

accused No.12? --- Yes.

And was your evidence further that you cannot say, of personal knowledge, that when the people were arrested there that night, that when they were arrested, accused Nos.1 to 11, any of them, were present in the hall? --- No, Sir, I can't be certain about that.

Quite so. Neither can you tell the Court on your own personal knowledge what they did that night because you were performing with your choir in the A.N.C. concert in the Dutch Reformed Church hall? --- That is correct, Sir.

COURT ADJOURNED.

HEARING RESUMES.

WITNESS warned : still under former oath.

CROSS-EXAMINATION BY MR. SAPIRE: Are you the brother of the previous witness Alexandria? --- Yes, he is my brother.

You were both members of the A.N.C., as you have told us. Why did you join? --- I wanted my freedom.

You wanted your freedom. And then, when did you decide that you no longer wanted to be in the A.N.C.? --- But I haven't left the A.N.C., Sir. I was arrested though.

Are you still a member? --- I am not a member now.

COURT: When were you arrested? --- I was arrested in 1961.

After that did you take no further part in the A.N.C.? --- No, Sir, I took part after that.

When were you released? --- I only spent two months in custody, Sir.

Then you continued with the A.N.C. activities? --- Yes.

Until when? --- Until now, Sir, when members of the organisation were being arrested.

When was that? --- Last year, Sir.

MR. SAPIRE: So until last year you were still a member of the /...

the A.N.C.? --- Yes.

And when you were arrested last year, it was under the provisions I take it of the 90-Day detention, is that correct? --- No, I personally wasn't arrested last year.

When did you make a statement concerning these accused now before Court? --- Last year, July.

1964? --- Yes.

Were you in custody at the time? --- No. When I realised that members of the African National Congress were being arrested and the numbers were becoming less and less, I decided to go to the Police and place myself in their hands. That is, if they so desired they could have arrested me.

You went to the Police when you saw that all the people who were known to be members of the A.N.C. were being arrested? --- Yes.

Why did you go? --- Well, I realised, Sir, that nothing could be done. It was no use my being outside whilst other members were being taken into custody.

So you gave yourself up? --- Yes.

Why did you decide to make a statement? --- Well, Sir, I was told by the Police: "Do you want to give a statement or would you not like to give a statement?" I volunteered to make a statement.

What I want to know is this: Why? Were you released after you made a statement?

COURT: He wasn't arrested so he could not have been released.

MR. SAPIRE: Well, you weren't .. no restraints were put on your freedom after you had made a statement to the Police? --- No, Sir. All they said was: "We may require you again later."

And you were told to go? --- Yes.

When you made a statement, did you do it because you thought you were going to save yourself from going to jail? --- No, Sir, I only spoke and told the truth.

But /...

But at that stage you were still a member of the A.N.C. weren't you? --- I made the statement to the Police as a member of the A.N.C.

Well, as a member of the A.N.C. that is the last thing you should have done? The last thing you should do is to betray your fellow members? --- It is true, Sir, that it was the policy of the A.N.C. not to tell the truth, but to hide the truth. But I decided to go to the Police, Sir, and to tell them the truth. I realised it was no use hiding anything from the Police because apparently everything is known to them.

Had your brother been arrested by that time? --- Yes, he was.

He was already arrested. And had he been released by the time you made your statement? --- He had been released.

Did he come and tell you everything that had happened? --- No, he did not.

Didn't he come and speak to you after he came out of the cell? --- After his release I went to his house because he wasn't well.

Yes, and did you discuss the fact that he had been released? --- No, Sir, we only discussed family matters and nothing in connection with the A.N.C. We discussed nothing.

Didn't he tell you that he had made a statement to the Police? --- He did not.

Didn't you ask him what had happened in jail? --- I did not.

When did you first know that he had made a statement to the Police? --- I did not get to know it. I didn't know.

You see what I find very strange is that you and your brother ... also your brother was really the leader of the group, of Zone 9? Isn't that right? --- Yes, it is.

Why, he is a State witness and these people, the followers, not the leaders, are here as the accused?

COURT: You may find that strange, Mr. Sapire, but it is hardly a question to put to the witness. Putting to the witness why they should stand in the witness-box and these people should be the accused. --- Your Worship, I want to ask him if he has an explanation.

I don't see that you can put a question like that to him. Clearly a man is not called as a witness who hasn't made a statement. --- No, obviously.

So how can he say why he should be a witness and they should be the accused? It may be a point for argument, but it could hardly be termed a question. --- As Your Worship pleases.

MR. SAPIRE PROCEEDS: Well, I am going to suggest that the reason you made a statement was to save your own skin. --- That is not correct. I couldn't very well do that. I haven't come across a case where a man went and made a statement merely to go and save his own skin.

Then why did you make a statement? --- I just decided to go and tell the truth.

That is not really an answer. Why did you decide at that stage to go and tell the truth? --- Well, the reason, Sir, was that I looked around and found that I had no more comrades and I decided to go and tell the truth. I didn't go there to go and save my own skin. I too, Sir, would be very pleased if the accused before Court would follow my example by coming into the box and telling the truth.

How do you know what they are going to say? --- It is my desire shall I say for my comrades to come and tell the truth about their activities.

How would it help them? --- I do not say that it will help them.

Did anybody leave the A.N.C. after it became illegal? Were there people who were members just before it was banned

who /...

who left as soon as they knew it had become banned? --- There are none to my knowledge that left the organisation after it was banned, who were members prior to the banning.

Have you and your brother ever discussed the evidence you were going to give here in Court? --- No.

But you have seen each other on many occasions since the time you knew you were going to give evidence? Haven't you? --- We did see each other, Sir, I don't deny that, but we didn't discuss matter pertaining to the A.N.C. We just don't discuss them.

Now No.11, Enoch, he was a very young boy in 1960, wasn't he? --- Yes, but he wasn't that young.

How old was he? How old did you think he was? --- I would say round about 13 or 14.

Did he go to school as far as you know? --- No, I am unable to say.

Do you know when he became a member of the A.N.C.? --- He was a member of the Youth League, of the A.N.C., as far as I know from 1960. The Youth League was banned... abandoned in 1961. Then he was a member of the A.N.C. proper.

What did he do to become a member? --- He joined to become a member. And he used to carry out work allocated to him.

How many people attended the meeting which was held in May, 1960? The first meeting you described, in May, 1960. How many people attended it? --- I would be unable to give the numbers - the number of persons who attended, but all the members were present, except those of course that were in custody.

Your brother was quite sure that accused No.5 was at the meeting... if we are speaking about the same meeting. --- He may be making a mistake.

Was a register kept of people who attended the meeting? /...

meeting? --- No.

When were you first asked to remember the names of the persons who attended the meeting in May, 1960?

COURT: Before that question is put - is there evidence that such a question was ever put to the witness? You will have to lay the basis before you proceed. --- As Your Worship pleases.

MR. SAPIRE PROCEEDS: Were you ever asked to cast your mind back and to remember the names of the persons who were present at the meeting in May, 1960?

COURT: I must point out again that there is no evidence that he was asked about the meeting in May, 1960. --- I am asking him if he was asked to cast his mind back, Your Worship.

I know that you are asking him that, but I say you can't ask him that. There is no evidence before this Court that the Police said to him: "We know about the meeting in May, 1960, tell us who was there". For all we know this man may have come to the Police and said: "Look I know a lot about A.N.C. things, I can tell you about the first meeting after the banning in May, 1960." He may have volunteered that information. Your question presupposes knowledge by the Police, which they put to him.---I will go on a different basis.

MR. SAPIRE: When you made your statement. . . --- I made my statement last year in July.

No, no, when you made it, were you asked any questions? --- No, I wasn't asked questions, I related to the Police.

COURT: When you got to the Police, what did you say to them? What were the first words that you said to them? --- The first words to the Police were that I am a member of the organisation, the A.N.C.

Then, your second words? --- Then I explained, Sir, in which zone I first commenced work for the A.N.C. Then I went /...

went on to say who the members are who were with me.

Then? --- I went through the whole episode up until when I conducted my choir at this concert.

Did you stop then? --- No, Sir, I went on further to say when I left Zone 9 during 1962 ...

Oh, you left Zone 9 in 1962? --- Yes, Sir.

To go where? --- I moved house - 8095, Kwazakele.

MR. SAPIRE PROCEEDS: When did you first try to recall how many people, or what the names of the people were who were at the meeting in May, 1960? --- Well, I already knew the names of the persons on the day when I went to go and make my statement to the Police.

You surely knew about it, but when did you recall... when did you try to remember who was there? --- I only made one statement and I recall these people as having been connected with this meeting.

COURT ADJOURNED.

HEARING RESUMES 1.45 p.m.

WITNESS warned : still under former oath.

CROSS-EXAMINATION BY MR. SAPIRE (cont.): Lionel, you made your statement to the Police in 1964, is that correct? --- Yes, that is correct.

That is four years after the meeting which took place in 1960? --- That is so.

The time when you made your statement to the Police the first time that you thought about that meeting in 1960...

--- I had all the important meetings in my mind, Sir, there was no need for me to think back.

Oh, I see. So you had all the important meetings in your mind? --- Yes.

And were you able to say who was at each of those meetings? --- Yes.

Now you say that the meeting held in May, 1960, was one /...

one important meeting? --- Yes.

The second one was in June, 1961? --- Yes.

The third important meeting was a week later? --- Yes.

Were there any other important meetings? --- No, I don't remember any specific meeting other than the ones I have described as being important, except the one that I have already described. Although meetings were always held.

I think you have already said, I am not quite sure, that you can't tell us how many people were present at the meeting in May, 1960? --- Yes, but I have named all the persons who were at this meeting.

You have named all the people? --- Yes.

That is the 13 accused, apart from No.5... --- Yes, and others of course who are not present here today.

Do you know their names as well? --- I do, yes.

Well, will you just give their names please? --- Pagamile Njikelana, Alexandria Mbane, Daniel Ndongeni. Those are the persons.

So at this meeting then there were 15 people?

COURT: Sixteen. He was there too.

MR. SAPIRE: Sixteen, including yourself, is that right? --- Yes.

And those were all the people who were at that meeting? --- I don't remember anybody else.

COURT: Was Freddie Mali there? --- No, Sir, he was not. He was arrested.

MR. SAPIRE: And Douglas? --- Douglas who?

Ndongeni. --- Yes, he was.

Did you mention him? --- Yes, I have mentioned him.

Among the sixteen? --- Yes.

COURT: He did mention him. --- I wasn't sure, Your Worship.

MR. SAPIRE: All the accused are going to say that they were not at this meeting at all. --- Well, that would be strictly

in /...

in keeping with the policy of the African National Congress - do not tell the truth, even to yourself.

When you made your statement to the Police, you were still a member of the A.N.C.? --- Yes.

Isn't it perhaps true that you were also adhering to the policy of the A.N.C. not to tell the truth when you spoke to the Police? --- Yes, I went along with this idea or this policy, but when I went to the Police I realised there was nothing that was not known to them, hence my decision to tell the truth.

How did you realise there was nothing that was not known to the Police? --- Well, Sir, I looked around myself and found that they were being arrested in groups. Groups in respect of the various zones.

Had Zone 9 been arrested yet? --- No, I can't remember Sir. You will recall I did say I had moved from Zone 9.

COURT: Moved where? --- To 8015, Sir, Kwazakele.

Of what zone were you then a member? --- If I am not mistaken, Sir, I think it was Zone 10.

MR. SAPIRE: And did you then no longer have any contact with these people, the accused? --- I had contact, yes.

Before you went to the Police, did you know whether any of them had been arrested or not? --- Daniel Ndongeni was one whom I was aware of as having been arrested.

Which accused is he? --- No, Sir, he is not here. Also Alexandria Mbane.

He is not an accused either, is he?

COURT: So you knew of Zone 9 that Daniel Ndongeni and your brother had been arrested? --- That is correct. As well as Freddie Mali. Those are the ones whom I knew as having been arrested.

MR. SAPIRE: At the second important meeting which took place in June, 1961, how many people were present? I am now

talking /...

talking about the first meeting in June, 1961, about which you spoke? --- I don't recall any of the members not being present.

Do you mean that everybody was present? --- Yes.

Do you know how many people were there? --- No, I am not certain about the number. But all those, Sir, whom I have already mentioned by name were there.

How many people were there in this group of Zone 9?

COURT AND MR. SAPIRE DISCUSS: Witness unable to give the number as has been obvious.

MR SAPIRE PROCEEDS: Well, Lionel, can you name all the members of Zone 9? --- Yes, I can.

Who were they? --- John Pati....

COURT: I think we can save some time by leaving out the accused. Were they all members of the zone? --- All these were members, Sir.

All the accused, and who else? You yourself? --- Myself, Pagamile Njikelana, Freddie Mali, Daniel Ndongeni, Alexandria Mbane. Those are the members, Sir.

That is, of course, if we leave out Nikita Chroestjof! Have you ever heard of Nikita Chroestjof? --- Yes, Sir.

Who was he? In the zone there. --- Yes, Sir, Mabel Mali's child was named Nikita Chroestjof.

What happened to the child? --- I have heard that the child is deceased.

I see. How did you know that this child was named Nikita Chroestjof? --- I heard it from her, Sir.

What was his position, if any, in the A.N.C.? Little Nikita? --- He would have eventually had a position, Sir, in the Communist side of the A.N.C.

Which is the Communist side of the A.N.C.? Was he one of the young comrades? --- Yes, Sir, he was a young comrade.

MR. SAPIRE /...

MR. SAPIRE: Do you remember that his mother, the child's mother, went away for some time to Somerset East? Accused No.12? --- Yes, I remember, there was an occasion when she went to Somerset East.

Wasn't that about the time when the pamphlets were being handed out? --- Which pamphlets are you referring to?

I am talking about the time of the second meeting in June, 1961. --- No, she didn't leave at that time.

When was it? --- If I remember correctly, it was prior to that.

You are quite right, yes. She left in November, 1960. And she was away until early in the next year, about February, 1961.

COURT: Do you agree with that? --- Yes, I do.

MR. SAPIRE: I take it you didn't see her during that period, did you? --- That is correct, I did not.

COURT: During that period she did not attend meetings? Tuesday evening meetings? --- Yes, Sir, that is quite correct, she did not.

MR. SAPIRE: Now to come to another subject - this 20c which was taken by you ... or taken by your brother. Your brother collected the 20c, that was used or supposed to be used for the A.N.C. funds, is that correct? --- Yes.

As I understand it the "Umkonto" was not ... was a different branch of the A.N.C.? --- It was a branch of the A.N.C., yes.

Your Zone 9 wasn't part of "Umkonto", was it? --- The "Umkonto We Sizwe" was formed by members of the A.N.C. The members of the A.N.C. were members of "Umkonto We Sizwe".

But they weren't - put it this way - coextensive? --- Those persons that were recruited were then out of the ranks of the A.N.C. They went over to that wing.

COURT: The so-called Volunteers were they "Umkonto"

people /...

people or were they A.N.C. people? Or only A.N.C. people, nothing to do with "Umkonto"? Did they work with "Umkonto", the work of violence? --- The Volunteers, Sir, were actually A.N.C. people. Then the "Umkonto" people would recruit people out of these for "Umkonto We Sizwe".

To go and do the "Umkonto" work of violence? --- Yes.

And there were people left who were in the A.N.C. who weren't part of "Umkonto"? --- That is quite correct. Not all members of the A.N.C. were members of "Umkonto We Sizwe".

MR. SAPIRE: The subscriptions of 20c were for A.N.C.? --- Yes.

The A.N.C. may have collected money also for "Umkonto" as well? --- Yes, well the A.N.C. supported "Umkonto We Sizwe" naturally, financially.

COURT ADJOURNED.

HEARING RESUMES : 11th MARCH, 1965.

LIONEL MBANE resworn, states:

CROSS-EXAMINATION BY MR. SAPIRE (cont.): Lionel, when you attended a meeting at a particular house, how did you know who was the occupier of that house? --- Well, Sir, we had the meetings in members' houses. Members of the A.N.C.

No, but if you went to a meeting at a house, at a particular number in Kwazakele, how did you know who was the occupier of that house? --- Well, Sir, we couldn't very well have a meeting in the absence of the occupier.

COURT: How did you know who was the occupier? How did you know the name of the person who lived in that house? --- Well, Sir, you would hear that at the previous meeting - that the next meeting would be held in the house of so and so.

MR. SAPIRE: So it was only what you were told? --- Yes, from being told.

And when you came to a house, to a particular house for a meeting there was no distinguishing feature about the occupier /...

occupier of the house to show that he was the occupier of the house? --- The first thing that is done, Sir, when you get to a house where a meeting would be held is to ascertain whether the occupier is present. If he should be absent then the meeting would not then be held there that night, but in the house of another member.

Will when you came to these meetings, were you always the first one to arrive? --- No.

When you came to a meeting there were lots of people at the house already? --- There were times when I came first and there were times when I came when others had already been there.

When you came to a house where a lot of people were there already, most of the members were there, how did you know among those people there who was the occupier of the house? --- I would be able to point the owner out amongst a group such as that, because, after all, we do know each other you know?

Of course, you have told us I think you cannot say how many meetings were held at each of the accused's house? --- That is so, I have said so. I couldn't.

And you can't say if the accused were the only occupier of each particular house? --- Yes, I can say whether they occupied a house individually.

No, what I mean is that - you would for instance come to accused No.1's house -- would you know whether No.1 was the only person living in that house? --- No, I wouldn't know all the occupiers of that house, I would only know the member occupying that house.

Now as far as accused No.11 is concerned for instance, you told us that he lived in the same house as his mother. That is accused No.13. --- That is so.

When you first started coming there, he was a young lad, /...

lad, wasn't he? --- Yes, he was still a youth.

Was he the sort of person who had the right to say who could come to the house and who could not come to the house?

COURT: Can you ask the witness that? --- Well, he can say he doesn't know, Your Worship.

WITNESS: The only person who had that authority was the Chief Steward.

MR. SAPIRE: I don't think we understand each other. I say in his own house, was he subject to the control of his parents?

COURT: Do you know whether he was subject to the control of his parents? --- I do know he is subject to the control of his mother.

MR. SAPIRE: As far as the pamphlets were concerned, am I correct in understanding your evidence to have been summarised to say that you didn't actually see any of the accused distributing pamphlets? You had not seen them with your own eyes? --- Which pamphlets are you now referring to?

The ones you spoke about which were distributed at the time of this meeting. . when the meeting at the Church hall was being held. --- That is correct, I didn't see those being distributed.

And as far as the payment of the 20c per month was concerned, these amounts weren't paid to you? --- No, these were handed to the Chief Steward.

You had no interest in keeping a record? --- No, records were not kept.

And I put it to you that what you are in fact saying is that because members of the A.N.C. were supposed to subscribe the 20c per month you assume that each of the accused subscribed this amount? --- They paid their subscriptions in my presence at these meetings that were held, to the Chief Steward.

But /...

But you can't remember any specific instance of a subscription being paid? --- I can't say that any particular one of the accused paid on a specific date.

No further questions by Mr. Sapire.

PROSECUTOR: No re-examination.

COURT: Lionel, on the occasions of these many meetings which were held regularly on Tuesday evenings were there occasions when some of the members of the zone were not present? When they were absent for some reason - being away for a week or two or for a month or two? Were there such occasions? --- Yes, Sir, such occasions did in fact take place.

Do I understand you correctly that when this did happen, such a person had to get the permission of the Chief Steward? He had to make his excuses? --- That is quite correct, Sir.

These subscriptions that were paid, did you know what they were paid for? --- We knew, yes.

How did you know? Were you told - you and the other accused at the Tuesday evening gatherings? --- Yes, Sir, this was told to us, that is to myself and the accused and the others, by the Chief Steward

Who was he? --- Daniel Ndongeni.

What did he say to you, what were these subscriptions for; or what was the money to be used for? --- He said, Sir, that it would be used by the organisation for the purposes of defending members who would be arrested - that is the defence fees for attorneys. Other moneys would be used for the purpose of buying stationery.

What else?

COURT AND PROSECUTOR DISCUSS: Not recorded.

COURT (cont.): There was a time when you and the other accused were told about a wing of violence, the "Umkonto" wing. Were you then told anything in regard to subscriptions?

Concert /...

Concert moneys and tea parties' moneys? --- Yes, Sir, they said we should be generous with money because a big amount of this money would go to this branch namely the "Umkonto We Sizwe", "Spear of the Nation".

And were you and the accused told what the "Umkonto" would do with the money? --- Yes, Sir, we were told that arms would be purchased.

To be put to what use? --- Also to buy things, or materials to make bombs.

To be put to what use? --- These were required to fight the Police with, destroying government buildings.

One final question. Could you today, if you were called upon, go to Kwazakele and point out the place where each of the accused live? --- Yes, I could.

COURT ADJOURNED.

ON RESUMPTION:

PAGAMILE NJIKELANA d.s.s.

EXAMINATION BY STATE PROSECUTOR: Did you become a member of the African National Congress? --- Yes.

When? --- I joined the organisation in 1952.

Did you become a member of a certain branch of the African National Congress? --- Yes.

Which branch? --- The Kwazakele branch.

What is the name? --- Zone 9.

Zone 9, Kwazakele, at Port Elizabeth? --- Correct.

When did you become a member of Zone 9, Kwazakele? --- In 1959.

Do you know that the African National Congress was declared unlawful? --- Yes, I remember that.

Can you recall when? --- Yes, April, 1960.

After the banning of the African National Congress, did you terminate your membership? --- I continued being a member.

After /...

After the organisation was declared unlawful, did you attend any meetings of the African National Congress? --- Yes, I attended many meetings.

How did you learn that the African National Congress was declared unlawful? --- I read this in the papers.

Can you recall the first meeting you attended after the African National Congress was declared unlawful? --- Yes, I remember the first meeting.

When was it held? --- This was held at the residence of Daniel Ndongeni during May of 1960.

Where is his residence? --- He is a resident of Zone 9, Kwazakele.

Do you know the number of his house? --- Yes, I do.

What is the number? --- 2348.

During what time of the day was this meeting held? --- If I am not mistaken round about eight in the evening.

Who was present at this meeting? --- All the accused except Freddie Mali, and Philepot Mfeketho.

COURT: Is Freddie Mali here? Is he one of the accused? --- No, Sir, he is not here.

Well why do you say "all the accused except Freddie Mali"? --- What I meant by that, Sir, was people whom I used to attend the meetings with

You say all the accused were there? --- Yes, Sir, except Philepot Mfeketho.

PROSECUTOR: Anybody else besides the accused?

COURT: Who is Philepot Mfeketho? --- Accused No.5. Lionel Mbane, Alexandria Mbane

Is he now giving the names of those who attended in addition to the accused? --- That is correct, Sir.

They were Lionel and Alexandria Mbane..? --- Yes. Daniel Ndongeni.

PROSECUTOR: Anybody else? --- Freddie Mali.

Was he present? --- No, he wasn't present at that meeting. /...

meeting.

I am only asking you who was present at that particular meeting, you see? --- Yes.

The person Daniel Ndongeni, do you know him well? --- I know him very well, yes.

Was he known by any other name? --- Yes, there was another name that he was known by.

And that is? --- Others knew him by the name of Douglas.

Do you know all the accused by name? --- I do.

Can you tell the Court the names? --- Yes, I can.

Please go on. --- No.1 is John Pati; No.2 is Sajini Homane; No.3 is Jimmy Tose; No.4 is Alfred Kalipa; No.5 is Philepot Nfeketho; No.6 is Wilson Reshe; No.7 is July Ntantiso; No.8 is Douglas Gabula; No.9 is Jeffrey Keye; No.10 is Jackson Mabele; No.11 is Enoch Ndongeni; No.12 is Mabel Mali and No.13 is Rebecca Ndongeni.

Did anybody address this meeting? --- Yes, Sir.

Who was it? --- Daniel Ndongeni was the speaker.

Can you recall what he said at this meeting? --- Yes, I think I can recall some of the things he said.

Please tell the Court? --- He told us that the organisation, that is the African National Congress had been banned and that we would now continue our work underground. The old membership-cards must be burnt and subscriptions would now be on a monthly basis. These would now be 20c per individual per month. Receipts would be used on which the name of the person would not figure. An impression of a bird would, however, appear on this receipt. We must endeavour to collect moneys by arranging of tea parties, on behalf of the A.N.C., attending of A.N.C. concerts. That meetings in future would no longer be held in the residence of one member but in the various members' houses. This was to evade the Police. Those are the things I still recall which he told us about.

Can /...

Can you tell the Court how the persons present at this meeting reacted to the news that the A.N.C. was to go underground? --- Well, they were very pleased, Sir, that they were told that the organisation would be continued underground because I mean how, otherwise, could the organisation have carried on?

Did you attend other meetings after that one - the one you have described to the Court now? --- Yes, Sir, I attended many meetings.

At what intervals were these meetings held? --- These meetings .. we had meetings regularly every Tuesday of each week.

Until when did you attend the meetings? --- Up until 1964.

When in 1964? --- If I am not mistaken, Sir, round about December.

Why did you stop attending meetings? --- Well, people were being arrested.

Who else attended these meetings, these Tuesday meetings in your company? --- All the members before Court, i.e. the accused.

Anybody else? --- And others who are not present here in Court.

What are their names? --- Alexandria Mbane, Lionel Mbane, Freddie Mali, Daniel Ndongeni...

Where were these meetings held? --- The meetings were held on a rotatory basis in the houses of the various members.

I would like you to be more positive when you refer to the "various members". Who are you talking about? --- Well, I am referring to the accused persons, Sir. They were members.

Anybody else? Apart from the accused. --- And those whom I have already mentioned as not being present in Court.

Can /...

Can you tell the Court how you learnt where the next meeting was to be held? --- Well, we would learn that at the meeting we were at - that the next meeting would be held at the residence of so and so.

Who told you there? --- The Chief Steward would make this known.

In whose presence was that told? --- Well, all the members, Sir, would be present, including the accused. Except of course if one didn't happen to be at a meeting. Then that person would have to make a report.

On the occasions when you attended a meeting in the houses of any of the members you are talking about, i.e. the accused and the others that you have mentioned, where would the occupier of that particular house be? --- The occupier of the house, or the owner of the house would be present at the meeting. If, however, the occupier was not there, we wouldn't assemble there that night.

Can you tell the Court the numbers of the houses of the accused persons? --- No, I will be unable to.

Will you be able to point out any houses if you are required to do so? --- I think I will be able to point out the majority of them.

Now, you were referring to the accused as members of Zone 9 of the A.N.C. at Kwazakele. --- Yes.

Were all of them just ordinary members? --- Members, yes.

Was there anybody amongst you holding an office? --- Daniel Ndongeni was in charge of us, yes.

Until when? --- July, 1963.

What was his position? --- He was the Chief Steward.

And when he ceased to be Chief Steward? --- Yes, well he left being a Chief Steward in July, 1963, due to his arrest.

And then what happened? --- Douglas Gabula then

became /...

became Chief Steward.

Who is Douglas Gabula? --- Accused No.8.

COURT: In the place of Daniel Ndongeni? --- Yes, Sir.

PROSECUTOR: And you say all the other accused were just ordinary members? --- Yes.

You have described the first meeting you had attended after the banning of the African National Congress. Can you recall the particulars of any other meetings you attended? Can you remember any of the other meetings? --- Yes, I can describe another meeting that I remember.

When was that meeting held? --- This was held in June, 1961.

Where was it held? --- At the residence of Daniel Ndongeni.

What meeting was it? --- It was an A.N.C. meeting.

Who was present at that meeting? --- All the accused before Court were present.

Anybody else besides the accused before Court? --- Also the ones I have already named as not being present in Court.

Did anybody address that meeting? --- Yes, there was a speaker.

Who was he? --- Daniel Ndongeni was the chairman and Edgar Ngoyi was the speaker.

Edgar Ngoyi. What did Edgar Ngoyi say? --- He said that the policy of the A.N.C. has now been changed. The Boer government does not want to heed us. We have often spoken to them and fought by means of strikes and boycotts. We would now institute violence. If Police got in our way in achieving our freedom we were to kill these Police.

In whose way? --- Well, our freedom, Sir - the movements of the A.N.C.

Yes, go on? --- That is what I remember as having been said by him.

Can /...

Can you recall any other meeting you attended? ---
Yes, there was one meeting that I recall, it was called by Daniel Ndongeni. In connection with leaflets.

When was that? --- It was after this one at which he presided.

How long after? --- A week.

During which month of the year? --- The same month, June.

1961? --- Yes.

And who was present at that meeting? --- We were all there again except the two women.

Who are you talking about as "the two women"? --- Accused Nos. 12 and 13.

Where was it held? --- At the residence of Daniel Ndongeni.

Who addressed that meeting? --- He addressed the meeting, telling us that we must go and fetch leaflets at the residence of Nethuli on the 24th.

What leaflets, were you told? --- Yes, he told us.

He told you what leaflets - what did he say? --- He said that these leaflets pertained to the 26th June, namely "Freedom Day".

Did he tell you when these leaflets were to be distributed? --- Yes, he told us that all the Volunteers had to meet at the residence of Nethuli on the 24th.

What time of the day? --- At 8.00 p.m.

What else? Did he say anything else that you can remember? --- He said also that we should arm ourselves. That these leaflets would be distributed, even by force.

Arm yourselves with what? --- Well, whatever arm you may have.

Yes, what else did he say? --- He also instructed Lionel Mbane to go to the concert with his choir.

To a concert, where? --- This was held at the Dutch Reformed Church.

Did you attend that concert? --- Yes, I was at the concert.

What concert was it? --- It was an A.N.C. concert.

Did you see any of the accused at that concert? --- No, I didn't see them, except Mrs. Ndongeni and Mrs. Mali.

Who are you talking about now? --- That is accused Nos.12 and 13.

Can you remember any other meeting you attended? --- Yes, there is another meeting that I remember.

When was it held? --- This was towards the end of 1961.

Where was it held? --- In my house.

Where is your house? --- 2410 Kwazakele.

What meeting was it? --- This was an A.N.C. meeting.

Who was present at that meeting? --- All the members, that is the accused before Court were present as well as those whom I have mentioned as not being present in court.

Daniel Ndongeni, was he present? --- No, except Daniel Ndongeni and Freddie Mali.

Did anybody address this meeting? --- Yes, there was a speaker.

Who did? --- Alexandria Mbane was the speaker.

Do you know why Alexandria Mbane addressed the meeting? --- Yes, I know the reason.

Why? --- Ndongeni was arrested - our Chief Steward. He officiated as Chief Steward from 1961.

Who officiated as Chief Steward from 1961? --- Alexandria Mbane.

Until when? --- Until July, 1963.

Then who took over -- if anybody did take over? --- Douglas Gabula then took over.

Now what did Alexandria say at this meeting?

COURT: Is this the 4th meeting the witness is testifying on?
 --- Yes, Sir.

Have you led any other evidence in regard to the 4th meeting? --- Yes, Your Worship, Lionel Mbane told the Court about the 4th meeting.

FURTHER DISCUSSION ENSUES: Re evidence given by Lionel Mbane.

COURT: This fourth meeting was held at your house? --- Yes, Sir.

What did you say the address was? --- 2410.

PROSECUTOR: Yes, what did Alexandria say at this meeting? --- He said or he told us that there was a new branch of the organisation.

COURT: What was his post, this Alexandria? --- He was the Chief Steward at that stage. It was during 1961.

Didn't you tell the Court that Daniel Ndongeni remained Chief Steward until 1963 when Douglas Gabula became Chief Steward? --- If I did say that, Sir, I made a mistake.

COURT AND PROSECUTOR DISCUSS evidence on this particular point.

COURT: Did you have two Chief Stewards in this zone then? Because you told the Court that Daniel Ndongeni was a Chief Steward until July, 1963, when he was arrested. In July, 1963, No.8 became the Chief Steward. But now you come along with a story about a meeting at your house at the end of 1961 when the speaker was Alexandria Mbane who was the Chief Steward? --- Yes, Sir, but I was asked previously by the Prosecutor when was he Chief Steward and for what period.

And did you tell me that Daniel Ndongeni remained Chief Steward until July, 1963? --- No, Sir, if I said that then I made a mistake.

COURT AND DEFENCE DISCUSS NOTES.

COURT: Then I am right when I say that according to this

evidence /...

evidence at some stage there must have been two Chief Stewards? If Danie Ndongeni was Chief Steward until July, 1963, then if as the witness says Alexandria Mbane was the speaker and Chief Steward at the end of 1961, then it would mean that at that time there were two Chief Stewards? --- If Your Worship will give me an opportunity I will explain to your Worship.

That is what I want from you. I want an explanation. I want to know whether there were two chief stewards? --- Daniel Ndongeni, Sir, was Chief Steward from 1959 up until June, 1961. He was then arrested. Then Alexandria Mbane took his place up until July, 1963. Then Douglas Gabula became Chief Steward.

So when you said that Daniel Ndongeni remained Chief Steward until July, 1963, that was wrong? --- Correct, Sir.

PROSECUTOR: I would like to know from you what Alexandria Mbane told you about the new wing at this meeting? --- He explained to us that there was a new branch known as "Umkonto We Sizwe", "Spear of the Nation". He said that this is also part of the A.N.C. That this branch would be responsible for the violence. We must endeavour to make a lot of money because this money was required for the purpose of purchasing arms. That we must regularly subscribe - pay our subscriptions. Those are the items that I still recall.

You were told that the money was to be used for the purchase of arms? --- Yes.

Arms what for, were you told? --- Yes, it was said that these arms would be used by this new branch for the purpose of fighting.

Fighting whom? --- The government.

Can you tell the Court how the persons present at this meeting reacted to the news about "Umkonto We Sizwe"? --- They appeared to be pleased.

You /...

You have told the Court that right at the first meeting you were told about paying money .. 20c per month. Did you in fact pay the money? --- Yes, I did.

Did anybody else contribute in your presence? --- Yes.

Who did? --- All the members, Sir, although they did not all simultaneously pay. Some would pay this week, whilst others paid other weeks.

Who are you talking about as "all the members"? --- The members before Court, that is the accused, as well as the ones whom I have mentioned as not being here.

What amount did the accused pay on each occasion?
--- 20c.

Did you see the accused paying once only? --- No, Sir, they paid every month.

Until when did you see the accused paying the 20c?
--- Up until 1964.

Under what circumstances was the money collected from you?

COURT: I don't understand the question.

PROSECUTOR: When you handed the money over, was it at your house? --- It depended, Sir, wherever the meeting was held.

Where the meeting was held? --- Yes, we had to pay our subscriptions wherever we held meetings.

Who received the money? --- Our Chief Steward.

What was the name of the Chief Steward during that period? --- During what period?

To whom did you hand your money? --- To Ndongeni, Mbane and Douglas.

COURT: To Douglas? --- Douglas Gabula, Sir, Accused No.8.

PROSECUTOR: You were told about tea parties and concerts. Did you in fact attend any tea parties? --- Yes, I attended many.

Did you see any of the accused at the tea parties?
--- I did, yes.

What /...

What was the purpose of the tea party? --- To increase the funds of the A.N.C. Collecting money.

How was money collected at the tea parties? --- Well, Sir, first we would have a doorkeeper.

COURT AND PROSECUTOR DISCUSS point of leading this evidence.

If evidence is not corroborated whether Court can accept it.

Further discussion ensues.

COURT: Please proceed. --- As Your Worship pleases.

WITNESS: He would have to pay an entrance-fee to the doorkeeper. When he got inside he would make purchases, cool-drinks, scones.

PROSECUTOR: Did you do anything else on behalf of the African National Congress besides attending the meetings and tea-parties? --- Yes, Sir, the distribution of leaflets.

Can you tell the Court on how many occasions you took part in the distribution of pamphlets? --- I often took part in the distribution of leaflets.

Can you recall any such occasion? --- Yes, I remember the 1962 one.

When in 1962? --- June, 1962.

Who else took part in the distribution of the pamphlets on that occasion, in June, 1962? --- All the accused as well as the other I have mentioned, Lionel Mbane, etc.

All the accused before Court? --- Well, except the women that is.

Under what circumstances did you obtain possession of the leaflets for distribution? --- The Chief Steward brought these leaflets.

When you received your pamphlets for distribution, were you alone with the Chief Steward? --- No, Sir he called us specifically to come and get these leaflets. We were all there.

How did you know that the pamphlets you received for distribution were pamphlets of the African Nation Congress?

--- Well,/...

--- Well, the heading to it: "Remember the 26th day of June".

Any other source? --- And from Alexandria Mbane.

How did you learn from him? --- Well, he was the one who handed them to us.

What did he do when he handed the pamphlets to you?

--- Well, after he handed them to us he asked us to distribute these in the various streets. If there was a dog in the yard though, we were merely to place the pamphlet outside and place a stone on it. If, however, there was no dog in the yard, we were to enter and push it under the door.

You have told the Court that you learnt from Alexandria Mbane that it was A.N.C. pamphlets, now I want to know how you learnt from him that they were A.N.C. pamphlets? --- He told us, that is when he called us together to come and meet at his place of residence, that there are leaflets which have arrived and these were to be distributed. So we duly went to his house on the given date. When we got them he said these are A.N.C. pamphlets, they are in respect of the 26th day of June.

Can you read? --- Yes, I can.

Will you be able to identify the pamphlet you distributed, or took part in the distribution of in June, 1962? --- Yes, I will be able to.

(Your Worship, may I show Exhibit C to the witness?)

Will you please have a look at Exhibit C? Can you tell the Court anything about it? --- Yes, well it is headed: "Remember the 26th day of June".

What pamphlet is that? What document? --- That pamphlet we distributed was like this, except that the print on that pamphlet was black.

Have a look at the wording on the pamphlet. Does that mean anything to you? --- The contents are similar.

Can you tell the Court about any other occasion you took part in the distribution? --- Yes, there is another

occasion /...

occasion I remember.

When was that? --- 1963.

When in 1963? --- May. That was the "Umkonto We Sizwe" one.

Who took part on that occasion? --- We were all together again.

Who are you talking about as "we"? "We were all together again"? --- The ones before Court I am referring to.

Are you including accused 12 and 13? --- No, I am not..

OBJECTION BY MR. SAPIRE.

PROSECUTOR PROCEEDS: Who was present? Please tell the Court the names of the persons present. --- John Pati, Sajini Homane Jimmy Tose, Wilson Reshe, Philepot Mfeketho, Alfred Kalipa, July Ntantiso, Douglas Gabula, Jackson Mabele, Jeffrey Keye, Enoch Ndongeni, and I was there.

Anybody else? --- Lionel Mbane was not there. Freddie Mali was there. Daniel Ndongeni, Alexandria Mbane.

What was that pamphlet about? --- This one was in connection with the "Spear of the Nation" ("Umkonto We Sizwe").

Are you able to identify that pamphlet? --- Yes, I can.

Will you please have a look at the document Exhibit E? (Your Worship may I produce Exhibit E?)

Will you please have a look at the document, Exhibit E, before you and can you tell the Court anything about that document? --- It is similar, Sir, except this pamphlet consists of two sheets whereas that particular one consisted of one sheet and there was printing in the front and at the back of it.

Does the wording of Exhibit E mean anything to you? --- Yes, "Umkonto We Sizwe" as well as the words used here: "Amandhla Ngawetu" .. "Strength is ours".

What does it mean? --- Well, it is similar to that pamphlet /...

pamphlet that we distributed.

Can you recall any other occasion? --- Yes, 1964 was another occasion.

When in 1964? --- April, 1964.

Who took part on that occasion? --- Except Daniel Ndongeni and Alexandria Mbane and Freddie Mali and Lionel Mbane and the two females before Court, we all took part.

What was that pamphlet about? --- This was in respect of the "Africa Day". It explains about other African states which obtained their freedom.

Would you be able to identify that pamphlet if you should see it again? --- Yes, I can.

(Your Worship may I show the witness Exhibit F?)

Can you tell the Court anything about the document Exhibit F? --- It is similar. The contents are similar, except of course that the print is very faint and the other was more black.

Where did you distribute the pamphlets, you and the accused that took part? --- In Zone 9.

In Zone 9, where? --- In Kwazakele.

No further questions by Prosecutor.

COURT ADJOURNED.

ON RESUMPTION:

WITNESS warned : still under former oath.

CROSS-EXAMINATION BY MR. SAPIRE: When did you decide that you were going to give evidence against the members of the A.N.C. for the first time? --- I see for the first time here in Court that I have to give evidence. That I am giving evidence against the accused.

When did you first decide to make a statement implicating the accused? --- I went to the Police during February, 1965.

How did this come about? --- I had heard, Sir, that the Police Detectives had called several times at my place
of /...

of residence looking for me, but they were unable to get hold of me. That is how it came about.

Yes, so you heard that the Detectives had been there, so what did you decide to do? --- I then went and presented myself to the offices of the C.I.D.

To whom did you present yourself? --- To Sergeant Du Preez.

Where is he? --- He is not here.

At which police-station did you present yourself? --- I went to his office at the New Law Courts.

Why didn't you go to the ordinary police-station? --- Because the message that I had received was that he was looking for me.

COURT: You say this was in February, 1965 - this year? --- Correct, Sir.

MR. SAPIRE: Did you know this man, Sergeant Du Preez? --- I had seen him on occasions.

Did you know what he wanted you for? --- At that time I did not know what he wanted me for.

All right, so you went and presented yourself to him? --- Yes.

Did you know that he was connected, or did you think that he was connected with political matters? --- I did know that he does investigate matters referring to politics.

So when you went there you must have had some idea as to why you were wanted? --- Well, I knew that I was wanted for being arrested.

Yes, but you also knew why they wanted to arrest you? --- Well, I knew this, Sir, that members of the African National Congress were being arrested and I too was a member thereof.

Yes, and you knew perfectly well that you were in danger of being arrested? --- Yes, I was aware of that.

So you went there. What happened when you went there? /...

there? --- He asked me, Sir, whether I knew anything about the African National Congress. I said: Yes, I know the African National Congress.

Did you tell him you were a member? --- Yes, I did.

Right. And what happened as a result of you telling him that? --- They asked me whether I wanted to make a statement.

Did he tell you what would happen if you did make a statement? --- He did not.

Did he tell you what would happen if you didn't make a statement? --- No, he did not, Sir. But I do know, on my way going there, that I could have been arrested at any time.

Right. So you decided to make a statement? --- Yes.

And were you told the particular activities of the A.N.C. they wanted to know about? --- No, Sir, my statement depended entirely upon myself.

So what was the first thing you told them about? --- Well, I was asked from when I was a member and I told them.

You told them that you became a member in 1952? --- Yes.

And then? --- They asked me when I went to Kwazakele. I said I went there in 1959.

All right. So he asked you about Kwazakele? --- Yes. I told him that I moved there during 1959.

Yes, and what happened then? --- I then told them I got there being a member of the African National Congress and that I went in to Zone 9 and continued my membership there.

Did he ask you anything else? --- He then asked me to make a statement of my knowledge pertaining to the A.N.C. I did so.

So what did you tell him? --- I told him that I am a member of the organisation and also Chairman of the Youth League. That I continued this for seven years. I continued activities up until 1964.

Is that all you told him? --- No, Sir, the whole of the statement is with the Police.

No, but I want to know what you told him? --- I told him about the distribution of leaflets. I told him about attending meetings and the method how we attended meetings. I told him that I attended tea parties of the A.N.C. I also told him that I attended concerts of the A.N.C. I told him about the subscriptions towards the A.N.C.

You didn't know what this information was required for, did you? --- Well, he wanted to know whether I was a member of the A.N.C. and I replied in the affirmative.

Was your mind specifically directed to this question of the meeting held in May, 1960? --- He asked me to explain about meetings I had attended.

Well, you attended lots of meetings? --- That is correct, I did.

Why did you place a special importance on this meeting of May, 1960? --- It was an important meeting. Leaders of the organisation were being arrested and the organisation had been banned. And this was the first meeting after the banning. It was held in May of 1960.

Were you specially asked about this meeting? --- I raised that. I wasn't asked about it.

Why? Why did you tell about that? --- I only related my knowledge of these things, and I told the truth.

Didn't other important things happen during the 12 years that you were a member of the organisation? --- I don't recall anything being more important to us than the banning of the African National Congress.

Well, what about important days before then, like there were boycotts, weren't there? --- Yes, those things we did before the banning.

You didn't tell him about that? --- No, I didn't
tell /...

tell him about those things.

Now your purpose was to make a statement - right?

--- Yes.

Why did you decide to implicate or mention the names of your co-members of Zone 9? --- I was asked who I was and what other members I was working with. Then I said the following people....

COURT ADJOURNED.

HEARING RESUMED : 12th MARCH, 1965.

PAGAMILE NJIKELANA d.s.s.

CROSS-EXAMINATION BY MR. SAPIRE (cont.): Now, as far as the meeting in May was concerned, who first spoke about that meeting? --- Do you mean who was the speaker at that meeting? Or what actually are you referring to?

No, no, no. When you were giving your statement to the Police, who first mentioned this particular meeting in May, 1960? --- I spoke about it.

You spoke about it. And when did you first remember that Philepot, No.5 accused, wasn't there? --- I knew it all along. There was no need for me to remember.

COURT: Did you give the Police that information? Did you tell them straightaway that at that meeting there was one member of Zone 9 who wasn't there, namely Philepot? --- Yes, I did, Sir.

MR. SAPIRE: Incidentally, have you seen the witnesses Alexandria and Lionel Mbane since you made your statement? --- No. Actually we didn't get to see each other often at all, but we haven't seen each other lately.

Have you seen them here at Court? --- I saw Lionel Mbane leaving the courtroom yesterday.

When you gave your statement to the Police, did you also tell them that No.8, Douglas Gabula was a Chief Steward?

--- Yes, I did.

Because /...

Because - maybe you can explain this, maybe you can't - because in the charge-sheet and the further particulars which were given hereto, it is not alleged that No.8 was a Chief Steward. --- The laying of the charge has nothing to do with me.

No, I know, but you say it definitely appears in your statement, that No.8 was a Chief Steward? --- Yes, I said so.

There is just one other aspect of this question which I think requires a bit more explanation. You see, when you said that Daniel .. rather that Douglas became Chief Steward in 1963... --- No, I didn't say that.

Well you did say it. You may have made a mistake, but you definitely said it.

COURT AND DEFENCE DISCUSS point raised by Court yesterday.

PROSECUTOR: With respect, Your Worship, my learned friend is referring to a person Daniel and Douglas. There are two Douglasses concerned in this case now. I think, Your Worship, if my learned friend will be a little more specific and indicate to the Court whether he is referring to Douglas Ndongeni or Douglas Gabula, the accused, the witness may be able to understand the question.

MR. SAPIRE: The point is this, Daniel Ndongeni, he was the Chief Steward in 1961? --- Yes, and he left being Chief Steward in June...

COURT: I want to intervene just for a second. In regard to the question first put. It is correct that the witness had said that Ndongeni was Chief Steward until July, 1963. He was then arrested and Douglas Gabula, No.8, became Chief Steward. You will recall that at a later stage the witness explained that this man Ndongeni was, I think, released in 1963... no, I am sorry, in the intervening period the other witness Alexandria Mbane became Chief Steward.

FURTHER DISCUSSION ENSUES: Mr. Sapire explains Defence's recollection /...

recollection of the evidence. Submits witness said: Because Daniel Ndongeni was arrested Douglas Gabula, No.8 accused, became Chief Steward in place of Daniel Ndongeni. Defence submits there is contradiction.

MR. SAPIRE PROCEEDS: The point is this, you said: "Daniel Ndongeni was in charge of us". You then said: "Daniel was Chief Steward until 1963 when he was arrested"? --- Yes.

You then said: "Douglas Gabula, No.8 accused, then became Chief Steward in the place of Daniel Ndongeni? --- Yes.

By that one understands that Daniel was a Chief Steward and when he stopped being Chief Steward, Douglas Gabula, No.8 accused, was his immediate successor in that position? --- That is quite correct, but I did explain and I rectified that.

COURT: I want you to give that explanation again. --- From 1959 Daniel Ndongeni was the Chief Steward up until June, 1961.

What happened in June, 1961? --- Ndongeni was arrested Sir, at the concert which was being held at the Dutch Reformed Church hall. His place was then taken by Alexandria Mbane.

Until when? --- Until July, 1963.

And what happened? --- He was arrested, Sir.

Then Alexandria Mbane was arrested? --- Yes, Sir.

And who became Chief Steward then? --- Douglas Gabula then took his place.

Is that accused No.8? --- Yes.

MR. SAPIRE: The only difficulty I have with that explanation is that whatever the date was when Daniel ceased being Chief Steward, Daniel Ndongeni, whatever the date was that he finished being Chief Steward, according to you he was immediately followed up by Douglas Gabula, No.8?

COURT: I must point out that this "immediately" piece is your terminology. If this point is of so much importance, then I think we should get the belt out and have the portion replayed. --- It is of importance, Your Worship.

The word "immediately" there is your terminology and not that of the witness.

PORTION OF EVIDENCE REPLAYED.

WITNESS still under oath.

CROSS-EXAMINATION BY MR. SAPIRE (Cont.): Pagamile, what I want to know from you is: Why did you forget, when you gave evidence-in-chief that Alexandria had taken over the position of Chief Steward immediately Daniel Ndongeni was arrested? --- No, it wasn't a question that I forgot to mention it. What it amounts to is, Sir, that actually my thoughts left my tongue behind!

Because you didn't say at once originally. You were asked once or twice by my learned friend, and you made certain of it.

PROSECUTOR: Your Worship, I am rather interested to see that every word spoken in this Court by the Defence, by the advocate or the Prosecutor is properly recorded, Your Worship. I think, Your Worship, with respect, that my learned friend should be requested to speak in the microphone, otherwise it cannot be recorded. His looking out of the court-house and speaking to the witness, looking away from the microphone, that won't assist the recording.

MR. SAPIRE: I am sorry. The part I am referring to is when my learned friend ... it came through very faintly as well, Your Worship.

COURT ADDRESSES MR. SAPIRE: Not recorded. Court requests Defence to assist the Court by complying with request by the Prosecutor.

MR. SAPIRE PROCEEDS: Your explanation is then that your tongue left your thoughts behind? --- My thoughts left my tongue behind.

I see. Now, the accused, each one of them, is going to deny that he or she was present at the first meeting held in June, 1961. --- Well, Sir, that would strictly be in terms

of /...

of the African National Congress policy, of course.

They are also going to deny that they were at a second meeting held in June, 1961. --- Similarly in that case.

And the accused will also deny that they were present at the fourth meeting which you have described. --- Naturally. That is strictly in keeping with the African National Congress' policy, to deny any knowledge, even to the Magistrate and even to your goodself.

Tell me, have you ever discussed what your answers would be to my questions with anybody?

COURT: What his replies would be to your questions? --- Yes.

How on earth could he foresee what your questions would be? --- Your Worship, he may have been told what to expect.

Oh, I see. All right, go on.

WITNESS: No, I have not discussed with anyone, nor has anyone approached me on that subject.

MR. SAPIRE: Have you ever discussed the evidence you are going to give with anybody? --- No, I did not.

Now, as far as the "Umkonto" was concerned, the accused are each going to deny that they had anything to do with "Umkonto". --- Obviously they would. However, despite that I would still like to see them in the witness-box to come and tell the truth.

Why would you like to see it? --- Well, Sir, they are comrades of mine. I used to work with them.

Yes, so why would you like to see them tell the truth? How is this going to help them? --- I do think - submit that it is better to be convicted being truthful than being deceitful or lying.

They will also deny that any of them paid the 20c per month subscription. --- Well, of course they would, Sir. The whole idea was that nobody should know. They will hide these things.

Why /...

Why did you decide then to make this fact known? --- Well, I read from the press, reports in the press that my leaders Mandela, Sisulu and them, when they gave evidence, they told the truth about the African National Congress movement. So I decided to do the same.

Mandela and them each spoke for themselves. --- Well, Sir, they were the leaders. I merely followed them. I followed their example.

And as far as you are concerned is the A.N.C. completely broken up now? --- I don't say that, Sir, but I am only merely relating the truth here about it.

Now accused Nos. 1 to 11 will deny that they took part in any distribution of leaflets. --- Of course they will, Sir. When we distributed these leaflets we didn't do it openly, we did it at night time so that we would not be seen.

And it is also part of the A.N.C. policy I suppose to deny that? --- That is correct. You must hide everything.

If that is so, why does the leader of the A.N.C., Mandela ... he didn't hide everything. He came to Court and made a clean breast of it all.

COURT: That question is disallowed. I cannot see how this witness could possibly say why Mandela did certain things. Perhaps Mandela could tell you! Surely not this witness, unless this witness had an interview with Mandela and Mandela advised him why he was going to speak the truth, if what he said was the truth? --- Your Worship, I don't know what A.N.C. policy is either.

You didn't ask the witness A.N.C. policy, Mr. Sapire. You asked him why Mandela came along and said certain things. How must this witness know it unless Mandela told him?

MR. SAPIRE PROCEEDS: I will put it this way: When Mandela went to Court and made a statement in Court, admitting membership, admitting that he was the leader, was that against

A.N.C. /...

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