



IN THE SUPREME COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION)

THE STATE

vs.

HENRY FAZZIE.

JAMES CHIRWA.

MATTHEWS MAKHALIMA.

MAXWELL MAYEKISO.

ERNEST MALGAZ.

JACK NDZUZO.

and

ALFRED KHONZA.

VOLUME II. : PAGES 214 - 383.

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(FOR EXHIBITS SEE ORIGINAL).

before this Court. Each one of you now have the right to call witnesses if you wish to do so. I'll explain the further rights that you have to you, just now.

ACCUSED NO. 1: The only witnesses that I could have had My Lord, are in Tanganyika, and that was as far back as 1960.---Yes, you have no witnesses that are compellible to come to this Court have you?

ACCUSED NO. 1: No witnesses.

ACCUSED NO. 2: He says the only witness that he can call, is a witness that is in Nyassaland Office in Johannesburg.10
---Who is this witness?

It is the person in charge of the Nyassaland Labour Office. Mr. Smith will be brought to Court.

ACCUSED NO. 3: TO 7: No witnesses.

BY THE COURT: Now the next stage is, you may decide to give evidence under oath, or you may decide to make a statement where you stand. Ofcourse, if you give evidence and come into the witness-box here, and you take the oath, then you are subject to cross-examination as well. That will not be the case if ^{you} elect to make your address from 20 where you stand, but what you say there is not of the same value as when you come and give it under oath and have cross-examination.

ACCUSED NO. 1: Not under oath.

ACCUSED NOS. 2 TO 7: Under oath.

ACCUSED NO. 1: Under oath.

HENRY FAZZI, sworn statement.

EXAMINATION BY THE COURT:

Yes, I have been brought the Court here on a charge My Lord, that charge against me accuses me of having been trained or attending training, and that I have been in Ethiopia. Now in connection with that charge, I want

to tell the Court now here in giving evidence, that I have not been to such a place as I am charged to having been. Dar-es-Salaam, Tanganyika yes, I know, but I was never in Ethiopia. The passport that I have contains the stamp impression of Ethiopia, but actually I never went there, I turned back on the way.

Where did you turn back?---Aroshe(?) that is still in Tanganyika, and also the purpose of that passport when I had it, was not to go for training. I was going to be taught corporative production of produce and so on, and then at Aroshe I turned back my Lord, I did not get to the destination that I intended. That is all.

ACCUSED NOS. 2 TO 7: No questions.

CROSS-EXAMINATION BY MR. TERBLANCHÉ:

Do you know any of the accused?---I knew them from the time that we were arrested, and I only knew them since then.

That was the first time you saw any of them?---I had seen them just once before, and that was at a function in Tanganyika, and it was only afterwards in discussions, that it came out that we saw each other. We did not know each other.

So you were altogether in Tanganyika at the same time?---Well, not actually at one place but in Tanganyika.

You have just told us that you,....,from discussions you found out that you had all been to the same function in Tanganyika!---Yes, it was the celebration of the Tanganyika Republic My Lord. It came....

BY THE COURT: Was it during your discussions that you know the other accused were there?---They were all there at that time.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

Tell me have you ever heard of the African National Congress? (Court) That is before this trial started?---
Yes, I know of the African National Congress in Tanganyika. It is the African National Congress of Tanganyika.

No, you don't know the African National Congress of the Republic?---I knew that before I left to go to Tanganyika, that there was such an organisation in South Africa.

Have you ever been a member of that organisation?---
No, I was never a member. 10

Now before you left the Republic, where did you live?---New Brighton. That is near Potchefstroom(?).

Now when did you leave the Republic?---1960.

1960. Did any of these others tell you when they left the Republic?---No, never heard when they left.

Did they ever tell you why they went out of the Republic?---No, they did not tell me why they left.

You have been with them for a very long time, not so?---I will not come and tell the Court here My Lord, what our conversations were with them and when they went to 20 Tanganyika. To repeat ordinary conversations I had with these people while I was with them.

I am asking you about those conversations. Do you refuse to reply?---Then all I can tell you, if I have to say that, they just said "OH, well I also went to Tanganyika". That is all.

You never asked them what for. What they were going to do there?---No, I never thought of asking them what they went there for.

Tell me, did anybody arrange for you to go Tanganyika to go and study this Co-Operative?--- When I left here, I did not leave for that purpose originally. I just 30

went there of my own accord, for no particular reason. I just went.

For no reason. You just went?---I just went to Tanganyika.

Now tell me, where did you leave the Republic? How did you go out?---Through Mafeking.

Did you go by train?---Yes.

All the way?---Yes.

From Port Elizabeth?---Yes.

Till where did you go by train?---Lusaka, 10
Lusaka. What did that ticket cost you?---I cannot say because it was not one ticket through. It was in stages. From one station to another.

Where did you buy tickets?---The first one was from Port Elizabeth to Bloemfontein(?).

And the second one?---Bloemfontein to Vryburg.

Yes, the third one?---And then from Vryburg to Mafeking.

And then?---And then from Mafeking I took a ticket to Bulawayo. 20

And then to Lusaka?---From Bulawayo - Lusaka.

Why did you buy tickets in these stages?---Because I was not satisfied that I had enough money. I was afraid that I might run out of money, because I did know how much the total sum would be to there, and I did not, and I did not want to enquire the day, what the ticket would cost right up to then.

Why not?---Because I had no passport.

It's much better to enquire at your Home Station, and find out whether you have got enough money or not, 30 because then you can't get stranded half-way?---Yes, I could have, but I did not because I was afraid of being arrested,

if I made the enquiry in that direction, because I had no passport.

Now tell me have you ever heard of the Marabi Hotel in Johannesburg?---I heard in Court here about it for the first time.

The first time. Ever been to Lobatsi?---No, I did not go to those places.

Francistown?---I went through Bechuanaland by train without getting off the train.

Have you ever heard of a man by the name of Elias 10 Motsualedi?---In Court, yes.

No, I am not referring to In Court - now just forget it don't tell me again you heard about this in court, when I am asking you I am referring to outside Court, before you came to court?---No, I did not know such a person. I never saw him.

And Johannes Modiso?---I don't know him.

Tennissen Makiwane?---I have seen him in Tanganyika.

Oliver Tambo?---I also saw him.

Where?---In Tanganyika. 20

How did it come about that you saw these two people in Tanganyika?---At a Conference.

What conference?---Conferences of those countries, where they come together.

What did you go and do at that conference?---Just a spectator. I had nothing else to do at the time.

Had you met them?---I met them there.

(Letter handed to witness). Have a look at this letter - do you know that letter?---Yes.

Who wrote it?---I did. 30

You wrote it.

BY THE COURT: What language?---Xosa language.

(EXHIBIT 1K HANDED TO COURT FOR INSPECTION).

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

When did you write this letter?---I wrote it here My Lord, while I was detained at the Gezina Police Station.

BY THE COURT: And is this the way you usually sign your name? Fazzie?---Yes.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Have you ever seen these notes? (Notes handed to witness)---Yes, I know them.

Did you write those notes?---Yes.

Is this the Training and Co-operative Production 10 that you underwent?---No.

Tell the Court about these notes? Where did you get them? Why did you write them?---A man who lived next-door to me in Tanganyika showed me that, and was teaching me about it. He is an Arab.

Why did he teach you about it?---Because we weren't busy, we didn't have much to do. He just as a passtime, just showed it to me and taught and told me about it.

But surely, this was not the purpose for which you went there? Why didn't you get somebody to teach you 20 the things you went to learn?---No, that was not part of my instructions. I take that through a friend of mine that was there in Tanganyika.

You heard it said in court here, that that is military training?---Yes, I heard that explained to the Court.

And you knew it at the time when this man gave you this?---I did not consider at the time that he was telling me that and showing me that, as a member of training me for war. It was just a question of explaining those things to me, and just general knowledge. 30.

Yes, alright. Do you know this letter? (Exh. 1F handed to accused)?---Yes, I know this letter.

Is that a letter which Olive Tambo wrote to you?---
Yes.

How did it come about that Oliver Tambo wrote to
you?---Because I wrote to him.

And what did you write to him?---I wrote to him to
find out whether I couldn't perhaps, through him, find em-
ployment or any other way of assisting me.

Did you know Oliver Tambo before you went to
Tanganyika?---Not personally. I knew him by hearing about
him. 10

Oh I see, but you know his address in London so
that you could write to him?---No, I met him in Tanganyika.

When he gave his address to you?---Yes.

Now tell me what all this means, because this is
now a reply to your letter. The letter says "Dear Henry,
Many thanks for your letter, and thanks particularly for
warning me of what is going on". Now what is that referring
to?---It was so that when I was in Tanganyika there, I
couldn't just stay there doing nothing. I had to try and
find something to do - employment, and then I wrote to 20
him and that is the reply that I received.

You asked him in your letter to obtain employment
for you?---Yes, seeing he was a person that was in Tang-
anyika and that he knew people in Tanganyika, I wrote to
him.

You wanted to obtain employment through him, let's
understand that now?---Yes.

Now how can this letter, I am going to read it out
now, how can this letter be a reply to such a letter? "Many
thanks for your letter and thanks particularly for warning 30
me of what is going on. I trust that all of you have taken
steps to warn our boys against these schemes. We must not

allow them to be misled or abducted by (?). Our own plans are now taking shape, and I expect to be writing to them shortly. I would suggest you discuss the matter with the other three chaps. Is James aware of this, and is he doing anything about it? I should be glad to receive any further reports from you".---We had nothing to do. There were some youngsters there, who just wanted to roam about and go wherever they wanted to. I mentioned that to him, and that we were all unemployed - had no work to do.

Now tell me another thing James mentioned here - is it that James Gadebe? Mentioned here?---Not James Gadebe.

Tell me were you a refugee?---Yes, we were then known as refugees.

Why were you known as a refugee?---Because I was not a person from that country.

Do you consider yourself a refugee?---Well at the time I didn't know what the significance...the real meaning of the word "refugee" is. We were termed "refugees" and I accepted it.

You say that you went to Tanganyika in 1960?---Yes.20

Why did you only get a travel..certificate of identity in 1963 or 1962 (June)?---That was given to me to enable me to go to the place, where we were supposed to go too.

What place was that?---That was Ethiopia.

BY THE COURT: What place in Ethiopia?---Addis(?).

Were you going to get some social training there, in social gatherings?---That was where I had to go to go and get trained in Corporative.

Why didn't you go there to get that training?--- 30
Because money ran short, and then I was told to come back.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

How much money did you have when you left here?---
£18.0.0.

£18.0.0.---That is when I left home in Port Elizabeth.
Oh, with that £18.0.0. you bought your railway
tickets?---Out of that I bought train tickets, yes.

And you lived on that till in 1963 when you re-
turned.---No, I didn't live on that.

On what did you live?---I was working in Tanganyika
then.

Oh I see. What work did you do?---I was sweeping, 10
cleaning the offices of the D.E.C.

Now look at this photo. (Photo handed to witness).
Do you know it?---Yes, I know it.

Are you on that photo?---Yes.

Where was it taken?---That was on the day of the
celebrations there of the Republic.

Now Accused No. 2 is on that photo?---Yes.

No. 3 is on that photo?---Yes.

No. 4?---I don't see him. I cannot say whether
he was here. 20

No. 5?---Yes he's there.

No. 6?---No, I can't see him there.

You know we have evidence that they are all on
that photo? (Enlargement of photo handed to accused).---
No, I can't find one.

BY THE COURT: Who can't you find there?---No. 6. Yes, he
was asked about No. 6.

I don't know - look at this man with this No. 12
on his chest here - doesn't that look like him? The one
sitting in front with his hand over his knee ?---No, that's 30
not him.

Who is that man?---I don't know him. It's not
No. 6.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

In any case - so at these celebrations, you were in a small little group, and you were photographed together?
---Yes, we were together there, we were drinking, and seeing that we were all South Africans, then we had a photo taken.

Now tell me this, you obtained this endorsement to go to Ethipia on your passport, and then you decided you were not going anymore?---Right, I did not go.

BY THE COURT: No, but Counsel is putting to you this - you had your passport which had no endorsement on it to authorise you to go to Ethipia?---It was just as it is now, when I got it originally.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

Didn't you ask for an endorsement to go to Ethipia?
---No, the passport, when I received it, was just as it is now, the stamps and everything on it, just as it is now.

Listen!---It was not I that went to the Consular.

Now I'm putting to you this - this passport was issued at Dar-es-Salaam. Is that correct?---Yes.

And this endorsement was put on at Nairobi?---Yes.20

Now how can you tell me that when you received this, this endorsement was on it?---The person who arranged this for me to go to this Corporative training My Lord, handed that to me, he said "Well now here are the documents, they are all ready for you now".

Then you said "No, I am not going. I don't feel like going anymore"?---It was just a question that I found that I did not have enoug money to go, because I was not the only one who was going, and then I found that I was short of money, and I couldn't go.

30

Now, when you were arrested, you had a travelling bag with you?---Yes.

And it looked absolutely the same as that that all the other accused and the witnesses had?---Yes.

How did that happen? What's more they were all new?---Mine I bought.

And they all bought theirs too, I suppose?---I don't know, I wasn't with them when they bought it, if they bought them.

And you also had a jacket and a pair of shoes which were similar to that of all the other accused and witnesses?---Yes.

10

That you also bought?---No, I did not buy them. Those were given to us by the Government there. To all of us. I was called and I was told that all people were given presents and that was given to me.

When was that?---Before December.

Also at these celebrations?---No, when these celebrations took place, we were wearing these things long ago.
BY THE COURT: Who was it who told you in South Africa that you could go to Addis-Ababa to get training Co-Operative Societies?---James (?).

20

James?---Yes.

Did he tell you how much it would cost you to get to Addis-Ababa?---No, he did not explain how much it would cost me.

You were going into a foreign area, to a very far-off place, didn't you make enquiries how much it would cost?---Yes, now I didn't ask him. I never thought about it and the time was short, and it never entered my mind to enquire about that.

I don't know how much it would cost, but £18-0-0 30 sounds a very little, to take such a long stride into the wilderness and an area that you didn't know?---The £18-0-0

is the money that I had on me when I left, and that is the money that took me as far as Tanganyika.

MR. TERBLANCHÉ asks for permission to put another question to this witness tomorrow, but he must get some more information. PERMISSION GRANTED.

END OF DEFENSE FOR ACCUSED NO. 1.

))))))

JAMES CHIRWA sworn statement

Before I start to say anything here, (some words in own language) I want to ask you something. I want to know what charge I have today when I'm here in this court?10

BY THE COURT: Well, you have in your possession a document like this that was handed to you on the 3rd of September. Have you or haven't you got that?---Yes, I've got that.

Did you read it?---Yes, I read it.

And did you understand what it said?---Yes, I understand to training outside.

Now that's the charge that's against you?---Yes, I agree about this charge which one is my document here, Is not charge which one I can be here to this Court today, because I am not one which going to this country Sir. 20

Yes, you have said that before. You are a Nyassa and you don't belong to this country?---Yes.

Therefore you say the allegations that are made in the Indictment don't apply to you?---Yes, and I was not arrested here, that is why I refuse. was arrested in Bulawayo on my way to Bechuanaland Protectorate to see my stepmother. So there I was arrested, so that's why I refuse today to say I can't attend to this court, because in Regional Court was the same case, who was here without passport. So I was discharged in Regional Court. 30
The Magistrate in Regional Court he said "James Chirwa

you are discharged to this case, and go home we don't want to see you no more here in South Africa." So I find myself here again in this Court. What for Sir? I want to know?

Is that all you want to say?---Yes, that's all I want to say My Lord. Have I got right to be to this Court today in South African Court, where I am now.

Anything else?---No I think if (same words) can give me the answer.

I want to hear your evidence as to what you say. 10 There are State Witnesses who say that you lived in South Africa, you left South Africa to go and train. Well, whether they are right or wong I dont' know. I've still got to consider after hearing your evidence. You came back from there and with a group who had been up there to train in military matters?---I am coming to that Sir. So it doesn't mean to say I look like when I am going to do(Unintelligible).

BY MR. TERBLANCHÉ TO COURT: My Lord perhaps I can explain 20 what he is driving at. He was charged in the Regional Court for leaving the Republic without a passport. He was found not guilty on that charge because he was a Nyassa and there was some sort of arrangement I think, where they could leave with certain documents....---Yes, and he couldn't obtain a passport from South Africa, as he wasn't citizen.

Yes My Lord, and he was found not guilty. Now he seems to think there's the same charge against him...?--- Oh, he knows. He knows it's not the same charge.

BY THE COURT TO ACCUSED: Yes, anything else to say?---No, 30 I think I'm stop when you say that, when you say I am a liar, and some second question - because when I lived in South Africa here, I lived in South Africa because I

was arrested in Pass Office, and they say I am foreign, I can't get pass in pass office, right in pass office and they send me to jail. To the one who pass those chommies here into Court,who went into this box where I am standing now. He show me the same pass which one was writing me into jail, I was inside in Modder Bee, I never go to pass office to ask a pass.

Yes?---Yes, now that's why I say to this case today, I don't like to stay here to this Court, I am a foreign I regre to say. So I want to ask of you My Lord if I would have shine to this case today, so South African today because I'm arrested, the people they want to take me big cities I know South Africa, and the day I was want pass into the pass office, I was foreign. Today I'm sitting in South Africa because I am arrested in Bulawayo. I want to know about that too. 10

No, you are not a citizen of South Africa, and its not being contended that you are, but did you go from here to Abyssinia?---No Sir, I never go there.

Did you go there and receive military training?---20
No Sir, I never go for military training.

Did you go to Dar-es-Salaam?---Dar-es-Salaam is my home Sir.

Did you go to Nairboi?---Nairbi is my home, I'm right when I'm in Nyassaland to go all over.

Do you know any of these men sitting in Court here?---Which ones Sir?

Now who do you think I'm referring to?---These people all of them I know them, when I was arrested in Bulawayo. 30

You hadn't seen them before then?---No, I never see them before.

You didn't see them at Dar-es-Salaam did you?---
No, Dar-es-Salaam I never saw them.

Or at Nairobi?---No, Nairobi also, I never saw
them.

You seem to be able to write. Can you write your
name?---Myself?

Yes?---My name?

Yes,---Yes, I can write.

I would like you to take a piece of paper and write
your name (Paper handed to accused to write his name on),---¹⁰
Before I write this paper, why?

Well now would you mind writing your name, or are
you afraid of writing your name?---No, I am not afraid.

Jus write your name so that I can see how you
spell it? (Witness writes his name on paper).

Yes, now you can write just below that "cancelled"?
---Cancelled?

Cancelled, yes. (Paper handed to Court).

Yes, now you say you never went to Ethiopia?---
Yes, Ethiopia I never went. 20

Yes, now have you anything further to say in
reply to the charge?---To the charge?

Yes?---You mean to say to the charge here now?

Yes?---No.

CROSS-EXAMINATION BY NO. 3:

At the time when we were at Dar-es-Salaam, do you
remember of some function that was there before that?---
Yes, I think I can remember but I don't remember so well,
because I was drunk that day.

Did you see me?---No, I never saw you there. 30

Seeing that you were at Dar-es-Salaam, was there
no one who had gathered some people there, and took a

photo from this people that he had gathered?---There was plenty and I saw plenty of those who were taking photos.

Do you remember that on that day the people were very happy? With this function they were having, they were happy?---Yes, that's why I was drink myself, because it was my privilege to be there.

Do you remember at Dar-es-Salaam that we were taken on one photo, you and I?---Yes, I saw it, I explained to the Court when they tell me in the court you are together, I explained everything to them. 10

BY THE COURT TO WITNESS: Was that when you were still suffering from the effects of drink, while you were on this photograph?---Do you mean Dar-es-Salaam?

Yes?---Yes, it was the time when I was drink, because I was happy there was plenty people who were taking photos.

CROSS-EXAMINATION BY ACCUSED NO. 3 (CONTINUED):

Was it just the two of us on the photo?---On photo we was plenty.

ACCUSED NO. 3: No further questions. 20

ACCUSED NOS. 1 AND 4 TO 7: No questions.

THE COURT ADJOURNS UNTIL 10 A.M.

on 27TH SEPTEMBER, 63.

ON RESUMING ON THE 27TH SEPTEMBER 1963

HENRY FAZZIE, stil under oath

CROSS-EXAMINATION BY MR. TERBLANCHE: (CONTINUED):

Now will you tell me how you got from Lusaka to Dar-es-Salaam?---By bus.

By bus. What did the bus cost you?---£3-12-0.

How much money did you have left when you got to Dar-es-Salaam?---I don't remember spesifically now, about 16/- to 18/-.

Now when you returned, and when you were arrested 10 in Bulawayo, you had in your possession a railway ticket?--- Yes.

Now tell me were you travelling alone?---No, we were two together.

Two together. Who was with you?---Frank.

Frank? Who is Frank?---He is from Bechuanaland.

Was he arrested with you?---No, he ran away.

He ran away. Your ticket was for two persons, is that correct?---That is correct.

MR. TERBLANCHE: No further questions. 20

ACCUSED NOS. 2 to 7: No further questions.

JAMES CHIRWA, still under oath

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

When did you come to the Republic first? The first time that you came to the Republic?---No, I forget that when I was here, but I remember I been here first, I go back home. I think after six months I go back home.

Do you know Joe Modiso?---Joe Modiso?

Yes?---Which is Joe Modiso, because there is plenty Joe. 30

Johannes Modiso?---Johannes Modiso?

Yes?---Yes, I hear that he is my brother-in-law,

but I never see him face to face.

You've never seen him face to face?---No.

Now when you left the Republic to go back to Nyassaland, how did you go back?---When I left the Republic to go to Nyassaland, was the other friend Johanna Matina(?), so I travel with his car through to Bulawayo.

Yes, which way did you travel?---The way I can't remember, might be it was Mafeking, because I don't know if it was the other way. I don't know. I just saw into the Border. When we got to the Border was the Bechuana-land Protectorate Police.

Did you go through Bechuanaland?---Yes.

And when you got to Bulawayo?---When I got to Bulawayo I take train from Bulawayo Station.

Yes, to?---Through to Broken Hill.

To?---Broken Hill.

Broken Hill?---Yes.

Yes, and from there?---From there I go to Nyassaland.

Which place in Nyassaland?---Gratabe(?). 20

You went straight there?---Yes, I went straight.

By train or bus or what?---No, from there I take bus. This was the other Shinde N'konde(?), N'konde is between (explains where N'konde is).

So you went by bus all the way to Nyassaland?---To Nyassaland yes, from there.

Tell me why did you again obtain this passport, if you had one. This one that was produced in court?---
I beg pardon?

Why did you obtain this passport if you had one?³⁰
The passport which one I take from South Africa was not passport. This was just a piece of paper which they give

you in Nyassaland to present to your office to a person which have no pass to go home.

But it allowed you to go through those countries?
---No, that one is just only to go through to Nyassaland.

Yes, it allowed you to go through Bechuanaland, Southern Rhodesia, Northern Rhodesia, Tanganyika to Nyassaland?---Yes My Lord.

Now why did you obtain this one?---This one was when I was in Dar-es-Salaam, when I was in Nyassaland I went through to Dar-es-Salaam. Dar-es-Salaam myself I am 10 going to see Brother into the Mission, Roman Catholic Mission. So on I stay in Dar-es-Salaam at the Mission of St. Mary with the Father Joseph(?). So I went there, when I asked discuss about him and me, about my school share, he told me he himself have got no strong to take me to train to be Brother.

What did you want to train for?---Brothers, to make shares under something in the Mission, he am going to build a house in the Mission.

In the Mission?---In the Mission, yes.

20

You have shares in the Mission?---So I went through with him to the Office of Tanganyika - Town Office. When I come to the office they give me that passport to travel with him, because he say he have got no power, he must go to ask Irish Bishop Kapenuka in Kenya.

Where was this that you wanted to train in the Mission?---Mission?

Yes?---No, I was asking him anywhere, where he was sending me was allright.

Oh there was no certain place that you had in mind?---No, I was not decided yet. I was supposed to go to Bishop Kapenuka. 30

Have you ever travelled on an aeroplane?---Yes, I

I travel with aeroplane with him too.

Where to?---To Nairobi.

Nairboi?---Yes.

What did you go and do in Nairobi?---Nairobi to meet Irish Bishop Kapenuka.

To meet the Bishop?---Irish Bishop Kapenuka.

Did you meet him?---Yes, I meet him.

What's his name?---He's Irish Bishop Kapenuka.

What did you discuss with him?---We discuss about the matter to say I want to be brother. He show me many 10 place where I can go. And then after that he said to me "you can't go anyway, because we haven't got enough money to take you to school". So I came back to Dar-es-Salaam. So on my way back to Nyasaaland again, when I leave him in Dar-es-Salaam, I meet my uncle there who is in Dar-es-Salaam until now. Abel Makatenga(?).

Do you remember what you paid for that airways ticket?---No, I don't know how much he paid. I was not paying the ticket.

Oh, you didn't pay for it?---No, he paid. 20

Who paid?---Father Joseph.

Father Joseph paid?---Yes.

430 shillings. That's what the ticket says?---
How much?

430 shillings?---That I don't know, from Dar-es-Salaam to Nairobi can be 400, I don't know. It might be it's right that, I don't know how much he paid.

Coming back, did you sleep at Mbeya?---When I come back where?

When you were coming back from Dar-es-Salaam to 30 Bulawayo where you were arrested?---When I was coming back to Bulawayo, where I was arrested, is quite true yes. I come back with him there, I sleep to the other place to the

Hotel other place Mbeya Kulya(?).

You slept in Mbeya?---Yes, I sleep in Mbeya, because there is no transport going through to come to Northern Rhodesia.

You slept there. Did you see these other persons there?---No, I never saw anyone there.

You never saw anyone?---Yes.

Although it was on the same date that they slept there?---Sir?

According to the receipts found in their possession¹⁰ they slept there on the same date?---The same date? That I can't say because that Hotel is very big, I think it take four corner. In Mbeya Railway Station.

BY THE COURT TO WITNESS: When did you see them for the first time?---The first time when I saw them, to see, to know each other, was in Bulawayo when we was arrested, but in Dar-es-Salaam. I remember the other which one is this side - he was there when we were in our hut....

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Did you cross the border at Tunduma?---Yes, I²⁰ cross always because it is my home. I must go across through Mbeze(?).

You do cross at Tunduma?---Yes at Mbeze(?).

Did you also go by bus from Das-es-Salaam to Mbeya, when you came back?---Yes, when I come back I take bus, yes.

You didn't meet these others on that bus?---No, into the bus only the one came which I can recognise. Is this one. This No. 1 Accused, into the bus.

You saw him in the bus?---Yes.

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BY THE COURT: Let that one stand up so there is no mistake about it. (Accused No. 1 gets up). Is it that one?---Yes, that No. 1, yes.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Now tell me when did you leave the Republic to go to Nyassaland?---I don't really know which day I leave the Republic.

The month and the year will do?---The month I don't know, maybe it was between May or June or so on. I don't know.

Which year?---1962.

1962?---Yes.

You see why I ask you about the bus is because 10 the other accused and the witnesses who gave evidence, also had bus tickets in their possession, and the numbers of these tickets are very close together. Yours is 18152, the others 18150, 18148, 18151 see? And the date is the same, it seems they must have been on that bus with you?--- Might be, because that bus was not a few people. The bus was full up in Tanganyika, because the bus is going for a day. Is not always going to the other place. Might be they was inside yes.

Tell me do you know any of these persons? James 20 Radebe?---No Sir.

Walter Sisulu?---No Sir.

Vincent Kumalo?---No Sir.

Tennissen Makiwane?---No Sir.

Oliver Tambo?---No Sir.

I want to show you this document will you just look at it? (Shows document to accused). Do you know that document?---Yes, then again when we was in Dar-es-Salaam, was plenty paper like this which was in the Town Office, because I think there is plenty office and the other one 30 I don't know. They was just giving each out, and throwing in the street because people was happy on that day.

I see,---Yes.

BY THE COURT: Did you take this paper?---I forget, because if it now was inside to my wallet...piece of paper in my wallet. I don't know how it come. It might be some time I just take it and put inside. I forget in there.

So you think you took it on that day because you were all very happy, and these papers were all about, and you put it in with your papers. Is that what you're saying?---Yes, they was giving the papers in the street. There are plenty different kind of paper.

You took this one and put it with your papers?--- 10
No I'm not remember very well because I was drunk that day myself My Lord.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

This paper deals with the African National Congress. EXHIBIT 2F.?---I never know that because even to that offices to where is come all this is a duty. (goes on).

Allright that's enough information. It deals with the African National Congress. Was this the celebrations when Tanganyika received its independence?---Which one?

The celebrations you talk about?---Yes, it was 20
when Julius (?) get to be President in Dar-es-Salaam.

When was that?---I forget the date also.

But the year and month will do?---No, even the what-you-call, but I know I was there, because....

You don't know the month?---No, the month I don't know. I forget it.

You don't know the date?---Even the date. I forget it.

And the year?---Yes, it is absolutely out. Specially when I'm here maybe... 30

In any case, let me put it to you this way. Then there was no illegal organisations in Tanganyika at that time?---Beg your pardon?

There were no illegal (unlawful) organisations in Tanganyika at that time?---No, I don't know about that Sir. I can't say I don't know about that.

Because I am putting it to you that this document deals with an illegal organisation - an unlawful African National Congress!--I don't know about that, because in English I am not quite sure, I'm quite alright to read any kind of papers for English. Even now I just talk myself because there is no Nyassa here.

Tell me did you work in the Republic?---No, I can't ¹⁰ say actually I was working in the Republic because I was working just somewhere in farms.

You did work in the Republic?---Yes, I think so, because I was collect the money.

Where did you work?---That I can't say because they never register me. |

I want you to write your name on that paper again. (Witness writes his name on paper).

BY THE COURT: Yes, I think those two documents - the one that he signed yesterday and this one, ought to be numbered as an exhibit Mr. Terblanché---THE ONE THAT HE SIGNED YESTERDAY WILL BE NUMBERED 2M, AND TODAY'S WILL BE 2N. 20

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

I further want you to write on this. You know that your endorsement on your passport for Ethipia was cancelled?---Yes.

Now I want you to write "cancelled" there?---Cancelled?

Yes.---I don't know how to write it. 30

Well just write it. (Witness writes on paper,).

BY THE COURT: Yes, let me just have a look at that.
(Paper handed to Judge). Now you read that to me, what
you have written there?---Sir?

Just read that letter that you wrote there?---
Cancelled.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

Now do you know this photo?(Exhibit 2J handed to
accused)?---Yes, I know this one.

Who is that?---This man I don't know his name,
I know him when I was in Dar-es-Salaam. He used to come 10
to the Mission. He told me something he does, but I was
attending with him in church.

Why did you get a photo of him?---I would like
you to know we Roman Catholic, when somebody come into
the Mission you know him. This man he come to Mission
to come to pray over God, we are all one Brother one
Father.

BY THE COURT: And then you take a picture of each one?---
No, not each one. He give it to me the picture.

Why should he select you to give you this picture?20
---Because I was a Catholic in the Mission. I was a server.

But now why should he do it?---I don't know.

You don't know at all. From knowing him by sight
you don't know his name. Why should he give you a pic-
ture?---No, that I can't say because it might be because
he used to know me every day when I'M in church to give
him something you see, to save them.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

Now tell me this, when the witnesses gave evidence
they said this was an officer of the Ethiopian Army?--- 30
Which witness?

Jantjies and Rani!---Might be those people.....

Now wait a minute - You heard them say that, not so?---I ask them question too when they was here.

Why didn't you ask them and say "but this is a man who came to the Mission"?---I tell him here. He say I want to press him because the Catholic is too big. I still remember.

I want to show you this other photo (Exhibit 2J handed to witness) and I want you to tell me where that was taken?---This phot. I remember is one who they was showing me in the Court when I was standing in the 10 Court which we take on Independence Day. That I say I was drunk, we never saw.

You say that was also taken on Independence Day?--- Yes, on Independence Day in Tanganyika.

In Tanganyika?---Yes, My Lord.

Now explain to me where were you in Tanganyika when it was taken on Independence Day?---When they was taking this photo?

Yes?---Out in backyard there is openspace, I think 20 is Soccer ground but its big, they don't play no more soccer there, where we was all together. There was plenty people of people (Mentions some names).

You see there are no other people there. Big Open space and there are no other people?---I don't know because there was group and group, group and group into that ground. So I can't remember why they should just take out, because there was plenty photos which we take there.

They took photos there?---There was plenty from Rhodesia. Newspapers. There was plenty. 30

And how did you get hold of that photo?---This photo?

Yes?---I don't know maybe I was standing with them also.

BY THE COURT: Counsel is asking you how you got it in your possession? Not why you are on the photo or how how you got on it?---This one? This one was not in my pocket.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

Yes, that's the evidence - it was in your pocket! ---No somebody put it in mine. My possessions. Its not my photo this. I am sure I never had the photo when I 10 come out.

You see the evidence is that you were searched and that was found in your possession!---No, no, no, this is not my photo this. I refuse I never had the photo when I come out. When I come to Court this photo was not in my possessions. I think some of these people which have come from there there. Might be those....

Are you on that photo?---This photo?

Yes?---Yes, the photo I know. I see him here.

BY THE COURT: When did you see that photo for the first time?---First time I saw was when they was fetch them out there when I was talking out there.

Where?---In to the C.I.D., Central.

That was the first time you saw this?---Yes, it was the first time I saw this photo.

Did you then see that you were on the photo?--- Yes, they then showed me that I am here also to this photo.

And no doubt you didn't have a memor of this photograph at all, because you were toodrunk when any 30 photographs were taken?---No, I say even now I can't say all these people is in here the photo. The other I don't know.

Can you point out a single other Nyassa person on that photograph?---To this photo?

Well, that's all you have before you?---No, is not a single, but I saw this other one. I think is the one who waiting in Dar-es-Salaam in the office.

There is no other Nyassa on that photo, is there? -- No, might be there is, but I don't know them, because there are plenty.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

So you deny that you ever had that photo?---No, 10 the photo is not mine.

Why didn't you cross-examine the Policeman when he gave evidence and said it was found in your possession? --- No, they never write even my statement. They never write the photo is my fault.

I know nothing about your statement, I only know what evidence was given in court, and I am asking you...? They never say in the court that photo. They never tell me that photo is for my possessions. The photo which one they show. This one you show me now, small one, and the 10 air ticket - that photo they hever say was from my pocket. When I was in Regional Court.

BY THE COURT: No, but you heard Mr. Ivey the Officer who gave evidence here, didn't you hear his evidence?---Yes, I hear his evidence.

He said that these two little photographs he took from your possession?---No, he say one photograph, which one I show. He say is in my paper. Not this one. This one was not there.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

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When you were arrested did you also have a bag like this? (Shows bag to accused)?---Yes, that one is mine.

And you also had a pair of new shoes. Those you are still wearing?---Shoes is Mine.

Like this?---No, that one is not mine.

No, this is not yours but yours is just like this!---No, is not like this. I think is different mine.

And you also had a jacket more or less like this: (Shows jacket to accused).---No, I can't because the other jacket is not here. I should show if the jacket is the same like this.

Where did you get the bag?---The bag I buy in 10
Tanganyika, Dar-es-Salaam.

Dar-es-Salaam?---In the shop, yes.

Why did you buy a bag?---Because I want to put my things in.

Oh. How did you take your things up there?---
Where.

When you left the Union?---When I left the Union?

Yes, when you left the Republic to go up to Tanganyika?---Those I take from here I left in my home in
Nyassaland. 20

You left your bag there and you bought another one?---Yes.

Did you have a lot of money?---Who? Yes, I'm
businessman at home.

Hm?---I'm businessman. I've got a pharmaceutical(?)
licence.

Businessman there?---And I'm seller of sheep.

Why did you come to the Republic in the first
place?---No, I was looking job that time, because I know
My father that time was not strong, he can't afford to
work the farm. 30

You're a businessman?---Yes.

In Nyassaland?---Yes.

But you come to the Republic - for what purpose?
---Because I saw my father can't afford to stay in Nyassa-
land. So I was here in Republic. I find out when they
refused to give me pass to work, so I decided to go home.

Why did you come to the Republic if you're a
businessman in Nyassaland?---That was not enough for me
and to feed my family too. It was a small farm.

But you could buy extra bags?---Yes, I can buy
two extra bag, yes.

MR. TERBLANCHE: No further questions. 10

TRANSCRIBER'S NOTE: It was unfortunately not always pos-
sible to transcribe this accused's evidence properly, as
both his English and his pronunciation thereof, are very
poor.

*Why would it
you then make
passes ???
Secret Pass.
no representation
independent
T. Chirwa*

FREDERICH BERTY SMITH, declares under oath

BY THE COURT: Do you know the accused with the label on him
No. 2?---I don't know him personally, but I have seen
him before.

Now would you tell me your occupation?---I am the
Nyassaland Government Representative, stationed in Johan- 20
nesburg.

And what functions do you perform?---One of the
functions I perform is the issuing of identification docu-
ments to the people - the Nyassas and Northern Rhodesians
who are returning to the Federation.

Do you have anything to do with them when they
come into the Republic?---Nothing at all, unless they
report and ask for help.

And when they leave to go back to Nyassaland,
what documents do you give them?---Well, before they are 30
permitted to leave....before they will issue them with a

ticket at the railway station, I issue them with a Form of Identity. A certificate of Identity. This is a copy of the type of thing that I issue. (Form shown to court).

Then who furnishes the information that you insert thereon?---The clerk who interviews the person and he satisfies himself from documents that he can produce, or from the information he can give about the Country and the area as to , and he can satisfy himself that he is a Nyassa and he comes from that part of the country.

And do you then see the person himself?---I don't10 personally, not on every occasion.

Yes, now accused No. 2, Chirwa, has asked that you be called as a witness. I am going to ask him to put questions to you if you will just reply to his questions? ---Yes My Lord.

EXAMINATION BY ACCUSED NO. 2:

The question I'm here for is this, when I travelled to go through to Nyassaland, where I get passport to go through?---Where did you get it?

The paper, where I get it?---You got the Identity 20 Certificate which identifies you as a Nyassa from my office.

ACCUSED NO. 2: No further questions.

BY THE COURT TO WITNESS: Do you know when he left this country?---He was issued with a permit on the 23rd of June, but the date that he actually left I could not say.

23rd of June 1962?---1962.

Do you know whether he was employed in South Africa at all, prior to leaving?---I couldn't say whether he was employed or not.

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EXAMINATION BY ACCUSED NO. 2 (CONTINUED):

I was in Regional Court you her my charge withdrawn because I'm Nyassaland. Now you sent me back to

Nyassaland in (?)ville where I come from, where my father and my family are. So when they discharged me one of the C.I.D., this man who was sending me home, these people, before I went out from stokkies, they arrested me again. They say I was coming here. I was not coming to South Africa, I was coming to Bechuanaland, I'm a Nyassa. So I want to ask you afavour, I got a right to come to try here when I'm a Nyassa. I was not arrested here, when they chase me away from this country?---I can't say how he did get here. 10

Yes, so the thing I think what you can do, I want to ask you to take me back to Hastings Banda in Nyassaland. That I want to ask you My Lord?---Yes, well I'm afraid its outside my power now.

BY THE COURT: Yes, its outside his power. He says he can do nothing against the law of the land or the authorities in control?---Okay.

EXAMINATION BY ACCUSED NO. 2 (CONTINUED):

When you go out from inside here, because I don't know yet how these people are going to charge, you must 20 remind those people at home where I am in Imbamba. I believe if you try, one of them will know where I come from. (Explains his tribe and village to Mr. Smith)?--- Yes.

I have some things because I don't know how long I'm going to be here? I've got some of my luggage into this jail here, which I have with me. I think you can do your best to come to reply to get those things to send to my father at home?---Permission granted.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED): 30

Mr. Smith would it have been at all necessary fro Chirwa to obtain a certificate of identity from the Government of Tanganyika, for his travels after you gave

that?---To go to his home? No.

No, or is it necessary for him at all to obtain a Certificate of Identity from Tanganyika if he wanted to come back again or go to Bechuanaland?---Well, as far as I'm aware, they have no authority to issue him with one.

But he could have obtained it ins his own country?
---He could.

MR. TERBLANCHÉ: No further questions.

END OF DEFENCE FOR ACCUSED NO. 2.

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MATTHEWS MAKHALINA, sworn statement

I just want to say something in regard to the charge against me My Lord. I understand that the charge against me is that I was connected and I was assisting in an organisation which wa s declared unlawful in this country. Documents were found on me which clearly indicated that I was connected with that, but there was no evidence before this court by witness or any other evidence that I left the Republic when I went away, that that had anything to do with my belonging to that organisation, 20 but that is what is stated in the charge against me. Now I want to explain - After I left here, my only intention was to go and get assistance to develop my knowledge. I went from here to Tanganyika. On my arrival in Tanganyika the District Commissioner took me at Mbeya. He then handed me over to a person who was recruiting people who belonged to the Banda(?) tribe. Oh, I'm sorry who attended to refugees. Banda means refugee or person who is hiding. I was then taken to a place called Mkolana(?). That is the place where these refugees were kept. The Government of 30 that particular country looks after them there. After I

had been there at Mkolana for a while I was receiving money which was being given to me by the Government of the country. That money amounted to £2.5.0. per week and other articles which was required, for instance like clothing. When I was given that money it was said that was for smokes. Here at this particular place, I stayed in the refugee camp. There were then people there who I met there and I came to know there. I did not know them before. They were also refugees, some of them coming from places like this and the Congo. Others from Uranda Urundi. I got very friendly with them, also that came from this country. Having met those people and having become particularly friendly with them, I learnt a lot and heard a lot about the different countries. That is the first instance where I gained knowledge. Those people then suggested that they take me to any other places that were known to them. Then after that I decided that I was anxious to improve my knowledge with stunts. Academical knowledge. Then I approached the Tanganyika Government - the District Commissioner then came, and gave me a form which I had to complete. I did. This form, amongst others wanted the following questions answered - One was my religion. My date of birth or age, and several other questions I had to answer, for instance, and to what political organisation I belonged was one of the question. I am now skipping a whole lot of others, there are eleven questions that I had to answer My Lord. Then when he came to this organisation My Lord, what my position was in it. I say when I was still here in this country, I never thought that when I arrived there I would have been questioned or that I had to answer questions of that nature. Only that it would have been assistance to me, as it had been. Those men then said to me, that is

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the advice that he gave me, there is not a single person that can pass through here, unless there is an organisation in South Africa to which he belongs. Then they gave me advice to go to men who were prominent and known, trustworthy and known men, to go and approach them. Therefore I went to a certain man called Makewane. When I was there I spoke to him and I told him what my difficulties were. He then said the requirement is that I should have joined an organisation..this organisation, when I was still at my home. I cannot otherwise then, now that I am in difficulties, come to him. He doesn't have people subscribe to the organisation there, in Tanganyika. I then saw clearly that the organisation at home here was bannished. Then I went for assistance to another man. This person then told me that I could come to Bechuanaland, then I could be assisted by joining the organisation there which was lawful there. The organisation there is known as the B.B.C. I then left to go to Bechuanaland. On my way there, before I arrived in Bechuanaland, I turned back again, because documents were required. Because how could I have got into Rhodesia without permission to go further.

That is all.

NO. 1 ACCUSED: No questions.

CROSS-EXAMINATION BY ACCUSED NO. 2:

Did you see me in Dar-es-Salaam?---Yes, I would say I did see you there.

Where?---I am not certain, but I would say that where I saw you, to the best of my recollection, was at the celebrations in Tanganyika.

ACCUSED NO. 2: No further questions.

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ACCUSED No. 4: No questions.

CROSS-EXAMINATION BY ACCUSED NO. 5:

At the time when you filled in and completed those forms that you mentioned here, is there anything that you received?---Yes.

What nature of any document any paper?---Yes, I had a document then already I did receive a document after I completed the form also.

ACCUSED NO. 5: No further questions.

ACCUSED NOS. 6 & 7: No questions.

CROSS-EXAMINATION BY MR. TERBLANCHÉ:

Where did you live before you left the Republic?---
Alice in the Cape Province, 10

Were you a member of the African National Congress?---No, I never was.

The African National Congress Youth League?---
No, I was never a member of any of those organisations.

Now why did you decide to leave the Republic?---
I left this country for foreign reasons. I was a student when I was in Port Elizabeth in Newell Bantu High School, under the charge of the Headmaster Mr. Molefe. Dr. Bobbins was one of my teachers...he was the person who was assisting me to get that schooling, and then on 20 account of some difficulties that he had himself, he could not continue assisting me with my education, and I wanted to continue. Then I decided that I would have to find ways and means of my own to get a scholarship. The main reason then that I left, was financial difficulties and I wished to study further.

Tell me how old are you?---This year I am 25.

When did you leave school?---In 1958.

How far did you get at school?---J.C. I have not passed yet, 30

You have not passed yet. What gave you the idea

that you would find a scholarship outside the Republic?---
Well, if you try to get one, you never know where you
might get one.

Did you try to get one in the Republic?---My
reason for leaving was that I endeavoured to get a scholar-
ship here, but I was unsuccessful.

Where did you get the money to travel so far
and wide?---I got employment in this country at my home
in a factory where I earned some money.

How much money did you have when you left?--- 10
£37.0.0.

Now, there's one thing I don't understand? Why
you ever left this refugee camp. If I was lucky enough
to get into a camp where they gave me food and clothes
and £2.5.0. per week for smokes, I would never leave.
Why did you leave?---When I left this country I didn't
leave it to go and sit there and enjoy myself sitting
down. I went there to learn to gain knowledge.

What to do with the knowledge?---Firstly, know-
ledge is very valuable to anybody, especially in these 20
days.

To earn a living?---Yes, also that.

Tell me where did you meet Accused No. 1 for the
first time?---In Dar-es-Salaam.

In Dar-es-Salaam. Where in Dar-es-Salaam?---
I cannot remember where I saw him the very first day.

Did you see him often in Dar-es-Salaam?--- Not
often.

Not often. About how many times did you see
him?---What I mean by that, he is not a person that I 30
ever stayed with, or contacted in the streets and-so-on,
because I was living in the refugee camp at the time.

In Dar-es-Salaam?---In the camp.

But you told us you were living in the camp at some other place?---In Mkolana. That is the camp in Dar-es-Salaam. That is the only place where a refugee camp was. The one that I know of.

I see. Where was No. 1 living?---I didn't know where he stayed and I had no knowledge of it.

You didn't ask him?---No, he was not related to me.

Hm, that doesn't matter. You meet him. He is also from South Africa, and what's more he is also from Port Elizabeth. He is also a Xosa the same as you!--- No, I did not know when I met him there, from where he actually was. 10

What language did you speak to him?---I did not say that I spoke to him. I said I saw him.

You saw him. When did you speak to him for the first time?---When we were locked up in the same cell in Bulawayo. That was the first time I spoke to him.

And No. 4? When did you see him for the first time?---At dar-es-Salaam. 20

Also at Dar-es-Salaam. Did you speak to him? --- No, I didn't speak to most of the people.

You didn't speak to No. 4 either, but you remember you saw him in Dar-es-Salaam?---I saw him.

And No. 5?---I remember the date specifically that I saw him.

Yes, when was that?---That was at the celebrations.

At the celebrations. Did you speak to him?--- Yes, I spoke to him. 30

And where was he staying?---I didn't ask where he was staying.

You didn't ask him, but you knew when you spoke to him that he was also a Xosa?---When you are in strange country like that, with these people there, you don't even think of speaking in Xosa language. You speak in other languages.

What other language did you speak?---English.

English?---I spoke English to him.

BY THE COURT: And No. 5 spoke English to you?---I asked him in English who he was, and he told me in English. I asked him in English where he came from, he said from 10 down, that is South Africa. We were amongst people at the time.

Yes, but when you spoke to him and you found out he came from South Africa, you no doubt explored it a little, further, as to where he came from?---He met me there, I didn't say anything further.

Meeting a fellow South African out in the strange territory?---I just wanted to know where he came from. He told me and that was that.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED): 20

No. 6?---No, I don't recognise him.

When did you see him for the first time?---At Bulawayo, it was the first time that I noticed him.

And No. 7?---Also at Bulawayo, before our return.

Right, now we come back to the Republic. When did you leave the Republic?---During the winter of 1962.

How did you leave?---I came from Port Elizabeth to Johannesburg.

Wait a minute, we stop there. Did you know anybody in Johannesburg?---Not a person. 30

Where did you stay in Johannesburg?---I didn't stay in Johannesburg.

Did you come by train from...?---I came by train to Johannesburg.

You didn't get off the train at Johannesburg?---I got off the train, yes.

And where did you go?---I just made enquiries at the station where I must get a taxi. I was explained and I got one. I then spoke to the driver of the taxi, and explained to him that I was not coming to Johannesburg itself. I then asked him what the charge would be if he takes me to another place outside Johannesburg. 10

What other place?---Yes, I told him what place it was.

Yes, what place?---Lobatsi.

You asked him what it will cost to take you to Lobatsi.

AT THIS STAGE THE COURT ADJOURNS.

ON RESUMING:

MATTHEWS MAKHALINA, still under oath

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Now we got as far as that you went to ask the 20 taxi how much it will cost to take you to Lobatsi. What happened further? What did he tell you?---He said he'll charge me £15,0,0.

Yes, and then?---That's what he charged.

And did he take you?---Yes.

Did he take you by car right into Lobatsi?---Yes, he put me off at Lobatsi station.

How did you get across the border?---He knew how to arrange it. We went through it without any trouble.

We. Who is we?---The driver of the car and myself.

Were there police on the border?---There was a European in civilian clothes. I don't know whether he was

a Policeman.

Did he ask you anything?---He spoke to this man in a foreing language which I did not understand.

Then you were let through?---We were let through. Allright now from Lobatsi?-- I went straight to Bulawayo.

By train, or how did you go?---By train.

And on this train you were not asked for a passport or anything when you entered Southern Rhodesia?---
No. 10

I am informed that on the trains there are always people just after ...before crossing the border, to get on the train and ask for passports. Didn't they ask your passport?---I noticed that when I came back.

Mm?---I noticed that when I came back.

Immigration and Customs Officials are always on the train?---Yes, I was not troubled. Not on my way there.

Never troubled on your way there, right. Now from Bulawayo where did you go?---I went to Lusaka, and 20 then from there to Broken Hill. There the railwayline ended. From there I travelled by bus. I took a ticket from there to Mbeya.

And after you reached Mbeya, the Government took you over and looked after you after that?---Yes, from Mbeya I went to Dar-es-Salaam. I didn't pay for that fare.

Who paid for that fare?---A certain office there arranged it.

What certain office?---The District Commissioner, 30 arranged to pay my fare.

Did you ever get to Nairobi?---No, never.

Never. You were issued with this Certificate of Identity. (Shown to accused)?---Yes.

Now can you explain to the court this endorsement to enter Ethiopia on your passport?---Ethiopia?

Ethiopia yes?---I have already told the Court that that was done through the Government of Tanganyika.

But why?---Because I went to them for assistance.

Assistance to go to Ethiopia?---I'll explain it this way. I went to the Government and requested assistance from them to get further education. 10

BY THE COURT: Now if they thought you could get the education in Ethiopia, wouldn't you have taken it?---Yes.

Well isn't that what the reason is why this endorsement is in the book?---Yes, I would say yes.

So the Government endorsed the stamp in that book so that you could go to Ethiopia in order to get further teaching?---They didn't tell me that.

But that's what you inferred from the fact that the stamp was in there?---I have already explained to the court that when I went for their assistance, they wanted to know, when I had to complete that form, whether there was any particular organisation that I belonged to, and it was found that there was not one.

Yes, you have told me that. Now Counsel for the State is wanting to know what reason there was for anybody, including the Government, to have caused the stamp to be put onto your passport, authorising you with that passport, to go to Ethiopia?---That I wouldn't know.

I just want to point out to you a little difficulty I have with your evidence - you told them you 30 didn't belong to an organisation in South Africa, and it was necessary for you to come back to Bechuanaland in order

to join an organisation before going back?---That is correct, yes.

Yet that same authority, namely the Governor of Tanganyika, now endorses your passport in order to let you go through to Ethiopia, before you even have the qualification of having joined an organisation!---Yes, the reason why I didn't go, was because I didn't belong to the required organisation.

But why should they put that stamp on there before you do qualify in order to go?---This stamp was put 10 on this document before I was given that list to complete. So when this difficulty occurred the stamp was already on the document.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

How did they know that you wanted to go to Ethiopia before you completed that form?---When we were there in Tanganyika My Lord, you are not being asked where you want to go to, you are sent to a place which will do for the requirement that you want to go there for. They could send you to any place.

Why were you vaccinated?---I don't know the laws of the vaccination out there My Lord.

All right we'll leave that. Now you went from here and you got to Tanganyika?---That is so.

And the first time you left Tanganyika was when you came back to go to Bechuanaland?---That is correct.

You didn't go to any other country?---No, I didn't.

Now can you explain to me why there is a re-entry stamp for Tanganyika on your passport?---I would like to see that stamp. (Stamp shown to accused). I have 30 no knowledge of this stamp. I never noticed it.

Who took your photograph for that passport?---

That's in Tanganyika.

Yes, who?---I was in the camp at the time. I don't know who the person was that took it.

Do you know a person Joseph Jack?---I know him.

Yes, didn't he take this photo?---No.

Do you know that Joseph Jack was a very active member of the African National Congress?---I came to know Jack My Lord, in Port Elizabeth before I left the Republic.

Yes, that's what I ask you, do you know at 10 that time that was a very active...?---I did not know then, that he was a prominent member of the A.N.C.

As what did you know him?---I just knew him by sight.

Do you know what he did for a living?---No, I did not know.

Now coming back, you also travelled by bus from Dar-es-Salaam to Mbeya?---Is there any document to show that I did that.

I am asking him?---Yes, I did come back by bus. 20

Why did he ask me whether there was a document to show it?---I wanted to understand your question clearly.

No, I'll tell you shy, you were going to deny it, if there wasn't a document!---I've taken the oath here to speak the truth, and I intend speaking the truth.

Allright we'll leave it at that. And you also slept at the Hotel in Mbeya?---That is correct.

Who paid for the Hotel?---I paid myself.

You paid. Did you see any of the other accused on that bus?---No, not in the bus. 30

Not in the bus. And at the Hotel?---No.

Now tell me I notice something here, did you only

sleep one night at that Hotel?---Only one night.

Only one night. I noticed something extra-ordinary. I find that Accused No. 2 also slept at that Hotel on that same night?---I cannot deny that.

What did that Hotel cost you?---If i remember correctly 7/6.

7/6. And then again...no. tell me how did you get across the border from Mbeya, or rather where did you cross the border? Did you cross it at Tunduma?---Yes, there is no other way. It is only way. 10

It's the only place. Did you have any difficulty crossing the border?---No.

No difficulty?---No.

Did you have a passport to enter the Federation?---That was the only one I had.

There is no endorsement for the Federation on this!---Yes, well that is all I had.

Now, you were travelling alone, not so?---You mean when I travelled by bus?

When he came back, he was on his own?---Yes, I was travelling on my own.

On your own?---When I was coming back, yes.

Now did you take out a railway ticket at Lusaka to Palapye?---Yes.

Only for yourself?---No, two.

Where did the second one come from now?---I met him at Lusaka.

Why did you take out a ticket with him?---I was taking out the ticket, and it was asked whether we were going to the same place, and I said yes. 30

A man you just met for the first time at Lusaka, you now allow him to travel on the same ticket as you do?---

There was some discussion with the Stationmaster about that. The fact that we were going to the same place, we could travel together in the same compartment and it was said that one ticket was sufficient for the two of us.

You could still have travelled in the same compartment, even if you had two tickets, not so?---Yes, that is what the Stationmaster suggested.

I see, and you were satisfied with it?---No, I...

What happened to that other man?---This particular train that we were travelling on its terminal is at Lusaka. He got off the train there, and that's the last I saw of him.

No, I'm talking from Lusaka to Palapye?---The train stops at Bulawayo, the train from Lusaka. I said Lusaka, Lusaka is where we got on. The train terminal is at Bulawayo. When we arrived at Bulawayo, the Police were already there, and it was then that we were arrested.

BY THE COURT: What happened to the other man?---He was evidently known there, because I was arrested and he was not arrested.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Didn't you tell the Police "I've got this man's ticket. This man can't go further now"?---No, I was in a state of nervousness at the time.

BY THE COURT: I shouldn't imagine that the other man was nervous, because he wasn't arrested? And I should imagine he would be the first one to go to the Police and say "Now look here, you're taking my ticket away. I've got to go to Palapye"?---Yes, that is what he should have done. What he ought to have done, but he did not.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Just look at that document, Tell me did you write it?---Yes. (Exhibit 3I was handed to witness).

Now will you look at this document, and tell me whether you know it? (Exhibit 3G handed to witness)---
Yes, I know it well.

You know it well. Whose is it?---It's mine.

Did you write everything in that?---Yes.

Now, before I ask you anything further about it, tell me when you gave your evidence to the court, why didn't you tell the court anything about that document?---I didn't tell the court about this in my evidence in chief, because it never entered my mind. I never thought about 10 it to tell the court about this.

That is a most important document, and you forget about it? Whose name appears in front there?---Mac. This document, this name is the name of a particular friend of mine whom I learnt to know and become friendly with in the camp.

Why did you put his name there?---Because everything that I took out my Lord, I took out in his name.

Why? Didn't you want to use your own name?---
This is what I might term, a true and correct full, 20
detailed copy of what I took from papers which he had.

Why did you take it?---I have already told the Court that when I left here and went there, I wanted to gain all the knowledge that I could gain.

So that was the knowledge you wanted to gain. How to make bombs, and how to use rifles and how to use pistols, how to go on patrols?---When you go and seek for knowledge, you really we term it you really take a shot in the dark, and you don't pick particular subjects. You gain all the knowledge that you possibly can. 30

Now tell me do you think that knowledge would help you to earn a living?---No, because I have no knowledge

of it, I cannot say.

I just want you to repeat the old story, but still. Do you know that photograph? (Photograph handed to witness)?---I do.

You're on it?---I am here.

Who else of the accused are there?---There are some that I recognise here, but not all.

Yes, which do you recognise?---There is no. 2, just with a cross above his head. No. 1 is here. I 10 cannot recognise any of the other accused here.

And when was that taken?---This photo was taken on the day of the celebrations.

Does he know who was in the group that was photographed on that occasion?---I did not notice who were all in the group when the photo was taken. I just joined that group myself.

I thought No. 1 told us it was taken because you were all South Africans there?---Maybe he got that information from a source that I don't know of. 20

You were not interested who were your friends on the same photograph?---No, I did not.

You just saw a group and you just joined it, to be photographed?---That is correct.

BY THE COURT: This friend of yours that had a book from which you copied the information into the book before the court, who is he?---Kahn. His surname.

And his other name?---Mark.

If you were to write Mark, how would you write it?---Mark. 30

And where did he belong?---As far as I could ascertain My Lord, he was a refugee from the Congo.

And when he gave you this book, did you read it?---I copied all of this. I did Not read it. I copied

it from notes which he had.

Why didn't you take a newspaper and copy what is in the newspaper? That also teaches you, not so?---A news paper My Lord, is something which you read news in. It has nothing educational about it. You can't learn.

I'll ask you again, and you must listen to the question. Did you read this book before you started copying it?---Yes.

You read it through and you understood what it says?---Yes, that is correct. 10

Now you know what it says, what did it matter whether you had a copy of it, or not?---Because I was a refugee there at the time My Lord, he had them there and I made a copy of it.

Yes I follow that you were a refugee. You told me earlier on you weren't going to stay a refugee and linger in that refugee camp for the rest of your life?---Yes, I was not going to.

For what purpose would you be requiring this 20 information that you have in this book?---Just knowledge.

Knowledge for what purpose? What were you going to do with that knowledge?---I feel certain that Your Lordship has a knowledge of many things which you don't make use.

Well you're crediting me with something thankyou, but in any event I want to know from you what does it matter? Why must you put your friend's name on the book? He said that isn't part of the learning, it meant nothing? ---That is now just proof My Lord that I had no particular reason, except just for the knowledge, to make a 30 copy of these things. Therefore I made a true copy in writing down his own name on there.

But what does it matter whether the book had a name on or not? You were only wanting the knowledge?--- As I have already said My Lord, I have made a copy of that and I made a true copy. I wrote down every name and everything that was there I copied over on to this.

Now being so interested in this document and the contents, I assume that you must have asked him where he got this from?---He said they were his documents which he was studying.

Did he tell you where he made these notes?---No 10 he just told me that they were his documents but I never went so far as to ask him where he wrote them and so on.

But you were a man wanting to study, and there was an opportunity to gain information from him where you could go and study this subject that you were now interested in?---I'll explain it this way My Lord. As I was there at the time, I was dependant, I was not...

Well I want to suggest to you that he told you he was given this information in Ethiopia?---No, I didn't ask him and he didn't tell me Sir. 20

On the book is written Da-Bra-Zid?---I saw that clearly, yes.

What did that mean?---

Yes, well you saw it there and you didn't know what it meant?---Yes, I didn't know what that place is. Where it is. I didn't know Ethiopia.

A man who seeks learning will find out, yes.

BY MR. TERBIANCHÉ TO COURT: My Lord its Da-Bra-Zid, Ethiopia written?---Da-Bra-Zid, Ethiopia?

Yes, My Lord. 30

BY THE COURT TO WITNESS: (Book handed to witness). Just have a look at that?---Yes, I said I copied everything.

Yes, and then you saw that it was from Ethiopia?---
I saw both these names

NO FURTHER QUESTIONS.

END OF DEFENCE CASE FOR ACCUSED NO. 3.

MAXWELL MAJEKISO, sworn statement

There is one matter which I wish to explain the Court My Lord. When this charge was framed against me My Lord, it was alleged that I have come from Ethiopia where I had been for training. I did not go to those places My Lord. I only went to Dar-es-Salaam. That is 10 all.

ACCUSED NO. 1: No questions.

CROSS-EXAMINATION BY ACCUSED NO. 2:

Did you see me in Dar-es-Salaam?---I think I saw you at the Republic of Dar-es-Salaam.

Did you speak to me?---I did not speak to you.

ACCUSED NO. 2: No further questions.

ACCUSED NOS. 3 TO 6: No questions.

CROSS-EXAMINATION BY ACCUSED NO. 7:

Since when did you know me?---I saw you at Port 20 Elizabeth.

Did you see me at Dar-es-Salaam?---Yes.

At what place?---At the celebration at Dar-es-Salaam.

Did we ever speak to each other?---Yes.

What was the discussion about?---We spoke about the matter of whether there wasn't any place in Dar-es-Salaam where one could obtain employment.

ACCUSED NO. 7: No further questions.

CROSS-EXAMINATION BY MR. TERBLANCHÉ:

Before you left the Republic did you live in Port Elizabeth?---Yes.

And did you know any of the accused, except No. 7 in Port Elizabeth?---None of them.

But you knew No. 7?---Yes.

Now do you know an organisation called the African National Congress?---No.

Never heard of it?---No.

How old are you?---I am 33.

33. Did you go to school?---Yes, up to Sub B. 10

Up to Sub B. Now why did you leave the Republic? ---My Lord the reason why I left Port Elizabeth is because I couldn't obtain any employment, having not been in possession of a reference book.

Why were you not in possession of a reference book?---Because I was chased by the people at Port Elizabeth.

Why were you chased by the people?---I don't know.

Did you apply for a reference book? Was he never in possession of a reference book?---There was an endorsement on it My Lord. A stamp and I was told to leave Port Elizabeth.

You just told the court that you didn't have a reference book. Now you tells us you had?---I never said so.

Allright we'll leave that. Where were you born?---Middeldrift.

Where's Middeldrift?---Sis-kei.

How have you been in Port Elizabeth before they chased you away?---I think I got to Port Elizabeth in 1945.

1945. And when did they chase you away?---January 30 1960.

Why did they chase you away?--- They said I was a loafer My Lord, I didn't want to work.

I see. Were you a loafer?---No.

Allright, So you thought it would be better to leave the Republic and go far away?---Yes My Lord, the reason being, I wanted to go to a place where there are no reference books. Where they don't issue reference books.

That's the reason you wanted to go away. Now what did you do with your reference book?---I left it at Port Elizabeth.

With whom?---I left it with my belongings, where I had placed my belongings. The person who had to keep my belongings for me. I left it with that.

Who is that person?---James.

James Malala. Where does he live?---He lives at Port Elizabeth My Lord, but I have....I can't remember the number of his house, but he lives in Port Elizabeth.

What belongings did you leave there?---I left a cardboard there with my papers and notes I had of making application.

How many papers?---Just letters from home. 20

Why didn't you take your reference book with you? ---I knew My Lord, that should I take it with me whenever being met by a Policeman, seeing the reference book, he would arrest me.

Wouldn't he arrest you without a book?---It is better to be arrested without a book.

Hm?---It is better to be arrested without it.

Allright. Now when did you leave the Republic?--- December 1961.

December 1961. Were you in employment at the time when you left?---No. 30

How long had you been out of employment?---Some 9 or 10 months, I think.

9 or 10 months. Now tell us how did you leave the Republic?---I left Port Elizabeth by rail to Johannesburg.

Yes?---At Johannesburg I took a taxi which conveyed me to Lobatsi Station.

From there?---From there I went by rail to Bulawayo.

What did the taxi charge you from Johannesburg to Lobatsi?---£18.0.0.

How did you go from Bulawayo?---By train,

And from there?---I got off at Broken Hill and from there I took a bus to Mbeya. 10

Now were you never for a passport or documents, when travelling on the train from Lobatsi to Bulawayo?---When I got to Lobatsi My Lord I got off the train. When it left I got on again.

Lobatsi?---I mean when I got to the border of Rhodesia.

I see. Now where did you get all this money from?---I had a little business which I had at Port Elizabeth My Lord.

What kind of business?---Selling dagga. 20

BY THE COURT: Now when you left Port Elizabeth, were you going to go to Dar-es-Salaam, or didn't you know where you were going?---My Lord, I just travelled to get to some place where there are no reference books. That's all.

Didn't you know that In Bechuanaland there are no reference books?---No My Lord.

Didn't you enquire?---I say I did not My Lord.

Well if you found out there that there were no reference books, you would have stayed there?---I would have. 30

I should imagine somebody looking for a place

where no reference books are kept, would go to the nearest possible place, and not go through several other territories to go and find one?---My Lord in passing Bechuanaland, had I known then, that there was a place where one could obtain employment, I would have then enquired about the reference books.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Did you make any enquiries when you got to Bulawayo whether one carried a reference book there?---I did.

What did they tell you?---There a non-European 10 said there is a stupa, I don't know what they meant by that. They used the word stupa.

And in Lusaka did you enquire there?---No, I did not ask there My Lord, I thought its some other place, because its Rhodesia this.

What do you know about Rhodesia?---Nothing.

Allright. Now tell me this, why didn't you go by train all the way from Johannesburg to Bulawayo? Why did you take a taxi to Lobatsi?---I was in a hurry.

You were in a hurry. We'll leave that. Now 20 tell me when you got to Mbeya what happened to you?--- When I arrived at Mbeya My Lord, I went to the Police Office there.

Yes?---There I was given a note that should I arrive at Dar-es-Salaam to go to the Head of the Police there.

Yes, did you do that? How did you go by bus?---
Yes.

And then what happened when you got there?---
From there I was taken to Mkulani. 30

Yes. You also received food, clothes and £2.5.0. a week for smokes?---Yes, there are a few things

that I received.

Why did you leave there?---My Lord, when I was looking for employment I got to know that there was no such thing that one could obtain employment at Dar-es-Salaam.

Yes, but why look for employment because you have got everything that you want!---I didn't want to be fed.

You didn't want to be fed - I see. Now when did you arrive at Dar-es-Salaam?---In December. 10

In December of 1961?---Yes.

Now why did you obtain a passport at Dar-es-Salaam? For what purpose?---My Lord the reason why I got a passport is because I was seeking for employment, and having been given the passport I could go all over those places there to go and look for employment.

So you wanted still to get further away!---No, My Lord what I really wanted was work, it doesn't matter where.

Now did you obtain this passport whilst you were still in this refugee camp?---Yes.

You obtained it in August 1962?---I think so, yes.

So you had been living in this camp since December 1961 to August 1962?---Yes, and then I left.

Left for where?---I was coming back on my way to Bechuanaland when I was arrested.

Yes. So you left immediately after you obtained this passport to come back to Bechuanaland?---Yes.

And it took you from August 1962 to January 1963 to get to Bulawayo?---No, I was arrested at Bulawayo in January. 30

Yes, and you said you left to come back immediately after you obtained this passport?---No, I said I didn't say My Lord, immediately after I had received the passport I had come to Bechuanaland. I said after having received the passport.

Allright, His Lordship knows what the question was that I put to him.

BY THE COURT: What were you going to do in Bechuanaland?--- I was going to join the Bechuanaland People's Party.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED): 10

Yes, for what purpose?----To enable me to obtain employment to the places mentioned on the passport where I could go.

And now you couldn't obtain employment unless you belonged to some party!---That is so.

Haven't the B.P.P. got an office in Dar-es-Salaam?---I don't know.

Now who told you that you should come back and join the B.P.P. in Bechuanaland?---At the time when this celebration was at Dar-es-Salaam, I met the President 20 there, and I explained my difficulties to him.

Which President?---Mplona.

He's the President of the B.P.P.?---Yes.

We've heard quite a bit about Mr. Mplona, and we know who he is. Now tell me, so you obtained this passport in order to be able to come back to Bechuanaland and join the B.P.P.?---Yes My Lord, I would have come back to Bechuanaland, after having been in possession of a passport.

Now another thing - did you tell this to the 30 Police who arrested you at Bulawayo?---There was nothing asked at Bulawayo from me.

Well, the Police said that they asked you where you were going, and you said you were going to Bechuanaland. They asked you what for and you said to visit friends? Why?---But they didn't continue on with it. They asked me where I was going and I told them I was going to Bechuanaland.

Now you say nothing was asked. The Police said they asked you and you said you were going to visit friends?---I wasn't asked anything in regard to the passport My Lord.

10

No. I never put it to you that you were asked anything about the passport. I said you were asked questions, and you said you were on your way to Bechuanaland in Palapye, in order to visit friends? Did you say that?--- Yes, I said so.

Now why did you say that, if that wasn't true?--- I don't know whether its not the truth.

Is it the truth? Were you going to visit friends? ---I was going to this person that I have mentioned.

Is he a friend of yours?---My Lord, I just say I 20 saw the man there and I put my difficulties before him.

Allright. Now will you explain why your passport has an endorsement to allow you to go to E^hio^pia?--- My Lord all I can explain is to say that I was given the passport and I did not ask why it was endorsed or not, I just took it. That's all.

You didn't ask for that endorsement?---No, I did not.

Did you want to go to Ethiopia?---My Lord, to me it had a right to go. It doesn't matter where. 30

I'm asking you, did you want to go to Ethiopia?-- I would have gone, yes.

That's still not a reply, but in any case. Now coming back, did you also take a bus from Dar-es-Salaam to Mbeya?---Yes My Lord, I did.

Did you see any of the accused on that bus?---No. 7 was with me.

Is that the only one?---Yes.

You didn't see No. 1 or 2...?---No.

Did you also sleep at the Hotel at Mbeya?---No.

Where did you sleep?---I got into the bus and I left. 10

You got from Dar-es-Salaam to Mbeya, and from Mbeya you got into another bus and left ?---Yes.

Accused No. 7 with you?---Yes.

Now, when you crossed the border, you crossed the border at Tunduma?---I passed there, yes.

And anything....did you have any trouble there getting across?---No My Lord, I got off there and I went and I had my passport endorsed or stamped rather, and I got onto the bus and went.

You see the witnesses have described that there was some difficulty there, and this stamp on your passport is a refusal of entry according to the evidence?--- I hear it here in Court My Lord. Before that I wasn't told that it was a refusal to enter. 20

I see. In your possession was also found a photograph. Is that correct? Two photographs?---Yes, I think three.

Allright. Now will you look at this one? (Exh. 4E handed to witness). Where was that taken?---At Dar-es-Salaam. 30

When?---In December.

December?---December of last year.

1962?---Yes.

What was the occasion?---That was the celebrations at Dar-es-Salaam.

Just a moment. Do you see any of the other accused on that photograph?---I see myself here, yes.

Matthews.

Who is Matthews?---Matthews Makhalina.

No. 3?---Yes, and No. 7.

Yes.---And No. 1, and No. 6.

Those are the only ones you can recognise. Do you perhaps recognise on that photograph one or other of the witnesses who gave evidence here, Jantjies, Rani?--- (Witness points out somebody on photograph).

BY THE COURT: Yes, No. 3 from the left, standing, yes.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Who is that?---That's Jantjies.

Jantjies. Do you recognise Rani there?---No.

Now will you have a look at this photograph.

(Exh. 2J handed to witness). Do you know anything about that photograph?---I don't know My Lord.

20

Are you on that one?---Yes, I am.

Yes, you are on it? How many times were you photographed at Dar-es-Salaam at these celebrations?---Many of us.

Hm?---Many.

Were you photographed many times?---Yes.

You and the accused...the other accused?---Any one that comes round My Lord, you see a photo is taken of them. It doesn't matter who it is.

These two photographs - I want you to look at them again. They are all the same people, just in different positions. Is that correct?---My Lord, some of the

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people that are on this enlarged photo here, are some of them on this one, they look alike.

Allright, now I want to produce to you another photo (photo handed to witness). Do you know that?--- This is a photo that was found on me.

When was that taken?---It was taken at the celebrations.

Also the celebrations. And who is on that photograph?---Myself and No. 7. The others I don't know.

The others you don't know. EXHIBIT 4H HANDED 10
IN TO COURT.

AT THIS STAGE THE COURT ADJOURNS.

END OF DEFENCE CASE OF ACCUSED NO. 4.

ON RESUMING:

ERNEST MAGAZ, sworn statement

My Lord this charge that is against me, to belong to an Organisation My Lord, which is not to exist. I was never a member to this organisation. I left without being a member of this organisation. What I did outside the Republic My Lord now, I am not sure whether in my mind 20 whether I did wrong thing My Lord, as far as this organisation is concerned. In 1961, I lost my girl friend. She was working in the Hospital at Livingstone. I heard nothing of her My Lord. In 1962 I heard through a friend of mine that this girl friend of mine is now in Tanganyika, in Dar-es-Salaam. She is working at the Princess Margaret Hospital, and his girl friend is also there. After he told me that, he also told me, that he had written and if we wanted to go there, we can go. I asked him what he thought about it, and he said he was going to go My Lord...30 considering going to go. We replied My Lord that we intended

going there to them. They sent us some money and we went there. There we met them. I don't wish to say anything further My Lord.

CROSS-EXAMINATION BY ACCUSED NO. 1:

Did you see me at Dar-es-Salaam?---Yes, I did.

At what place?---I didn't know Dar-es-Salaam very well. I don't know what particular place at Dar-es-Salaam.

How many times did you see me there?---I didn't count as to how many times I had seen you there.

Did we ever speak to each other, anything that 10
we ever spoke about?---I don't remember having had a discussion with one another.

ACCUSED NO. 1: No further question.

ACCUSED NO. 2: No questions.

ACCUSED NO. 3 CROSS-EXAMINATION:

You said here that money was sent down to you. Was it that girl friend of yours that sent the money to you?---
My friend's girl friend and my girl friend sent us the money. Our girl friends in other words, sent us the money.

And that was the reason for you leaving this country? 20
--- That is the one reason, and the other reason being My Lord, I wanted to see other countries as well.

What happened when you arrived at Dar-es-Salaam?
---I arrived at Dar-es-Salaam at a place where people are kept, not the inhabitants of the particular place, but people not being the inhabitants of that place.

At the day you arrived there, did she know (your girl friend) that you were arriving?---I didn't notify her that I was coming there.

So she didn't know?---No, she didn't know. 30

When did she know that you were there?--- The second day after I arrived there.

Then when you had the opportunity, you found out she was working at that particular hospital?---yes.

That was in Dar-es-Salaam?---Yes.

After you met her there did you go back to this camp again, or what did you do?---My Lord after I found here there, I was taken to the place where she was staying, and there I stayed with her.

So you reported to the camp that you found the person that you came to look for?---Having arrived there My Lord, I told them that I was looking for a certain 10 person, and after having found this person, I did tell them that I have found the person that I was looking for.

The people who received you there, you can say the receptionist, what steps did they take in the hospital? ---I was permitted to go to here, providing I went to the office and notify them who I was.

When you were staying with this girl, did you receive any sort of assistance or something from the people at the camp?---After I left I got a little assistance, yes.

In what form?---Such as clothing. 20

Is that all?---Or to have the documents or your papers fixed for you.

What was the idea the reason for the camp people to fix up those documents for you?---These papers that I got assisted me in this way, that being a young man, if you want to educate further you can do so, and if you felt like going further there, you may do so. They permit you to do so, and if you want to stay as well, as you may do so.

BY THE COURT: When did you arrive there?---Last year My Lord.

Yes, we know that you were vaccinated out there.

How many days or months or weeks before you were vaccinated, did you get there?---About some two months before I was vaccinated.

Yes, and did you and your fiancé get on quite well while you were out there?---Yes My Lord.

Could she find work for you there?---No, that was hard My Lord. To obtain employment, because there were others that had arrived there before me, also looking for employment.

Why did you leave your girl friend to come back? 10
---The reason why I left there My Lord - I never went to school at all. That's the first reason My Lord. There are not many factories there, and even if I had obtained employment at such of the factories, I wouldn't have succeeded in getting employment, because I cannot write.

Is that the only reason why you came back at all?---
That is the reason My Lord, why I came back to Bechuana-land.

ACCUSED NO. 5, 6 & 7: No questions.

CROSS-EXAMINATION BY MR. TERBLANCHE:

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Ernest, only people in Tanganyika get employment who can write?---My Lord that is not the reason why I said that I couldn't work there, because I cannot write. Its not to say the others couldn't obtain work there because they couldn't write as well.

I must have misunderstood you. Can you write?
---I can just write my name. That's about all I can do.

You can at least write your name. How old are you?---I was born on the 8th of August 1938.

So you are (25) years of age now. Did you go to 30
school?---No.

Never?---No.

Where did you live before you left the country?---
At New Brighton, Port Elizabeth, Block 45E1.

Were you employed at the time?---No.

How long had you been unemployed before you
left?---I left off owrking at the year 1959.

Now which of the accused did you know before you
were arrested at Bulawayo?---The person that I spoke to,
prior to my arrest, is accused No. 3.

That's the only one you spoke to before your
arrest?---Yes, before my arrest. 10

And you said that you had seen accused No. 1 at
Dar-es-Salaam?---Yes.

Did you see any of the other accused before your
arrest, except No. 1 and No. 3?---My Lord the people that
I saw at Dar-es-Salaam were many people. I will not say
that I did not see the other accused at Dar-es-Salaam, but
I did not take notice or observe.

Now, I understood you to say that you, in 1961 you
lost your girl friend?

BY THE COURT: Well, his term of losing was in the sense 20
that he meant she disappeared. She didn't pass away. He
lost trace of her.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

But she was still you girl friend?---She was, yes.
And she just disappeared without telling you she
was going away?---Yes.

When did you first hear about her whereabouts
again?---If I am not mistaken My Lord, in January 1962.

From whom did you hear about her then?---My friend's
girl friend wrote a letter to him, and that's how I got 30
to know this.

From where?---From Dar-es-Salaam.

Who is this friend of yours?---Morris.

Morris who?---My Lord I only know him by the name of Morris. At Port Elizabeth we don't worry about asking people about their surnames.

I see, and what is his girl friend's name?---Edith.

Edith, and you don't know her surname?---No.

What's your girl friend's name?---No-Sipo(?).

And her surname?---That I know.

Yes?---Shumbela.

Now when you heard from Morris about your girl friend was she then in Dar-es-Salaam?---Yes. 10

MR. TERBLANCHE TO COURT: My Lord, I couldn't catch what was said, I thought there was something said about Livingstone too, I may be wrong about that?---Yes, she was working at the hospital at Livingstone. Oh, the Livingstone Hospital at Port Elizabeth. That's where she disappeared.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Now you say these two girls wanted you and Morris to come up to Dar-es-Salaam to come and see them?---If we wanted to, yes. 20

Yes, yes, and they sent you the money?---Yes, they did.

Was Morris employed?---- Yes, he was.

Where was he employed?---At some firm, at Port Elizabeth.

Durban Road?---No, Grahamstown Road.

Right, and he just left his employment to go with you?---I cannot say how it came about My Lord, that he left his work, because I wasn't with him at the time when he left his work. 30

Now, how much money did they send you, these girl friends?---£30.0.0.

£30.0.0. Now tell me when did you leave Port Elizabeth to go to Dar-es-Salaam?---My Lord I have told the court that I do not remember the month or the date, but I do remember it was the month in the beginning of last year.

The month in the beginning of 1962?---Yes.

Was it still summer?---I don't know at Port Elizabeth it is always cold. I cannot say summer or winter.

Allright, and how did you travel?---By railway.

Straight through?---Now, we got off to the border of Bechuanaland there. We got off.

Why did you get off there?---Because we wanted to take the train which goes to Rhodesia.

Where did you get off in Bechuanaland?---If I'm not mistaken My Lord it was Mafeking.

Mafeking. Did you go through Johannesburg?---No.

Where did you go through?---My Lord, I do not remember all the places, but I think we went through Bloemfontein or Kimberley.

Now, did you buy one ticket right through?---No. 20

How did you buy your tickets?---Portions.

Yes, now tell me the portions?---I don't remember very well My Lord, the portions as we bought the tickets. Morris was actually the man that bought the tickets because he was the man that could read the places that we had come to.

How long did you stay at Mafeking?---We came there in the morning, and left in the evening at about 8.

Were you ever asked for a passport on the train?---
When we got to Mafeking the train drew into the Bechuan- 30
land border, and that's where we got off. We were not
asked for passports.

Then how did you go across the border?---I say My

Lord when the train arrived on the station, it continued over the boundary and there it stopped, and then we got off.

You were never asked for a passport?---My Lord, we weren't asked for the passports, and we knew that they would aks for the passports, and we didn't want them to ask for the passports. So they didn't ask for the passports.

BY THE COURT: Did you know where the border was there?--- Personally I did not know, but the man who was travelling 10 with me, knew where the border was.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

Now, you tell me by what could he distinguish where the border was?---My Lord, I may say that I don't know what knowledge he has of the boundary.

BY THE COURT: Why I am asking you, is I happened once to be in Mafeking myself, and I was told that that was near to the border, but nobody could tell me exactly where the border was, because it isn't marked off by pillars or beacons or anything like that?---My Lord as I said be- 20 for, I don't know how much knowledge he has about the boundary.

Yes, he merely told you you crossed the border, and you believed them?---Yes.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

Now when you entered Rhodesia, were you asked for a passport?---Where we bought our tickets, from where we bought at the train, they said that we would get off at Francistown. He said so. He said so to me.

Allright, and from Francistown, where did you 30 go?---After we got off at Francistown we went to the station.

But you were at the station?---He said to me I must wait for him there, he is just going somewhere. He came back after quite a long time, he told us that we must get on the train in the afternoon. We left from there My Lord, and there was no trouble caused at all until we arrived at Bulawayo.

Yes, and then?---We passed out at Bulawayo, and we went to Broken Hill.

No, but you said there was no trouble until you got to Bulawayo. I want to know what trouble you encountered 10 at Bulwayo?---What I mean by that My Lord, is not that after we left and till we got to Bulawayo, there was no trouble. I mean that there was nothing that happened with us, until we got there.

And you were never asked for passports or documents of any kind?---No, we were not on our journey asked for those documents.

Then you went to Broken Hill, and from there?--- Yes, we arrived at Broken Hill My Lord. From there we took the train to N'dola. 20

The train to N'dola, Yes?---There we took the bus to Tanganyika.

Where did you cross the border?---I don't know all the places by name My Lord. I don't know where we crossed the border.

Now you arrive in Tanganyika. What happened further?---From there we went to Mbeya. There we got off.

I see. So you also arrived in Mbeya. Yes, and what happened to you at Mbeya?---My Lord there we endeavoured to find out whether we could come across someone 30 that comes from our side. There we found a non-european nurse at that hospital, who comes from the Republic.

Yes, yes, and then what happened further? He found this nurse?---She told us that the people that we were looking for are ahead, we'll find them at Dar-es-Salaam.

Wait a minute, wait a minute. Did you enquire for these people you were looking for from here?---Yes, we did. We enquired from this nurse.

Why?---When we got to Mbey we enquired whether there was someone from South Africa that we could contact.

Yes, but why did you enquire about the people you were looking for. You knew that they were at Dar-es-Salaam? --- When we got to where this girl was My Lord, the first thing that we were asked was where we came from and where we were going. We explained to her. After we had explained to her, she said that she knew who those people were. We asked her if they were in Dar-es-Salaam in fact. She said yes, we'll find them there.

Yes, Oh I see, you didn't enquire. Allright and then you went to Dar-es-Salaam?---Yes.

And when you got to Dar-es-Salaam, tell me what happened? How did you go, first?---We got on to the D.M.T. buses. That is the bus that took us to Dar-es-Salaam. 2D

Allright, now when you arrived in Dar-es-Salaam, what happened?---My Lord, after we got off there we enquired, there as to where we could see the people that have come from South Africa. We were sent to the Police. We were told by the Police that there was a certain camp. They said that we could go and sleep there, and look for these people the next day that we were looking for.

This is the same camp the others had been telling us about? Where the refugees were?---Yes.

How long did you stay in that camp?---I was there 30 for one day, and the second day I then met the people that I was looking for. I found them.

And did you then stay with those people?---Yes.
That's those two girls?---My girl friend wasn't
living at the same place as my friend's girl friend was.

And you stayed with your girl friend. How long
did you stay with her?---My Lord, I did not count the
month that I stayed with her, and then after I left to
come back here, I was arrested.

So you stayed with her all the time, that you were
in Dar-es-Salaam, excepting for one day?---Yes.

Can you remember when you arrived in Dar-es- 10
Salaam?---I have said before My Lord, I do not remember.

You do not remember. Now tell me why did you
obtain this passport or certificate of Identity?---My Lord
I have explained before this document was given to me, and
it wasn't explained to me that that was a passport. It
said that this document I could remain in Dar-es-Salaam
if I so wished, or if I wished to go to any other place,
then I could do so.

And can you explain how this endorsement or 20
Ethiopia came on it?---My Lord, I cannot explain that because
after this document was given to me, being a person that
cannot read, I did not examine it to see what was on it
and what not.

Were you ever at Nairobi?---No.

Do you know why you had to be vaccinated?---My Lord,
before I was given those injections, I was told not to
there having some sickness, and not to obtain any other
disease there or something like that.

Did you ever have any intention of going to Ethio-
pia?---No My Lord, because the place that I went to, I have 30
already found what I went there for, and I did not intend
to go to Ethiopia.

Will you look at this photo? (Photo handed to witness). Are you on that photo?---I am.

And this photo? Are you on that one? (Exh. 2J handed to witness)?---I am on this photo as well My Lord. Its number is 4E.

BY THE COURT: Did you know this witness Jantjies?---I only knew him by sight My Lord, not to speak to. I saw him at the celebration.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Where?---At Tanganyika. 10

And Rani?---I didn't know him. My Lord, may I say I didn't know his name either, but after we were arrested we had to explain to one another the names. So that is how I got to know his name.

This passport, was it issued to you shortly after you arrived in Tanganyika?---If I try to remember, about after two months.

Two months. Now then you felt that you had stayed long enough with your girl friend, so you decided to come back?---My Lord, there was a reason for that, to come 20 back to Bechuanaland. The reason is not that I had stayed long enough with my girl friend.

Yes, what was the reason?---My Lord she made me understand that there was a school in Bechuanaland, where I could learn my own tongue and learn to read and to write. My girl friend then gave me money to go there.

Where you could learn to read and write your own tongue. That's Xosa?---There were people who spoke my tongue, and I was first taught by these people to know my tongue and then further on. 30

BY THE COURT: I understood at Dar-es-Salaam they also had fairly good schools, that could teach you various lang-

uages?---My Lord I stayed for quite a time in Dar-es-Salaam but I have no knowledge of such schools.

Tell me, did you enquire whether there was such a school that would take you on?---The reason My Lord why I decided to come back to Bechuanaland is because there were no such schools. The school there only teaches one Swahili.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

Now tell me where was this school in Bechuanaland?
I was told
---My Lord, /that as soon as I got to Palapye, I would 10
get the facts where the school was.

I see. Now according to this bus ticket that was found in your possession, you travelled from Dar-es-Salaam to Mbeya on the 17th January 1963. Is that correct?
---That is the ticket I bought, and that is the ticket I boarded the bus with.

Now did you cross the border at Tunduma?---I did.
How did you get across? Did they ask you for a passport?---The bus stopped. My belongings were being searched, some documents were asked. I then took out that 20 one, and the ticket to the place that I was going to. My name was taken. I was told that there from the border, from about a mile there, I will get the transit there. That is the Police Station at Nakota(?). I take out the ticket, show it to them and they will make me a transit.

There is not stamp on this to show that that ever happened?---No, it wasn't made on it My Lord. I was told that these papers which I had would be fixed up further on.

Oh, I see. Now tell me this, you travelled by train from Lusaka to Bulawayo?---Yes. 30

Did you buy a ticket?---I had bought a ticket.
What had happened to that ticket?---The ticket was only from Lusaka to Bulawayo.

I see. Now just one further question. When the Police arrested you at Bulawayo, did they ask you where you were going?---My Lord I only told them my name, and then again I wasn't there to answer all the questions put to me by them.

You refused to answer the questions?---Yes, I did.

Now just one other thing. Why did you only buy a ticket as far as Bulawayo, if you knew that you were going to Palapye?---Because I knew My Lord that I was going to get off at Bulawayo, and then buy a ticket for the 10 trip from there to Palapye.

MR. TERBLANCHE: No further questions.

END OF DEFENCE CASE FOR ACCUSED NO. 5.

JACK NDZUZO, sworn statement

The charge against me is one that I was carrying on with an organisation which was unlawful. I left this country here and went to Dar-es-Salaam, and then from Dar-es-Salaam I came back again and was arrested at Bulwayo. That is all.

CROSS-EXAMINATION BY ACCUSED NO. 1:

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At dar-es-Salaam did you see anybody like me?---No.

ACCUSED NO. 1: No further questions.

CROSS-EXAMINATION BY ACCUSED NO. 2:

I want to know when you were in Dar-es-Salaam, where did you stay?---In the refugees camp.

Did you see me there?---No.

ACCUSED NO. 2: No further questions.

ACCUSED NO. 3, 4, 5, & 7: No questions.

CROSS-EXAMINATION BY MR. TERBLANCHE:

Now I think I had better start from the other 30 side. Will you have a look at this photo, and tell me whether you are here on that? (Exh. 4E handed to witness)?---

Yes.

BY THE COURT: Who is sitting there or standing next to you?---Don't know them.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

Now look at this one (Exh. 2J handed to witness)
Do you appear on that one?---Yes, I am there, and there are some of those people that I also see here.

Hm?---I am here and some of those people I also see on this photograph. That is the other accused.

Do you know Jantjies?---No.

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And Rani?---No.

Now look at this one. (Exh. 4H handed to witness)
Do you appear on that one?---Yes.

Surely it wasn't necessary to take you so long. You surely remember when that photo was taken. There are only a few people on it. Why did it take you so long?--- Now that I see these particular ones, I remember that they were taken at Dar-es-Salaam in December, but there were many photos taken. Not these only.

I see. Do you know accused No. 4?---No.

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No, but he is on this photo with you?---Yes.

Well?---The photos were taken of us. There were many there.

BY THE COURT: You see I can understand many things, but why a group will come together, especially a small group, and not one speaks to the other, and no one knows the other, yet they are taken together because they are celebrating Independence Day. I can't understand it. You celebrate much nicer with your friends than you do with your enemies, or your families? And none of you seem to have had the plague there. They all were at Dar-es-Salaam. Why are you all so keen to avoid knowing one another in Dar-es-Salaam?---That was the reason why we didn't, because we

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were all full of drink, and that's why we didn't.

With every one of these pictures taken you were so under the weather that you couldn't even speak to your next door man?---The time these photos were taken, it was just photos were taken there and shortly after that we left.

CROSS-EXAMINATION BY MR. TERBLANCHE (CONTINUED):

You know, what is amazing to me is that this was a big celebration. I take it there were thousands of people?---Yes. 10

But if you look at that photo you see, I can almost say, miles of open country, but not another single person?---That depends on the person taking the photo. You call those you want to take a photo of. Those who wanted to be photographed, and he called them out to take the photo.

How far did he call them out?---I don't know I didn't take notice of that.

Now, how old are you?---36.

Been to school?---I went to school as far as Std.1. 20

As far as Std. 1. Now tell me before you left the Republic, were you employed?---Yes.

Do you know the African National Congress?---I've heard of it.

Heard of the African National Congress Youth League?---Heard of it, yes.

Ever been a member?---No.

No. Ever been approached to become a member?---No.

Ever heard of demonstrations organised by the African National Congress?---No, I've never noticed any- 30
thing of that kind.

Where did you live before you left the Republic?---

At Port Elizabeth.

Now why did you leave the Republic?---When I left actually, I was going to my sister who was in Bechuanaland.

I see. Did you ask for a passport to go there?---No.

Did you leave your employment in order to go to Bechuanaland to your sister?---Yes.

Where in Bechuanaland does your sister live?---Palapye. 10

Palapye. How did you go there?---I left Port Elizabeth by train. I got off the train at Johannesburg Station, from there I took a taxi that took me to Bechuanaland.

Where in Bechuanaland?---I don't remember the name. Its the first station after you entered Bechuanaland.

He can't remember the name. What did this taxi charge you?---£1.0.0.

Why did you take a taxi from Johannesburg?---Because I was in a hurry. 20

Because you were in a hurry. Now from this station where the taxi left you, how did you get to Palapye?---I went further by train.

Did you visit your sister?---Yes.

Now tell us what happened that you went further?---At my arrival at my sister's place, then I felt like going further on.

So you went further?---Yes.

Just to see the world?---I just wanted to go and see the different countries. 30

Now how did you go from Palapye? By train?---I took out a train ticket from Palapye to Broken Hill.

And from Broken Hill?---I got off there on to the bus to Mbeya.

Yes, and then? What happened at Mbeya? Anything special?---When I got off at Mbeya I made enquiries as to whether there was a bus that I could get to take me to Dar-es-Salaam. They told me that I could get one the next day at 8 o'clock in the afternoon. Then I made enquiries of where I could sleep and they pointed out a Hotel to me. I slept there. Then the next day at 8 p.m. I boarded the bus to Dar-es-Salaam. 10

Allright, and when you got to Dar-es-Salaam? Where did you stay at Dar-es-Salaam to cut it short?--- Before I went to Dar-es-Salaam, I made certain enquiries about the road and directions from my sister's brother-in-law, and he told me he said when I arrive at Dar-es-Salaam, he told me to make enquiries for a camp where strangers were kept. He said there I will be received and looked after.

BY THE COURT: Is that where you went?---I eventually landed there, yes. 20

There you got clothes, you got food and you got some money?---Yes I was given clothes to wear, food and every week-end money for smokes.

Did you see any of these men there?---Only one.

Which one?---No. 7.

No. 7? - Did you know he came from your part of the world?---I also saw him in December and then I asked him.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

Tell me, when did you leave the Republic?---Last year, but I'm not sure of the month. Towards the beginning of last year. 30

Now how did you obtain this passport?---A whole lot

of these passports were brought to the camp at the same time.

BY THE COURT: For each one of these refugees there?---They were dished out to the refugees.

You didn't have to ask for them, they were just given to you?---I never asked for one. When I arrived there, as it happened to all arrivals, there was somebody there who asked the names and took certain information, and then afterwards others came to take photos of the people.

Yes, and then after that you got the passports 10 with your photos on, and you didn't really require them?--- When it was given to me, I asked them what this was all about, and they said that it was a passport that was given us so that we could look for work in various countries.

CROSS-EXAMINATION BY MR. TERBLANCHÉ (CONTINUED):

You never asked specially that it be endorsed that you could go to Ethiopia?---There was no talk about going there, but when I looked at it, although I cannot read very well, I noticed that stamp on it.

What happened to your identity book which you had 20 in the Republic?---I'm not sure whether I left it home when I went away, or whether it got lost. I know that I intended to take it along with me. I don't know whether I lost it or left it somewhere.

One last question. When you came back, you came by train from Msaka? Where did you intend going to?--- To Palapye.

Did you buy a ticket?---Yes.

To Palapye?---Yes.

Now tell me what happened to that ticket? It 30 was never found on you?---I was arrested and searched. I never saw it again. I don't know whether they took it when

they searched me, but I never saw it again.

They say it was never found on you. I want to suggest to you that you travelled on the same ticket with some of these others. Where there are two on the same ticket!---No, I had only the one ticket to myself.

MR. TERBLANCHE: No further questions.

END OF DEFENCE CASE FOR ACCUSED NO. 6.

AFLRED KHONZA, sworn statement

I was arrested in Southern Rhodesia My Lord. I was on my way to Palapye. When I left this country, I left un-10 lawfully. That's what it amounts to. I went to Tanganyika. There I met a Policeman who took me to the D.C. Office, and I was taken to a camp.

BY THE COURT: That was a refugee's camp?---Yes.

Yes, and there you stayed like the others?---Yes.

That is all I have to say.

BY THE COURT: Very nice in that camp?---We were very well treated.

Yes, you were given clothes, you were ^{given} money and you were given passports. All for nothing!---Yes, all 20 those things were given.

How many people were in that camp?---There were many. I don't know how many.

Would you say 100, or 1,000 or even more than 1,000?---I would not be able to estimate.

And if you were to start counting, you would probably count a long time to get to the end of it?---I cannot say My Lord, whether I would be able to count them all if I wanted to count them.

And they were all treated so lavishly. Given 30 clothes, given board, given money to smoke and drink?--- I did not see or know whether they were all given that.

Well why would they make a distinction between you here and the others that remained behind?---I don't know, I didn't walk around the camp and found out all these things.

And I take it in that camp you were very keen to meet men that came from South Africa, to find out whether you know them and where they came from?---No, my mind was only on what I went there for.

And what did you go there for?---I went there to learn. 10

Learn what? Greek and Latin?---I had not decided on any subject.

Well, now what did you aim at studying. Gardening, farming or learning out of books?---I had mechanical training in mind.

Port Elizabeth has got a very big mechanical workshop down there with lots of room for men who are keen to work as mechanics?---I never saw it.

CROSS-EXAMINATION BY ACCUSED NO. 1:

I saw you whilst I was in Tanganyika on the day of 20 the celebrations. Did we ever speak to each other?---No, I never spoke to you, I was busy with other people from other places.

ACCUSED NO. 1: No further questions.

CROSS-EXAMINATION BY THE COURT FOR ACCUSED NO. 2:

Did you see him in Dar-es-Salaam?---No, I did not see him.

The first time you saw him was when you were arrested in Bulawayo?---At Bulawayo.

And then strangely enough, he was dressed like 30 you, and he carried the same type of bag and the same papers?---I have already said that I did not notice other

people before that My Lord.

Well, now you were gathered together by the Police, you were compelled then to take notice of those that were with the Police that were arrested with you?---When I was arrested yes, I saw them.

And then you noticed that they were carrying the same types of bags as you were, they were dressed in the same way as you were, and they were carrying the same papers and documents?---I cannot say here that they were given those things in the camp there. 10

I am not suggesting that they were given those in the refugee camp, but it is a fact that they were dressed the same and carrying the same bags!---I did not look at that.

You didn't look at that?---I did not look at those things.

ACCUSED NO. 2: No, I think thank you very much my Lord, for these questions you are asking him now, because it is the same questions I was wanting to ask.

ACCUSED NO. 3 CROSS-EXAMINATION: 20

BY THE COURT: Yes, he wanted to be a mechanic , now what do you want to know about it?

CROSS-EXAMINATION BY ACCUSED NO. 3 (CONTINUED):

Where did you intend doing this mechanical work?--- I wanted to be a motor mechanic.

BY THE COURT: Yes, he wants to know when once you qualified, as a mechanic, where did you want to work as a mechanic? ---Anywhere where I could find employment.

Even in Dar-es-Salaam?---Yes.

CROSS-EXAMINATION BY ACCUSED NO. 3 (CONTINUED): 30

Didn't you intend working as a mechanic here in this country?---Yes, I could have come here too.

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