

pose they have some reason for it, so may I finish that off by putting the question which I submit should have been put by the Crown?

BY THE COURT: . Yes, this question is something new, I think.

BY THE P.P.: I can explain that.

BY MR. BERRANGE: I'm not protesting. I'm not objecting.

BY THE P.P.: Your Worship says it is something new. The question was put to this witness in cross-examination 'If he were able to link up the speeches and the events of the 9th November with subsequent murders, then he would have charged these speakers with the murder....' and the names of Ngwentshe and these other people were mentioned. It was in relation to that whether I asked him whether Ngwentshe was present at this meeting.

BY MR. BERRANGE: (THROUGH THE COURT): In fact, you know very well that at that time Mr. Ngwentshe was banned from attending gatherings ?-- That is correct.

(No further questions)

SAMSON SIGCAU, duly sworn. (Xosa - E. Mazwai)

EXAMINED BY P.P.:

Are you a native detective sergeant in the S.A. Police, and are you stationed at East London ?-- That is correct.

Are you on the Security Branch ?-- I was on the Security Branch.

From when till when were you a member of the Security Branch ?-- July 1952 till December 1955.

Did you attend meetings held by the African National Congress in East London ?-- Yes.

When did you start attending such meetings ?-- The period that I have mentioned.

What was the attitude of the crowd usually who attended the meetings, towards you and other police ?-- They disliked us calling us spies.

Did anything happen to you ?-- Yes.

I want you to give the Court an account of the events which took place from time to time as you attended meetings ?-- What I remember was standing taking notes. It would be said 'Write you spies and go and tell the Europeans.' On a certain day in October 1952, we were two attacked, stones were thrown at us.

Who was with you ?-- Constable Hlabi.

Where did this happen ?-- At the Bantu Square, Duncan Village.

Was there a meeting at the time ?-- Yes.

By what organisation was the meeting held ?-- A.N.C.

What exactly happened to you ?-- We were chased and stones were thrown at us, but no stones struck me.

Were you on foot at the time or in a car ?-- On that day I was on foot.

Do you remember the day when the riots broke out in East London ?-- Yes.

On what date was that ?-- 9th November, 1952.

Did you go to the Bantu Square, Duncan Village Location on that day ?-- I did.

And what time did you arrive at this Square ?-- About 2.45 p.m.

In company of whom ?-- With Serg. Bowen, Sgt. Gerber, Sgt. Nortje.

What was taking place at Bantu Square when you arrived ?-- A meeting was being held.

By what organisation ?-- A.N.C.

Was anybody addressing the gathering ?-- Yes.

Who ?-- Reginald Ndubi.

Where was he ?-- On the stage, at the Bantu Square.

Was there anybody with him ?-- Yes, the other person was Mr. Gubayo.

Where was he ?-- Next to Ndubi.

Why do you say it was an African National Congress meeting ?-- They were there and their flag was also there.

Who do you mean by they ?-- Ndubi and Gubayo, they are the members of the Congress.

Did you proceed to this meeting by car or again on foot ?-- By car.

And was anything said to you on your arrival at the meeting ?-- We did not get out of the car. They came and surrounded the car. They said 'What do you want, you spies, you Mabulu,' and shouting at the same time Afrika Mayibuye.

Could you hear what was being said by the speaker on the stage ?-- No.

Do you know what Ndubi's position in the A.N.C. was at that time ?-- I only knew that he was one of the office bearers.

Did you see anything on ..... were there any ministers of religion around ?-- I did not see any.

Was there anything to indicate to you that it was a religious meeting that was being held ?-- Not to me.

And what happened after these people had circled round the car ?-- We decided to go back.

Was anything else done to the car apart from their circling round it ?-- No, I did not see any other thing.

Did you return with the other police to Bantu Square ?-- I did.

What sort of reception did you get on your return ?-- Major Pohl who was in the car got out. He got out of the car, went up to them, and there was noise, shouting Afrika Mayibuye, After Major had gone up to Ndubi, the police had also got off from the trucks in which they were loaded, these trucks were following us. The Major spoke to Ndubi. At that stage I then heard it being said 'Charge'.

Did you take any part in the proceedings, from that time onwards ?-- No.

(No further questions)

CROSS-EXAMINED BY MR. BERRANGE:

Did I understand you to say a moment ago that after the Major had gone up to Ndubi the police got off the trucks ?-- Yes.

And was the Major talking to Ndubi on this platform when the police got off these trucks ?-- As the Major got off the car, the police also got off, and as the Major walked up to Ndubi, the police were fixing up their things.

Did you or did you not say that after the Major had gone up to Ndubi the police got off their trucks; did you say that ?-- I did say that, but as he went towards him they got off.

So they got off the trucks before he had gone up to Ndubi ?-- Yes.

And not after ?-- No, not after.

Well, why say after if you mean before ?-- It happened at the same time.

After and before, I take it, mean the same thing under those circumstances ?-- Circumstances like what?

Don't worry. Then you say the Major spoke to Ndubi ?-- Yes.

And the next thing you heard was the order 'Charge' ?-- Yes.

Between the time of the Major speaking and the order to charge being given, you heard nothing being said other than the general shouting that was going on ?-- I did not, people were moving up and down and I could not hear.

All you heard was the word 'Charge' whilst the Major was speaking to Ndubi ?-- After he had spoken to Ndubi.

Didn't you say 'At that stage I heard it being said -- Charge.' When the Major was speaking to Ndubi, did you not say that a moment ago ?-- No.

You did ?-- No.

I'll read you your evidence ?-- The question was not put to me whether the Major had finished talking.

I'll read you your evidence....

BY THE COURT: Are you now referring to your questions?

BY MR. BERRANGE: No the evidence in chief.

BY THE COURT: This is what I have recorded: The Major spoke to Ndubi. I then heard it being said 'Charge.'

BY MR. BERRANGE: No, I think, Sir, you have probably used an understandable abbreviation. The actual words used by the witness were: The Major spoke to Ndubi. At that stage I heard it being said.....Charge.

BY THE COURT: That may be.

BY MR. BERRANGE: Well, where was the Major when you heard the order 'Charge' was he on the platform, or wasn't he ?-- He had already got off from the platform.

Did you see him to get on to the platform at any time ?-- I did.

Was that when he spoke to Ndubi ?-- Yes.

How do you know he spoke to Ndubi ?-- They were together on the platform.

You could see him talking to him ?-- Yes, I could see because they were higher up.

Of course, you saw him talking to Ndubi ?-- Yes.

You didn't see him talk to anybody else when he was on the platform ?-- No.

Were you very surprised suddenly to hear the order 'Charge' ?-- I had expected that due to the arms that were carried; I expected that.

The arms which the police were carrying ?-- Yes.

Where were the police armed -- at the police station ?-- They had their guns at the police station, and when they mounted the trucks they had the guns again.

So you suspected that they were going to break up this meeting ?-- Yes.

And you thought that that was the reason why they were bringing their guns and their bayonets along ?-- Yes.

In fact you people left the police station with the object of going to break up this meeting ?-- Yes, that is so, because it was illegal.

And that was discussed amongst you men on your way to the meeting ?-- No, it was not, I was not at that discussion.

You were not at that discussion; did you hear other people discussing it ?-- No.

Then why do you say that when you left the police station you went there with the object of breaking up the meeting ?-- We knew that this meeting was illegal.

So ?-- That is why after that we went and reported this matter to the police, and I therefore took it that the police will go and break up this meeting, because it was an illegal meeting.

With guns and bayonets ?-- The guns and bayonets were being carried, but I did not know whether they would break up the meeting with the guns and bayonets.

Well, what happened after you heard the order to charge being given ?-- Stones and people hitting. People were struck by the police, and then the people retaliated by throwing stones. And some were armed with sticks.

Some of the people were armed with sticks ?-- That is so.

And they retaliated by using their sticks on the police ?-- That is so.

And then what happened ?-- I ran back to the police station.

You don't know what happened after that ?-- I do not know; only from what I heard.

Now, I want to take you back to the time when you people arrived at this meeting, you have told us that the Major went up to the platform, he got on to the platform, he spoke to Ndubi, and the next thing you heard was the order to charge ?-- Yes.

And you also told us that you didn't see the Major speak to anybody except to Ndubi, when he was on the platform ?-- Yes.

And all you saw the Major do when he was on the platform, was to get on to the platform, you saw him speak to Ndubi and then get off the platform ?-- Yes.

And immediately after he got off the platform the order to charge was given ?-- Yes.

So you didn't hear anybody give any order for the crowd to disperse ?-- I did not.

You say you were at this meeting a little bit earlier ?-- Yes.

You couldn't hear what was being said ?-- No.

When you were there earlier ?-- That is so.

Is it possible that the speaker you say was Ndubi, was saying things like the following.....

BY THE COURT: I think we must assume that it is possible; the witness says he did not hear.

BY MR. BERRANGE: Yes, on the fact of it it is a rather senseless question. If it wasn't for the next question I am going to put after it.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

'Our inheritance is thrown to strangers, our houses to aliens. Our necks are under persecution; we labour and have no

rest.' Is that the sort of thing that they may have been saying ?-- On that day?

Yes ?-- I did not hear what they said. I cannot think what they said, because they surrounded our car.

It is the sort of thing that you do hear said at African National Congress meetings, isn't it? Let me repeat it: ' Our necks are under persecution, and we labour and have no rest.' That is the sort of thing that you hear said there ?-- Yes.

What does the word 'Amabulu' mean ?-- White people.

Only white people -- all white people ?-- Yes, that's how we take it.

All white people -- not Afrikaner white people ?-- How do I differentiate the Afrikaners?

Some people do. How do you translate the word 'Boer' ?-- I interpret it the way, a white person.....

No, the Xosa name ?-- (Reply not interpreted.)

What would you say in Xosa for the word 'Boer' that's all, a simple question ?-- From what I have been told by my forefathers is that in the fight, in the war between the English and the Boers, those people who fought against the English are the Boers, and they are 'Amabulu.'

Lastly, when you decided to go back to the camp after having been to the meeting on the first occasion, you went back in your car, did you not ?-- Yes.

And in answer to the representative for the Crown, the Prosecutor, you saw nothing had been done to the car besides the people who circled around it ?-- Yes.

That is correct ?-- Yes.

No damage to the car at all ?-- I did not see.

No stones thrown at the car ?-- No damage that I saw happened at the time.

No stones hit the car ?-- No, not at that stage.

That's the time I'm talking about.

(No further questions)



MR. COAKER: NO QUESTIONS:

MR. SLOVO: NO QUESTIONS:

RE-EXAMINED BY P.P.:

On your arrival at the square on the second occasion, how far from the stage did you stop ?-- We were stopped at the street, and I would estimate the distance where we stopped our car as from where I am standing to the building opposite this corner. (Witness indicates.) (45-50 yards)

Can you give the Court of how many people there were between yourself and the platform ?-- There were many people, the place was full.

Can you say how many people there were at the meeting ?-- More than 100.

Did you have a clear view of the stage, or was your view obstructed ?-- If these people who had collected round the car had not come to the car, we would not have had any difficulty of seeing what was going on.

I am talking of the second time when Major Pohl was with you ?-- I could see.

BY THE COURT: Just a moment, when you gave the distance just now, were you referring to the first occasion or the second occasion that you went to the meeting ?-- On both occasions we stopped more or less at the same spot.

BY MR. BERRANGE: I understood the witness to say, in answer to a question put to him by the Crown just before this last question, he said 'I could see.' That was on the second occasion.

BY THE P.P.: He spoke about the crowd that was milling about the car.

BY MR. COAKER: I have got it quite clearly noted; we can replay it if necessary: My learned friend said to the witness: On the second occasion when Major Pohl was with you, was your view obstructed or could you see. And the witness replied: I could see.

BY THE COURT: No, he didn't put the question in that form.....

BY MR. COAKER: I beg Your Worship's pardon, I have a very clear recollection and a note. Perhaps we might play it.

BY THE COURT: Do you mean that he put the question in the way that you suggest that on the second occasion.....

BY MR. COAKER: It was quite clear that he was referring to the second occasion.

BY THE COURT: Yes, the Prosecutor was definitely referring to the second occasion.

BY MR. COAKER: Yes, he drew the witness' attention to the occasion. He said something like this 'No, on the second occasion when Major Pohl was with you, was your view obstructed, or could you see.'

BY THE COURT: We can put it to the witness. Did you say you could see from where you were in the car?-- Yes, on the second occasion.

You were referring to the second occasion?-- Yes.

RE-EXAMINATION BY P.P. CONTD.:

Did you have a clear view of Major Pohl from the time he left the police to the time he spoke to Ndubi?-- Yes.

What was there to prevent you from hearing what was being said?-- People were making a noise and I could not hear. You could not hear all that was being said.

Was there a microphone on the platform?-- Yes.

Who made use of it?-- Ndubi.

Anybody else?-- No, I did not see.

You said there was some stone-throwing on the second occasion?-- Yes, after I heard them say 'Charge.'

And before that?-- No, I did not.

Will you tell the Court exactly what Major Pohl did from the time he left the police until he got back....

BY THE COURT: You are now going to lead evidence which should have been done in examination. If you put the question in that

form it is not to clarify anything which arose in cross-examination.

BY THE P.P.: Well, in a way it is.

BY THE COURT: I don't think you should put a general question like that. You should be more specific, if you want to clear up something.

RE-EXAMINATION BY P.P. CONTD.:

Perhaps I'll limit it this way; what did Major Pohl do after he had spoken to Ndubi ?-- He got off the platform. I then heard the word 'Charge.'

BY THE COURT: Where was Major Pohl when you heard the word 'Charge' ?-- He was coming towards the police.

How far was he from the platform at that stage ?-- In the half-way.

Between the stage and the posse of police ?-- Yes.

(No further questions)

NATHANIEL SOGONI, duly sworn.

EXAMINED BY P.P.:

You are a native detective sergeant, in the S.A. Police, stationed at Port Elizabeth, and attached to the Security branch ?-- Yes.

Since when have you been stationed in Port Elizabeth ?-- Since 1951.

Have you been attached to this Security Branch all the time ?-- Yes.

I would like to show you a number of exhibits, A.309 to A.325, and will you go through them..... did you do some translations of certain documents placed before you from Xosa to English from time to time ?-- Yes.

And were you asked sometime during this year to do certain translations of documents ?-- That's correct.

Who gave those documents to you ?-- Captain Helberg.

Is that your officer, your commanding officer in Port Elizabeth ?-- Yes.

Will you go through those documents A.309 to A.325, and say which you translated from Xosa to English ?-- A.309.

Will you describe the document, what is it ?-- Provincial Conference of the Province of the Cape to be held at Queenstown May 31st, to June 2nd, 1957.

Did you translate that document to the best of your ability ?-- Yes.

And is your translation attached to the original document ?-- Yes. (Exhibit numbered A.309a -- translation.)

Now, the next one?--The other one is A.312, portion of it, I translated. Portion of the document is in English and portion is in Xosa.

Yes, the first portion is in English headed 'Discipline' ?-- Yes.

And you translated the latter portion of that document ?-- Yes.

Did you do so according to the best of your ability ?-- Yes. (Translation Exh. A.312a.)

To avoid confusion -- is there another document attached to 312, that is marked 312a ?-- No.

Will you continue ?-- A.315 is the next.

Is that a document in Xosa, and what is the heading ?-- Yes, 'The means and instructions to strengthen the branches of the African National Congress at various centres.' (Translation marked A.315a.) That is all.

I intend proceeding now to the second aspect of his evidence; did you attend meetings held by the African National Congress in various parts of Port Elizabeth, from the time that you joined the Security Branch ?-- Yes.

Did you make notes of speeches delivered at meetings

that you have attended ?-- Yes.

Do you know when the Defiance Campaign proper was launched ?-- It was in 1952.

Do you know the date in 1952 ?-- About the 26th June.

Prior to that was any mention made of this in speeches ?-- Yes.

From when was the Defiance Campaign first mentioned by speakers ?-- I think early in 1952, January or February.

Will you look at these notebooks, saying if they are yours, whether they show notes of speeches that you made ?-- Yes.

Are those your notebooks ?-- Yes.

Did you record speeches delivered at Emlotheni Square, on 10th February, 1952. ?-- Yes, at New Brighton.

You are now referring to your notebook ?-- Yes.

Who was the chairman at that meeting ?-- S. Simpe.

I want you to refresh your memory from those notes and say what the first speaker said at that meeting ?-- S. Simpe, Chairman "I am again here today to speak to you about the intentions of the African National Congress. You all remember that during the last 300 years since whites people came to this country and after battles being fought .....because they became the rulers of this country and made laws directed to Africans. Today we have a parliament and the parliament is one formed to make laws for Africans. The African National Congress Conference at Bloemfontein decided that all Africans should defy these laws if Dr. Malan does not consider the African National Congress resolutions. We all know in Dr. Malan's statement he threatened us with bullets and we are not frightened of him. Since it has happened before. Dr. Malan has introduced many laws such as Group Areas Act, Bantu Authorities Bill, Suppression of Communism which are only directed

to oppress Africans. I say to you that all young men should come forward and fight for their freedom. There are also pass laws which hinder Africans against their..... For instance, if an African you are supposed to carry a pass, and if you are found with the police without the pass you are arrested and taken to court where you will be fined 10/-. And after paying that amount and leave the office you meet another policeman who will demand the same pass and arrest you again. Under the Group Areas Act , Africans will be divided into different tribes, e.g. Xosas, Pondos and ..... The leaders of the tribes will be appointed by this Government and deprived their chiefs and headmen their rights. We should all be prepared to die for our country, and anything should happen over our dead bodies in this country. I call upon all you young men and young women of South Africa to come forward and volunteer, and fathers this decision of the African National Congress we are not going to force anybody to volunteer except those who are willing to join and take part in defying these laws. The leaders of the African National Congress are not the people to defy these laws alone, but the members follow and take part in the battle. This Government has given instructions to the C.I.D.'s to investigate our movement but it does not do it for the white people." That is all of his speech.

Did you again attend a meeting of the A.N.C. at the same place on 27th April, 1952.-- (Witness refers to notes.) Yes.

Who was the chairman at that meeting ?-- A. Nkosimkulu.

What did he say at that meeting ?-- "African people this is an important day to Africans because at Bloemfontein the Congress is busy discussing about the next step taken by the African people to obtain their freedom. He informed the audience that Dr. Nsongwe and Mati were away to Bloemfontein attending the meeting. He then appealed to the audience to enlist in the African National Congress and also some volunteers.

He further said that the time has now come for Africans to act rather than to sit and listen to the speakers.

Do you know what position Dr. Njongwe held in the African National Congress at that time ?-- At that time Dr. Njongwe was the Cape Provincial President.

And Matje ?-- Matje was the secretary at that time of the New Brighton Branch, African National Congress.

Did you attend another meeting of the African National Congress on 25th May, 1952, also held at Emlotheni Square ?-- (Witness refers to notes) ?--Yes.

Who presided at that meeting ?-- A. Nkosimkulu also.

And who were the speakers ?-- S. Magwaca was a speaker.  
R. Matje.

What did Matje say at this meeting ?-- He said: Chairman and members, two of the leaders have been banned by Swarts, ..... have interfered with Europeans. The City Council has refused African leaders to enter New Brighton and that is why, ..... and that is a liberal council. We have reason to believe that the City Council has appealed to the police to arrest the Coloureds and Indians if they enter New Brighton from the 1st June. You should not worry about that because we are going to teach this Government a lesson. In order to warn us City Council has written two letters stating that it is not desirable for Indians and Coloureds to enter New Brighton. Those of you who don't know the reasons for adding a fence around New Brighton should now know. There is next holiday the 31st May and the 1st June, the leaders of the African National Congress will have their last executive meeting and the Indian leaders will also be here to attend the meeting. You are today more than 1,000 at Emlotheni Square because you have been frightened by what you read in the 'Evening Post' on Saturday, referring to people who had been arrested. He further mentioned the

names of Ngwewela and Ngapape the leaders of the African National Congress who had been banned. I can assure<sup>you</sup>/that had we known in 1950 what we know today we would not only have gone on strike for a day, but we would have carried on tomorrow 18,000 Government workers are going on strike, but that is nothing because one of these days there will be very much more to join the strike. The Africans could now decide and be prepared to defeat the Nationalist and the United Party. I must warn Malan that the day we begin to strike and the day we start our struggle, we will not stop until we have reached our destiny which is freedom and equal rights. Next Sunday Dr. Moroka, the President of the African National Congress will be here to tell you the date when to commence the struggle. Suppression of Communism Act is interfering with our leaders and we maintain that this Act was purposely promulgated to ban the leaders of the Africans. Do you know what we are going to do with those people who oppose the African National Congress. We will smash them before we reach Dr. Malan. Those democratic people who have been forced by Malan to join the African National Congress will be on our side. In conclusion he appealed for funds which will be used for financing the families of those volunteers who may be arrested and gaoled for defying the unjust laws. Those amongst us who have not decided to join the Congress will find themselves on Malan's side one day when the Africans commenced with their struggle they will deal with those standing in front of them. That shows you that it is possible for the African people to obtain their freedom. We are not going to defend Kahn and Carneson only but we want the majority to have the right to vote and become members of the Parliament. Now we are going to get into the struggle for our freedom. If we are prepared to tolerate another 300 years you should stay away and let those who are prepared to fight for their freedom do their work."



Did you also attend a meeting of the African National Congress held on 31/5/52, at Drew Street, Korsten ?-- (Witness refers to notes? Yes.

Did you make notes of speeches delivered on that occasion ?-- Yes.

Who was the chairman ?-- R. Mhlaba.

What was his position in the African National Congress ?-- He was the chairman of New Brighton Branch, African National Congress.

What did he say at this meeting ?-- "This meeting is under the auspices of the African National Congress. As you all know that the world is looking towards South Africa and the whole world is anxious to know what you are doing. The Joint Executive of the S.A. Indian Congress and the African National Congress met since this morning. The purpose of this meeting is to give the dates of the defiance of discriminatory laws. I am sure by tomorrow we will all know what is going to take place. Today I am going to use three national speakers." R. Matje said: Chairman and friends, let me tell you the reason why this meeting is being held because it was not the intention of the Congress to introduce apartheid since the City Council of Port Elizabeth has refused to allow our Indian friends to go to New Brighton. What is the outlook of the City Council when it refuses permission to other non-Europeans to enter. You are made to believe Dr. Malan is responsible for discriminatory laws in this country. Is there any possibility if there will be any among these rulers who will introduce. Since we are satisfied..... those men who will lead us to freedom are with us this afternoon and they decided to take this up. If these men come forward with a solution is it not for us that doctrine and support them to get our freedom, in our lifetime. Our national executive not call upon Malan and his followers to run to the round table. Those amongst us who

have realised the treatment should come and join us to receive our freedom. He then referred to the non-residential Europeans of Korsten. We are looking forward to another 300 years of baasskap in this country. The white rulers say that we are not sufficiently civilised to enjoy civilisation in South Africa. The people hold reigns in this country are forming up some means of slavery in Africa. He then referred to the payment of taxes. That money is being used for apartheid, railway stations, post office. Those of us who are happy with these laws wouldn't have come here. The National Executive is speaking for people who are serious about this campaign. Those Africans, Coloureds and Indians who want freedom must be prepared to go to gaol and also Malan, Malan's machinery. We won't get this freedom by speaking and sending articles to the press. I hope you will all decide individually as to what part you are going to take in this struggle. He appealed to the audience to contribute their shillings as support of the volunteers when they are being gaoled. We are prepared to ..... freedom no matter what Malan puts in front of us. When we obtain this freedom we will form our own Government and call those who were not traitors." Ida Mtwana, President of the Women's League, Transvaal then said: "Chairman, Sons and Daughters of the Black Man. Greetings to you all. I am bringing greetings from daughters and sons of Africa. They wish you success in the defiance of unjust laws. There is no time for talking, but the non-Europeans of this country....." That sentence is incomplete: ".....of this country..... for action to you Africans, Coloured and Indians some of our people are scared hence to come and to defy these laws. I wonder if they are aware that they have been in gaol for 300 years. The African National Congress is now prepared to break those chains. It is better in gaol for the rest of your life. Today in Johannesburg women of garment workers have been assaulted by

the police. The form of government is a police government, that is why I say we should be gaoled for defying the laws. Sitting here in peace, the police may come and assault us. She referred to the arrest of Sachs in Johannesburg. Now Swarts the minister of South Africa has decided to ban your leaders. What are you going to do? Johannesburg women demonstrated when Sachs was arrested. She appealed to women to participate in the defiance of laws in this campaign. The time has come for non-whites to obtain their freedom not tomorrow but now. The way of obtaining freedom is unity. She then called upon the women to come forward and give their names and become members of the African National Congress. She then referred to the pass laws. Malan should introduce passes for the European women who are immigrants in this country. I know that Swart is going to send his police to come and shoot us because this present Government is a police Government. She related a story about things, incidents, where a policeman raped two young native girls and the policeman was applauded. It is now the hour for decision to act."

Did you attend another meeting of the African National Congress at Emlotheni Square on 15th June, 1952 ?-- Yes.

Who were the speakers at that meeting ?-- A. Nkosimkulu was the chairman.

Who were the speakers ?-- L. Kepe.

Is he one of the Accused ?-- Yes.

Any others ?-- Mbeki, S. Ntunja, F. Matomela -- Florence Matomela.

Is she one of the Accused ?-- Yes.

What did she say at this meeting ?-- "We are going today ..... when we were given New Brighton it was said that it was a paradise. Malan is a Boer and the son of a thief. We were born in South Africa and we will die in South Africa. We don't demand much but we would also like privileges that Malan, Donges

Swart's and their wives have. She then referred to the New Brighton Railway Station where the apartheid law is in force saying that Malan has applied apartheid in the New Brighton Railway Station. We are going to break those laws in spite of machine guns and bombs and etc. We will fight this battle until we die. I am prepared to be shot as I stand here. We will not respect Malan and his unjust laws. Swart says he is the mother of justice but I say he is the mother of injustice. Every white man is a serpent and you must not treat him as such. If you have never seen Satan in hell look at the white man then you can say you have seen Satan. She then appealed to the women to join the African National Congress and volunteers.

Do you know this person Ida Mtwana ?-- Yes.

Do you know whether she is one of the Accused ?-- Yes.(49)

And Kepe you have said is one of the Accused ?-- Yes.(106)

And Florence Matomela ?-- Yes. (111)

(No further questions)

CROSS-EXAMINATION RESERVED:

DISCUSSION:

JOSIAH JOUBERT, beëdig verklaar. (Afrikaans - Tolk J. Maree)

VERHOOR DEUR P.A.:

Are you a Captain in the S.A.Police, at present stationed at Hospital Hill, Johannesburg ?-- Ja.

Were you stationed in Port Elizabeth during 1952 ?-- Ja.

From when till when were you stationed in Port Elizabeth ?-- Van die begin van 1951 tot die einde 1956.

Were you in charge of the police at Korsten ?-- Ja, ek was.

Were you district commandant ?-- Nee, ek was die offisier in bevel van die wyk.

Was it part of your duty to maintain law and order in your area ?-- Ja.

Do you know the organisation known as the African National Congress ?-- Ja.

Do you know whether this organisation held meetings in your area ?-- Ja, baie kere.

Did you ever attend meetings held by this organisation ?-- Ja.

During what years did you attend meetings ?-- Omtrent 1952 tot 1954.

Do you know of the Defiance Campaign ?-- Ja.

Which organisation was responsible for that ?-- African National Congress.

Do you know when this Defiance Campaign was started in Port Elizabeth ?-- Nee, ek kannie presies sê nie.

Do you remember the trend of speeches at the organisation's meetings ?-- Ja.

What do you remember ?-- Op die vergaderings waar toesprake gehou was is altyd daarop klem gelê dat die witman in Suid-Afrika die land van die nie-blankes afgeneem het, en dit was hulle plig en doelstelling om dit terug te kry.

Is that all you remember ?-- Daar is ook gesê dat hulle dit met mag moet kry, hulle doelstelling.

And when in relation to the start of the Defiance Campaign was that sort of speech made -- do you know the date when the Defiance Campaign started in 1952 ?-- Nee, ek kannie presies sê nie.

Did you attend meetings before and after the start of the Defiance Campaign ?-- Ek het die vergaderings bygewoon van omstreeks 1952 tot 1954. Ek kannie presies sê of onthou wanneer daardie verset veldtog werklik begin het.

When in 1952 ?-- Ek reken van omtrent Julie 1952.

Do you know when the Defiance Campaign came to an end ?-- Nee.

Do you know whether any riots broke out in Port Elizabeth ?-- Ja, daar was 'n uitbreking van geweld gewees October 1952.

What day in October 1952 ?-- 18de Oktober.

Did you receive a report on 18th October, 1952, from another person, Captain Croukamp -- I don't want the details of the report ?-- Ja, gedurende die namiddag, omstreeks 4 nm.

What did you do as a result of that report ?-- Ek het dadelik na die New Brighton naturelle dorp gegaan.

To which part of New Brighton did you go ?-- To the police station.

What time did you get to the police station ?-- Round about 4.30 p.m.

Whom did you meet there ?-- Capt. Croukamp en ander lede van die S.A.Polisie.

What did you do there ?-- Ek het na die New Brighton se spoorwegstasie gegaan.

Were you accompanied by anybody ?-- Ja, Kapt. Croukamp en ander lede van die mag.

How many members of the Force ?-- Ek dink dit was 17 blanke lede en omtrent 12 nie-blankes.

Were these members of the Force armed ?-- Ja, hulle was.

How were they armed ?-- Met gewere en pistole, die blankes, en die nie-blankes het geen wapens gehad behalwe hulle knibbels.

How far is the police station from the railway station ?-- 300 tot 400 treeë.

Could you see anything happening at the railway station from the police station ?-- Ja, ek kon.

What did you see ?-- Groot samedromming van naturellemans naturellevrouens en kinders in die nabyheid van die spoorwegstasie.

Did you then proceed to the railway station ?-- Ja.

What was happening there when you got to the railway station ?-- Net buite die spoorwegstasie het 'n moterkar omgekeer gelê, dit was al aan die brand gewees.

Anything else ?-- Al die naturellemans, vrouens en kinders het klippe en ander voorwerpe na die spoorwegstasiegebou gegooi.

How many native people would you say were there in the vicinity of the station ?-- Ek het geskat so 3,000, 4,000.

And where was this car that was overturned in relation to the position of the crowd ?-- Sommige van die mense was by die moterkar, rondom hom gestaan.

Did you see anything wrong with the Railway station, with the premises ?-- Die gebou was baie beskadig.

What part of the building would you say ?-- Dak, deure en vensters.

Damaged by fire or how ?-- Beskadig deur klipgooiery het dit gelyk.

Was anything done to the police before you got to the Railway station premises ?-- Ja. Die naturelle het baie klippe na ons gegooi.

Will you tell the Court in detail what happened when you got to the station, what you did ?-- Ek het ander lede van die spoorwegpolisie daar ontmoet, Kapt. Fritz, wat n rapport aan my gemaak het.

What did you do then ?-- Daar was toe nog baie klippe gegooi op daardie tyd. Hulle het ook klippe in sakke gewind en hul in ontvlambare vloeistof gedoop en die deur die vensters en die deure van die gebou binne gegooi. Daar was ook bottels wat n soort van n pit in het met ontvlambare vloeistof in die bottel en die pitte het ook gebrand.

What was done with the bottles containing the wicks ?-- Dit was binne in die stasiegebou ingegooi, waarskynlik met die doeling om aan die brand te steek.

Was the building set alight or not ?-- Nee, ek kannie meer presies so sê nie.

What did you do then ?-- Ek het twee polisiemanne gelas

om op die mense wat in die spoor ~~stips~~ gestaan het en wat ek kon duidelik sien hits die ander aan, gesê om op hulle te skiet.

And was your instruction carried out ?-- Ja.

Was anybody hit ?-- Sover ek nog kan onthou was 7 naturelle doodgeskiet daar, en 'n hele aantal gewond.

Did you make use of any other means, apart from rifle fire ?-- Nee.

3 How long did this shooting continue ?-- Ek kannie meer presies onthou nie, dit kon 'n half-uur gewees het.

Did it have any effect on the crowd in repelling them ?-- Hulle het geleidelik padgegee.

Were they doing anything when the firing was going on ?-- Hulle het nog klippe gegooi en vir my self getref en vir ander lede van die Mag ook.

Did you see a red lorry near the railway station ?-- 'n Hele endjie van die stasie af.

Was anything done to that red lorry ?-- Ek kon sien dat naturelle klippe gooi <sup>n</sup>na/voorwerpe naby hierdie vragmoter, die vragmoter was omgekeer ~~an~~ aan die brand.

Did that incident have any effect on the crowd at the Railway station ?-- Ek kon sien dat die skare by die stasie in daardie rigting beweeg, in die rigting van hierdie vragmoter.

What happened then ?-- Geleidelik het dit stilgeraak en die klippegooi het opgehou.

Did you send for reinforcements ?-- Hulle het opgedaag nãdat ek gestuur het.

At what time did the reinforcements arrive ?-- Ek reken omtrent half-ses, as ek reg onthou.

In verhouding tot die insidente wat u nou vermeld het ?-- Tot die versterkings daar opgedaag het was dit nie meer nodig om oor die mense te vuur nie.



Het die skaar al toe padgegee ?-- Ja. By daardie tyd was die meeste van die mense wat daar saangedrom het al weg.

What happened then ?-- Ek het toe die aantal manne op die spoorwegstasie gelaat en na die polisiestasie toegaan.

Did you remain at the police station ?-- Ja, tot ongeveer 8.15 nm. tot ek n oproep gekry het vir hulp by die Rio bioskoop.

Did you then proceed there ?-- Ja.

Waar is die Rio bioskoop ?-- In die naturelle dorp van New Brighton.

How far from the police station ?-- n Myl of twee, as jy met al die draatjies moet ry; reguit is dit natuurlik baie nader.

And how far from the railway station ?-- Nie veel verder as wat ek nou gesê het.

At what time did you arrive at the Rio Bioscope ?-- Dit was voor half-nege gewees, 8.20, 8.25, daarrond.

What did you find there on your arrival ?-- Voor die gebou het n moter op sy sy gelê, dit moter was aan die brand. Die bioskoopgebou self was aan die brand. Naby die bioskoop het die dooie liggame van drie blanke mans gelê.

Did you recognise any of the dead persons ?-- Nee.

Were there any people around at the bioscope when you arrived ?-- Daar was naturelle in die omgewing, nie in die onmiddellike nabyheid nie.

What did you do there ?-- Die liggame van hierdie mense was erg vermink en ek het hulle laat verwyder. Ek het die ambulans gebied en ons het die liggame verwyder.

Did you do anything else ?-- Ek het daar in die omgewing van die bioskoop rondgestaan met my manne en gesien hoedat die naturelle stelselmatig al die straatligte in die strate in daardie omgewing een vir een uitdoop deur dit stukkend te gooi.

Sommige van die naturelle het teen die pale opgeklim en dit stukkend geslaan. Omtrent hierdie tyd het ek gekyk na die plek daar waar ek die rooi vragmoter gesien het.

Is that near the station ?-- Ja. Daar het ek die rooi vragmoter gekry wat omgekeer was, dit is uitgebrand. Die dooi liggaam van n blanke man waaraan die honde geëet het.

Do you know who that person was ?-- Ek het later uitgevind dat dit n sekere Laas was.

What did you do with the body ?-- Dit was na die lykshuis verwyder.

And where did you go after that ?-- Ek het in die naturelle dorp daar rondgebly.

Do you know a general dealer's store of Mr. Marcow ?-- Ja, dit is in die naturelledorp, New Brighton, gewees.

How far from the Rio Bioscope ?-- Net n paar honderd tree.

Did you visit that place ?-- Ek het, omstreeks 12 uur die nag het ek gevind dit is aan die brand, en dit het geheel uitgebrand.

Did you do anything to try and put the fire out ?-- Ek het die brandweer ontbied. Hulle het opgedaag maar hulle kon dit nie blus nie.

Was there a post office building in the native location ?-- Ja, naby die handelaarswinkel van Marcow.

Did anything happen to the post office building ?-- Ja, dit was ook aan die brand.

Was it destroyed by fire or not ?-- Dit het gedeelte gevorm van n ander groot gebou, net feitlik die poskantoor het uitgebrand.

Was there also a milk depot of the United Dairies in the location at that time ?-- Ja, in dieselfde omgewing waar die poskantoor en Marcow se winkel was, dit was ook aan die brand en dit het uitgebrand.

Were there any other buildings, properties, that were burnt, apart from those that you have mentioned ?-- Nee.

Was there at that time ..... were there natives at that time who owned businesses in the location ?-- Ja, baie.

Were any of those businesses burnt or destroyed ?-- Nee.

LEAVE TO RESERVE CROSS-EXAMINATION RESERVED:

COURT ADJOURNS:

COURT RESUMES 15TH AUGUST, 1957.

APPEARANCES AS BEFORE :

MR. COAKER ADDRESSES COURT :

Accused Absent : Position same as on 14th August, 1957.  
In Addition : No. 70, W.M. Sisulu; 139 G. M. Naicker.  
Back in Court : No. 28, J. Makwe; 69 C. Sibande; 83 L. Forman; 95, R. September; 111, F. Matomela; 126 J. Arenstein; 127, W.Z. Conco; 153, G. Dechaba.  
Medical Certificates handed in : No. 28, J. Makwe; 69, C. Sibande; 111, F. Matomela; 124, T. E. Tshungwa; 126, J. Arenstein; 141, N. T. Naicker; 153, G. Dechaba.

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

JOSHIA JOUBERT, verklaar onder eed;

VERHOOR DEUR DIE P.A. (MNR. LIEBENBERG) :

Can you say what organisation was responsible for the disturbances at the Railway Station...

BY MR. BERRANGE :

May I say that the Court is going to be asked to come to a finding at some stage or another. The witness can testify to certain facts from which the Court can draw certain inferences..

BY THE COURT :

I think that is true, but the Prosecutor I think would have to lead the witness to a point. It will depend upon the facts that he places before the Court. The Court will be bound by the answer that he gives.

BY MR. BERRANGE :

I suggest that the witness be asked to give the facts, and not put the cart before the horse and be asked the conclusions which are arrived at as a result of the facts. This is a matter that the Court is going to be - the whole of these proceedings, I understand, revolve around the question as to whether or not any of these organisations are responsible for

some act or another. Now my learned friend...

BY THE COURT :

I agree entirely with you that the Court would have to come to a decision on this point. Perhaps there is another way of approaching it.

BY THE P.P. :

There are two ways. I don't dispute that. I wanted to cut proceedings short, but I shall go into details. I am quite happy to do that.

EXAMINATION BY P.P. CONTINUED :

What - did you hear anything being said at the Railway Station when you approached it? --- Ja, en ook toe ek op die spoorweg-stasie was.

What did you hear? --- Daar was uitroepe van 'Afrika' en 'Mayebuye' en uitroepe van 'Malan' ensovoorts.

What organisation used these words or slogans 'Afrika' and 'Mayebuye'? --- African National Congress.

During the time of your term of office in Korsten, did you have occasion to deal with a firm called Metal Box Company? --- Ja. Omtrent Julie 1952 was daar n staking by die Metal Box Company.

Do you know what the cause of the strike was, or the reason for the strike was? --- Ek kan nie presies onthou nie, maar tot die beste van my wete was dit nie n loon geskil nie.

Did you visit the premises of this Company? --- Ja. Hierdie staking het n geruime tyd geduur.

Members of what races are employed by this company? --- Blankes and nie-Blankes, maar die staking was net onder die nie-Blankes.

What did you find on the occasion when you visited the premises?? --- Net buite die persele van hierdie firma was n oop stuk grond en daar was vergaderings in die reël gehou deur Naturelle.

Was there anything there to indicate to you, or rather let me put it this way - did you recognise any of the persons who addressed the gathering? --- Daar was n sekere Naturel met die naam van Tshume was ek daar herken het.

What was his initials? --- Ek dink hy was T. Tshume.

Did he address the meeting? --- Ja.

Was there anything distinctive in the dress of the people who attended or addressed the meeting? --- Ja, sommige van hulle het die kleure van die African National Congress gedra.

Was daar iets gesê op die vergadering? --- Daar was verskeie vergaderings. Ek kan nie presies meer sê wat daar gesê was nie.

Did you do anything else apart from visiting the premises? --- Die werknemers van die fabriek wat nie op staking was nie het by my verklaar dat die aand as hulle huis-toe gaan dan word hulle deur die ander lede van die....

I don't want the details. You received complaints from the employers - from the employees? --- Ja.

Did you do anything in consequence of those complaints that you received? --- Ja.

What did you do? --- Die aard van die klagte was dat hulle in die aand as hulle...

We don't want to know the details of the complaint. I want to know what exactly you did? --- Ek het n aantal polisie manne in n vragmotor gelaai en n sleepwa agter die gewone vragmotor en hulle laat wegry.

DEUR DIE HOF :

Wie laat wegry? --- Die werknemers en die polisie.

BY THE P.P. :

Before we go further, can you say how the employees were usually conveyed from the factory elsewhere, either to

their homes or to the location or elsewhere? --- Een van die voertuie van die firma.

What sort of vehicle? --- Dit was n vragmotor wat geheel en al toe was sodat dit nie sigbaar was wat binne in is nie.

Where did this lorry take the people to? --- Ek dink dit was Durbanweg, Korsten.

My question is, where were these employees usually taken to? --- Na n plek in Durbanweg, Korsten waar hulle afgelaai word.

How far from the factory? --- Omtrent n myl.

You say you put some police in this lorry? --- Addisionele sleepwa. Die polisie was in n aparte sleepwa, wat saamgesleep was deur die vragmotor.

Were there people in the main lorry? --- Ja, nie-Blanke werknemers van die vragwa.

What happened on the way? --- In Durbanweg toe hulle afgelaai word, het Naturelle hulle daar toegesak en hulle aangerand.

What did the police do? --- Die polisiemanne het ingegryp en sommige van hulle arresteer en ander van hulle platgeslaan....

Did you accompany these people? --- Ek het in die motor gery net agter die wa.

Immediately behind? --- Ja, ek was by.

Did you see the Natives get off the lorry? --- Ja.

Did the police get off at the same time or not? --- Net toe die Naturelle hulle toesak het die polisie ook uitgesklim.

DEUR DIE HOF :

What Natives were these? --- Dit is die werknemers van die firma.

Nee, maar jy sê dan die Naturelle het toegesak op die

werknemers van die firma. Watter Naturelle is dit daardie?  
--- Dit is Naturelle wat hulle waarskynlik daar ingewag het.

Waar het hulle vandaan gekom? --- Hulle was net  
daar gewees.

BY THE P.P. :

Were they standing in the open on your arrival at  
that spot? --- Hulle het daar rondgehang.

Was there anything distinctive in their dress? ---  
Baie van hulle het die tekens en die kleure van die African  
National Congress aangehad.

How many of them were there? --- Ek kan nie meer  
presies sê nie.

How many employees were off-loaded? --- Ek kan nie  
presies sê nie. Dit was n vrag, seker n twintig - dertig  
gewees.

Did the police take any part in this trouble? --- Ja,  
die polisie het probeer voorkom dat die mense aangerand word.

You said that some arrests were made? --- Jaa, daar was.

Were people brought before Court? --- Ja.

On what charge or charges? --- Ek kan nie meer presies  
onthou nie, maar ek dink dit was aanranding.

After that did you have any more trouble of that  
nature? --- Nee.

DEUR DIE HOF :

Het die polisie dan aangehou die werknemers vervoer?  
--- Dit was nie nodig nie. Daarna was daar nie meer aanran-  
dings op die werknemers gepleeg nie.

BY THE P.P. :

The people who were assaulted, had they taken part in  
the strike? --- Nee, dit was diegene wat nie deelgeneem het  
nie wat aangerand was.

During that time did you have anything to do with any  
other factories, businesses? --- Gedurende November 1952 was



daar ook n staking by n firma Val-Orange.

Waar is dit? --- Grahamstadweg, Deal Party Estate, in Port Elizabeth.

Do you know the reason for that strike? --- Tot die beste van my wete was dit ook nie ; loon geskil nie.

Did you visit the premises of that company? --- Ja, ek het.

How long did that strike last? --- Etlike dae.

Did you see people around on your arrival at that place? --- Ja, ek het.

Was there anything distinctive in the dress of those people? --- Daar was van die persone wat ook die kleure van die African National Congress gedra het.

Were these people doing anything outside the factory? --- Hulle het die persone wat nie gestaak het nie, lastig geval.

In what way? --- Deur hulle te bedreig met liggaamlike geweld as hulle nie aflas met die staking nie.

Did you see that? --- Ja.

Did you do anything then? --- Ek wil net sê ek het n woord verkeerd gebruik daar. Ek het daar gesê dat as hulle 'nie met die staking aflas nie'. Dit moet wees as hulle 'nie met die werk aflas nie'. Hulle was nie stakers nie.

Did you do anything then? That was my next question? --- Ek het polisiemanne aangesê om hulle te verdryf daar voor die hek, daar waar hulle stelling ingeneem het.

Did you have any more to do with this strike at this place, Val-Orange? --- Ek het die Naturelle wat gestaak het, gearresteer.

Were they brought before Court? --- Ja.

BY MR. BERRANGE :

May we know on what charge?

BY THE P.P. :

He said that it was in connection with the strike. What was the charge? --- As ek nog reg onthou was dit dat hulle aan 'n staking deelgeneem het.

What was the outcome of the trial? --- Ek kan nie onthou nie.

DEUR DIE HOF :

Jy kan nie onthou of hulle skuldig of onskuldig gevind was nie? --- Tot die beste van my vermoë wat ek kan onthou, was hulle almal skuldig bevind.

BY THE P.P. :

Were there any other incidents of a similar nature that you had to deal with in the course of your term of office in Korsten?

BY MR. COAKER :

Before my learned friend proceeds to ask this witness to give us the whole of his memoirs during his period of office in Korsten, may we know what possible relevance these interesting accounts of various strikes in various places had with the activities of the accused or their organisations? If it is the contention of the Crown that whenever any act is committed by persons amongst whom are to be seen some wearing the badges and colours of the A.N.C. or any other organisation, then that organisation is to be held responsible for their acts or the leaders of it are to be held responsible for their acts. If that is so I protest that there must be some limit to the fantastic extent to which the Crown has gone in this case. I protest that there must be some stage at which Your Worship will rule that evidence consisting of this sort of thing cannot possibly be relevant to the case.

BY THE COURT:

I can't agree with you that there is anything fantastic about it. I think your remark is probably exaggerated. It is clear that the A.N.C. according to this evidence, must have

had something to do with these strikes. That is the evidence as I see it at the moment.

BY MR. COAKER :

Do I understand your Worship then to say that if anything happens, if any event takes place, at which persons are observed wearing the colours of the A.N.C. then the A.N.C. is responsible for that? It follows, Sir, that if that is the reasoning of the Court....

BY THE COURT :

I don't want to say at this moment that they would be held responsible for any case, but prima facie that would indicate that the A.N.C. had something to do with it.

BY MR. COAKER :

Because if that was so, it would follow that the authorities of the University of Pretoria now are responsible for the conduct of their students in the recent disturbances in Pretoria. It is a startling proposition, Sir, and...

BY THE COURT :

I think that that is quite a different proposition. Here you have people who wear the colours of the A.N.C. and that does seem to indicate that the A.N.C. was behind these strikes.

BY MR. COAKER :

I am given to understand that at the disturbances to which they have referred the colours of that institution to which I have referred were being worn. I don't appreciate - I don't understand the action. I do wish, Sir, to record once again my protest at the Crown calling on this witness to give evidence about every event which has ever happened in his career at which he observed persons carrying the colours of the African National Congress.

BY THE COURT :

I think it must be a question of evaluation of the evidence eventually as to whether the Crown has succeeded in

bringing home to this particular organisation these events that are related. I don't think I can stop the Crown from endeavouring to place evidence which may connect the Accused or any of their organisations whose activities we are investigating. That I am not prepared to do. This is a preliminary examination and one can't always be sure what other evidence the Crown has to connect up.

BY MR. COAKER :

Shall we say that it would be in the province of the Court to invite the Crown to tell the Court whether any other evidence has been led or whether this is the sole evidence on which the connection is to be established, and to appeal to the Crown to limit the proceedings...

BY THE COURT :

That has been done from time to time. It was done yesterday, you remember an almost similar objection was registered. This enquiry is of such compass that it is not always possible to say that a single incident is or is not connected with the whole pattern of the enquiry. That is difficult, and to ask me at a stage like this to disallow the evidence is a difficult matter.

BY MR. COAKER :

May I ask Your Worship to direct an appeal to the Crown to maintain the scope of these proceedings in reasonable limits.

BY THE COURT :

I am as anxious as you are that time should not be taken up unnecessarily. One can only hope that the prosecution would not place evidence before the Court that may be entirely irrelevant. I have indicated that before. I am very much in the hands of the Crown here. In the very nature of the enquiry it is difficult to come to a decision on a point like this.

BY MR. COAKER :

The hundred and fifty-six Accused have been in the hands of the Crown in this matter for nine months...

BY THE COURT :

That is inevitably the position. One can only appeal to the Crown to keep the evidence within the compass of the enquiry.

BY MR. COAKER :

I am indebted to Your Worship for making that appeal.

BY MR. BERRANGE :

I would like to associate myself with the objection that has been made by my learned friend, Mr. Coaker, as also with the objection that was made yesterday by my learned friend, Mr. Slovo. As far as I am concerned there is nothing really that I can add to that which has fallen from the lips of both these gentlemen, my colleagues for the Defence. I don't propose to say anything about it now, but as I indicated yesterday, I shall at a later stage, if nothing else is forthcoming whereby the Crown can indicate to the Court the relevance of this evidence, other evidence and similar types of evidence to which objection has been taken over the months, I shall have a great deal to say at the proper time when the opportunity is given to me to address Your Worship. At the present moment I will say nothing more about it.

BY THE COURT :

I agree entirely that the Crown would place itself open to criticism. If that were to happen, the proper time would be at the close of the proceedings when argument is directed to those points.

BY THE P.P. :

Lastly, do you know the Central Saw Mills in Port Elizabeth? --- Ja.

Did you have to deal with that business? --- Omstreeks Oktober 1952 was daar ook n staking by die fabriek.

How long did that strike last? --- n Paar dae.

Were you - was your assistance called in there? ---

Ja.

Did you actually visit the premises? --- Ek het.

Did you see people around at that place? --- Daar was baie Naturelle in die omgewing.

Were they not working? --- Ja.

Was there anything distinctive in the dress of those people? --- Nee, ek kan nie meer onthou nie.

Do you know the reason for that strike? --- Nee.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION RESERVED.

(Mr. Berrange applies to have Sergeant van Papendorp, Sergeant Kruger and possibly Sergeant Boy recalled).

ANDRIES JOHANNES KRUGER, duly sworn, (Recalled);

CROSS-EXAMINED BY MR. BERRANGE :

Do you remember the case of Regina versus Walter Max Sisulu and Nineteen Others that was heard somewhere round about August, 1952? --- I do.

And that case, ultimately after the preparatory examination had been concluded, went to trial in the Supreme Court? --- Correct.

The charge against Mr. Sisulu and the others was a charge of contravention of the Suppression of Communism Act in that it was alleged that by embarking upon and organising the defiance campaign, a social, political and economic change had been endeavoured to be brought about by unlawful means? --- I think that is so. I am not sure.

And do you remember in giving evidence at the preparatory examination you said the following : - I am reading

from page 76 of the Preparatory Examination Record. 'Question : I am going to ask you to tell us word for word what was said - I am not going to ask you to tell us word for word what was said. Do you remember the gist of what was said there?

Answer : Yes, at the time I paid some attention, but I don't remember anymore. Question : But you do remember that one of the things that was made very clear by a number of speakers.. - and then I was interrupted by the Court, and then again I put it to him - : 'Question : Don't you remember it anymore?

Answer : No. Question : Perhaps I can recall it to your mind. Do you remember that one of the things that was made very clear by a number of speakers was that this meetings, that this organisation that called the meetings, is not directed against the Europeans, but it welcomed the assistance and the alliance of the Europeans. Answer : Your Worship, I am afraid I cannot recollect that. I know that these things were made clear at previous meetings, that I remember. But at this particular meeting I can't say that I remember. Question : You know that that generally has been one of the things that has been said at meetings held under these auspices? Answer : That is correct.' Is that a correct transcript of the evidence? --- Yes.

The meeting that we were referring to was a meeting which was called by the African National Congress, held under the auspices of the African National Congress? --- I think that is so.

And it was a meeting held in connection with the Defiance Campaign, because that is what this case was about? --- Yes.

BY THE COURT :

Where was this enquiry held?

BY MR. BERRANGE :

In Johannesburg. You remember Detective Sergeant Boy?

--- I do very well.

He also gave evidence at this enquiry? --- Correct.

And although I cannot ask you to testify word for word what he said, perhaps you can tell us whether the gist of what he said is as I read it out to you : 'Mr. Boy, I think you have been attending meetings for more years than I care to count? It has been a job of yours for many years? Answer : Yes. Question : As an observer and in the course of your duties? Answer : Yes.' - I am reading from page 190, Your Worship - 'Question : You have attended a great many of the meetings that were held in connection with the topics that you have read out today? Answer : Not many, I have been away. Question : You have been away, yes. At any rate, at those meetings which you have attended, it is correct to say, is it not, that a policy of non-violence has always been preached? Answer : Yes. Question : That a policy of co-operation was always, including the Europeans, has been preached? Answer : Yes. Question : A policy of the avoidance of provocation and discipline against provocation has been preached? You have never yet heard at any one of the meetings of this nature, any suggestion of using assegais or thrusting people into the sea? Answer : I have not. Question : You would be surprised if you heard any such statement being made at any one of the meetings, because it would be quite contrary to the whole policy? Answer : Yes.' Would you agree with that, Mr. Kruger? --- I have no independent recollection, but that is the record and I think that is correct.

Over and above that, would you agree with this evidence of Detective Sergeant Boy which I have read out? Would you personally agree with that? --- Yes, I think at that time is was so.

You think so, and this was in August, 1952, when the



Defiance Campaign was coming to an end? --- That is correct.

BY THE COURT :

You are talking about the policy of the A.N.C.? ---

Yes.

NO FURTHER QUESTIONS.

BY THE P.P. :

I will put questions to the witness, when I have had an opportunity of studying that record that was referred to my Mr. Berrange. I was not aware of that and I would like to see what sort of evidence was given there before I put further questions to him.

BY MR. SLOVO :

I object to that. I should imagine that in view of the fact that the Crown has seen fit to lead evidence which has been covered in a number of cases run by the Crown in this country - throughout the country. I should have expected that the Crown would have taken the trouble before leading this type of evidence and wasting the time of this Court to at least investigate the nature of the evidence given by the very same Crown witnesses which the Crown has called in these proceedings. And I say so advisedly that this is again a illustration of the unethical manner in which the Crown is conducting these proceedings. It has shocked me to hear now that the Crown has not ...

BY THE COURT :

I think...

BY MR. SLOVO :

Will you let me finish...

BY THE COURT:

If you are going to shout here then I must ask you to...

BY MR. SLOVO :

I shall lower my voice, but I shall say...

BY THE COURT :

You must not talk like that.

BY MR. SLOVO :

Like what?

BY THE COURT :

Like you are doing now. Nobody is deaf here. You can talk normally.

BY MR. SLOVO :

There have been occasions when there has been difficulty in hearing and I shall talk...

BY THE COURT :

And what is more this is not the time to direct any criticism at the Crown.

BY MR. SLOVO :

It is the proper time because the Crown has made an application...

BY THE COURT :

I can't allow that. Will you sit down, please.

BY MR. SLOVO :

The Crown has made an application, Sir. Is Your Worship not prepared to listen to my objection.

BY THE COURT :

Will you sit down, please.

BY MR. SLOVO :

Is Your Worship not prepared to listen to my objection?

BY THE COURT :

I am not prepared to listen to that.

BY MR. SLOVO :

To my objection?

BY THE COURT :

It is not proper and that is my ruling.

BY MR. SLOVO :

What is not proper?

BY THE COURT :

That you direct criticism of this nature at the Crown at this stage of the proceedings. The time is at the end of the Crown case - the proper time is at the end of the Crown case....

BY MR. SLOVO :

I am objecting to the Crown application for the recall of this witness for re-examination and I am indicating to Your Worship my grounds.

BY THE COURT :

I can't allow you to direct criticism that you are doing now. Do you understand.

BY MR. SLOVO :

I understand Your Worship's position, but an application has....

BY THE COURT :

I don't want any further argument about this.

BY MR. SLOVO :

If Your Worship is not prepared to listen to me then I can't...

BY THE COURT :

Not on this point.

BY MR. SLOVO :

Is Your Worship granting the Crown application?

BY THE COURT :

My ruling is that the criticism that you are now trying to direct should not properly be done at this stage of the proceedings...

BY MR. SLOVO :

And what about...

BY THE COURT :

Only after the Crown case is completed can one decide whether such criticism is proper or not. That is the proper

time to make such criticism.

BY MR. SLOVO :

With respect, Sir, there is an application before the Court by the Crown for the recall of this witness. The Crown is not in a position to re-examine....

BY THE COURT :

I cannot allow you to argue this point. That is my ruling.

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

THEUNIS JACOBUS SERFONTEIN, duly sworn;

EXAMINED BY THE P.P. :

Were you a Detective Sergeant in the South African Police and attached to the Security Branch stationed in Kimberley from the 1st July, 1950 to the 30th September, 1955?

--- Ja.

While you were stationed at Kimberley, did you attend meetings that were held by the African National Congress and other organisations? --- Ja.

I want you to direct your attention to the developments in the African National Congress during the year 1952. Who was the Chairman of the A.N.C.? --- Daar was verskillende voorsitters.

I am referring to 1952? --- Ene Tshabalala, dink ek.

DEUR DIE HOF :

You think so, are you not sure? --- Nee, tensy ek na rapporte kan verwys wat ek ingestuur het daaromtrent.

BY THE P.P. :

Is that the batch of reports that you drew up from time to time? --- Ja.

Will you refer to those reports? --- Ja, D. M. Tshabalala was die voorsitter.

Who was the secretary? --- Nkoane.

Who was the treasurer? --- Dr. A. E. Letele.

Is he one of the Accused? --- Ja, ek het hom op n

vorige geleentheid hier uitgewys. (154)

Were there any teachers on the Executive of the Kimberley Branch? --- Ja, daar was.

Who were they? --- Die name kom nie hierin voor nie, maar die een was Seocheoreng.

Is he one of the Accused? --- Ja, ek het hom ook al op n vorige geleentheid hier uitgewys. (158).

What position did he hold on the Executive? --- So ver ek kan onthou was hy n gewone lid van die Uitvoerende Komitee.

Do you know of the Defiance Campaign? --- Ja.

When was it started in Kimberley? --- Ek dink dit was die aand van die 16e September 1952.

Who was the President-General of the A.N.C. at that time? --- Dr. Moroko van Thaba 'Nchu.

Did he visit Kimberley at any time? --- Ja, hy het Kimberley besoek en n groot vergadering daar toegesprek.

On what date? --- Op die 13e Julie 1952.

Who introduced him to the audience? --- Dr. Letele.

What was the attitude of the African National Congress towards the police at that time? --- Ek sal moet n oorsig gee, van die begin van 1952, was die houding teenoor die polisie baie goed gewees. Ek sal dit so stel, tot Juliemaand 1952, was die verhouding baie goed.

In what respect did the attitude change in July, 1952? --- Daar was destyds n ander Uitvoerende Komitee gekies. Die Verset Veldtog was toe gepropageer, en met elke vergadering kon ons sien dat die houding teenoor die polisie verswak het.

What changes did you observe? --- Daar was altyd verwys na die polisie in n baie goeie gees. Daar was tolke gegee as ons nie die tale kon verstaan en so aan.

Anything else? --- Soos die vergaderings gehou was en

die Verset Veldtog gepropageer was, kon jy sien met die skree van 'Afrika!' en die houding wat hulle ingeneem het het altyd vererger teen die polisie.

Was there a meeting held on the 16th September, 1952?  
--- Ja, op die aand van die 16e September 1952 was die eerste versetters voorgestel aan die vergadering en moes hulle uitgaan om die verset beweging op tou te sit.

Where in Kimberley was this meeting held? --- In die Bantusaal, Galeshewe Lokasie, Kimberley.

What was the attitude of the audience towards the police? --- Nie goed nie. Hulle het ons die indruk gegee dat ons nie daar nodig is nie of moet wees nie.

Who was in charge of that meeting? --- Weer die voorsitter, D. M. Tshabalala.

And who were the other speakers? --- S. P. Sesedi.

And did anybody else address the meeting? --- Ja, Dr. Letele het hom ook toegespreek.

What did he say? --- Hy het eindelijk die versetters na die verhoog geroep.

For what purpose? --- Om hulle voor te stel aan die gehoor en hulle te vertel dat die die eerste versetters/<sup>wat</sup>van-aand ~~gaan~~ verset pleeg.

Who introduced them to the audience? --- Dr. Letele het hulle opgeroep na die platform toe en daar het hulle name afgelees. Ek kan nie onthou wie juis die name afgelees het nie.

How many were introduced to the audience? --- Vyf, behalwe Dr. Letele.

What do you say about Dr. Letele? --- Wie ook een van die versetters was.

And after that introduction did anybody else address that meeting? --- Ja, ene Sister Thompson.

Was any appeal made to the audience? --- Ja. Hulle was gevra - mense was gevra om aan te sluit as versetters.

Was there a response to such an appeal? --- Ja, heelwat mense het weer daardie aand aangesluit.

What happened to the people who were introduced to the audience as the first batch of resisters? --- Na die vergadering afgesluit is hulle by die saal uit om verset te gaan pleeg.

What do you mean to go and commit resistance? --- Om die wette te gaan oortree.

Did you see where they went?--- Nee, ek het nie agter hulle aangegaan nie, maar ek het hulle later by die spoorweg stasie gekry waar hulle reeds deur die spoorweg-polisie in gevangenis geneem was.

Were there any amongst those that you saw at the Railway Police Station that you know to be amongst the Accused before the Court here? --- Dr. Letele.

Do you know whether they were charged? --- Ja, hulle was aangekla.

Were they brought before Court? --- Ja, hulle was voor die Hof gebring die volgende dag en skuldig bevind.

Do you know what the charge was? --- Nee, maar ek kan dit sê dat hulle gebruik gemaak het van banke wat gereserveer was vir Blankes.

Was there another meeting held on the 21st September, 1952? --- Ja.

Were there any further arrests in connection with the Defiance Campaign apart from these that you have mentioned? --- Ja.

How many? --- Nee, dit sal ek nie kan onthou nie, maar n hele paar gevalle was daar gewees.

Did you attend the meeting of the A.N.C. that was held at Greenpoint Location? On the 7th October, 1952? That is Greenpoint, Kimberley? --- Ja.

Was that meeting addressed by any of the Executive

Committee members of the Kimberley Branch? --- Ja, daar was twee takke. Een in Galeshewe Village, of Nr. 2 Lokasie soos hy wel bekend is, en die ander een....

DEUR DIE HOF :

Ek dink nie die getuie antwoord die vraag nie. Ek dink hy moet liever eers die vraag beantwoord. Was daar enige van die Uitvoerende Komitee-lede wat die vergadering toegesprek het? --- Ja.

BY THE P.P. :

Which members? --- Tshabalala en Dr. Motele.

Would you say - what can you say about the activities of the A.N.C. Branch at Greenpoint? --- Hy was nie baie aktief gewees nie.

Was there any change after the visit of these Executive Committee Members, or not? --- Nee, hy het nie so bedrywig geword byvoorbeeld soos die ander tak nie.

Was there a meeting held in Galeshewe Location on the 26th October, 1952 which you attended? --- Ja.

Did you make notes of speeches delivered at that meeting? --- Ja.

Did you prepare a report afterwards? --- Ja.

On what date did you prepare the report? --- Die rapport was die volgende dag voorberei.

Were the facts still fresh in your memory when you prepared the report? --- Daar was notas gemaak van die verskillende toesprake van die sprekers. Ja, en ek het my geheue verfris van die notas wat ons gemaak het.

What did you do with your notes after you prepared this report? --- Hulle was vernietig.

Have you that report in front of you now? --- Ja.

How many people attended this meeting? --- Na skatting tweeduisend.

Who were the speakers? --- Die sprekers was Tshabalala



wat die ander sprekers voorgestel het.

What did Tshabalala say? --- Hy het maar net die ander sprekers voorgestel aan die vergadering.

How did he introduce them? --- Ek beter voorless wat hy gesê het : 'Ladies and gentlemen. I want to introduce to you our honourable visitors. I will call their names and they will rise so that you can see them. Dr. Modire Molena, the Treasurer-General of the African National Congress. Dr. Sefetogi Molena. Mr. M. Matji, Provincial Secretary of the African National Congress Cape. And one of your own children, Mr. G. Matthews who is the Secretary of the Youth League of the African National Congress.'

Do you know when the disturbances in Port Elizabeth took place? --- Dit was omtrent veertien dae voor hierdie vergadering.

What did Matji say at this meeting? --- Ek sal sy toespraak lees. 'Mr. Chairman, sons and daughters of Africa. My friends, members of the press, as also Dr. Malan's ears. I bring you the greetings of Dr. Moroko. I also bring you the greetings of Dr. Zwelinzima Njongwe, President of the African National Congress in the Cape, and the most important greetings, of course, is from the people of Port Elizabeth. I am going to say some things very pleasant to those people who represent Dr. Malan. All I beg them to do is to write down exactly what I say here this afternoon. However, before I deal with that, let me say something about what took place at Port Elizabeth. I wish to say categorically that Dr. Swarts and Dr. Verwoerd, they are responsible for what happened in P.E. Now it is not clear for me to make such a statement without explaining the reasons therefor. The Minister of Justice, Mr. Swart, is a man who addresses meetings the same as I do, but has he ever preached that the Europeans must love the Africans. Has Mr. Swart on any occasion ever said that the non-Europeans and Europeans of this country must live

together? No, of course he hasn't. But we say that the Europeans are naturally the friends of the Africans. Only there is a number of mad men who rule stupidly. Now the other day, last Saturday at Port Elizabeth, a tragedy occurred. African people who have no reason to hate other people, were shot down and forced to act like we do - to act like we do not like to act and Dr. Verwoerd says this is the solution for that sort of thing. Introduce pass laws in Port Elizabeth as it exists here in Kimberley. Arrest a few more kaffirs because they are useless. He expects African people to like that. That is by the way, you know that the A.N.C. has embarked on a campaign. Let me tell you why we embark on this campaign. I shall now tell you of the three hundred years of suppression in South Africa. I shall tell you of the forty years of attempts to suppress and oppress the Africans, so he will never rise as a human being. In 1910 the two White groups of English and Afrikaans decided to form the Union, and in forming this Union they decided no other racial groups fit for this Union. In 1913 they decided that the African people have too much land. So they take it away. In 1914 they decided to engage in an imperialistic war with their brothers in England to fight their own brothers in Germany. Yes, we were called upon to give assistance as usual and many African people lost their lives. Need I tell you that many of your fathers and grandfathers lost their lives in this ..... . Need I tell you how many Africans lost their lives to perpetuate this Government - these Governments. Oh yes, some of us were paid all right. In a White man's land, in Africa, mind you, in 1925 they decided that all have to carry passes and that you have not the right to move freely or to enter any place, even if you father lived there. And what were the African people doing at that time? I went to the - I want you to mind our speakers this afternoon. We sent representatives

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