja.

Watter Konferensie was dit? --- Dit was die African National Congress Jaarlikse Konferensie.

Het u n lys van hame gemaak - Waar was die Konferensie gehou? --- In die saal te Bochabela Lokasie, Bloemfontein.

Het u n lys van name van persone gemaak wat die Konferensie bygewoon het? --- Dit is reg.

Gaan deur die lys en noem die name van Beskuldigdes? ---
Leslie Monanyane (157); Robert Resha (63); Jacob Mafura (155);
Professor Matthews (109); Martha Mohlakoane (156); Gabriel
Dechabe (153); Helen Joseph (13); Those are the ones that I
know.

Het u ook notas gemaak in verband met die selfde Konferensie op die 18e Desember 1955? --- Dit is reg.

Het u weer n lys van name gemaak van persone wat die Konferensie bygewoon het? --- Ja.

Gaan deur die lys en noem die name van die Beskuldigdes? Robert Resha.

Jy het hom alreeds genoem? --- Ja. Jacob Mafura.

Jy het hom ook reeds genoem? --- Ja. Martha Mohlakoane.

Jy het haar ook reeds genoem? --- Ja. Gabriel Dechabe.

Jy het hom ook reeds genoem? --- Ja. Helen Joseph.

Haar ook reeds genoem? --- Ja. Professor Matthews.

Jy het hom ook reeds genoem? --- Ja.

Is dit al? ---

BY THE COURT :

Does that mean that Leslie Monanyane was not present on the 18th? --- Ek sal nie sê dat hy nie teenwoordig was nie, maar gedurende die tyd wat ek by die saal was het ek hom nie opgemerk nie. Hy mag binne gewees het, maar ek het hom nie sien uitkom of binnegaan nie.

DEUR DIE P.A. :

By die Konferensie, het u ook sekere dokumente gekry, is dit reg? --- Ja.

Is dit by die - by wie het jy dit gekry? --- Ek kan nie die persoon onthou by wie ek dit gekry het nie, maar dit was 'n persoon wat van binne die saal af uitgekom het.

U handig nou BEWYSSTUK G. 809 in? --- Ja.

Wat is die dokument? --- Dit is 'African National Congress, the Annual Report of the National Executive Committee of Forty-Third Annual General Conference of the African National Conference held at Bochabela Hall, Bloemfontein, on the 16th to 18th December, 1955'.

Binne in die rapport is daar sekere dele gemerk met potlood aan die kant. Lees net daardie paragrawe? --- "We feel

sure that this, your Forty-Third Annual Conference will mark another milestone in the history of the liberation movement in South Africa. It takes place at a time in which it seems as if there is an unhampered forward march of the forces of oppression and tyranny towards their police state goal. To the careful political observer this, however, is a superficial observation. The advent of the Defiance Campaign and the campaign of the Congress of the People has to a very large extent given a clear indication of the way in which future political developments will take place in South Africa. The Nationalist Government's bassskap policy is directed towards the continuous subjugation of all non-European peoples and of all workers, White and non-White and the entrenchment of White supremacy as the dominant political factor in South Africa. This policy has eliminated the traditional European Parliamentary opposition as an opposition in the true sense of the word. This is mainly due to the fact that there is no real difference on this issue between the Government and the opposition. Defiance Campaign and the campaign for the Congress of the People not only arose the political consciousness of the people, but it brought about the emergence of the liberation movement as the only effective opposition to the Nationalist Government. Realisation of this gigantic and vital task is of the utmost importance to the movement. This task has fallen on the shoulders of the Congress movement as a natural consequence of the historical development in South Africa. Failure to accept it with all its implications and to live up to it will mean the abandonment of our country of fascism. It is in the light of this that the Congress movement will have to plan its future political activity. It is also in this light that we have to expound a policy.....
.... and its policy. The Freedom Charter is such a policy. It is the statement of aims and objectives. It has been drawn

up by the people of South Africa and in it is expressed their aspirations and desires as borne out by the personal sufferings and experiences. The Congresses are the organisations through which the people find political expression and through which they hope to realise their aspirations and objectives. To fulfil this role adequately they must mobilise and lead the people towards the realisation of their objectives as embodied in the Freedom Charter. The struggle therefore cannot be divided into separate compartments, for example, a campaign against Bantu Education is the - at the same time a campaign for the realisation of that particular section of the Charter. The doors of learning and of culture shall be open. Similarly the campaign for the popularisation of the Charter can only succeed if it is linked with the day to day struggles of the people. As an organisation we pledge ourselves to continue to support the African people in their struggle against attempts by the Government to enslave them further. In our pamphlet 'Educating for Ignorance' we endeavoured to bring home to the people of South Africa the true intentions behind Bantu Education, namely that of enslaving the minds of the African people. We have devoted much time and energy towards assisting with the formation of cultural clubs planned by your organisation and we will continue to mobilise as many Europeans as possible to assist your organisation in this regard."

U verwys na aanhangsel C van dieselfde bewysstuk?
Verskyn daar n lys van name? --- Reg.

Lees net van bo af? --- "Executive Members elected in 1952. Chief A. J. Luthuli, President General...."

As jy een van daardie name erken as die van n Beskuldigde, sal jy dit net meld? Maar lees al die name? --- "Chief A. J. Luthuli, President General. He is an Accused person (132). W. M. Sisulu, Secretary-General. Hy is een van die Beskuldigdes (70); Dr. S. M. Molema, Treasurer-General.

Wet jy of hy een van die Beskuldigdes is? --- Ek kan nie sê nie.

Lees aan? --- R. O. Tambo.

Wat se hoedanigheid het hy? --- He is an Executive Member on the list here.

Lees jy nou van die Uitvoerende - from the Executive Members? --- Dit is reg.

Do you know if O. R. Tambo is one of the Accused? --- Ja, (74). D. Tloome; M. Sepedipedi; Dr. D. Mji; P. Q. Vundla; M. Maseko; Reverend Tshume; Regerend Tsekeletsa; Dr. A. Letele - hy is n Beskuldigde (154); Reverend Skomolo; M. B. Yengwa; J. Bhengu; P. H. Simelane; Dr. W. Z. Conco; N. R. Mandela - Transvaal President, hy is n Beskuldigde (32); Professor Z. K. Matthews, Cape President - n Beskuldigde (109); J. Nthaka, O.F.S. President; Dr. J. S. Moroka.

Is dit al? --- Hier is nog.

Lees net die opskrif elke keer voordat jy by die name kom, wat hulle is? --- Executive Members co-opted. R. M. Matji; R. M. Resha - n Beskuldigde (63); A. S. Hutchinson; T. E. Tshunungwa; P. Mathole; L. Masina - n Beskuldigdes (34); Present Provincial Presidents : T. P. Moretsele, Transvaal; J. B. Mafura O.F.S. - n Beskuldigde (155); Reverend W. S. Gawe, Cape; Chief A. J. Luthuli, Natal - n Beskuldigde (132);

Jy handig jou notas in BEWYSSTUK G. 810? --- Ja.

GEEN VERDERE VRAE NIE.

KRUIS-VERHOOR VOORBEHOU.

n(Int. E. Mazwai - Xosa.-Eng.)

SOLOMON DUNGA, duly sworn;

(17.12.55)

EXAMINED BY THE P.P. :

You have already given evidence, is that correct? ---
Yes.

Did you make notes at the Conference held on the 17th
December, 1955? --- Yes.

What Conference was it? --- It is not reflected here in my notes.

Can you remember? --- Annual Conference of the African National Congress.

Where was it held? --- Bloemfontein.

Did you keep observation there? --- Yes.

Did you make a list of names of persons who attended the Conference? --- I did.

Will you go through your list and mention the names of Accused persons? --- Lilian Ngoyi (52); Philomon Mathole (37); John Mavuso (39); Tennyson Makiwana (27); Gert Sibande (71); Joseph Molife (43); Bertha Mashaba (36); Lawrence Nkosi (55); Mary Rantha (62); Robert Resha (63); Alfred Hutchinson (11); Helen Joseph (13); Sampie Malupi (31); Leslie Masina (34); Elias Moretsele (46); James Hadebe (61); Patrick Malaoa (42); T. E. Tshunungwa (124); Jerry Kumalo (17); John Mtini (91); Simon Tyiki (75); John Nkadimeng (54); Ida Mtwana (49); Jonas Matlou (38); Motsamai Mpho (48); Reverend W. S. Gawe (103); That is all.

You hand in your notes EXHIBIT G. 811? --- I do.

EXAMINATION BY P.P. CONTINUED :

You are now referring first to Exhibit G. 784. That is a bulletin already handed in in native language, is that correct? --- Yes.

Did you make a translation? --- Yes.

Of the contents of G. 784? --- Yes.

From what language did you translate? --- From Zulu into English.

Is your translation correct? --- I don't say that. I tried my best.

You hand in your translation EXHIBIT G. 812? --- Yes.

Will you read from the beginning of your translation? "Bulletin No. 2. Freedom in our Lifetime. Mayebuye Afrika."

Bulletin of the African National Congress, Natal. A bulletin depicting the situation within the African National Congress and the Nation. Please send the demands of the people in your area. Congress is the only national political organisation of the African people, which they should join and support. Published by the African National Congress, Natal, 308 Locane Chambers, 2 Saville Street, Durban. Bulletin No. 2. Mayebuye Afrika. Contents. 1. Editorial Comments..."

Will you omit the contents, and start 'Foreword' again? --- "As it is with other nations and racial groups which is just as well applicable to Africans, it is necessary that when a people is oppressed they should find an organ whereby they can freely discuss the situation and make known throughout the country. Hence the demand for such an organisation which has all along been pressing on us has been fulfilled by this bulletin. In this introduction, we congratulate all those who gave a hand in supporting this paper and we are really impressed by the mark of your goodwill. Here in Natal there are more than ten newspapers and periodicals but most of them are owned by Indians and Europeans. Here therefore is a periodical owned by Africans which is in fact the very marrow of the Africans' desires. Editorial. Congratulations. We congratulate all those who gave us their invaluable support in the production of our first issue of this bulletin in the Natal Province. We thank those who helped in the printing of the paper in our offices by means of a hand machine. I should therefore mention the names of the two gentlemen who gave a great hand in the production of this bulletin namely, P. H. Simelane and Billy Khoza, and many of their assistants."

Do you know a person P. H. Simelane? --- I don't know him.

Read on? --- "Neither do we neglect to thank those who bought the first issue of this bulletin in such a great hurry

nor do we fail to forecast that in future the Africans are going to respond more than ever in the call which we from time to time make to them for the support of this paper. Presently the Government is propagating its ideology through its journal 'Bantu/Bantoe' and other publications that had hitherto pretended to be benefactors of the African people by discouraging the militant spirit of the people towards their liberation, but we have for ourselves seen that these periodicals are getting no support from the Africans. In the reserves, in compounds and in the towns, the Government has its propagandists who keep on visiting people and telling them to receive with thanks and praises the notorious legislation which the Government is passing for the Africans. But however foolish, we might be, fellow-Africans, do you think that we could praise pure oppression which would ultimately exterminate our very entity and identity as a people? Even if we could have the power to liberate ourselves now, could we still be blind to the outrageous injuries which are perpetrated on us by this White Government? This bulletin of the African National Congress in Natal is published in order to open the eyes of the people in Natal against the actions of this Government. It endeavours to advise the Africans to understand the aims of the Government that in meting out this policy of subservience on the African people, it tries to establish the ideology of White supremacy for ever. Through Congress let us try to build a powerful Africa. The year 1955 is ended. During its last days it was characterised by two Conferences, namely the Natal African National Congress Provincial Conference in October, 1955 and the National Conference in December, 1955. What is greatly appreciated in the conduct of these two Conferences was the growth in the number of those who are prepared to fight and die for their freedom. Even though this Government keeps on proscribing the people's leaders, it is quite evidence that this weapon does not in the least discourage

the people from pushing the freedom chariot forward. The growth of our national organisation brings forth new knots and problems within its ranks which should be untied and solved so that in future internal friction and commotion within the rank and file of membership should be avoided. These Conferences have done more than good by returning Chief A. J. Luthuli as President-General and as President of the Natal Province of the African National Congress. This was a clear proof of the people's confidence in their leader who refused to be a Government's chief and offered himself to be the chief of his people who were oppressed by the White camp. We thank you on behalf of Chief Luthuli and we thank you on behalf of the African National Congress that Almighty God should save him from the somewhat dangerous illness from which he suffered and allow him to come back to serve the nation. One of the things which took place during 1955 was the Conference of the Congress of the People, at Kliptown, which drew up the Freedom Charter. This Charter is the path and torchlight of our National freedom volunteers and soldiers. Its contents are the highlights of the way in which the people of this country will be governed when they achieve their freedom. It is to be regretted that after such a great discussion in the press and amongst the congressites and non-congressites, there was no time for the organisational preaching of this great Kliptown Freedom Charter. It is not a secret however that there are groups of Congressites who fear that most of the sections of the Freedom Charter are rather going too far in mentioning the aspirations of the African people as a whole. They have a partial understanding of only the fact that regards the franchise rights and general human equality but not as far as equality in economic and commercial spheres too. We mean the transfer of such concerns as industries and mining companies from private ownership into state

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