

-- I was told that the head quarters of the MK were in the townships.

Never at Rivonia? --- Never at Rivonia.

But did MK not do any work at all at Rivonia? --- Not that I know of.

And yet Kathrada, who wasn't there as often on his evidence as you, says it was easy to see that work was being done at Rivonia on behalf of the Communist Party, on behalf of the A.N.C. and on behalf of the MK. And you who spent three visits, 12 days, 8 days, in June, end of June to 11th July at Rivonia, you never saw any work being done on behalf of the MK? Although during those times, as I pointed out to you, in January and February alone 54 acts of sabotage had been committed at least we allege had been committed. Right. And now who in particular were to comprise the MK units? --- In particular?

Yes? In plain language who was to do the dirty work of blowing up all these symbols of apartheid? --- The units of the MK.

Who were the members of the Units? --- Do you want the names, my Lord?

Well, if you would give me the names I would be very happy? --- No, I'm not prepared to give you the names. As a matter of fact I don't know.....

What were their political affiliations? Members of what organisation? --- According to the manifesto they were prepared to take guidance from the National Liberation movement, in other words it would be within the <sup>same</sup> work of the Congress.

That's right. But now who were the individual members of MK, to what organisations did they belong? The Communist Party? --- From what I understand now, my Lord, they were <sup>drawn</sup> from the National Liberation Movement.

Yes, but the National Liberation Movement we know

consisted of the Communist party - or you tell us who the National Liberation Movement consisted of - come on, you tell us? --- The African National Congress, the Indian Congress, the coloured people's Congress, the Congress of Trade Unions, the Communist Party. Those are the main....

Well, mention more? --- Well, these are the main as I say.

Well you know it is a remarkable thing, Mhlaba, my learned friend, Mr. Berrange, has already criticised the fact that two witnesses Behesi and Dondasi, both tell his Lordship the identical thing that they overheard at the Lobatsi Conference, and I hope you make a similar comment that I'm going to make now, that you, Kathrada and Sisulu when giving us the components, the members of the National Liberation Movement, all three of you without exception did not mention the most important independent body, namely the MK.

BY THE COURT TO DR. YUTAR: Well, I don't think that is correct, Mr. Yutar. He said the MK was drawn from the people from those parties, he has already said the MK was drawn from those people? --- But I asked him now, my Lord, who comprised the National Liberation Movement...

No, but he said the MK was drawn from...? --- Quite that is what he said before, my Lord.

That is what he said? --- As your Lordship pleases.

According to his evidence the Members of the MK were recruited from these various....? (ACCUSED) That is correct.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) That means that the men who did the acts of sabotage belonged to these organisations, the Communist Party, The Indian Congress, the African National Congress, coloured people's Congress? --- I'm not in a position now to give the details. The MK was supposed to draw members from those organisations.

Now tell me, when Duma Nekwe told you about it that

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certain members of the A.N.C. were forming the MK, did he tell you who those members were? --- He told me a few and he mentioned amongst others Accused No. 1.

And who were the others? --- I'm not prepared to mention it.

Was No. 4 one of the others? --- He didn't mention No. 4.

He did not mention No. 4? --- No.

And strangely it has now been conceded that No. 4 was a member of the National High Command of the MK? --- Well, the position is, I understand now he was drawn into the National High Command around about that time, and I wasn't there at Rivonia at the time.

Well, who were the others that Mokwe mentioned to you, apart from No. 1? --- As I say, my Lord, I'm not prepared to divulge their names.

Not prepared to, but you know who they are? --- I do.

Right. Now, you said that this was a decision of the National executive of the A.N.C.? --- Insofar as to allow this part of the leadership.

BY THE COURT TO THE ACCUSED: Is allow the correct word or is sponsor the correct word? --- Allow, my Lord, not sponsor.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) Well, I need not say anymore, but I just feel I should round it off by quoting to you the evidence of Mr. Z. Mr. Z says that Slovo confirmed at Rivonia to him what Modest had told him before, that the A.N.C. had now gone over to a policy of violence. Slovo said that Umkonto was formed to commit sabotage. There was to be no killing or injury. Is that correct? --- Yes.

And that the decision was taken by the executive of the A.N.C. Is that correct? --- When I say correct, I hope you are not going to have the impression that I'm accepting

what is being said with regard to the first portion of it. I'm only saying yes insofar as no killing.

But can you deny that the Umkonto was formed - well, you don't deny it that the Umkonto was formed to commit sabotage? --- I agree with that.

Do you deny what Mtemba told his Lordship that Slovo says it was a decision taken by the executive of the A.N.C.? --- To do what.

To commit sabotage. That is to form the MK to commit sabotage? --- I don't accept that statement.

BY THE COURT: To allow them?

ACCUSED: To allow some of the members.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) And he says it was also a decision taken by the Congress Alliance. Was that decision taken by the Congress Alliance? --- I'm not sure about the Congress Alliance.

And a person Luthuli had also agreed? --- That I'm not sure of, I don't know about that.

Because the struggle had gone through the first stage and had now reached the second stage of sabotage. Is that not so? --- Insofar as reaching the stage of sabotage, the stage was reached.

The stage was reached. So you do admit then..? --- But insofar as what was said by Mr. Slovo, I wasn't there, and the statement alleged to have been made by Mr. Slovo, certainly I regard it as an incorrect statement.

Well, put it this way. Sisulu was a more senior official than you? --- That's correct.

Kathrada, how did he stand in relation to political importance in the National Liberation Movement? --- Well, I think that he was junior.

Junior to you. Do you know what Sisulu told his Lordship, that he first heard about the formation of the MK from No. 1 in December, 1961? --- Who is that?

Yes, Sisulu said he <sup>first</sup> ~~just~~ heard about the formation of the MK from Mandela - I've got the evidence over here, in 1961? --- Aren't you making a mistake there, my Lord. I suppose you are referring to Accused No. 5.

Kathrada, I beg your pardon. Kathrada said that he first heard of the formation of the MK from Mandela in December, 1961? --- Well, I accept what he said, accused No. 5.

Any reason why he should only have been advised of it, seeing that he was one of the representatives of the Indians, much later than you? --- Well, even if consultations were made before December, 1961, it is quite possible that he was not at that consultation.

Finally Sisulu says that this idea of committing sabotage by MK was discussed in June, 1961. You know nothing about that? --- No, I wasn't there. I don't know.

And this is what he says: 'When the Government ignored their demand for a National convention and after the stay at home strike at the end of May, 1961, in June, 1961 we joined discussions of going over of committing acts of sabotage. You never knew of that? --- I never knew of it, but I accept his statement.

Now, we've dealt with your third stay at Rivonia. The second time of course when you stayed at Rivonia, you were there for four days only? --- The second time?

That was the third time? --- That's correct, my Lord.

You remained for four days? --- That's correct.

Why did you leave Rivonia? --- I was told that I should go and stay for the time being at Travallyn.

Why? --- I was told that a new farm had been bought

Who told you that? --- Accused No. 2.

What did he tell you? --- He told me that a new farm had been bought by MK and it is going to be used for

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hiding and for trainees that were in transit.

Yes, go on? --- And that I should go and stay there for the time being.

So Now Travallyn is bought by the MK to be used for hiding and for the use of the training of trainees? --- For the training of trainees?

For trainees in transit? --- That is correct.

Now, you've been to both places. Travallyn and Rivonia? --- That is correct, my Lord.

So have I. Isn't Travallyn a very exposed place by comparison with Rivonia? --- That is correct, my Lord.

Isn't there less chance of being found at Rivonia than at Travallyn? --- Comparatively, yes.

Travallyn is a small place on a hill. There is a lot of ground behind the house, but there aren't those big trees that you've got at Rivonia. Not so? --- Yes, I agree with you.

There is no secret road at Travallyn such as you had at Rivonia from which you could escape, in case somebody came along the main recognised road onto the premises? --- I don't know of any secret road at all.

You don't know? --- No.

You've been three times to Rivonia and you don't know that secret road at the back of the thatched roof?

BY THE COURT: I don't think that was the answer. I think, wasn't the answer that there was no exit road at Travallyn?

ACCUSED: There is a road leading to the farm, my Lord, from the main road.

BY THE COURT: No, but I'm referring to Travallyn. Travallyn there is only one exit? --- (WITNESS) Oh yes.

BY THE COURT: You know that there is more than one exit at Rivonia, don't you? --- (ACCUSED) Yes, I think there is a gate further down.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) And that gate is

connected with the out buildings at Rivonia by a sand road newly made?? --- I'm not in a position to account for the road there what it was intended for.

In fact you mentioned 10/15 minutes ago that No. 2 went to work in the van which was standing at the back? --- Yes, my Lord.

Where did that van come in? The main road or that other road? --- I don't know.

But it stood at the back? --- Oh yes.

So there was a road at the back. How can you get to the back then if there is no road? --- I wonder if you have to go behind the building there must be a road in their own place.

That's what I'm saying. And one other thing. If MK decided to buy Travallyn, why was Goldberg used? --- Well, the reason that has been advanced here is because he was on his way out.

On his way out? --- Yes.

And perhaps he is also connected with the MK? --- That I don't know,

Now, you were again going in hiding to Travallyn? --- That's correct, my Lord.

Who took you to Travallyn? --- Accused No. 3.

No. 3. He drove the combie? --- That's correct, my Lord.

Who went with you? --- Accused No. 4.

Why did he go with? --- He also had to go and stay at Travallyn for some time.

Why? --- As far as he is concerned he had a hiding place somewhere, but I haven't got the details. I was told there was something wrong there for the time being, it is going to be regularised.

Who did you leave behind at Rivonia when the three of you left? --- Accused No. 2.

Only accused No. 2? --- Yes.

He had not yet gone over to Mountain View? --- What for?

Accused No. 2, you left him behind? --- That's correct.

No. 5, was he there? --- He had left.

Do you know where he had gone to? --- He didn't tell us.

Did you take any clothes with you to Travallyn? --- I had no clothes with me, I had only the clothes I had on.

What about the overall? --- I left it behind.

Why? --- Well, because I was told that I will be going away very soon.

Where? --- Going to do MK work..... M. Plan.

Right. We'll keep that answer.

Now, let us come now to Rivonia to your return in 1963. On the 11th July, 1963. Right? --- That is correct.

By the way, you said that there were discussions at Rivonia in connection with guerrilla warfare? Pardon me, I should have made it perfectly clear. There were discussions about guerrilla warfare at Rivonia? --- Yes.

Between whom? --- Between Accused No. 2, 4 and myself.

What were those discussions? --- Well, we were discussing whether it is possible or not to embark on guerrilla warfare.

Who suggested that? --- We were discussing it, the three of us.

Yes. Now, who posed the question is it not possible to embark on guerrilla warfare? --- I'm not quite sure who started it.

Well, it could only be one of the three of you? --- Of course, yes.

And for what purpose was that question posed? ---



It was a burning issue.

Yes, yes? A burning issue. Why was it burning? --- I suppose there was a demand from the rank and file.

A demand from the rank and file, for what? --- For the purpose of adjusting the activities of MK which was sabotage activities.

Demand from the rank and file of the MK to adjust the activity of the MK? --- That's correct.

To go over from sabotage to guerrilla warfare? --- That's correct.

Who told you that? --- As I say I'm not sure between the two accused.

And what was the decision come to? --- Well, the opinion was that it is not suitable.

Why? --- They advanced reasons for it.

Why? --- They mentioned one of the reasons that there was no friendly border.

Yes? --- The question of procurement of arms.

Yes? --- Within and outside the country.

Yes, what other reasons? --- And that the Protectorates will take some time to get their independence. And also the terrain features which are not suitable in the country.

The terrain features in this country which are not suitable. Yes? --- I think, my Lord, those are all the reasons advanced at the time. The main factors advanced at the time.

The terrain features, for example, are not so suitable as they are in Cuba? --- Well, from what I've read about Cuba there are good terrain features in Cuba for guerrilla warfare.

In Cuba, yes. They are not so good in South Africa, because there are not so many mountains and bushes? --- That's right. That is what one of the documents says.

And those were the only reasons why it was considered guerrilla warfare was not suitable? --- Not the only. I said main.

Any other reasons? --- I think that is all.

Did you know Goldreich had been overseas already to discuss the question of arms and explosives? --- I knew that he had been overseas to discuss the question of explosives

Not about arms? --- Well, from the document also he discussed the question of arms.

Yes, how did you know about the explosives? That he had gone overseas to discuss the question of explosives? --- Before the case I was told by accused No. 2.

Told by accused No. 2 before this case? --- Yes.

How did he know? --- He was told from the National High Command.

He was told. That Goldreich had gone overseas. By the way, you said it was a burning issue, in evidence-in-chief you said it was a current issue. I'm not making any play. It was current? --- Well, burning and current...

Yes, I agree. The topic of the day? --- That's correct.

A certain measure of urgency about it? --- Correct, my Lord.

Did you know that a code was drawn up, a code of conduct and discipline for the NK? --- I know nothing about a code.

You know nothing about it? --- No, my Lord.

EXHIBIT 1, my Lord. Just look at this. And if you tell his Lordship that it was considered not to be a feasible proposition, can you tell his Lordship why Wolpe - by the way you know Wolpe, don't you? --- I don't know him, my Lord.

Never met him? --- No, I never met him.

Well, here he draws up a code setting out orders.

'Every member shall obey any order given by any member of higher rank. It is the duty of every member to know and carry out any section platoon or company standing order.' Why was this code drawn up? --- I have no idea, my Lord.

No idea. Look at the next part. Officers and non-commissioned officers. 'It is the duty of every officer to set an example, devotion to duty, courage, loyalty and (coughing inaudible) .. to members. An officer in charge of any operation of any members engaged in the operation shall carry out the operation in the best possible manner, and shall on no account withdraw from the action or forsake his post or endanger the safety of the members under his command.' Why should Wolpe go to the extent of drawing up a code if guerrilla warfare had not already been decided upon. Why? --- As I say, I know nothing about this document. It is impossible for me to comment on it.

Yes. And look what it says there....

BY THE COURT TO DR. YUFAR: There is no point in asking the witness to comment on this if he knows nothing about it? --- As your Lordship pleases.

He says he knows nothing about it.

CROSS-EXAMINATION BY DR. YUFAR (CONTD.) And finally you told his Lordship that on the afternoon of 11th July, 1965, you were in the room, the thatched room? --- That's correct, my Lord.

And No. 4 was there? --- That's correct, my Lord.

And he went to take a document out of the stove? --- That's correct, my Lord.

Supposed to have been left there by Goldreich? --- That's correct, my Lord.

What was that document? --- Later on I came to understand that it was a copy of 'Operation Mbuja'.

When you say later on you came to know, what do you mean by later on? --- When I was reading the document.

And you read the document? --- I read a portion of

the document.

What did you read? --- I read the first two or three pages.

But you told his Lordship the two of you spent about 10 to 15 minutes, the two of you were together reading? --- That's correct, my Lord.

Did that document come as a surprise? --- It didn't come as a surprise. I don't know in what sense you mean.

Were you taken by surprise when you read these first two or three pages of this document? --- I think if I'm not mistaken, the pages that I'm referring to are dealing with political matters, and to a certain degree I accept that analysis.

Were you not taken by surprise when you read this document, in any way? Not taken by surprise at all? --- I wasn't so surprised.

Now I want to show you the original document, and I want you to tell his Lordship what pages you read and how far you read. Did you commence reading from the beginning of the middle or where? --- From the first page.

Here is the document. Tell his Lordship how far you read. --- Up to page two.

Up to page 2. Good. This is what page 2 says ... --- From page 1 up to page 2.

I think you read - when you say up to page 2, you mean both pages? --- Yes, from page 1.

And this is how the document ends on page 2. 'The following plan envisages a process which will place in the field at a date fixed now, simultaneously, in preselected areas, armed and trained guerrilla bands who will find ready to join them local guerrilla bands with arms and equipment at their disposal.' Did that come to you as a surprise? --- Yes.

It did. Did you ask Mbekwe, No. 4, what all this was about? --- We were still reading - I intended

commenting when the police entered the building.

And the document goes on: "It will further coincide with a massive propaganda campaign both inside and outside South Africa, and a general call for unprecedented mass struggle throughout the land, both violent and non-violent." Did that come to you as a surprise? --- Yes, my Lord.

That did. "In the initial period, when for a short while the military struggle will be hours of planning, envisages a massive onslaught on preselected targets which will create the maximum havoc and confusion in the enemy camp, and which will inject into the masses of the people and undefending forces a feeling of confidence that here at last is an army of liberation equipped and capable of leading them to victory." --- That too came as a surprise.

"In this period the corner-stone of guerrilla operations is shamelessly attack the weak and shamelessly flee ~~from~~ from the strong." And now one final short paragraph: "We are convinced that this plan is capable of fulfillment." Did that come as a surprise to you? --- Yes, my Lord.

Because only a little while before, from discussions at Rivonia, you said that you, 4 and 5 thought that this plan of guerrilla warfare was unfeasible. --- 2 and 4.

Yes. You, 2 and 4 thought it was not feasible. --- That is true, my Lord.

And the document ends with the words that "The time for small thinking is over, because history leaves us no choice." And isn't that the stage that you feel you have reached, that the actions of the Government left you with no choice? --- Well, that is not the feeling of the A.N.C., that the Government can not be changed now to accept the national convention.

By the way, you told his Lordship that all you did at Rivonia was to read and write? --- That is correct.

Nothing else? --- Nothing else.

You know what Solomon Sipeng told his Lordship? That you also operated the roneo machine. You and No. 4. No truth in that? --- I'm afraid I don't remember him saying so.

Solomon Sipeng said that you operated the roneo machine. --- No, my Lord.

Well, we'll check. He is the second witness we called.

BY THE COURT: No, I have no note of that. My note is that 'accused No. 7 visited and also stayed there, but I did not see what he did.'

CROSS-EXAMINATION BY DR. YUTAR: (Contd.) As your Lordship pleases. And if the transcript of the evidence therefore says that you operated a roneo machine, that would be untrue? --- It would be untrue.

---: NO FURTHER QUESTIONS :-

RE-EXAMINATION BY MR. BERRANGE:

Mhlaba, you say that you left Port Elizabeth in October, 1961, and that you went on a mission, and that you then did not return to the Eastern Province until some time early in 1963? --- That is correct, my Lord.

You have been asked a lot of questions dealing with acts of sabotage and the organisations allegedly set up to do so. --- That is correct, my Lord.

During the period from October '61 until the beginning of 1963, do you know what organisational developments were taking place in the A.N.C. and the Umkhonto, during that period? --- No, my Lord.

Were you in a position to know? --- I was not in a position within that period.

I see. Now I want to deal with what you do know about whilst you were in the Eastern Cape. You have told us that volunteers came into existence during 1952? --- That is correct, my Lord.

That is during the passive resistance movement? ---

That is correct, my Lord.

And was it then that this oath was prepared? --- It was then that it was prepared. And it was then that the word 'volunteers' was used. To volunteer to go and to fight unjust laws.

That's right. And was it then that the expression 'Amadela-Kufa' came into being? --- That is correct, my Lord.

And this oath that was taken by the volunteers, was it anything like the wording on the document which is alleged to be an oath, which was found in your possession? --- No, my Lord, although I can't recollect the oath of volunteers word by word. But not as framed.

Was it anything like this document? --- No, my Lord.

Completely different? --- Different, yes.

I see. Now these volunteers, after the defiance campaign, continued to act as volunteers, and new people came in and they also got the title of 'volunteers'? --- That is correct, my Lord.

And they were volunteers in the African National Congress? --- That is correct, my Lord.

Was their existence at any time ever kept secret? --- No, it was public knowledge.

All through? --- Right through, my Lord. Well, of course up to the time they went underground.

They had uniforms? --- Uniforms, yes.

They paraded in the streets? --- That's correct, my Lord.

Now you draw a distinction between volunteers and ordinary members of the A.N.C.? --- Yes, my Lord.

Now what do ordinary members of the A.N.C. do? --- Well, a member of the A.N.C. really, he joins, he pays a subscription, attends a general meeting, attends branch

executive meetings.

Has he got to do so, or is it if he wants to do so?

--- Well, I mean as a member ~~of~~ interested in the affairs of the organisation, he has to attend meetings to find out what is going on.

Yes. Is he an activist? --- No my Lord, I wouldn't use that word activist.

I am talking about the ordinary member. --- An ordinary member? A volunteer, I would call him an activist.

I want to distinguish between volunteers and ordinary members, because that's the distinction that was being made whilst you were being cross-examined. --- An ordinary member, I wouldn't call him an activist, my Lord.

I see. Well, what about the volunteers? --- They are activists.

Their job is to distribute leaflets, and paint slogans? --- That is correct, my Lord.

And when there are big meetings, who makes the arrangements for those big meetings? --- They make the arrangements, they bring the platforms to where the meeting is going to be held.

Who attends to the loud-speakers? --- They are responsible for that. And if a member of the A.N.C. has a funeral, they are responsible to organise everything.

They organise the funerals. --- From the beginning to the end.

And if anybody has got to go to jail, who goes to jail? --- The volunteer is the first person to go to jail.

And are their duties confined to certain hours, or are they required to be ready to do this at any time of the day and night.? --- According to the rules, at all times.

So in that sense they are completely different from the members. Do you remember the Congress of the People? ---



I remember the Congress of the People, my Lord.

Who collected all the monies that enabled something like 1900 people, delegates, to attend the Congress of the People? --- The volunteers, my Lord.

And who attended to all the arrangements? --- The volunteers.

This is at Kliptown? --- That is correct, my Lord.

It was a huge gathering and a huge undertaking? --- That is correct, my Lord.

Who went amongst the people for the purpose of getting their demands? --- The volunteers, my Lord.

And these were demands that were sent in and were collected from all parts of what then was the Union of South Africa? --- That is correct, my Lord.

They ran into thousands? --- That is correct, my Lord.

Who did that work? --- The volunteers did it.

I see. Who attends to membership drives? --- The volunteers.

And so we can go on. Now I am not quite sure whether you and Dr. Yutar were ad idem or understanding one another when he used the words 'did it come as a surprise.' You have told his Lordship that you were reading this document which has been referred to as Operation Mahiboya over the shoulder of No. 4 accused after you had got into the cottage? --- That is correct, my Lord.

And I think you said you had read the first two pages before the others came in and the document was put down? --- That is correct, my Lord.

You were asked whether what you read there came to you as a surprise. You remember being asked that? --- If I took that to mean the suggestions embodied in the document?

Yes, but you have also told his Lordship, both in examination-in-chief and in cross-examination, that the question

of guerrilla warfare was discussed by you and Mr. Mbeki and Mr. Sisulu whilst you were both at Rivonia and at Travallyn? --- That is correct, my Lord.

So the fact that this document existed, did that come to you as a surprise? --- Not the existnece of the document.

I see. As you have already told his Lordship, Mr. Mbeki told you that a document had been drawn up, when you were discussing this at Rivonia and at Travallyn? --- Perhaps I didn't make that clear that the fact that I was interested to read the document, was the fact that I was referred that that was the original certain document. I don't think I made that clear.

Yes. Right. And you told his Lordship that when you asked to see this document, he told you that he didn't have it, but that Arthur Goldreich had it? --- That is correct.

I don't quite know what the object of the question was, but in case there might be some object, I want to ask you this question. You said that No. 1 at one time was a National Chief volunteer. It was during the 1952 defiance campaign. --- That is correct, my Lord.

And then you were asked about Wilson Nkwai and Dr. Njongwe, and you said they were also volunteers? --- Well, I was actually dealing with the position of the volunteers, that Nkwai was a volunteer-in-chief of the branch, and that Dr. Njongwe was the volunteer-in-chief of the province.

I see. What period are you referring to? --- 1952. I am interested too, the branch - the volunteer-in-chief in the branch was the late Mr. Ntumba. Mkwai came later, after him.

When you left for Port Elizabeth, as you say you did, on the 26th October, 1961, how did you leave, by motor-car or by train? --- Well, I was taken to the station by the State witness...

That's right, and he actually said so in one of his unguarded moments, in giving evidence. That was John Chingana? --- That's correct, my Lord.

He actually took you to the station? --- He took me to the station.

And that was in October '61? --- That is correct, my Lord. And I might say the statement is correct by saying that since then he has never seen me, up to the time he was in this Court.

I know, he said that at one time. --- Yes, he said it.

Now you mentioned a man who you found at Rivonia when you went there at the end of December. You told his Lordship that you don't want to say who he is or what his name is. --- Yes, my Lord.

And then you saw him again when you went to Rivonia thereafter? --- In February, yes, my Lord.

And when you left in February, was he still there? --- Yes, my Lord.

And when you came back at the 30th June? --- He was not there.

He was not there. But of course you don't know how long he had remained there, or until when he had remained there? Of your own knowledge? --- Not of my own knowledge. It is hearsay.

And you were then told that it would be advisable to put on a pair of overalls in order to make yourselves look like labourers about the place, when you went outside? --- That is correct, my Lord.

I see. You said there were three pairs of overalls? --- That is correct, my Lord.

Were they all the same size? --- Two were of a small size, and one was of a bigger size.

And which one did you choose? --- I chose the bigger one.

I should imagine so, from your size. And would you tell his Lordship, this man who you had seen on two earlier

occasions at Rivonia, was he a big man or was he a small man?  
--- He was a big man, my Lord.

As big as you? --- Yes, for my height, yes.

Now in regard to the documents that were found on you by the police, after you had been arrested. I think you have already told his Lordship that these documents were taken away from you? --- Taken from the pocket of the overalls.

Yes, from the pocket of your overalls. Were they shown to you at the time? --- They were not shown to me.

Were you ever asked for an explanation? --- I was never asked, my Lord.

Did it occur to you that the documents were of any importance at that time? --- No my Lord, I did not know the contents.

And lastly, Mr. Mhlaba, you were questioned at some length by my learned friend about what you regard as being the sanctity of the oath that you took, and you were asked the question whether, in taking this oath, you would be prepared not to give evidence that would disclose the identity of other people, and to that extent you said you were not prepared to tell the whole truth. You remember that? --- I don't remember saying 'the whole truth,' that I am not prepared to tell the whole truth.

And now you are under oath to tell the truth, the whole truth, and nothing but the truth, and when you are answering questions about certain individuals, you are obviously not telling everything you know. Isn't that the position?  
--- Well, it is true.

Yes. If you were to give these names away, how would you regard yourself? What would you call yourself, and what would everybody else call you? --- Well, my fear is the consequences which will result to those individuals I may mention here. They will immediately be arrested, taken into

detention, perhaps after some time they may be charged.

Or at the least kept for 90 days? --- Yes, my Lord.

And what would you be? If you told people who they were, what would you be? --- Then I will be regarded by the public that I am an informer.

Yes. Are you prepared to be an informer? --- No, my Lord.

Under any circumstances? --- Not under any circumstances.

I am directed to ask one more question, Mr. Mhlaba. You were asked about M.K. units, you remember? --- That is correct.

Was the composition or the personnel of M.K. units known to all and sundry, or was it the sort of thing that was kept secret? What would you expect? --- It is secret, my Lord. As a matter of fact, even the A.N.C., if you belonged to a cell, you only know the members of that particular cell, not the next one.

-: oOo :-

-: COURT ADJOURNS : -

And Duma Nokwe at that stage was what? What was his position? --- Secretary General.

Of the A.N.C.? --- That's correct.

And you were certainly an important figure in the A.N.C.? --- Well, to a certain extent I was, yes.

Did you ask him what was KM going to do? --- He told me that it was going to embark on sabotage activities.

Sabotage activities? In what way? --- By attacking the symbols of apartheid.

In what way? --- In a planned manner.

In a planned manner. Yes? --- Such as Labour Bureaus.

Yes? --- And post offices and such Government installations.

And what else? --- As I say, all the Government installations which are turning out apartheid with effect.

Power pylons? --- He didn't mention that.

Signal Boxes? --- He didn't mention that.

Railway lines? --- He didn't mention that.

And how were these acts of sabotage to be committed? -- In the same fashion, I mean, that they were going to be selected.

Selected. By whom? --- By the Regional High Command, who are in charge of that particular Region, making use of MI units in that particular Region.

Yes. Regional Commands in Natal, Eastern Province and the Cape and Transvaal? --- They will fall under the province of course.

And all four Regional Commands will in turn fall under the National High Command? --- That's correct, my Lord.

At Rivonia? --- Not at Rivonia.

Where then? Where was the head quarters of the National High Command? --- The MK was being formed at the time he was talking to me, my Lord.

But where eventually was the head quarters of the MI?

-- I was told that the head quarters of the MK were in the townships.

Never at Rivonia? --- Never at Rivonia.

But did MK not do any work at all at Rivonia? --- Not that I know of.

And yet Kathrada, who wasn't there as often on his evidence as you, says it was easy to see that work was being done at Rivonia on behalf of the Communist Party, on behalf of the A.N.C. and on behalf of the MK. And you who spent three visits, 12 days, 8 days, in June, end of June to 11th July at Rivonia, you never saw any work being done on behalf of the MK! Although during those times, as I pointed out to you, in January and February alone 54 acts of sabotage had been committed at least we allege had been committed. Right. And now who in particular were to comprise the MK units? --- In particular?

Yes? In plain language who was to do the dirty work of blowing up all these symbols of apartheid? --- The units of the MK.

Who were the members of the Units? --- Do you want the names, my Lord?

Well, if you would give me the names I would be very happy? --- No, I'm not prepared to give you the names. As a matter of fact I don't know.....

What were their political affiliations? Members of what organisation? --- According to the manifesto they were prepared to take guidance from the National Liberation movement, in other words it would be within the same work of the Congress.

That's right. But now who were the individual members of MK, to what organisations did they belong? The Communist Party? --- From what I understand now, my Lord, they were drawn from the National Liberation Movement.

Yes, but the National Liberation Movement we know

consisted of the Communist party - or you tell us who the National Liberation Movement consisted of - come on, you tell us? --- The African National Congress, the Indian Congress, the coloured people's Congress, the Congress of Trade Unions, the Communist Party. Those are the main....

Well, mention more! --- Well, these are the main as I say.

Well you know it is a remarkable thing, Malaba, my learned friend, Mr. Berrange, has already criticised the fact that two witnesses Behesi and Dondasi, both told his Lordship the identical thing that they overheard at the Lebatsi Conference, and I hope you make a similar comment that I'm going to make now, that you, Kathrada and Sisulu when giving us the components, the members of the National Liberation Movement, all three of you without exception did not mention the most important independent body, namely the MK.

BY THE COURT TO DR. YUTAR: Well, I don't think that is correct, Mr. Yutar. He said the MK was drawn from the people from those parties, he has already said the MK was drawn from those people? --- But I asked him now, my Lord, who comprised the National Liberation Movement...

No, but he said the MK was drawn from...? --- Quite that is what he said before, my Lord.

That is what he said? --- As your Lordship pleases.

C According to his evidence the Members of the MK were recruited from these various....? (ACCUSED) That is correct.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) That means that the men who did the acts of sabotage belonged to these organisations, the Communist Party, The Indian Congress, the African National Congress, coloured people's Congress? --- I'm not in a position now to give the details. The MK was supposed to draw members from those organisations.

Now tell me, when Duma Bokwe told you about it that



certain members of the A.N.C. were forming the MK, did he tell you who those members were? --- He told me a few and he mentioned amongst others Accused No. 1.

And who were the others? --- I'm not prepared to mention it.

Was No. 4 one of the others? --- He didn't mention No. 4.

He did not mention No. 4? --- No.

And strangely it has now been conceded that No. 4 was a member of the National High Command of the MK? --- Well, the position is, I understand now he was drawn into the National High Command around about that time, and I wasn't there at Rivonia at the time.

Well, who were the others that Holwe mentioned to you, apart from No. 1? --- As I say, my Lord, I'm not prepared to divulge their names.

Not prepared to, but you know who they are? --- I do.

Right. Now, you said that this was a decision of the National executive of the A.N.C.? --- Insofar as to allow this part of the leadership.

BY THE COURT TO THE ACCUSED: Is allow the correct word or is sponsor the correct word? --- Allow, my Lord, not sponsor.

CROSS-EXAMINATION BY DR. YOTAB (COUNSEL.) Well, I need not say anymore, but I just feel I should round it off by quoting to you the evidence of Mr. Z. Mr. Z says that Slovo confirmed at Rivonia to him what Modest had told him before, that the A.N.C. had now gone over to a policy of violence. Slovo said that Umkonto was formed to commit sabotage. There was to be no killing or injury. Is that correct? --- Yes.

And that the decision was taken by the executive of the A.N.C. Is that correct? --- When I say correct, I hope you are not going to have the impression that I'm accepting

that is being said with regard to the first portion of it. I'm only saying yes insofar as no killing.

But can you deny that the Unkonto was formed - well, you don't deny it that the Unkonto was formed to commit sabotage? --- I agree with that.

Do you deny what Ntomba told his Lordship that Slovo says it was a decision taken by the executive of the A.N.C.? --- To do what.

To commit sabotage. That is to form the MK to commit sabotage? --- I don't accept that statement.

BY THE COURT: To allow them?

ACCUSED: To allow some of the members.

PROS.-STANBURNTON MR. DR. YEFAR (COUNSEL.) And he says it was also a decision taken by the Congress Alliance. Was that decision taken by the Congress Alliance? --- I'm not sure about the Congress Alliance.

And a person Lutshuli had also agreed? --- That I'm not sure of, I don't know about that.

Because the struggle had gone through the first stage and had now reached the second stage of sabotage. Is that not so? --- Insofar as reaching the stage of sabotage, the stage was reached.

The stage was reached. So you do admit then..? --- But insofar as what was said by Mr. Slovo, I wasn't there, and the statement alleged to have been made by Mr. Slovo, certainly I regard it as an incorrect statement.

Well, put it this way. Sisulu was a more senior official than you? --- That's correct.

Kathrada, how did he stand in relation to political importance in the National Liberation Movement? --- Well, I think that he was junior.

Junior to you. Do you know what Sisulu told his Lordship, that he first heard about the formation of the MK from No. 1 in December, 1961? --- Who is that?

Yes, Sisulu said he <sup>first</sup> ~~first~~ heard about the formation of the MK from Mandela - I've got the evidence over here, in 1961? --- Aren't you making a mistake there, my Lord. I suppose you are referring to Accused No. 5.

Kathrada, I beg your pardon. Kathrada said that he first heard of the formation of the MK from Mandela in December, 1961? --- Well, I accept what he said, accused No. 5.

Any reason why he should only have been advised of it, seeing that he was one of the representatives of the Indians, much later than you? --- Well, even if consultations were made before December, 1961, it is quite possible that he was not at that consultation.

Finally Sisulu says that this idea of committing sabotage by MK was discussed in June, 1961. You know nothing about that? --- No, I wasn't there. I don't know.

And this is what he says: 'When the Government ignored their demand for a National convention and after the stay at home strike at the end of May, 1961, in June, 1961 we joined discussions of going over of committing acts of sabotage. You never knew of that? --- I never knew of it, but I accept his statement.

Now, we've dealt with your third stay at Rivonia. The second time of course when you stayed at Rivonia, you were there for four days only? --- The second time?

That was the third time? --- That's correct, my Lord.

You remained for four days? --- That's correct.

Why did you leave Rivonia? --- I was told that I should go and stay for the time being at Travallyn.

Why? --- I was told that a new farm had been bought

Who told you that? --- Accused No. 2.

What did he tell you? --- He told me that a new farm had been bought by MK and it is going to be used for

hiding and for trainees that were in transit.

Yes, go on? --- And that I should go and stay there for the time being.

So Now Travallyn is bought by the NK to be used for hiding and for the use of the training of trainees? --- For the training of trainees?

For trainees in transit? --- That is correct.

Now, you've been to both places. Travallyn and Rivonia? --- That is correct, my Lord.

So have I. Isn't Travallyn a very exposed place by comparison with Rivonia? --- That is correct, my Lord.

Isn't there less chance of being found at Rivonia than at Travallyn? --- Comparatively, yes.

Travallyn is a small place on a hill. There is a lot of ground behind the house, but there aren't those big trees that you've got at Rivonia. Not so? --- Yes, I agree with you.

There is no secret road at Travallyn such as you had at Rivonia from which you could escape, in case somebody came along the main recognized road onto the premises? --- I don't know of any secret road at all.

You don't know? --- No.

You've been three times to Rivonia and you don't know that secret road at the back of the thatched roof?

BY THE COURT: I don't think that was the answer. I think, wasn't the answer that there was no exit road at Travallyn?

ACCUSED: There is a road leading to the farm, my Lord, from the main road.

BY THE COURT: No, but I'm referring to Travallyn. Travallyn there is only one exit? --- (WITNESS) Oh yes.

BY THE COURT: You know that there is more than one exit at Rivonia, don't you? --- (ACCUSED) Yes, I think there is a gate further down.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) And that gate is

connected with the out buildings at Rivenia by a sand road newly made?? --- I'm not in a position to account for the road there what it was intended for.

In fact you mentioned 10/15 minutes ago that No. 2 went to work in the van which was standing at the back? --- Yes, my Lord.

Where did that van come in? The main road or that other road? --- I don't know.

But it stood at the back? --- Oh yes.

So there was a road at the back. How can you get to the back then if there is no road? --- I wonder if you have to go behind the building there must be a road in their own place.

That's what I'm saying. And one other thing. If MK decided to buy Travallyn, why was Goldberg used? --- Well, the reason that has been advanced here is because he was on his way out.

On his way out? --- Yes.

And perhaps he is also connected with the MK? --- That I don't know,

Now, you were again going in hiding to Travallyn? --- That's correct, my Lord.

Who took you to Travallyn? --- Accused No. 3.

No. 3. He drove the sombie? --- That's correct, my Lord.

Who went with you? --- Accused No. 4.

Why did he go with? --- He also had to go and stay at Travallyn for some time.

Why? --- As far as he is concerned he had a hiding place somewhere, but I haven't got the details. I was told there was something wrong there for the time being, it is going to be regularised.

Who did you leave behind at Rivenia when the three of you left? --- Accused No. 2.

Only accused No. 2? --- Yes.

He had not yet gone over to Mountain View? --- What for?

Accused No. 2, you left him behind? --- That's correct.

No. 5, was he there? --- He had left.

Do you know where he had gone to? --- He didn't tell us.

Did you take any clothes with you to Travallyn? --- I had no clothes with me, I had only the clothes I had on.

What about the overall? --- I left it behind.

Why? --- Well, because I was told that I will be going away very soon.

Where? --- Going to do MI work..... M. Plan.

Right. We'll keep that answer.

Now, let us come now to Rivonia to your return in 1963. On the 11th July, 1963. Right? --- That is correct.

By the way, you said that there were discussions at Rivonia in connection with guerrilla warfare? Pardon me, I should have made it perfectly clear. There were discussions about guerrilla warfare at Rivonia? --- Yes.

Between whom? --- Between Accused No. 2, 4 and myself.

What were those discussions? --- Well, we were discussing whether it is possible or not to embark on guerrilla warfare.

Who suggested that? --- We were discussing it, the three of us.

Yes. Now, who posed the question is it not possible to embark on guerrilla warfare? --- I'm not quite sure who started it.

Well, it could only be one of the three of you? --- Of course, yes.

And for what purpose was that question posed? ---

It was a burning issue.

Yes, yes? A burning issue. Why was it burning? --- I suppose there was a demand from the rank and file.

A demand from the rank and file, for what? --- For the purpose of adjusting the activities of MK which was sabotage activities.

Demand from the rank and file of the MK to adjust the activity of the MK? --- That's correct.

To go over from sabotage to guerrilla warfare? --- That's correct.

Who told you that? --- As I say I'm not sure between the two accused.

And what was the decision come to? --- Well, the opinion was that it is not suitable.

Why? --- They advanced reasons for it.

Why? --- They mentioned one of the reasons that there was no friendly border.

Yes? --- The question of procurement of arms.

Yes? --- Within and outside the country.

Yes, what other reasons? --- And that the Protectorates will take some time to get their independence. And also the terrain features which are not suitable in the country.

The terrain features in this country which are not suitable. Yes? --- I think, my Lord, those are all the reasons advanced at the time. The main factors advanced at the time.

The terrain features, for example, are not so suitable as they are in Cuba? --- Well, from what I've read about Cuba there are good terrain features in Cuba for guerrilla warfare.

In Cuba, yes. They are not so good in South Africa, because there are not so many mountains and bushes? --- That's right. That is what one of the documents says.

And those were the only reasons why it was considered guerrilla warfare was not suitable? --- Not the only. I said again.

Any other reasons? --- I think that is all.

Did you know Goldreich had been overseas already to discuss the question of arms and explosives? --- I knew that he had been overseas to discuss the question of explosives.

Not about arms? --- Well, from the document also he discussed the question of arms.

Yes, how did you know about the explosives? That he had gone overseas to discuss the question of explosives? --- Before the case I was told by accused No. 2.

Told by accused No. 2 before this case? --- Yes.

How did he know? --- He was told from the National High Command.

He was told. That Goldreich had gone overseas. By the way, you said it was a burning issue, in evidence-in-chief you said it was a current issue. I'm not making any play. It was current? --- Well, burning and current...

Yes, I agree. The topic of the day? --- That's correct.

A certain measure of urgency about it? --- Correct, my Lord.

Did you know that a code was drawn up, a code of conduct and discipline for the MK? --- I know nothing about a code.

You know nothing about it? --- No, my Lord.

EXHIBIT 1, my Lord. Just look at this. And if you tell his Lordship that it was considered not to be a feasible proposition, can you tell his Lordship why Wolpe - by the way you know Wolpe, don't you? --- I don't know him, my Lord.

Never met him? --- No, I never met him.

Well, here he draws up a code setting out orders.



'Every member shall obey any order given by any member of higher rank. It is the duty of every member to know and carry out any section platoon or company standing order.' Why was this code drawn up? --- I have no idea, my Lord.

No idea. Look at the next part. Officers and non-commissioned officers. 'It is the duty of every officer to set an example, devotion to duty, courage, loyalty and (coughing inaudible) .. to members. An officer in charge of any operation of any members engaged in the operation shall carry out the operation in the best possible manner, and shall on no account withdraw from the action or forsake his post or endanger the safety of the members under his command.' Why should Wolpe go to the extent of drawing up a code if guerrilla warfare had not already been decided upon. Why? --- As I say, I know nothing about this document. It is impossible for me to comment on it.

Yes. And look what it says there....

BY THE COURT TO DR. YUTAR: There is no point in asking the witness to comment on this if he knows nothing about it? --- As your Lordship pleases.

He says he knows nothing about it.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) And finally you told his Lordship that on the afternoon of 11th July, 1963, you were in the room, the thatched roof? --- That's correct, my Lord.

And No. 4 was there? --- That's correct, my Lord.

And he went to take a document out of the stove? --- That's correct, my Lord.

Supposed to have been left there by Goldreich? --- That's correct, my Lord.

What was that document? --- Later on I came to understand that it was a copy of 'Operation Mbuva'.

When you say later on you came to know, what do you mean by later on? --- When I was reading the document.

And you read the document? --- I read a portion of

the document.

What did you read? --- I read the first two or three pages.

But you told his Lordship the two of you spent about 10 to 15 minutes, the two of you were together reading? --- That's correct, my Lord.

Did that document come as a surprise? --- It didn't come as a surprise. I don't know in what sense you mean.

Were you taken by surprise when you read these first two or three pages of this document? --- I think if I'm not mistaken, the pages that I'm referring to are dealing with political matters, and to a certain degree I accept that analysis.

Were you not taken by surprise when you read this document, in any way? Not taken by surprise at all? --- I wasn't so surprised.

Now I want to show you the original document, and I want you to tell his Lordship what pages you read and how far you read. Did you commence reading from the beginning of the middle or where? --- From the first page.

Here is the document. Tell his Lordship how far you read. --- Up to page two.

up to page 2. Good. This is what page 2 says ... --- From page 1 up to page 2.

I think you read - when you say up to page 2, you mean both pages? --- Yes, from page 1.

And this is how the document ends on page 2. 'The following plan envisages a process which will place in the field at a date fixed now, simultaneously, in preselected areas, armed and trained guerrilla bands who will find ready to join them local guerrilla bands with arms and equipment at their disposal.' Did that come to you as a surprise? --- Yes.

It did. Did you ask Mbekwe, No. 4, what all this was about? --- We were still reading - I intended

commenting when the police entered the building.

And the document goes on: "It will further coincide with a massive propaganda campaign both inside and outside South Africa, and a general call for unprecedented mass struggle throughout the land, both violent and non-violent." Did that come to you as a surprise? --- Yes, my Lord.

That did. "In the initial period, when for a short while the military struggle will be hours of planning, envisages a massive onslaught on preselected targets which will create the maximum havoc and confusion in the enemy camp, and which will inject into the masses of the people and undefending forces a feeling of confidence that here at last is an army of liberation equipped and capable of leading them to victory." --- That too came as a surprise.

"In this period the corner-stone of guerrilla operations is shamelessly attack the weak and shamelessly flee ~~fight~~ from the strong." And now one final short paragraph: "We are convinced that this plan is capable of fulfillment." Did that come as a surprise to you? --- Yes, my Lord.

Because only a little while before, from discussions at Rivonia, you said that you, 4 and 5 thought that this plan of guerrilla warfare was unfeasible. --- 2 and 4.

Yes. You, 2 and 4 thought it was not feasible. --- That is true, my Lord.

And the document ends with the words that "The time for small thinking is over, because history leaves us no choice." And isn't that the stage that you feel you have reached, that the actions of the Government left you with no choice? --- Well, that is not the feeling of the A.N.C., that the Government can not be changed now to accept the national convention.

By the way, you told his Lordship that all you did at Rivonia was to read and write? --- That is correct.

Nothing else? --- Nothing else.

You know what Solomon Sipeng told his Lordship? That you also operated the roneo machine. You and No. 4. No truth in that? --- I'm afraid I don't remember him saying so.

Solomon Sipeng said that you operated the roneo machine. --- No, my Lord.

Well, we'll check. He is the second witness we called.

BY THE COURT: No, I have no note of that. My note is that 'accused No. 7 visited and also stayed there, but I did not see what he did.'

CROSS-EXAMINATION BY DR. YUTAR: (Contd.) As your Lordship pleases. And if the transcript of the evidence therefore says that you operated a roneo machine, that would be untrue? --- It would be untrue.

-: NO FURTHER QUESTIONS :-

RE-EXAMINATION BY MR. BERRANGE:

Mhlaba, you say that you left Port Elisabeth in October, 1961, and that you went on a mission, and that you then did not return to the Eastern Province until some time early in 1963? --- That is correct, my Lord.

You have been asked a lot of questions dealing with acts of sabotage and the organisations allegedly set up to do so. --- That is correct, my Lord.

During the period from October '61 until the beginning of 1963, do you know what organisational developments were taking place in the A.N.C. and the Umkhonto, during that period? --- No, my Lord.

Were you in a position to know? --- I was not in a position within that period.

I see. Now I want to deal with what you do know about whilst you were in the Eastern Cape. You have told us that volunteers came into existence during 1952? --- That is correct, my Lord.

That is during the passive resistance movement? --- That is correct, my Lord.

And was it then that this oath was prepared? --- It was then that it was prepared. And it was then that the word 'volunteers' was used. To volunteer to go and to fight unjust laws.

That's right. And was it then that the expression 'Amadela-Kufa' came into being? --- That is correct, my Lord.

And this oath that was taken by the volunteers, was it anything like the wording on the document which is alleged to be an oath, which was found in your possession? --- No, my Lord, although I can't recollect the oath of volunteers word by word. But not as framed.

Was it anything like this document? --- No, my Lord.

Completely different? --- Different, yes.

I see. Now these volunteers, after the defiance campaign, continued to act as volunteers, and new people came in and they also got the title of 'volunteers'? --- That is correct, my Lord.

And they were volunteers in the African National Congress? --- That is correct, my Lord.

Was their existence at any time ever kept secret? --- No, it was public knowledge.

All through? --- Right through, my Lord. Well, of course up to the time they went underground.

They had uniforms? --- Uniforms, yes.

They paraded in the streets? --- That's correct, my Lord.

Now you draw a distinction between volunteers and ordinary members of the A.N.C.? --- Yes, my Lord.

Now what do ordinary members of the A.N.C. do? --- Well, a member of the A.N.C. really, he joins, he pays a subscription, attends a general meeting, attends branch

executive meetings.

Has he got to do so, or is it if he wants to do so?

--- Well, I mean as a member ~~of~~ interested in the affairs of the organisation, he has to attend meetings to find out what is going on.

Yes. Is he an activist? --- No my Lord, I wouldn't use that word activist.

I am talking about the ordinary member. --- An ordinary member? A volunteer, I would call him an activist.

I want to distinguish between volunteers and ordinary members, because that's the distinction that was being made whilst you were being cross-examined. --- An ordinary member, I wouldn't call him an activist, my Lord.

I see. Well, what about the volunteers? --- They are activists.

Their job is to distribute leaflets, and paint slogans? --- That is correct, my Lord.

And when there are big meetings, who makes the arrangements for those big meetings? --- They make the arrangements, they bring the platforms to where the meeting is going to be held.

Who attends to the loud-speakers? --- They are responsible for that. And if a member of the A.W.C. has a funeral, they are responsible to organise everything.

They organise the funerals. --- From the beginning to the end.

And if anybody has got to go to jail, who goes to jail? --- The volunteer is the first person to go to jail.

And are their duties confined to certain hours, or are they required to be ready to do this at any time of the day and night? --- According to the rules, at all times.

So in that sense they are completely different from the members. Do you remember the Congress of the People? ---

I remember the Congress of the People, my Lord.

Who collected all the monies that enabled something like 1900 people, delegates, to attend the Congress of the People? --- The volunteers, my Lord.

And who attended to all the arrangements? --- The volunteers.

This is at Kliptown? --- That is correct, my Lord.

It was a huge gathering and a huge undertaking? --- That is correct, my Lord.

Who went amongst the people for the purpose of getting their demands? --- The volunteers, my Lord.

And these were demands that were sent in and were collected from all parts of what then was the Union of South Africa? --- That is correct, my Lord.

They ran into thousands? --- That is correct, my Lord.

Who did that work? --- The volunteers did it.

I see. Who attends to membership drives? --- The volunteers.

And so we can go on. Now I am not quite sure whether you and Dr. Yutar were ad idem or understanding one another when he used the words 'did it come as a surprise.' You have told his Lordship that you were reading this document which has been referred to as Operation Mahiboya over the shoulder of No. 4 accused after you had got into the cottage? --- That is correct, my Lord.

And I think you said you had read the first two pages before the others came in and the document was put down? --- That is correct, my Lord.

You were asked whether what you read there came to you as a surprise. You remember being asked that? --- If I took that to mean the suggestions embodied in the document?

Yes, but you have also told his Lordship, both in examination-in-chief and in cross-examination, that the question

of guerrilla warfare was discussed by you and Mr. Mbeki and Mr. Sisulu whilst you were both at Rivonia and at Travallyn?

---That is correct, my Lord.

So the fact that this document existed, did that come to you as a surprise? --- Not the existnece of the document.

I see. As you have already told his Lordship, Mr. Mbeki told you that a document had been drawn up, when you were discussing this at Rivonia and at Travallyn? --- Perhaps I didn't make that clear that the fact that I was interested to read the document, was the fact that I was referred that that was the original certain document. I don't think I made that clear.

Yes. Right. And you told his Lordship that when you asked to see this document, he told you that he didn't have it, but that Arthur Goldreich had it? --- That is correct.

I don't quite know what the object of the question was, but in case there might be some object, I want to ask you this question. You said that No. 1 at one time was a National Chief volunteer. It was during the 1952 defiance campaign. --- That is correct, my Lord.

And then you were asked about Wilson Nkwai and Dr. Njongwe, and you said they were also volunteers? --- Well, I was actually dealing with the position of the volunteers, that Nkwai was a volunteer-in-chief of the branch, and that Dr. Njongwe was the volunteer-in-chief of the province.

I see. What period are you referring to? --- 1952. I am interested too, the branch - the volunteer-in-chief in the branch was the late Mr. Ntumba. Nkwai came later, after him.

When you left for Port Elizabeth, as you say you did, on the 26th October, 1961, how did you leave, by motor-car or by train? --- Well, I was taken to the station by the State witness...

That's right, and he actually said so in one of his unguarded moments, in giving evidence. That was John Chingana? --- That's correct, my Lord.



He actually took you to the station? --- He took me to the station.

And that was in October '61? --- That is correct, my Lord. And I might say the statement is correct by saying that since then he has never seen me, up to the time he was in this Court.

I know, he said that at one time. --- Yes, he said it.

Now you mentioned a man who you found at Rivonia when you went there at the end of December. You told his Lordship that you don't want to say who he is or what his name is. --- Yes, my Lord.

And then you saw him again when you went to Rivonia thereafter? --- In February, yes, my Lord.

And when you left in February, was he still there? --- Yes, my Lord.

And when you came back at the 30th June? --- He was not there.

He was not there. But of course you don't know how long he had remained there, or until when he had remained there? Of your own knowledge? --- Not of my own knowledge. It is hearsay.

And you were then told that it would be advisable to put on a pair of overalls in order to make yourselves look like labourers about the place, when you went outside? --- That is correct, my Lord.

I see. You said there were three pairs of overalls? --- That is correct, my Lord.

Were they all the same size? --- Two were of a small size, and one was of a bigger size.

And which one did you choose? --- I chose the bigger one.

I should imagine so, from your size. And would you tell his Lordship, this man who you had seen on two earlier

occasions at Rivonia, was he a big man or was he a small man?  
--- He was a big man, my Lord.

As big as you? --- Yes, for my height, yes.

Now in regard to the documents that were found on you by the police, after you had been arrested. I think you have already told his Lordship that these documents were taken away from you? --- Taken from the pocket of the overalls.

Yes, from the pocket of your overalls. Were they shown to you at the time? --- They were not shown to me.

Were you ever asked for an explanation? --- I was never asked, my Lord.

Did it occur to you that the documents were of any importance at that time? --- No my Lord, I did not know the contents.

And lastly, Mr. Mhlaba, you were questioned at some length by my learned friend about what you regard as being the sanctity of the oath that you took, and you were asked the question whether, in taking this oath, you would be prepared not to give evidence that would disclose the identity of other people, and to that extent you said you were not prepared to tell the whole truth. You remember that? --- I don't remember saying 'the whole truth,' that I am not prepared to tell the whole truth.

And now you are under oath to tell the truth, the whole truth, and nothing but the truth, and when you are answering questions about certain individuals, you are obviously not telling everything you know. Isn't that the position?  
--- Well, it is true.

Yes. If you were to give these names away, how would you regard yourself? What would you call yourself, and what would everybody else call you? --- Well, my fear is the consequences which will result to those individuals I may mention here. They will immediately be arrested, taken into

detention, perhaps after some time they may be charged.

Or at the least kept for 90 days? --- Yes, my Lord.

And what would you be? If you told people who they were, what would you be? --- Then I will be regarded by the public that I am an informer.

Yes. Are you prepared to be an informer? --- No, my Lord.

Under any circumstances? --- Not under any circumstances.

I am directed to ask one more question, Mr. Mhlaba. You were asked about M.K. units, you remember? --- That is correct.

Was the composition or the personnel of M.K. units known to all and sundry, or was it the sort of thing that was kept secret? What would you expect? --- It is secret, my Lord. As a matter of fact, even the A.N.C., if you belonged to a cell, you only know the members of that particular cell, not the next one.

-: oOo :-

-: COURT ADJOURNS : -

And Duma Nokwe at that stage was what? What was his position? --- Secretary General.

Of the A.N.C.? --- That's correct.

And you were certainly an important figure in the A.N.C.? --- Well, to a certain extent I was, yes.

Did you ask him what was KM going to do? --- He told me that it was going to embark on sabotage activities.

Sabotage activities? In what way? --- By attacking the symbols of apartheid.

In what way? --- In a planned manner.

In a planned manner. Yes? --- Such as Labour Bureaus. Yes? --- And post offices and such Government installations.

And what else? --- As I say, all the Government installations which are turning out apartheid with effect.

Power pylons? --- He didn't mention that.

Signal Boxes? --- He didn't mention that.

Railway lines? --- He didn't mention that.

And how were these acts of sabotage to be committed? --- In the same fashion, I mean, that they were going to be selected.

Selected. By whom? --- By the Regional High Command, who are in charge of that particular Region, making use of MI units in that particular Region.

Yes. Regional Commands in Natal, Eastern Province and the Cape and Transvaal? --- They will fall under the province of course.

And all four Regional Commands will in turn fall under the National High Command? --- That's correct, my Lord.

At Rivonia? --- Not at Rivonia's.

Where then? Where was the head quarters of the National High Command? --- The MK was being formed at the time he was talking to me, my Lord.

But where eventually was the head quarters of the MK?

-- I was told that the head quarters of the MK were in the townships.

Never at Rivonia? --- Never at Rivonia.

But did MK not do any work at all at Rivonia? --- Not that I know of.

And yet Kathrada, who wasn't there as often on his evidence as you, says it was easy to see that work was being done at Rivonia on behalf of the Communist Party, on behalf of the A.N.C. and on behalf of the MK. And you who spent three visits, 12 days, 8 days, in June, end of June to 11th July at Rivonia, you never saw any work being done on behalf of the MK! Although during those times, as I pointed out to you, in January and February alone 54 acts of sabotage had been committed at least we allege had been committed. Right. And now who in particular were to comprise the MK units? --- In particular?

Yes? In plain language who was to do the dirty work of blowing up all these symbols of apartheid? --- The units of the MK.

Who were the members of the Units? --- Do you want the names, my Lord?

Well, if you would give me the names I would be very happy? --- No, I'm not prepared to give you the names. As a matter of fact I don't know.....

What were their political affiliations? Members of what organisation? --- According to the manifesto they were prepared to take guidance from the National Liberation movement, in other words it would be within the same work of the Congress.

That's right. But now who were the individual members of MK, to what organisations did they belong? The Communist Party? --- From what I understand now, my Lord, they were drawn from the National Liberation Movement.

Yes, but the National Liberation Movement we know

consisted of the Communist party - or you tell us who the National Liberation Movement consisted of - come on, you tell us? --- The African National Congress, the Indian Congress, the coloured people's Congress, the Congress of Trade Unions, the Communist Party. Those are the main....

Well, mention more? --- Well, these are the main as I say.

Well you know it is a remarkable thing, Mhlaba, my learned friend, Mr. Berrange, has already criticised the fact that two witnesses Sehesi and Dondasi, both tell his Lordship the identical thing that they overheard at the Lobatsi Conference, and I hope you make a similar comment that I'm going to make now, that you, Kathrada and Sienu when giving us the components, the members of the National Liberation Movement, all three of you without exception did not mention the most important independent body, namely the MK.

BY THE COURT TO DR. YUTARI Well, I don't think that is correct, Mr. Yutar. He said the MK was drawn from the people from those parties, he has already said the MK was drawn from those people? --- But I asked him now, my Lord, who comprised the National Liberation Movement...

No, but he said the MK was drawn from...? --- Quite that is what he said before, my Lord.

That is what he said? --- As your Lordship pleases.

C According to his evidence the Members of the MK were recruited from these various....? (ACCUSED) That is correct.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) That means that the men who did the acts of sabotage belonged to these organisations, the Communist Party, The Indian Congress, the African National Congress, coloured people's Congress? --- I'm not in a position now to give the details. The MK was supposed to draw members from these organisations.

Now tell me, when Duma Nokwe told you about it that

certain members of the A.N.C. were forming the MK, did he tell you who those members were? --- He told me a few and he mentioned amongst others Accused No. 1.

And who were the others? --- I'm not prepared to mention it.

Was No. 4 one of the others? --- He didn't mention No. 4.

He did not mention No. 4? --- No.

And strangely it has now been conceded that No. 4 was a member of the National High Command of the MK? --- Well, the position is, I understand now he was drawn into the National High Command around about that time, and I wasn't there at Rivonia at the time.

Well, who were the others that Mokwe mentioned to you, apart from No. 1? --- As I say, my Lord, I'm not prepared to divulge their names.

Not prepared to, but you know who they are? --- I do.

Right. Now, you said that this was a decision of the National executive of the A.N.C.? --- Insofar as to allow this part of the leadership.

BY THE COURT TO THE ACCUSED: Is allow the correct word or is sponsor the correct word? --- Allow, my Lord, not sponsor.

CROSS-EXAMINATION BY DR. YOTAR (CONTD.) Well, I need not say anymore, but I just feel I should round it off by quoting to you the evidence of Mr. Z. Mr. Z says that Slovo confirmed at Rivonia to him what Modest had told him before, that the A.N.C. had now gone over to a policy of violence. Slovo said that Umkonto was formed to commit sabotage. There was to be no killing or injury. Is that correct? --- Yes.

And that the decision was taken by the executive of the A.N.C. Is that correct? --- When I say correct, I hope you are not going to have the impression that I'm accepting

what is being said with regard to the first portion of it. I'm only saying yes insofar as no killing.

But can you deny that the Umkonto was formed - well, you don't deny it that the Umkonto was formed to commit sabotage? --- I agree with that.

Do you deny what Mtemba told his Lordship that Slovo says it was a decision taken by the executive of the A.N.C.? --- To do what.

To commit sabotage. That is to form the MK to commit sabotage? --- I don't accept that statement.

BY THE COURT: To allow them?

ACCUSED: To allow some of the members.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) And he says it was also a decision taken by the Congress Alliance. Was that decision taken by the Congress Alliance? --- I'm not sure about the Congress Alliance.

And a person Luthuli had also agreed? --- That I'm not sure of, I don't know about that.

Because the struggle had gone through the first stage and had now reached the second stage of sabotage. Is that not so? --- Insofar as reaching the stage of sabotage, the stage was reached.

The stage was reached. So you do admit then..? --- But insofar as what was said by Mr. Slovo, I wasn't there, and the statement alleged to have been made by Mr. Slovo, certainly I regard it as an incorrect statement.

Well, put it this way. Sisulu was a more senior official than you? --- That's correct.

Kathrada, how did he stand in relation to political importance in the National Liberation Movement? --- Well, I think that he was junior.

Junior to you. Do you know what Sisulu told his Lordship, that he first heard about the formation of the MK from No. 1 in December, 1961? --- Who is that?



Yes, S'aulu said he <sup>first</sup> ~~was~~ heard about the formation of the MK from Mandela - I've got the evidence over here, in 1961? --- Aren't you making a mistake there, my Lord. I suppose you are referring to Accused No. 5.

Kathrada, I beg your pardon. Kathrada said that he first heard of the formation of the MK from Mandela in December, 1961? --- Well, I accept what he said, accused No. 5.

Any reason why he should only have been advised of it, seeing that he was one of the representatives of the Indians, much later than you? --- Well, even if consultations were made before December, 1961, it is quite possible that he was not at that consultation.

Finally S'aulu says that this idea of committing sabotage by MK was discussed in June, 1961. You know nothing about that? --- No, I wasn't there. I don't know.

And this is what he says: 'When the Government ignored their demand for a National convention and after the stay at home strike at the end of May, 1961, in June, 1961 we joined discussions of going over of committing acts of sabotage. You never knew of that? --- I never knew of it, but I accept his statement.

Now, we've dealt with your third stay at Rivonia. The second time of course when you stayed at Rivonia, you were there for four days only? --- The second time?

That was the third time? --- That's correct, my Lord.

You remained for four days? --- That's correct.

Why did you leave Rivonia? --- I was told that I should go and stay for the time being at Travallya.

Why? --- I was told that a new farm had been bought

Who told you that? --- Accused No. 2.

What did he tell you? --- He told me that a new farm had been bought by MK and it is going to be used for

hiding and for trainees that were in transit.

Yes, go on? --- And that I should go and stay there for the time being.

So Now Travallyn is bought by the NK to be used for hiding and for the use of the training of trainees? --- For the training of trainees?

For trainees in transit? --- That is correct.

Now, you've been to both places. Travallyn and Rivonia? --- That is correct, my Lord.

So have I. Isn't Travallyn a very exposed place by comparison with Rivonia? --- That is correct, my Lord.

Isn't there less chance of being found at Rivonia than at Travallyn? --- Comparatively, yes.

Travallyn is a small place on a hill. There is a lot of ground behind the house, but there aren't those big trees that you've got at Rivonia. Not so? --- Yes, I agree with you.

There is no secret road at Travallyn such as you had at Rivonia from which you could escape, in case somebody came along the main recognised road onto the premises? --- I don't know of any secret road at all.

You don't know? --- No.

You've been three times to Rivonia and you don't know that secret road at the back of the thatched roof?

BY THE COURT: I don't think that was the answer. I think, wasn't the answer that there was no exit road at Travallyn?

ACCUSED: There is a road leading to the farm, my Lord, from the main road.

BY THE COURT: No, but I'm referring to Travallyn. Travallyn there is only one exit? --- (WITNESS) Oh yes.

BY THE COURT: You know that there is more than one exit at Rivonia, don't you? --- (ACCUSED) Yes, I think there is a gate further down.

CROSS-EXAMINATION BY DR. XUTAR (CONTD.) And that gate is

connected with the out buildings at Rivonia by a sand road newly made?? --- I'm not in a position to account for the road there what it was intended for.

In fact you mentioned 10/15 minutes ago that No. 2 went to work in the van which was standing at the back? --- Yes, my Lord.

Where did that van come in? The main road or that other road? --- I don't know.

But it stood at the back? --- Oh yes.

So there was a road at the back. How can you get to the back then if there is no road? --- I wonder if you have to go behind the building there must be a road in their own place.

That's what I'm saying. And one other thing. If MK decided to buy Travallyn, why was Goldberg used? --- Well, the reason that has been advanced here is because he was on his way out.

On his way out? --- Yes.

And perhaps he is also connected with the MK? --- That I don't know,

Now, you were again going in hiding to Travallyn? --- That's correct, my Lord.

Who took you to Travallyn? --- Accused No. 3.

No. 3. He drove the combi? --- That's correct, my Lord.

Who went with you? --- Accused No. 4.

Why did he go with? --- He also had to go and stay at Travallyn for some time.

Why? --- As far as he is concerned he had a hiding place somewhere, but I haven't got the details. I was told there was something wrong there for the time being, it is going to be regularised.

Who did you leave behind at Rivonia when the three of you left? --- Accused No. 2.

Only accused No. 2? --- Yes.

He had not yet gone over to Mountain View? --- What for?

Accused No. 2, you left him behind? --- That's correct.

No. 5, was he there? --- He had left.

Do you know where he had gone to? --- He didn't tell us.

Did you take any clothes with you to Travallyn? --- I had no clothes with me, I had only the clothes I had on.

What about the overall? --- I left it behind.

Why? --- Well, because I was told that I will be going away very soon.

Where? --- Going to do MK work..... M. Plan.

Right. We'll keep that answer.

Now, let us come now to Rivonia to your return in 1963. On the 11th July, 1963. Right? --- That is correct.

By the way, you said that there were discussions at Rivonia in connection with guerrilla warfare? Pardon me, I should have made it perfectly clear. There were discussions about guerrilla warfare at Rivonia? --- Yes.

Between whom? --- Between Accused No. 2, 4 and myself.

What were those discussions? --- Well, we were discussing whether it is possible or not to embark on guerrilla warfare.

Who suggested that? --- We were discussing it, the three of us.

Yes. Now, who posed the question is it not possible to embark on guerrilla warfare? --- I'm not quite sure who started it.

Well, it could only be one of the three of you? --- Of course, yes.

And for what purpose was that question posed? ---

It was a burning issue.

Yes, yes? A burning issue. Why was it burning? --- I suppose there was a demand from the rank and file.

A demand from the rank and file, for what? --- For the purpose of adjusting the activities of MK which was sabotage activities.

Demand from the rank and file of the MK to adjust the activity of the MK? --- That's correct.

To go over from sabotage to guerrilla warfare? --- That's correct.

Who told you that? --- As I say I'm not sure between the two accused.

And what was the decision come to? --- Well, the opinion was that it is not suitable.

Why? --- They advanced reasons for it.

Why? --- They mentioned one of the reasons that there was no friendly border.

Yes? --- The question of procurement of arms.

Yes? --- Within and outside the country.

Yes, what other reasons? --- And that the Protectorates will take some time to get their independence. And also the terrain features which are not suitable in the country.

The terrain features in this country which are not suitable. Yes? --- I think, my Lord, these are all the reasons advanced at the time. The main factors advanced at the time.

The terrain features, for example, are not so suitable as they are in Cuba? --- Well, from what I've read about Cuba there are good terrain features in Cuba for guerrilla warfare.

In Cuba, yes. They are not so good in South Africa, because there are not so many mountains and bushes? --- That's right. That is what one of the documents says.

And those were the only reasons why it was considered guerrilla warfare was not suitable? --- Not the only. I said main.

Any other reasons? --- I think that is all.

Did you know Goldreich had been overseas already to discuss the question of arms and explosives? --- I knew that he had been overseas to discuss the question of explosives.

Not about arms? --- Well, from the document also he discussed the question of arms.

Yes, how did you know about the explosives? That he had gone overseas to discuss the question of explosives? --- Before the case I was told by accused No. 2.

Told by accused No. 2 before this case? --- Yes.

How did he know? --- He was told from the National High Command.

He was told. That Goldreich had gone overseas. By the way, you said it was a burning issue, in evidence-in-chief you said it was a current issue. I'm not making any play. It was current? --- Well, burning and current...

Yes, I agree. The topic of the day? --- That's correct.

A certain measure of urgency about it? --- Correct, my Lord.

Did you know that a code was drawn up, a code of conduct and discipline for the MK? --- I know nothing about a code.

You know nothing about it? --- No, my Lord.

EXHIBIT 1, my Lord. Just look at this. And if you tell his Lordship that it was considered not to be a feasible proposition, can you tell his Lordship why Wolpe - by the way you know Wolpe, don't you? --- I don't know him, my Lord.

Never met him? --- No, I never met him.

Well, here he draws up a code setting out orders.

'Every member shall obey any order given by any member of higher rank. It is the duty of every member to know and carry out any section platoon or company standing order.' Why was this code drawn up? --- I have no idea, my Lord.

No idea. Look at the next part. Officers and non-commissioned officers. 'It is the duty of every officer to set an example, devotion to duty, courage, loyalty and (coughing inaudible) .. to members. An officer in charge of any operation of any members engaged in the operation shall carry out the operation in the best possible manner, and shall on no account withdraw from the action or forsake his post or endanger the safety of the members under his command.' Why should Welpé go to the extent of drawing up a code if guerrilla warfare had not already been decided upon. Why? --- As I say, I know nothing about this document. It is impossible for me to comment on it.

Yes. And look what it says there....

BY THE COURT TO DR. YUTAR: There is no point in asking the witness to comment on this if he knows nothing about it? --- As your Lordship pleases.

He says he knows nothing about it.

CROSS-EXAMINATION BY DR. YUTAR (CONTD.) And finally you told his Lordship that on the afternoon of 11th July, 1963, you were in the room, the thatched room? --- That's correct, my Lord.

And No. 4 was there? --- That's correct, my Lord.

And he went to take a document out of the stove? --- That's correct, my Lord.

Supposed to have been left there by Goldreich? --- That's correct, my Lord.

What was that document? --- Later on I came to understand that it was a copy of 'Operation Mbuya'.

When you say later on you came to know, what do you mean by later on? --- When I was reading the document.

And you read the document? --- I read a portion of

the document.

What did you read? --- I read the first two or three pages.

But you told His Lordship the two of you spent about 10 to 15 minutes, the two of you were together reading? --- That's correct, my Lord.

Did that document come as a surprise? --- It didn't come as a surprise. I don't know in what sense you mean.

Were you taken by surprise when you read those first two or three pages of this document? --- I think if I'm not mistaken, the pages that I'm referring to are dealing with political matters, and to a certain degree I accept that analysis.

Were you not taken by surprise when you read this document, in any way? Not taken by surprise at all? --- I wasn't so surprised.

Now I want to show you the original document, and I want you to tell His Lordship what pages you read and how far you read. Did you commence reading from the beginning of the middle or where? --- From the first page.

How far is the document. Tell His Lordship how far you read. --- Up to page two.

Up to page 2. Good. Page 1 is what page 2 says ... --- From page 1 up to page 2.

I think you read - When you say up to page 2, you mean both pages? --- Yes, from page 1.

And this is how the document ends on page 2. 'The following plan envisages a process which will place in the field at a date fixed now, simultaneously, in preselected areas, armed and trained guerrilla bands who will find ready to join them local guerrilla bands with arms and equipment at their disposal.' Did that come to you as a surprise? --- Yes.

It did. Did you ask Mokebe, No. 4, what all this was about? --- We were still reading - I intended



commenting when the police entered the building.

And the document goes on: "It will further coincide with a massive propaganda campaign both inside and outside South Africa, and a general call for unprecedented mass struggle throughout the land, both violent and non-violent." Did that come to you as a surprise? --- Yes, my Lord.

That did. "In the initial period, when for a short while the military struggle will be hours of planning, envisages a massive onslaught on preselected targets which will create the maximum havoc and confusion in the enemy camp, and which will inject into the masses of the people and undefending forces a feeling of confidence that here at last is an army of liberation equipped and capable of leading them to victory." --- That too came as a surprise.

"In this period the corner-stone of guerrilla operations is shamelessly attack the weak and shamelessly flee ~~shamelessly~~ from the strong." And now one final short paragraph: "We are convinced that this plan is capable of fulfillment." Did that come as a surprise to you? --- Yes, my Lord.

Because only a little while before, from discussions at Rivonia, you said that you, 4 and 5 thought that this plan of guerrilla warfare was unfeasible. --- 2 and 4.

Yes. You, 2 and 4 thought it was not feasible. --- That is true, my Lord.

And the document ends with the words that "The time for small thinking is over, because history leaves us no choice." And isn't that the stage that you feel you have reached, that the actions of the Government left you with no choice? --- Well, that is not the feeling of the A.N.C., that the Government can not be changed now to accept the national convention.

By the way, you told his Lordship that all you did at Rivonia was to read and write? --- That is correct.

Nothing else? --- Nothing else.

You know what Solomon Sipeng told his Lordship? That you also operated the roneo machine. You and No. 4. No truth in that? --- I'm afraid I don't remember him saying so.

Solomon Sipeng said that you operated the roneo machine. --- No, my Lord.

Well, we'll check. He is the second witness we called.

BY THE COURT: No, I have no note of that. My note is that 'accused No. 7 visited and also stayed there, but I did not see what he did.'

CROSS-EXAMINATION BY DR. YUTAH: (Contd.) As your Lordship pleases. And if the transcript of the evidence therefore says that you operated a roneo machine, that would be untrue? --- It would be untrue.

:- NO FURTHER QUESTIONS :-

RE-EXAMINATION BY MR. BERRANGE:

Mhlaba, you say that you left Port Elizabeth in October, 1961, and that you went on a mission, and that you then did not return to the Eastern Province until some time early in 1963? --- That is correct, my Lord.

You have been asked a lot of questions dealing with acts of sabotage and the organisations allegedly set up to do so. --- That is correct, my Lord.

During the period from October '61 until the beginning of 1963, do you know what organisational developments were taking place in the A.N.C. and the Umkhonto, during that period? --- No, my Lord.

Were you in a position to know? --- I was not in a position within that period.

I see. Now I want to deal with what you do know about whilst you were in the Eastern Cape. You have told us that volunteers came into existence during 1952? --- That is correct, my Lord.

That is during the passive resistance movement? ---

That is correct, my Lord.

And was it then that this oath was prepared? --- It was then that it was prepared. And it was then that the word 'volunteers' was used. To volunteer to go and to fight unjust laws.

That's right. And was it then that the expression 'Amadela-Kufa' came into being? --- That is correct, my Lord.

And this oath that was taken by the volunteers, was it anything like the wording on the document which is alleged to be an oath, which was found in your possession? --- No, my Lord, although I can't recollect the oath of volunteers word by word. But not as framed.

Was it anything like this document? --- No, my Lord.

Completely different? --- Different, yes.

I see. Now these volunteers, after the defiance campaign, continued to act as volunteers, and new people came in and they also got the title of 'volunteers'? --- That is correct, my Lord.

And they were volunteers in the African National Congress? --- That is correct, my Lord.

Was their existence at any time ever kept secret? --- No, it was public knowledge.

All through? --- Right through, my Lord. Well, of course up to the time they went underground.

They had uniforms? --- Uniforms, yes.

They paraded in the streets? --- That's correct, my Lord.

Now you draw a distinction between volunteers and ordinary members of the A.N.C.? --- Yes, my Lord.

Now what do ordinary members of the A.N.C. do? --- Well, a member of the A.N.C. really, he joins, he pays a subscription, attends a general meeting, attends branch

executive meetings.

Has he got to do so, or is it if he wants to do so?  
 --- Well, I mean as a member ~~of~~ interested in the affairs of the organisation, he has to attend meetings to find out what is going on.

Yes. Is he an activist? --- No my Lord, I wouldn't use that word activist.

I am talking about the ordinary member. --- An ordinary member? A volunteer, I would call him an activist.

I want to distinguish between volunteers and ordinary members, because that's the distinction that was being made whilst you were being cross-examined. --- An ordinary member, I wouldn't call him an activist, my Lord.

I see. Well, what about the volunteers? --- They are activists.

Their job is to distribute leaflets, and paint slogans? --- That is correct, my Lord.

And when there are big meetings, who makes the arrangements for those big meetings? --- They make the arrangements, they bring the platforms to where the meeting is going to be held.

Who attends to the loud-speakers? --- They are responsible for that. And if a member of the A.W.C. has a funeral, they are responsible to organise everything.

They organise the funerals. --- From the beginning to the end.

And if anybody has got to go to jail, who goes to jail? --- The volunteer is the first person to go to jail.

And are their duties confined to certain hours, or are they required to be ready to do this at any time of the day and night? --- According to the rules, at all times.

So in that sense they are completely different from the members. Do you remember the Congress of the People? ---

I remember the Congress of the People, my Lord.

Who collected all the monies that enabled something like 1900 people, delegates, to attend the Congress of the People? --- The volunteers, my Lord.

And who attended to all the arrangements? --- The volunteers.

This is at Kliptown? --- That is correct, my Lord.

It was a huge gathering and a huge undertaking? --- That is correct, my Lord.

Who went amongst the people for the purpose of getting their demands? --- The volunteers, my Lord.

And these were demands that were sent in and were collected from all parts of what then was the Union of South Africa? --- That is correct, my Lord.

They ran into thousands? --- That is correct, my Lord.

Who did that work? --- The volunteers did it.

I see. Who attends to membership drives? --- The volunteers.

And so we can go on. Now I am not quite sure whether you and Dr. Yutar were ad idem or understanding one another when he used the words 'did it come as a surprise.' You have told his Lordship that you were reading this document which has been referred to as Operation Mahiboya over the shoulder of No. 4 accused after you had got into the cottage? --- That is correct, my Lord.

And I think you said you had read the first two pages before the others came in and the document was put down? --- That is correct, my Lord.

You were asked whether what you read there came to you as a surprise. You remember being asked that? --- If I took that to mean the suggestions embodied in the document?

Yes, but you have also told his Lordship, both in examination-in-chief and in cross-examination, that the question

of guerrilla warfare was discussed by you and Mr. Mbeki and Mr. Siulu whilst you were both at Rivonia and at Travallyn?

---That is correct, my Lord.

So the fact that this document existed, did that come to you as a surprise? --- Not the existence of the document.

I see. As you have already told his Lordship, Mr. Mbeki told you that a document had been drawn up, when you were discussing this at Rivonia and at Travallyn? --- Perhaps I didn't make that clear that the fact that I was interested to read the document, was the fact that I was referred that that was the original certain document. I don't think I made that clear.

Yes. Right. And you told his Lordship that when you asked to see this document, he told you that he didn't have it, but that Arthur Goldreich had it? --- That is correct.

I don't quite know what the object of the question was, but in case there might be some object, I want to ask you this question. You said that No. 1 at one time was a National Chief volunteer. It was during the 1952 defiance campaign. --- That is correct, my Lord.

And then you were asked about Wilson Nkwai and Dr. Njongwe, and you said they were also volunteers? --- Well, I was actually dealing with the position of the volunteers, that Nkwai was a volunteer-in-chief of the branch, and that Dr. Njongwe was the volunteer-in-chief of the province.

I see. What period are you referring to? --- 1952. I am interested too, the branch - the volunteer-in-chief in the branch was the late Mr. Ntumbo. Nkwai came later, after him.

When you left for Port Elizabeth, as you say you did, on the 26th October, 1961, how did you leave, by motor-car or by train? --- Well, I was taken to the station by the State witness...

That's right, and he actually said so in one of his unguarded moments, in giving evidence. That was John Chingana? --- That's correct, my Lord.

80e He actually took you to the station? --- He took me to the station.

And that was in October '61? --- That is correct, my Lord. And I might say the statement is correct by saying that since then he has never seen me, up to the time he was in this Court.

I know, he said that at one time. --- Yes, he said it.

Now you mentioned a man who you found at Rivonia when you went there at the end of December. You told his Lordship that you don't want to say who he is or what his name is. --- Yes, my Lord.

And then you saw him again when you went to Rivonia thereafter? --- In February, yes, my Lord.

And when you left in February, was he still there? --- Yes, my Lord.

And when you came back at the 30th June? --- He was not there.

He was not there. But of course you don't know how long he had remained there, or until when he had remained there? Of your own knowledge? --- Not of my own knowledge. It is hearsay.

And you were then told that it would be advisable to put on a pair of overalls in order to make yourselves look like labourers about the place, when you went outside? --- That is correct, my Lord.

I see. You said there were three pairs of overalls? --- That is correct, my Lord.

Were they all the same size? --- Two were of a small size, and one was of a bigger size.

And which one did you choose? --- I chose the bigger one.

I should imagine so, from your size. And would you tell his Lordship, this man who you had seen on two earlier

occasions at Rivonia, was he a big man or was he a small man?

--- He was a big man, my Lord.

As big as you? --- Yes, for my height, yes.

Now in regard to the documents that were found on you by the police, after you had been arrested. I think you have already told his Lordship that these documents were taken away from you? --- Taken from the pocket of the overalls.

Yes, from the pocket of your overalls. Were they shown to you at the time? --- They were not shown to me.

Were you ever asked for an explanation? --- I was never asked, my Lord.

Did it occur to you that the documents were of any importance at that time? --- No my Lord, I did not know the contents.

And lastly, Mr. Mhlaba, you were questioned at some length by my learned friend about what you regard as being the sanctity of the oath that you took, and you were asked the question whether, in taking this oath, you would be prepared not to give evidence that would disclose the identity of other people, and to that extent you said you were not prepared to tell the whole truth. You remember that? --- I don't remember saying 'the whole truth,' that I am not prepared to tell the whole truth.

And now you are under oath to tell the truth, the whole truth, and nothing but the truth, and when you are answering questions about certain individuals, you are obviously not telling everything you knew. Isn't that the position? --- Well, it is true.

Yes. If you were to give these names away, how would you regard yourself? What would you call yourself, and what would everybody else call you? --- Well, my fear is the consequences which will result to those individuals I may mention here. They will immediately be arrested, taken into



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