

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

Pretoria, 15 January, 1964

BEFORE:

The Honourable Mr. Justice DE WET, Judge President.

In the matter of:

THE STATE versus NELSON MANDELA AND OTHERS.

Charge: Sabotage.

Plea: Not Guilty.

For the State: Dr. P. Yutar, and others.

Mr. Berrange and Others FOR THE DEFENCE.

- EXTRACT OF EVIDENCE -

BRUNO MTOLO (is called.

THE COURT IS CHIEFED.

BRUNO MTOLO (Still under oath):

CROSS-EXAMINATION BY MR. BERRANGE: Mr. Mtollo, I believe that at some stage you became the Secretary of the African Municipal workers Union?---That is correct.

When was this?---Since June, 1962.

You were then still working at McCord's hospital?---
It was immediately after I left the hospital.

This Union was a Union that was affiliated to S.A.C.T.U.?---Yes.

Because I want to get some of this terminology correct. What was S.A.C.T.U. - what was its proper name?---
South African Congress of Trade Union.

It was an organisation to which trade unions became affiliated?---Yes.

And as such individuals did not join this union?---

They joined the Congress..... Except those who are members of the General Workers Union - they can, individuals, can become members of S.A.C.T.U. , otherwise you become a member of an organisation which is affiliated to S.A.C.T.U.

And that was your position?---Yes, my position was that I was then secretary of the workers' Union to which I belonged.

The Municipal Workers' Union?---That is correct.

You were the secretary of that, and that is what you meant when you said you joined S.A.C.T.U.?---That is so, yes.

What did you get paid in your capacity as secretary of the Municipal Workers' Union?---It had not been arranged in regard to my pay, my lord, because the person who had been secretary before me had run away with some money, and arrangements were still being negotiated as to what I was going to get. The committee still had to decide that.

When was this?---In 1962.

What part?---All of the portion of 1962, and until 1963 it had not been fixed. I was given small amounts, but the salary had not been fixed.

You were paid small amounts from month to month?---Yes.

Approximately how much per month did the Union pay you?---Sometimes £3.0.0, sometimes £6.0.0., sometimes £5.0.0.

I see. And you left McCord hospital for the purpose of taking up this appointment?---No.

You did take up this appointment as soon as you left McCord's?---I did, yes. But that was not my reason. My reason for leaving McCord was not for the purpose of becoming secretary of this organisation.

So you were a member of this Union then, for about eighteen months, is that correct?---Since June, 1962, to be more or less correct, until May, 1963.

You say there came a time in your association with, what you call, the Regional Command, where you became disillusioned?---Yes.

And that was round about April, 1963, when you had to go to Bergville?---You mean when I started getting disillusioned?

Yes?---I would say that was for the whole of 1963, the whole of 1963, right from the beginning.

And ultimately you were arrested?---Yes.

And you thought matters over?---Yes.

And therefore, at the most, within 24 hours you had decided to tell the police all you knew?---Yes.

And the reasons that you have given us were that you weren't getting the money that you were promised?---Yes.

And that the higher ups did not seem to care for the security of the recruits?---Yes.

That Nelson Mandela and Sisulu seemed to be well-off?---Yes.

That the leaders had left the country?---Yes.

I see! You see you joined the A.N.C. in 1957?---Yes.

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

Have you still got it?---No.

You can't produce it?---No.

And I suppose you joined the A.N.C. because you were convinced that what the A.N.C. stood for was right?---Yes.

You felt that the A.N.C. was expressing in acts and in words the aspirations of the black people?---Yes.

And you became a dedicated worker?---Yes.

You went to their meetings?---Yes.

Did the work that you were asked to do?---Yes.

And ultimately, when you were told that the A.N.C. had felt that all forms of passive resistance could not take

the Africans anywhere, and that they felt that violence was the only path that was left to them, you agreed with that?--Yes.

You went into it wholeheartedly?---Yes.

You embarked upon many acts of sabotage, you have told us?---Yes.

* You risked your life in doing this?---Yes.

You risked imprisonment in doing this?---Yes.

And then you became disillusioned for the reasons you have given us?---Yes.

What I would like to know, and I would like you to tell his lordship, did you become disillusioned because you no longer thought that that which the A.N.C. and the liberation movement was struggling for was not the right thing?---I will say this, that I thought, all the time, that what the A.N.C. was working for was good, and I still say so now, that it was good, and is good, but what made me feel disillu^{ion}ed was the action of the leaders

Go on! The action that you have told us about?---Yes, that is correct.

Because of the actions you have told us about?---Yes.

But otherwise you felt, and you still feel that everything that the A.N.C. was working for, and the liberation movement was working for was good, to use your expression, and you still feel that way?---That is so.

And because you became disillusioned with the leaders you were prepared, within 24 hours of your arrest to go and make a statement to expose the whole of this movement which you believed to be in the benefit of the black man?---If I talk about the A.N.C. it must be known that I talk about the A.N.C. and not this thing about the Communists.

What about this thing about the "Spear"?---The Spear is connected with the Communists.

That is what you say, and we will deal with that in due course. Did you agree with what the Spear was doing?---I agreed with it when it was doing it for the A.N.C.

So you say you became disillusioned with the Spear when it was doing it for the Communists? ---Yes, my lord. And the way in which they were deceiving the people.

How were they deceiving the people? ---Because the majority of the members of the A.N.C. are not aware of the fact that the leaders are Communists.

Now, do you mind telling this court what difference it made to you whether the leaders were Communists, or whether they were members of the Liberal Party, or whether they were members of any sort of party, as long as what they were doing was something which you agreed to and thought was good?---The deception, the deceiving was the thing I ...

What deceiving?---Because they are holding the people under the impression that they are members of the A.N.C. whereas in fact the leaders are members of the Communists.

You still have not answered my question. What difference did it make to you whether the leaders were Communists or whether they belonged to any political party, as long as they were doing for the A.N.C. something which ^{you} believed to be very good?---Because they were not doing it for the A.N.C. but they were doing it for themselves.

Were you a member of the Communist Party?---Yes.

Did you agree with what they were doing?---Yes.

You did. Did you know what they were doing?---Yes.

They were doing the very things to which you are now objecting to.---Yes.

And you went along with them wholeheartedly?---Yes.

Why?---As you have already said, I was in agreement

with it. I was a member of the Communist party, but what we were doing at the time was all being done for the A.N.C.

That is my whole point!---But then, afterwards, in recent times particularly from the beginning of 1963, up to now, it has been quite clear that what is being done is not done for the A.N.C. it is being done for the Communist Party.

How did that become clear to you?---Because the members of the A.N.C. - it became clear to them, afterwards, that the leaders were Communists. In other words, the genuine A.N.C. people - members - it became clear to them, and they realised that the leaders were now the heads of the organisation, and they were not working for the A.N.C. anymore, but they were working for the Communist party.

You are avoiding my question. How did that become clear to you. That members of the Communist Party who were in the A.N.C. were working for the Communist Party, and not for the A.N.C. - how did that manifest itself?---Because, in the beginning of 1963 we were receiving directives that were coming from the Communist party. According to those directives we were advised that because the A.N.C. members are dissatisfied, or don't agree with the Spear of the nation, but we, who are members of the Communist Party, must get into the A.N.C. organisation and get into the different branches, so that we can get hold of the leadership of those A.N.C. branches.

How did it become clear to you that the Communist Party members, getting the leadership of the A.N.C. branches, were not working for the benefit of the A.N.C. - that is now the third time I am putting this question?---Because it was being discussed then and advised in our Communist Party Cell - people were then instructed and advised that we must gradually take charge of the organisation into...so that the Communists would have the

power.

BY THE COURT: Just a minute! Can you explain to me - is there any difference between the aims and objects of the Communist party and the aims and objects of the A.N.C.?---Yes, there is a difference, my lord.

That is what Counsel wants you to explain - what is the difference?---Because the policy of the A.N.C. is not that the wealth of the country and the Government should go to the workers, my lord.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED): And is that what you suggest is the difference?---Yes.

You spoke about the Freedom Charter.---Yes.

Can you tell us what was in the Freedom Charter?---I know, that, for instance, in regard to the wealth of the country, that that should come to the inhabitants of the country, to the people of the country.

Can you tell us what was in the Freedom Charter?---Also in the Freedom Charter is mentioned in the hope of South Africa - everybody, all the people - would have a say in the Government of the country.

Anything else that you can remember in the Freedom Charter?---The people of the country should govern the country.

Anything else?---Oh, there are many others.

Well, we want you to tell us - you have been telling us all these things. We want you to tell us how much you know about it?---And that all the different races in the country, as a whole, will be looked after. They won't be discriminated against.

Anything else?---I don't remember.

Did you regard the Freedom Charter as being a Communist document?---I would not call it a Communist document, my lord, but most of it goes in line with Communist ideas.

Did you disagree with it?---I agreed with it.

I still want to know why in those circumstances, you should suggest to his lordship that because the Communists, you say, had received directives that they should get into these organisations and take charge of them, why that should do any harm to these organisations?---The Freedom Charter agrees with that, but the difference is this - that is the difference between the ideas of the A.N.C. and the Communist Party. The Communist says that the wealth of the country must come to the worker. In other words, the workers will then rule the country. It is the workers that would then have to decide how this wealth should be shared, or distributed.

What is the distinction that you make?---The difference now is that the policy of the A.N.C. - the way they looked at things - was that the wealth of the country would be divided, and shared by the people of the country - not the workers.

So you draw the distinction between the people and the workers?---Yes.

You know, I am beginning to doubt whether you were ever a member of the communist Party. Tell me, the nationalisation of industry - was that one of the objects of the Communist party?---Yes.

Was that one of the objects expressed in the Freedom Charter?---I don't remember if it is.

Would you be surprised to hear that it is so?---No, I would be glad to hear it.

You would be very glad to hear it. What I want to put to you is this - that you are deliberately trying to suggest that the A.N.C. became a tool of the Communist Party? And you are falsely suggesting this and that in truth the position is this - in the A.N.C. they were prepared to take people of all

political affiliations, as long as they were prepared to work for the aims and objects of the A.N.C.? And in the A.N.C. you had all types of political affiliations?---Yes.

Do you agree with that?---Yes.

And it didn't matter whether they were members of the Communist Party, the Liberal Party, the United Party, or any other Party?---Yes.

And as such the Communist Party supported the A.N.C. in its demands? Do you agree with that?---Yes.

And working as hard as they could to see that their demands were implemented?---Yes.

Now, for how long did you say you were studying the principles of Marxism or Leninism?--since 1960.

In making this study I understand that you went to classes almost once a week?---Yes.

And I understand that you were also given certain books to read?---Yes.

Such as the Last Frontier?---Yes, and Episode.

Do you remember those books?---I do.

Did you regard those books as being Communist propaganda or did you regard those books as being something that expressed the aspirations of the A.N.C.?---Those two mentioned - especially the Last Frontier, I would say, particularly, seemd to me was to educate you to the .. to be able to resist something that you feel that you don't really agree with, but to use all your powers to resist that that feeling.

I still want an answer to my question - did you regard this as being Communist literature - something expressing the aims of the Communist Party, or the aims of the A.N.C.?---No, I wouldn't say that.

You wouldn't say what?---That they were Communist Party literature, my lord.

You did say that, you know. In your evidence in chief.
---Do you say that I said that those books are books of the Communist party.

Yes, communist literature, you called them. That is what you called them.---I don't remember ever using the terms that they were Communist literature. I think I referred to them as books that were given to me by Stephen to read.

I will tell you what you said. You mentioned four books.
---Yes.

And you said that you were given these books to read.---
Yes.

By Stephen Dhlamini?---Yes.

And I take it that you were given by him to read in order to educate you into Communism?---Yes, that is different. That is different to your suggesting that I say that they are Communist literature.

Let me go on! You said that all these books, and others, were Communist literature.

DR. YUTAR: My lord, here I must protest. My learned friend is misquoting that page.

MR. BERRANGE: Then I would be very glad if you could show me the correct quotation!

DR. YUTAR: My lord, the witness never said so. He mentioned these four books and referred to others that were communist literature. My lord, whilst I am on my feet may I please appeal to my learned friend not to put his questions, consisting of two or three or four parts, to the witness. It leads to confusion.

BY THE COURT: Yes, I am well aware of that.---It has happened already, my lord.

I am well aware of the fact when the witness understands a question or not, Dr. Yutar!

Anyway, it can be taken from the record at a later stage in case it is necessary.---Yes, my lord.

CROSS-EXAMINATION BY MR. BERRANGE (Continued): In any event, at least concede this, Mr. Mtololo, you did not regard these two books as being Communist literature?---I don't classify them as Communist literature, but I would say this - that people, reading them, a person who has a certain amount of knowledge, can be trained through them to.. or brought into such a state that you can then afterwards give him other literature to lead him to become a Communist.

Tell me, what did you think about the other two books that you mentioned?---Which are you referring to.

You tell me which other books you were given to read by Stephen Dhlamini? ---Like the one Black and ~~the~~ White insouth Africa.

I don't know - you tell me!---Roots of Revolt. Revolt in Africa - not South Africa - in Africa.

Did you regard them as being Communist literature?---Also those I would not say that they are truly or particularly Communist literature, but they are... they can train and lead you to communism.

You wouldn't call them Communist literature?---No, but they can build up the foundation; although they are not truly Communistic.

Were you given any other books by Stephen Dhlaimini to read, besides those four?---Yes, he instructed us in dialectical materialism(?)

No, but I am asking you were you given any other books to read?---Lion Awake. There was one, I remember, he gave me, which was Lion, Awake.

Who is the author?---Jack Wobbis.

Wolpe?---No, W.O.B.B.I.S.

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The same man who wrote the Roots of Revolt in Africa, hm?--
-Yes, the same man.

Was that Communist literature?---Those too, to us, the people of South Africa, if you read them... not South Africa, sorry People of Africa - if you read them, and study them, they form a foundation.

Would you call them Communist literature?---I would say, in my opinion, that when you come to the stage of studying that, Lion, Awake, then it becomes Communist Literature.

I don't want to take you through the whole of this book - but do you mind telling me why you say that that book is any different from any other books that you mentioned? ---Because it stabs much more at capitalism.

And the Roots of Revolt?---In that it brings out... you learn you see, how the capitalists took over the ruling and how they get hold of the wealth of the country.

And at the meetings of the African National Congress - what was said there - was it in agreement with these books that you have mentioned?---Yes.

That stabs at capitalism?---Yes.

You are now telling us that the A.N.C. is also an organisation that, like the Communist Party, was opposed to forms of capitalism?---That is correct.

And you realised that from the time that you were a member of the A.N.C.? You, personally?---At that stage I personally only saw it on the face of it, as it was then, but I had not delved deeply into it.

Did you at any time object to this idea ^{of} ~~at~~ stabbing at capitalism?---I was, in the beginning, in agreement with it, but afterwards, when I saw deeper and deeper into this ideal I found that it wasn't actually the stabbing at capitalism, but

it was something else. I will just repeat it. On the fact of it, as I saw it, I was in agreement with it, but when I got deeper into it, and I was being taught, then I saw then that it was and formed the impression that this stabbing at capitalism was not actually what it was. It was that the wealth of the country should be drawn and given to the workers.

Is that not what you learnt right from the start of your lectures about Communism? Was that not the first thing that you learnt - let me put it that way?---Yes, I learnt that after I had become a member of the Communist Party.

And you agreed with it?---Yes.

Did you ever disagree with it?---I have already said that when I came to disagree with it was when the members of the A.N.C. were being deceived.

Did you ever disagree with the idea that the wealth of the country should be taken over by the workers, at any stage? ---Yes, during this year I became to feel that I was not in agreement with that.

During 1963 you began to feel that this was not right, is that so?---Yes.

What made you feel that?---As I have already said, that we, as the Communist Party, had to assist the A.N.C. just as all the other organisations that belonged to it, assisted. But, when I realised that we were not assisting the A.N.C. at all, but we were taking from it, then I changed my mind.

I am still waiting for an answer to my question. What made you change your mind with regard to the ideological principle that the wealth of the country should be taken over by the workers?---Because I was not in agreement that... when I am talking about the people I am now talking about black and white people - that what they worked for should be just taken away from them.

But aren't those the workers?---And hand it over to the workers.

But what made you suddenly decide that, for the third time! ---You mean...

BY THE COURT: He didn't say he suddenly decided that. He said he gradually decided.

CROSS-EXAMINATION BY MR. BERRANGE (Continued): What made you lose faith with this idea?---On account of many things that I realized and that I saw. I have mentioned several things already. I felt that the people were being deceived.

In other words, what you felt about it was that, because of the fact that there were Communists working in the A.N.C. and you thought had a different ideological approach to the A.N.C. therefore the A.N.C. was being deceived?---Yes, that they were now actually deceiving them instead of assisting them.

And that is one of your reasons for ultimately deciding within 24 hours of your arrest, that you were going to tell the police everything?---It is one of the reasons.

Although you still believed in the A.N.C. and its aims and objects and in what it was doing?---The A.N.C. yes, without the Communists. I am still in agreement with that.

And you^{were} prepared, therefore, if your evidence is true, to betray those members of the A.N.C. for whom you had such a soft feeling, because they were being deceived, merely because of the fact that members of the Communist Party had infiltrated into the ranks of the A.N.C.?---As I am standing here I am satisfied in my own mind, that I have not dropped or handed the members of the A.N.C. As a matter of fact. I have done them a favour.

What about those members of the A.N.C. who are not members of the Communist Party, with whose policy you are in agreement?---what about them?

What about those people who have been betrayed?---Whom?

Those people who have been betrayed by your evidence?---

No.

Are you serious?---Yes.

Well, who have you betrayed?---I have told to the A.N.C. people that those people who were leading in this way were deceiving them.

But what about those members of the A.N.C. who have been arrested and sent to gaol, and who will be arrested and sent to gaol, because of the fact that you have exposed if your evidence is true, the whole of this setup? What about them?---Those who have already been convicted because they were furthering the objects of the movement of the A.N.C. are prepared to go to gaol for their cause, and I am now still prepared to go for that cause, but not to go to gaol through being deceived.

So you do agree then, that your evidence, and your exposures will have resulted in members of the A.N.C. who are not members of the Communist Party, being convicted and sent to gaol?---The people whom I have exposed in my evidence are those people who are deceiving us.

In other words, you say the people you have exposed in your evidence, you know to be members of the Communist Party? ---Yes, and members of Umkonto We Sizwe.

And Umkonto We Sizwe - what do you say about that? Was that a Communist Party organisation or an A.N.C. organisation? ---It was one of the ways in which they were deceived. The A.N.C. were under the impression that the Umkonto we Sizwe was an organisation belonging to them, whereas, in fact, it was an organisation belonging to the Communists.

Do you agree with the aims of the Umkonto we Sizwe?---

---At the beginning I did.

And now? We are talking about their aims?---No.

Why not?---Because I was fortunate to realise what Umkonto We Sizwe was working for. I was fortunate to be able to see it with my own eyes.

Now, you know you gave evidence for many days, last year?

---Yes.

And you gave as a reason for your disillusion a number of reasons which I read out to you this morning?---Yes.

You never at that stage, mentioned at all, any of the reasons that you have given me today! You mentioned the fact that you weren't getting any money, recruits were not being cared for, and the leaders seemed to have a lot of money, the leaders have left the country, and I want to indicate to you in due course that all those reasons are false. When did you think of the reason that you have given us today? ---When I was giving my evidence in chief I was not questioned about the A.A.C. as I am questioned by you now.

You were questioned....?---But those reasons which you have just mentioned now, were in regard to Umkonto We Sizwe.

And you were questioned as to your reasons for becoming disillusioned, and never gave this as one of your reasons. --- I was questioned then, when I gave my evidence in chief, in regard to Umkonto We Sizwe. There are many other things I can say. The more you question me the more I can bring out that I haven't said before.

I am sure! You see, is this the first time that you have ever been in a Court? ---No.

In this Court?---I was here last year.

Is this the only case that you have appeared in?---Do you mean one that is not concerned with politics?

I am just asking you - is this the only case that you

have appeared in?---I have given evidence in other cases.

AT THIS STAGE THE COURT ADJOURNS FOR 15 MINUTES.

ON RESUMING AT 11.30 a.m.

BRUNO MTOLO (still under oath):

CROSS-EXAMINATION BY MR. BERRANGE (Continued): Mtololo, when did you last attend what you call a Communist Party Cell Meeting?---I would say in about March, 1963.

That is before you came to Rivonia?---Yes.

Did you at any time express your disagreement with what you say the Communist Party was aiming at?---You mean at the cell meeting?

Yes?---No.

Did you express your disagreement when you came to see number (4) accused, and discuss Umkonto We Sizwe with him? ---No.

Did you tell him that you felt it was wrong, that the Communist Party members should be infiltrating into the organisation for their own ends?---No.

Did you ever mention that to the Regional Command?--- Except only that at the Regional Command I complained about this money question and said that if this was not arranged satisfactorily persons would have to go and find something to do for himself, my lord.

Yes, I am coming to that. But you made no complaints at all about the fact that Communist Party members are supposed to be infiltrating into the organisation for their own purposes?--- No, my lord.

And you have told us that you are in complete agreement with the Freedom charter?---You say that I had been in full agreement and...

And that you are still in agreement with the terms of the Freedom Charter?---Yes.

(THE WITNESS IS SEATED).

Now, I just want to go shortly through the terms of this charter to have them on record.

BY THE COURT: Is it on record?

MR. BERRANGE: Not yet, my lord.

DR. YOTAR: My lord, I have not mentioned it at all! Not even through this witness, though my learned friend suggests I had.

MR. BERRANGE: The witness gave evidence about the Freedom Charter.

BY THE COURT: I have no recollection of his mentioning it.

In any event, it doesn't matter. He may have mentioned it in passing. It doesn't seem to matter.

CROSS-EXAMINATION BY MR. BERRANGE (Continued): I will put the question to him! Were you led to believe, by the Communist Party, that the Freedom Charter should fully be carried out?---
Yes, my lord.

And the Communist Party made it clear to you that they wanted the policies of the Freedom Charter fully carried out?---

BY THE COURT: Have you ever seen this Freedom Charter? ---
I have seen it.

CROSS-EXAMINATION BY MR. BERRANGE (Continued): And you are very well aware of its contents, aren't you?---Yes, I am, although I did not .. I won't be able to testify that I know it by heart, my lord.

We won't worry you about that. But you were led to believe by the Communist Party that the contents thereof should be implemented fully?---Yes.

And the Freedom Charter contains the following demands? If I read out anything to you with which you do not agree, or which you think the Freedom Charter does not contain, or if you think I am wrong, please say so! I am not going to read the whole Charter my lord. I am just going to read extracts.

"Every man and woman shall have the right to vote for, and stand as a candidate on all bodies which make laws"?---Yes.

You are in agreement with that?---Yes.

And you know that Africans cannot stand as candidates?---

I do know that.

Nor can they vote?---Yes.

"There shall be equal status on the bodies of state, in the Courts, and in the schools, for all national groups and races"? ---I know that.

"All people shall have equal right to use their own language, to develop their own culture and customs"?---That is correct.

"The national wealth of our country, the heritage of all South Africans, shall be restored to the people"? --Yes.

"The mineral wealth beneath the soil, the banks and monopoly industries shall be transferred to the ownership of the people as a whole"?---Just on that point now - the mineral wealth... That is my point. Now, the members of the A.N.C. who are not members of the Communist Party, will take that as you read it on its face value.

That is how I want you ^{to} take it as.

"The Mineralwealth, beneath the soil, the bank and monopoly industry, shall be transferred to the ownership of the people as a whole".---That is correct.

That is in the Freedom Charter?---Yes.

And that is what you agreed with?---Yes. I am still in agreement with it.

"Restrictions on land ownership on a racial basis shall be ended, and all the land redivided amongst those who work it to banish famine and hunger?" Correct?---Yes.

"Nobody shall be imprisoned, deported or restricted without a fair trial"?---Yes.

"The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children"?---Yes.

"All who work shall be free to form trade unions, to elect their officers, and to make wage agreements with their employers"?---That's correct.

"All people shall have the right to live where they choose, to be equally housed, and to bring up their families in comfort and security"?---That's correct.

"South Africa to be a fully independent state, who respects the right and sovereignty of all nations"?---Yes.

"South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiations and not be war"?---Yes.

"Peace and friendship amongst all our people shall be secured by giving equal rights, opportunity and status for all"?
---That is so.

"The people in the Protectorate of Basutoland and Swaziland shall be free to decide for themselves their own future"?---Yes.

"The right of all people-~~who live in South Africa~~ of Africa to independent themselves and self government shall be recognised and shall be the basis of close co-operation"?
---Yes.

Those are the main demands in the Freedom Charter?---Yes.

where you join issue between the Charter, and what you say the Communists wanted, was that the Communists say that the mineral wealth of the country, and the national wealth of the country shall belong to the workers, and ^{not} to the people.
---Yes, I say that it shall be shared. It shall go to the people who live in the country, no matter who they are.

Whether they are capitalists?---Yes.

Or whether they are socialists? Or Communists?---Yes.

And you have always believed that?---Yes.

Always believed that?---Yes, that that should be so.

Why did you join the Communist Party, if you say there is this distinction?---Just what I said - when I joined the Communist party, then I saw that they don't talk about all the people as a whole.

They talk about the workers?---They classify the people. They put them in classes.

And if you didn't believe in that, why did you join them?

BY THE COURT: He answered, Mr. Berrange, that he only discovered that after he joined the party.

CROSS-EXAMINATION BY MR. BERRANGE (Continued): why did you continue to belong to the Communist Party, if you didn't believe in that?---Because, by the time I realised that I was so involved in so many cases that there was no way of backing out.

You say you never raised any objections at any time? You never discussed this?---I did not raise any objections anywhere, my lord.

Why not?---The reason is after being involved so far with the sabotage and all these things, if I had backed out, I would have been killed, and so many people with whom I had become familiar and known...

What about them?---Who were in this organisation - they would not have left me alone.

What would they have done?---They would have killed me.

But couldn't you raise these problems without leaving? Couldn't you raise these ideological or political problems?--- There was no point in doing that. At once, when you showed any sign of being against them, you were considered to be a pimp.

And you do 't consider yourself to be that now?---No, not at all.

You have given this evidence, and you have made your statements to the police - for the benefit of the African National Congress? Is that what you want us to believe?---Not to assist the A.N.C. alone . but all the people in South Africa.

But we are talking about the A.N.C. - your organisation.
---Yes. The AN.C. amongst all the people.

And the reason why you disagreed ideologically with the Freedom Charter when they spoke about the wealth of the country going to the people, and the Communists policy, which you say is for the wealth of the country to go to the workers, because you are such a great respecter of property? May I put it more simply, perhaps. You don't believe that property should be taken away from any people at all?---Yes, I don't agree with that.

You are a respecter of people's property?---Yes.

Do you remember the time when you went into hiding?
Yes.

And you remember the occasion on which there was an attempt to arrest you? And you got away?---An occasion when I was about to be arrested, and I got away? - -

Yes?---No, I was never cornered by the police.

Do you know Johannes Phungula... Phungula.---Yes.

Do you know him?---Yes. Phungula.

How long have you known him? --- Since 1962, I will say, my lord.

Is he a friend of yours? ---He was not a friend of mine, but he was a fellow member of S.A.C.T.U.

A fellow member of the Trade Union?e--Yes, our trade union.

There is nothing against him that you know about?

---No.

And he has nothing against you that you know about?---No.

Did you tell him how you resisted arrest at Mariandale? Marianvale.---No, I didn't tell him that. I have no knowledge of Marianvale.

Where were you sleeping at that time - when you were in hiding?---At Georcedale, first.

Yes?---And.... where I used to sleep?

Yes?---And Kloof and Winstonpark.

Did you ever sleep at your cousin's place?---I have many cousins.

Any cousin, once you were in hiding?---"hilst I was in hiding? There were many houses that I slept in. Those I have mentioned, particular ones, where I stayed for considerable times, my lord.

Did you tell Johannes Phungula that the police had come to your door one night, when you were at your cousin's place? That you ^{resisted} /arrest, and then did you show him a cut on your head, and told him that you had also injured your right shoulder? ---I remember that, yes, but not police.

Not police?---Not police.

What was it then?---Tsotsi's.

And if he says that you told him it was the police then it would not be true?---He would be lying.

Did you say that you had fired two shots with a revolver? ---Yes. I fired at the tsotsi's.

You say they were tsotsi's and not African police?---They were not policemen. Phugula said to me, I remember, "Don't you think that they were police?", and I said "No, I don't know".

Did you say "I don't know"?---I said, "No, I don't know", my lord.

Now, I come back to the question I was asking you just

before the interval. You say you have given evidence in other cases before?---Yes, but not political cases.

Cases in which you yourself you have been involved?
Yes, one.

Well? What sort of cases?---Attempted murder.

Who was the accused?---Joseph Nduli.

You say that that was not a political case?---No, that was an attempted murder charge.

Wasn't that a case where a bomb was put in the Induna's room?---Yes.

One of the acts of sabotage that you have related?---Yes, but the difference is that that person did not attempt to murder this person for the... had no connection with the organisation.

It wasn't a political crime - it was a personal crime?---
Yes.

It was a personal grudge.---Yes.

You made the bomb, though, didn't you?---Yes.

And you gave evidence about it?---In that case, yes.

And one of the witnesses gave evidence to the effect that he had received a bomb?---He said he received a bomb?

Yes? That he had heard about it? ---well, when the witnesses were giving evidence in Court we were not listening.

But you must have been questioned by the police?---Well, whether I had made the bomb...

No, you must have been questioned about this incident by the police?---Yes, I was.

You actually gave evidence for the State?---Yes.

And did you tell the police that you had made this bomb?
---No, I did not.

You hid that from them?---Yes.

Any other cases in which you have been involved?---

(The Interpreter: The witness wishes to say something). I just want to know - when you say I hid it from the police, you mean at that time?

Yes!---Yes, that is so.

and you didn't give any evidence about it, although you knew all about it? ---I did not give evidence.

Tell me, have you ever been to a reformatory?---No.

Is that truthful?---Yes.

Have you ever been in gaol?---Many times when I was still a youngster, but not a reformatory.

How many sentences have you served?---In 1950 there were several charges that were taken as one.

May I just....?---I am sorry, my lord. All the sentences taken together amounted to four years. Four and a half.

Four and a half is what you served - six is what you were sentenced to!---I served, actually four and a half years. Two years of that - I am not certain whether it was consecutive, or what...

We are not worrying about whether it was four and a half or six. What was the offence for which you were sent to gaol for 6 years?---It was for taken parcels, articles, from a goods train - a truck.

Stealing?---Yes.

That was in 1952?---1950.

Do you remember... were you ever at Vereeniging?---No.

No?---No, never at Vereeniging.

Were you ever shot at while trying to enter and break into a shop, hm?---No.

Were you not convicted and sentenced to 18 months imprisonment?---No.

How many convictions have you got - I am only talking

about convictions in regard to dishonesty.---- would say three.

Have you been in gaol on every occasion?---Yes.

And they were all for dishonesty or theft?---For theft.

And yet you broke from the Communist party and its ideology, because you are a respecter of property?---Yes, and the reason for that is serving in gaol in 1950 taught me to respect other people's property.

And it taught you so well that you were not prepared to serve in the Communist party when they said the property was to go to the workers, and not to the people?---Yes

You were still blowing up other people's property, though, weren't you?---Yes, I was doing that.

And that is because you were completely satisfied that the policy of the African National Congress was the only policy which would enable the African people to achieve what you felt they should be able to achieve?---Yes.

And you still feel that today?---Yes.

They can only achieve this by violence?---The word violence is rather..

Yes, well, by acts of sabotage, and that sort of thing. ---I would say yes.

So, you say you joined the African National Congress in 1957.---I did.

So you have told us nothing about the years 1958 to 1959? when you were an active member in the Congress?---I wasn't in full time work. I was just assisting wherever I could.

Do you know that during those years the African National Congress in order to achieve its aims, on policies such as passive resistance, demonstrations, strikes - all sorts of activities that was then legal, but which was later made illegal? -o--That is correct.

And then you came to the conclusion that the only way in which you could achieve the ~~demands~~ demands under the Freedom Charter would be by the course of conduct that you have described?

---You mean whether I came to that conclusion?

Yes, the same as everybody else? ---A European came from Johannesburg, though I did not see him personally, he came there, and gave the information that the A.N.C. has now deduced, that...

You have told us that already. I am asking you whether you agreed with that?---Yes.

Do you still agree with it today - you told us that this morning?---Yes, if it is carried out, and done by the A.N.C. and not in conjunction with that other party.

You think that if the Umkonto We Sizwe went and blew up installations and houses, and those types of things, today, you would still be in agreement with it?---I would still agree with it, if the people of South Africa would be in opposition and fight the Government, but not when other States, and other countries are called in.

So you are not prepared to take assistance from other States - is that it?---Particularly the Communists.

No, any State?---It is difficult, even for me now, to know who is a Communist, and who is not, but I say, the people and the country, if they oppose the Government, then I am in agreement in opposing the Government, but not to call in others from outside.

It doesn't matter who they are?---No, it doesn't matter who they are.

But you would still be prepared, at the present moment, to pursue a policy of violence? As long as other people aren't called into it?---You mean as as I feel today?

Yes!---Then I just want to tell you that I cannot answer that question now, because I don't know what is going on. I am inside. I don't know what is going on outside. I don't know what the position is, but, up to this date, my feelings are .. I feel now, as I am here, that it was a mistake that was made when it was decided to fight.

When did you first realise that?---whilst I was detained - 90 days.

Coming back to this question of this reaction of yours against the Communists- you have already told us that the Communist party told you that the freedom Charter was to be carried out fully? Correct?---Yes.

And they told you that the distinction between white and non-white should be wiped out- your words!---Yes.

They told you that you should fight those who stood with the Government and do away with the Government - your words! ---Yes.

They taught you that after you got the better of them you will get them... they will get them converted to their ideas. ---Yes.

They taught you that every person was to have the right to vote, irrespective of race, colour or creed?---Yes.

As long as he is a human being?---Yes.

And all those things are what the Freedom Charter taught you?---Yes.

But you are now giving evidence today because you did not agree with this concept that the wealth should go to a certain class of people and not to everyone?---It is not only that. It is one of the reasons that brought me to give evidence in this case.

Well you have given us the other reason - and I propose

to give you the chance of dealing with it. One of the reasons that you gave was the fact that you said that the leaders had run away?---Yes.

was that true?---Yes.

Who had run away - who had left the country?---Jack Hodgson. Johnny Makatini.

Why do you call him a leader? He went on military training!---He is in ~~Nereke~~ Morocco Now - he was a leader.

A leader of what?---Of the A.N.C.

And he is in Morocco now?---Yes.

What happened to him?---He is staying there.

But he came back?---when?

He went up for training, as I say. Anybody else?--- Many of them - Joe Slovo...

Give me the leaders who ran away at the time when you decided to give evidence for the State? Over that 24 hour period when you got arrested - what leaders had left the country at that stage?---I am not only referring/^{to} what happened in June - I am referring to what was happening all the time. The people - as soon as they were faced with particular difficulties, they fled.

You said that the leaders had left the country, and that is why, when you were arrested, during that night, you decided that you were going to give evidence for the State. I am asking you what leaders had left the country at the time when you came to that decision?---Joe Slovo. Michael Harmel, Jack Hodgson...

They had all left the country at that time!---They had left.

The country?---Yes.

Really! And Nelson Mandela?---Talking about Nelson

Mandela I want to tell you that he is the only one of the leaders that I have respect for.

Yes?---Because, you see...

You are talking about a lot of leaders leaving the country. You see a lot of men in the dock here, don't you?---Yes.

Tell me, other than going to gaol for theft, breaking into railway coaches, and that sort of thing, have you ever been banned? Have you ever been put under house arrest?---No.

Have you ever been prohibited from attending meetings? ---No.

Have you ever been sent to gaol for your political beliefs?---No.

That is what happened to most of these men here!--That I admit.

But you, Mr. Mtole, preferred to ~~give~~ evidence against these men, because you say the leaders had left?---I said one of the reasons, but these people - referring to these people sitting here.....

Yes? Go on?---In regard to them, there are of these also, that I realise that they were playing the fool with us.

I am not worrying about playing the fool with you, but they didn't leave the country, and nor have you suffered any of the things that they have suffered, have you? ---I haven't suffered the suffering that they have suffered, but they are... the deeds that they have done are amongst the same as the deeds of those who fled.

Perhaps you might explain to us then, that you said one of your reasons was because they did not care for the security of recruits?---I said so.

Do you remember telling us about the meeting you had and

when it was suggested that in future, in order to enable the recruits to have more security, planes would be arranged?--- Yes, and immediately after that meeting, the first batch that was taken away was caught. Secondly, arrangements that were made that I entered in a diary of mine..

We will come to the diary in due course - go on!---.. of a group - it was arranged that we had to send them up. We arranged for them to be at the Germiston Station..

Yes, we know the story!---They never met them. If I had not been with them they would have been arrested there, and locked up.

So, in order to ensure the safety of the A.N.C. movement decided to make a statement?---In order to... in the interest..

You made a statement? In the interests of the A.N.C.? Not the A.N.C. alone. All the people of South Africa.

They would all benefit, and you regarded yourself as a benefactor?---Every person on this Earth ought to think of other people.

Don't you think that that is a bit of sheer hypocrisy? ---No, I am saying that for it is true - from the bottom of my heart, my lord.

Tell me, you went to a party once, and you said that at this party you went and had a look - somebody showed you Walter Sisulu's house?---That is so.

Did you go inside the house?---Yes.

Who was there?---There were some children sitting in the door. We went in and enquired for his wife. She was not there.

Who took you there?---Levy.

Who?---Levy Siloro(?).

Why?---He said he would show me Sisulu's house.

Why? You are at a party - why should he want to show

you Sisulu's house?---The party had not started yet.

So why should he want to show you Sisulu's house?---He was just going to show me the house of one of the leaders. He was one of the leaders.

But why?---So that I should just know.

Know what?---My leader's house - know my leader's house.

But why?---It was just incidental.

I know, but why - for what reason?---It is natural that if I came to a strange place, that a friend would go and take you and show you your leader's home.

But why? ---So that you would just know it.

But why should you want to know it?---It is not that I wanted to see it. He said to me "Would you like to go and see Sisulu's house?", and I said "Yes, I will be glad".

Yes, but what was the object of it? Why should you want to see it?---Because he is my leader.

I want to suggest to you that this is completely untrue! Did you go inside the house?---Yes, I went inside.

What part of the house did you go into?---We came in from the back.

What part of the house did you go into?---We went through the kitchen, we went to the dining room.

Yes? Anywhere else?---We sat down in the diningroom.

In the absence of Sisulu or his wife? Sat down in the diningroom - what for?---Siloro then asked where Mrs. Sisulu was, and the boy said she is not at home. Then Siloro said "It is alright - you will see him at the party in any case, because he will be there".

So that was your only reason for going to this house? ---That is all.

You went through the kitchen, and into the diningroom?

---Yes.

And were those the only rooms into which you went?---I did not enter any other rooms.

You will be very interested to know that Mr. Sisulu's dining room suite was bought in 1942 for £60.0.0. and that was the only furniture they ever had in the room!---It is a very nice one.

When was this?---1963.

Yes, but when in 1963?---Towards the end of April.

But by that time you had already become disillusioned with your leaders?---That does not mean to say that I would not agree to go to the house.

Had you already become disillusioned then? Had you or had you not?---Let me put it to you - at that time we were in opposition to the Government. If you then said to me "Come along, I will show you the house of the Prime Minister", I would gladly have gone along with you and had a look at it.

Maybe, but where you at that time disillusioned?---Yes.

Then I still want to know why you went to his house?---I have put this example to you to show that even if you hated anybody - no matter how you hated him - even if at that time I was in opposition to the Government, if you had told me you would take me to look at the house of the Prime Minister, I would gladly have gone.

You were in opposition to Sisulu at that time, then?

Were you? Were you?---At that stage I was suspecting everyone - all the leaders. Not anyone in particular - I suspected all.

For the reasons you have given us?---Yes, gradually as things developed .

And at that time you were in hiding, weren't you?---

Yes.

Do you think it is a very safe thing for you to go to Sisulu's house under the circumstances, when you are supposed to be in hiding? ---The police in Johannesburg do not know me.

Coming back to these Communist party lectures - that you have told us about. You said, amongst other things, "after we have got the better of them" - that is your language - "and get them converted to our ideas, each person is to have the right to vote, irrespective of race, colour or creed, as long as he is a human being". You told us that that is what you were taught in the Communist Party? You have told us that capitalism was to be replaced by socialism, and socialism was thereafter to be replaced by Communism.---Yes.

As far as you are concerned, you want capitalism to remain?---I told you that when you read the Freedom Charter, as you read it there it gives you the impression that it refers to all the people. You don't see that there is a catch in it.

I don't suggest that there is. You have already told us that as far as the Freedom Charter is concerned, you read that as meaning the wealth should belong to everybody. I say, you want capitalism to remain?---Capitalism should remain, but then the country itself must not be up for sale ...

You really want us to believe that that is the sort of thing that you were taught by the Communists? Tell me, what is the difference between socialism and communism?---I just want to say something.

Yes, alright - go ahead!---I didn't tell you that the Communists taught me that - I told you that I, personally, did not want the people's property to be taken away from them.

In other words, capitalism should remain?---Yes.

what is the difference between socialism and communism?
---There are different kinds of socialism.

well, tell us the difference between socialism and communism. You raised the matter - I did not raise it!---There is a socialism which is the foundation of communism.

What is the difference between the two, please? You tell us that you have attended Marxist study classes once a week for a number of years, and I have already suggested to you that I am beginning to doubt whether you were ever a member of the Communist Party. Now, I am asking you a basic question - what is the difference between socialism and communism? There is nothing more basic!---Socialism - with that the wealth of the country is in the hands of the workers, but there would still then be capitalists.

Let me get this clear - the wealth of the country would be in the hands of the workers, but there would still be capitalists - under socialism?---Yes.

Go on!---Then gradually the capitalists will be eliminated, but now, the difference is this, if the Government is taken over by force, then it will be an immediate break.

What?---Capitalism will be broken immediately. There then the property will be taken and confiscated.

Are you really seriously saying - you who have attended Marxist study classes, and so on - can you say that you have been told that under socialism the wealth of the country is divided between the people and capitalism remains - is that what you are really seriously telling the Court?---Yes, the change will take.. the elimination of the capitalism will be by degrees - gradually - but if it.. it depends what is decided. If it is decided that the working people take over by violence, then capitalism will be eliminated immediately. They

will be finished off immediately.

I am very much indebted to you! I sat for years on the treason trial, but this is the first time I have heard this definition.

BY THE COURT: what is the use of this, Mr. Berrange? I am not going to investigate what their definition of socialism or communism is.---I am only going to address your lordship on a later stage on this point. It is my submission that this witness' evidence in regard to attending these classes is false.

CROSS-EXAMINATION BY MR. BERRANGE (Continued): What is historical materialism?---I can't say that in Zulu language. It is what a person might say is Marxist philosophy.

No, no, please! Tell us what is meant by the words Marxist ... I beg your pardon, historical materialism?-- That is difficult to say it in the language. I am asking if he can give a definition - even in English - if he wants to.

This is basic!---As I say, it is based on the ideas as Carl Marx saw it. It is also referred to as the scientific world outlook.

what does it mean?---To look at the world in a scientific way.

Is that what historical materialism is? What is dialectical materialism? What is the difference?--o-I would put it this way, my lord, that it is to train your thoughts. It is something that you must not just accept - you must think and investigate until you get to concrete fact. You must not just accept what is being said.

Is that what dialectical materialism means?---Yes.

And now, what is the difference between idealism and materialism?---Idealism is that all the people who live on the earth here firmly believe that they are.. their whole life

is guided by God.

Yes, go on?---And whatever they receive, and get, they receive through the mercy or the gift of God. And materialism in contrast to that, is a belief that everything you get on this earth, you must get for yourself - you must work for. Not exactly that you have got to work or earn it - you get it from people. Idealism is a gift from God, and materialism is whatever they get...

You have told us that.---Now I want to define the difference between that and materialism. Materialism, first of all - forget about God! Forget all about superstitious things which don't exist. Think that people on this earth have the power to get for themselves what they want, and that all that we possess and get on this Earth we get through our own initiative, and others, and not through God at all.

What is meant by the word dialectical?---I have already said that that means you must investigate facts, until you get to the concrete facts.

Just tell us- I don't want to waste any more time on this - where did you learn this - out of what books did you learn these peculiar definitions?---Stephen Dhlamini taught me this...

No, what books? Stephen might well have taught you a lot of rubbish! Did you ever read any books at all which would give you any one of these definitions in regard to the matters²⁵ which I have asked you about? ---Yes, in regard to idealism and materialism. There is a book that I read.

What is it?---Dialectical and Historical Materialism, by Morris Corth.

Any other books that have given you these definitions that you have told us about?---Yes, and one that was lent to me by

Ronnie.

What was that?---Socialist Philosophy.

By?---The same author.

Any others?---Many others.

What were their names? ---I don't remember them all - for instance...

I want to find one book that will give these definitions you have given us?---I don't follow your question properly.

Can you give us any other book that you have read that will support these definitions that you have given us, hm?---Is your question whether there are any books I read that will support what I said about historical materialism .

Yes, and historical and dialectical materialism, idealism and any other books than the ones here mentioned?---Fundamentals of Marxism.

By?---I forget the author. That is one of them. There are volumes of that. The Start of the Proletariat. By V.I. Lenin.

Does that then give the definitions as you have given them to us?---Yes, the ideas are all the same. Like Dialectics of nature.

By?---I also forget the author, my lord, of that.

AT THIS STAGE THE COURT ADJOURNS.

BRUNO MTOLO.

Belt 130(b) CROSS-EXAMINATION BY MR. HERRANGE (CONTINUED):

Mr. Mtololo you told us this morning that Mr. Nelson Mandela was the one man for whom you had respect?

---Yes.

Why?---Because he was one of the leaders who, after he had left south Africa and went out, who came back again to report to us what he had done and where he had gone, and explained to us what he had got, although he was being searched for by the Police all over.

And yet you had no hesitation, ofcourse, in 10 betraying him?---I don't think that he knew that these people would turn as they did, and say we must do this and that.

I don't understand what you mean by that - could you explain yourself?---I would say firstly in regard to the movement now - it was said that the movement was not going to end up with sabotage only, it was going to proceed and enter into guerilla warfare.

Yes?---If the Government wasn't going to be lessened. To the sabotage now - But when the Government came 20 along with this challenge of the 90 days, they were not prepared to face that and continue fighting against the Government.

Who were not prepared to?---The leaders.

You say that at that time the leaders were not prepared to continue with sabotage?---Yes, as they didn't want to face this 90 days law.

Did they give an instruction that sabotage must stop?---No, they ran away. They left us without money without everything. 30

Did these men run away?---As far as these people are concerned, with them only in regard to the fact that they were to supply us with funds which they did not. That is in regard to these people.

BRUNO MTOLO.

That was the complaint you had about them?---
There are other complaints that I have already given
the Court.

I still want to know what you mean with this when
you said "I don't think that he knew that these people
would turn and say we must do this and do that". Do
which?---I mean by that that he, Mandela, my opinion is
that he did not know that these people did not carry on
with what they were supposed to do. Supply us with funds
and all those things. He did not know that they were 10
not continuing doing their part.

So your complaint was that you couldn't continue
with sabotage because you weren't getting money?---That
is only one.

I know, but I'm wanting to know what you mean
when you said that he didn't know that these people would
turn and say do this and do that?---I mean by that that
things were planned for certain stages, which was supposed
to have been done, and my opinion is that he didn't know
that these people were not carrying out those instructions.
They were not continuing with the plans that were made.

Is that why you had great respect for him?---Yes,
because he played his part fully.

Now at the time that you had this report...when
the Regional Command had this report from Mandela, you
made no notes of what he had to say, did you?---No, we
didn't take notes.

And at that time you did not know that many,
many months later you would be called upon to give evi-
dence?---Yes.

30

And you didn't make any special endeavour to
remember everything and exactly what was said by him?---

....

As you had no reason to?---No, the report he made

BRUNO MTOLO.

to us and other things he told us, we were supposed to remember that, because as members of the Regional Command we were supposed to know and remember, take notice of what he is telling us.

To make notes of what he says?---By memory, but it is a natural fact that you will not remember all... everything but the important things you should remember.

And you wouldn't be able to give the exact words which he used?---No.

Right, now what I propose to do Mtololo, is to 10 read to you what it is that Nelson Mandela says he told the Regional Command, and when I go on through that I want you to tell me whether it is correct, whether you've got any comments - This meeting was early in August 1962, wasn't it?---Yes, between July and August.

And after he had been introduced, he told all the person present that he was glad to meet the Regional Command and that it pleased him to see that they were all young men?---I can hear you, yes.

Is that correct?---That is correct. 20

He told them that he had come, not only to receive their reports, but also to report to them the results of his trip to other countries outside South Africa? ---That is correct.

He told them that ~~he~~ he had left the country early in the year to attend the annual conference of the Pan African Freedom Movement of Central, East and Southern Africa. The name is Pafmesta, you mentioned it yourself? ---Yes.

In Addis Ababa(?) and Ethiopia?---That is correct. 30

He told them that this Pafmesta Conference was opened by Emperor Heillie Selassi.---Yes.

Who made an exhaustive and impressive review of the struggle for National liberation in the Pafmesta

area, or words to that effect?---Yes, he said that.

You see I'm not reading out to you the exact words, because he can also like you, not remember the exact words, but he can remember the gist of what it was that he said?---That is correct, I understand.

And then he dealt..Mandela dealt more specifically with Emperor Heillie Selassi's remarks on South Africa, in which Emperor Heillie Selassi attacks the racial policies of the South African Government.---That is correct.

And he told you that Emperor Heillie Selassi had pledged his support to the African people of this country, and their struggle for freedom?---That is correct.

That would be the correct way of putting it?--- You have already said that - those were his words, I agree that that is the gist of what he said.

He told them of a revolution on South Africa which had been unanimously passed by the conference?---Yes.

And in this resolution it condemned the ill treatment of the African people in this country, and he told you people that Emperor Heillie Selassi had promised support for your casue?---That is correct.

He told you that the Ethiopian Government had promised every assistance?---That is correct.

That money would be made available?---Yes.

And that in fact, he had already been given £5,000 in Ethiopia?---Yes, except that I cannot now be certain about the amount he mentioned. An amount was mentioned.

You wouldn't dispute it?---No, I don't dispute it.

I only want you to stop me where you dispute something. He told you that scholarships had been promised, and that Emperor Heillie Selassi had sent his warmest felicitations to Chief Luthuli?---In regard to scholarships.

Yes?---What type of schools?

Just scholarships?---To just ordinary education?
Scholarships, yes.---No, that I don't remember.
But its possible?---As far as I recollect this
that you are mentioning now, was training...military
training.

Is it possible that what he said was that Emperor
Heilie Selassi had discussed the question of scholarships
with him?---No, that I don't remember.

You don't remember, but he says that that is what
he said. Do you deny it?---I don't know why he would have
spoken about scholarships in a Regional Command meeting.

He many have had a reason which you don't know
about?---But I don't remember him ever saying it.

You are not prepared to deny it?---I will not deny
it as a fact, but I don't remember that he mentioned that.

And he told you that after the Addis Ababa con-
ference he toured the African continent?---Yes, he did.

And that he had visited a number of countries in
Africa?---Yes.

He gave you the names of the countries?---Yes. 20

And he told you that in all these countries he
had been received either by Heads of State or by Kenya
Government representatives?---That is correct.

And he told you, amongst the people whom he had
met were people such as Mr. Julius Nyedi(?) President of
Tanganyika?---He may have mentioned that.

You don't deny it. I only want you to tell me
something when you deny it. Mr. Kawawa(?) then Prime Minister
of Tanganyika?---I don't remember him.

Emperor Heilie Selassi of whom you have already 30
told us?---Yes, he mentioned him.

General Abud President of the Sudan?---Yes, I know
he went to the Sudan, he said he went there.

And the name you don't remember?---The name I don't remember.

Yes, well you probably don't. Abeli Bulbusia(?) President of Tunisia?---Yes.

Ben Bella, President of Algeria?---Yes.

Modoko Kaoka(?) President of Mali?---Yes.

Leopold Seka(?) President of (?)?---The names I don't remember.

Yes, you don't deny it, I just want to run them off. Mr. Sekteori(?) President of Guinea?---Yes. 10

Mr. Kaupman(?) President of Liberia and Mbuti President of Uganda...Prime Minister of Uganda?---Uganda, I remember.

He told you also that he had been to London?--- I don't remember that.

And met Mr. Hugh Gatesfield, the leader of the British Labour Party?---I don't remember that.

You won't deny it?---No, I'd say he did not say that.

And Mr. Joe Grymond(?) leader of the Liberal Party?---What country? 20

In England, in London?---No, he never said about the visit to England.

Is there any reason why he should say he mentioned these people if he didn't? Isn't it possible that you have forgotten?---Yes, but he didn't say anything about England.

Now then he dealt with his visit to Algeria. You remember he spoke to you about that?---Yes.

And he mentioned that Mr. Ben Bella had invited him to Ushdah?---To who. 30

To Ushdah?---Who's Ushdah.

A place?---I don't remember that name...yes, it's

the name of a camp. It is the name of a camp, if its the name of a camp, he said to the Camp.

Headquarters of the Algerian Army of National Liberation?---He said that.

And there he said he had met officers of that country's army?---That is correct.

Including the Commander in Chief?---That is correct. He named him, I don't remember the name.

And he told you that he had been promised assistance by the Algerians?---Yes. 10

And they would supply your men with training facilities?---Yes.

Correct?---Yes.

And then he went on to say this - he thinks it was at that stage that he warned you that he didn't know that if any of you were communists. He said that if any of you were communists, those people would have to be careful in carrying out their conscience with members of the Regional Command?---He said they must be careful not to be what? 20

Be careful in carrying out their conscience as members of the Regional Command? He also told you that the Regional Command was not to be used as an instrument for the propagation of communism, because to do this would be a serious mistake?---No.

You deny that?---What he said was that we must never expose to the African States the fact that we are Communists. He warned us about that.

Is that the language which he used?---Yes, he was dealing with the Marxist views. He said that with the Marxist views. He said we must not expose that to the African countries. 30

And didn't he say that the Regional Command...?---

He said because the African States are the people who are prepared to help us, but they are not prepared to help Communists.

Exactly, and that is why he told you that the Regional Command was not to be used as an instrument for the propagation of Communism or Communist propaganda, for that very reason?---No, he did not put it that way.

You can remember the way he put it?---Yes.

What language was he talking?---He was speaking in English. 10

Speaking in English?---Yes.

And he then told you also that the Commander of the Algerian forces was, in fact, a sympathiser of Communism?---He said that that was the person that he found that was in agreement with the Communists.

Yes, and he pointed out that the Algerian and the army authorities had been very hostile to the part played by the Communist party in Algeria?---No, he didn't say that.

And he went on to tell you why. Hadn't you perhaps forgotten?---No.

Didn't he go on to tell you that the reason why the army authorities had been hostile to the part played by the Communist party in Algeria was because the Communist Party in Algeria had refused to dissolve itself, and all the other parties in Algeria had agreed to do it?---No, he didn't tell us anything about the political situation and about their politics in Algeria.

Didn't he tell you that these parties had all, with the exception of the Communist Party agreed to dissolve for the purpose of forming the F.L.N.?---No. 30

That in fact, is history, do you know that?---It maybe history, but he did not tell us that history.

Even though it may be history he didn't tell you that, and then he went on to say to you that the immediate aim of the Liberation Movement in this country, in South Africa, was not the realisation of the Communist Society, but the winning of political rights on the basis of the revolutionary principle of one man one vote?--- Yes, he spoke about the political situation in South Africa, but not exactly as you are putting it.

How then? I'm only putting it the way in which Mr. Mandela has put it?---What I remember what he said, 10 he said we, the leaders here in South Africa, we must learn to know our own history, because as it progresses it will become a guerilla warfare and then all out war.

Yes, I'm coming to that later on?---He said therefore, he wants us to introduce this Umkonto We Sizwe, in the rural and urban areas.

Yes, on the basis of the revolutionary principle of one man one vote! That is what they were fighting for! ---No, it wasn't put that way that it was for the purpose of one man on vote. 20

Will you say if he did mention one man, one vote, what did he say about one man, one vote? We know what he's said in the context as I've put it?---I don't say it.

You said so a moment ago?---I don't agree with the suggestion that he spoke about that we were struggling or fighting for one man, one vote.

But you agreed with that a moment ago? You yourself agreed with that a moment ago?---No, I did not. I said just now that what you read out there is what Mandela said, but not in the way that it is being read out 30 there, or the knowledge of the history of our country. 131(B) (?) was also part and parcel of that, so that we could take Umkonto We Sizwe to the people.

Yes, irrespective of social groups, or irrespective of class? To all people!---You couldn't go to your enemies with it.

No.---You would go to the people that you know that are with you...that are in opposition to the Government.

That's right. Irrespective of their social groups and irrespective of what class they are?---Yes, that is to say whether they are Europeans, or Indians or whatever they are.

Yes, or whatever they believed in? As long as 10 they were prepared to fight on the side of the liberation movement?---Yes.

And then he also told you that you were assured of wide support for your cause from the whole continent of Africa?---Yes.

And he told you that both the Casa Blanca and the Mon Robia(?) groups had strongly condemned the oppressive policies of the South African Government?---He did, yes.

And fully sympathise with the struggle of the African People for Democratic rights in the land of their 20 birth, or words to that effect?---Yes.

And he then went on to say that if and when members of the Regional Command or their recruits, ever visited the African States, they should refrain from meddling in the internal affairs of those countries?---Yes, he said that.

Yes, and it was in that light, he says, that he felt obliged to criticise the attitude of New Age towards the politics of the Egyptian Government?---Is that the Egyptians? 30

Yes?---Yes.

And in speaking of his visit to Egypt he told the Regional Command that his visit had coincided with that of Marshall Tito, and that he had not been able to wait until

General Nasser had been free to see him?--No, I don't remember that.

Is it possible?---I cannot ^{say} that he did not say that, but I don't remember that lot at all.

Its fair enough, and he said that the officials with whom he had spoken in Egypt had criticised the article appearing in New Age, because they had...these articles had attacked General Nasser's attitude towards Communism!--- That is correct.

And he told you people that New Age did not necessarily express the policy of your movement, that's what he had told the Egyptian officials, and that he would take this complaint up with New Age?---That is correct. 10

And to try and use his influence to drop this line?---That is correct, not to continue with it.

And he also told you that he hadn't visited Cuba, but that he had met the Cuban Ambassador in Egypt, Morocco and Ghana?---I remember him saying something about Cuba.

Yes, we'll come to that in more detail, and then 20 when he dealt with question of white and Asian recruits, he said that as Cuba was a multi-racial country, it would be logical to send such persons to this country, as they would fit in there more easily, than they perhaps would in the African States?---That is correct.

And then he says he did refer to the Umkonto We Sizwe at this meeting?---Yes.

But he says he did not mention to you that the Umkonto was the military wing of the A.N.C.?---He said it,

You say he said it. Now this man whom you respect says he didn't say so! Had you never heard of the Umkonto We Sizwe before then?---We saw it in the newspapers, but we had never been told first officially. 30

Ofcourse you had seen it in the newspapers. You knew of the existence of the Umkonto We Sizwe long before Mandela came here?---That is correct.

In fact, a proclamation had been issued on the 16th of December about the Umkonto, a month before that!--- Yes, at that stage we only knew it as a group that was committing sabotage. It had not been named yet.

But it had been named in the newspapers!---It didn't have an official name. Yes, that is what I say - we only saw it in the newspapers, and we had not been 10 informed officially about it.

And then he discussed the question of security and underground organisation, do you remember that?--- Yes, I remember something about that, just go on further.

Can't you remember of your own?---Yes, I want to know whether he will say what I know what he says, in regard to that.

Let me put to you what he said - he warned you people that you must never assume that a person, however high his status or his position is, ^{who} might be in the move- 20 ment, that he is a member of Umkonto!---No!

Is it possible that he discussed this under the heading of security?---No.

He said you must never be seen handling literature dealing with underground organisation!---Yes.. that is one of the things he said in regard to the security.

Yes, and then he went on to speak about the activities of Umkont0? It would go through two pages!--- That is so.

Then the first act of sabotage?---Yes.

In the hopes that that would force the Government to change its mind?---Yes.

About it's attitude towards the non-whites?---Yes.

And that if that didn't happen then they would possibly be guerilla warfare?---That is correct.

And then he dealt with the problems relating to each phase of sabtoage and guerilla warfare?---I remember that.

And when he was dealing with these problems, it was then that he said that you people must study your own history and your own situation?---That is so.

And he said you must ofcourse, also study the experience of other countries in revolutions?---Yes, but 10 he impressed on us that the most important is that we must study our own history.

Right, I agree with you, and he said that you must study, not only the history of revolutions where revolutions were successful but also where revolutions had failed?---Yes, I remember that.

Yes, there are lots of things that I've put to you now which you are remembering which you didn't remember before! That you haven't told us of before?---Yes.

Yes, it shows you that one can forget can't one? 20 ---Yes.

And he emphasised that you people must not study literature on the subject by the Western Countries, that's on the subject of revolutions, but also that of China and Cuba as well as Algeria?---Yes.

And he stressed, as you yourself has said, that you should be experts in the history of your own struggles for freedom?---Yes.

And he mentioned the acts of bravery performed by such people as Chaka and Dingana and Bambata?---Yes. 30

And he said only by the singing of the praises of your own heroes would you win support for your cause, or words to that effect?---Yes, that's right.

Now besides what I have put to you now, is there anything else that you say he said?---Yes. Firstly in regard to the technical committee.

Yes?---...

Look I don't want to interrupt you, I'm not talking about your internal affairs, I'm talking about anything else that he said in regard to his visit overseas. We can deal with your internal affairs in a moment. If this has got to deal with it, then go ahead, if it hasn't well then...?---I don't want to be confused. I think your question was 10 whether there is anything else that Mandela there, that is not...

That I haven't read out to him, dealing with his report on his visit overseas?---Yes, there is something about his visit also.

Yes, well that's what I want to know?---That is about Eric Mtshali.

About Eric Mtshali, yes?---He told us that he had found Eric Mtshali in Dar-es-Salaam.

Yes?---He was ...and that he was one of the re- 20 cruits who had been sent to the African States to be trained.

Yes?---That as soon as Eric Mtshali arrived there, he exposed his views to indicate that he was a communist.

A Communist? Yes?---And that he Mandela, had to fix up that mess.

Mm...Because that was consistent was it not, although this is not admitted by Mr. Mandela, but assuming that that was what he said, that was consistent with what he told you people!---It goes with that.

Yes?---He told us that if we visited the African States, we must not expose the fact that we are Communists.

Or you mustn't punt (if I may use that expression) You mustn't punt the Communist mind!---Yes, or even just to

show that you are Communist.

You mustn't make Communist propaganda?---That's right.

Because as he told, and I've already read out to you, that the Regional Command was not to be used as an instrument for the propagation of Communism?---No, that...

AND that this could be a serious mistake?---No, that doesn't go together at all.

But that's logical! Eric Mtshali....

BY THE COURT TO MR. BERRANGE: Is it logical?---I think it is. 10

I don't regard that as logical!---Very well, My Lord.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

You see Mr. Mtololo, from what you told us, Mr. Mandela told you that Mtshali had in fact, been going around saying "I am a Communist"?---...

He exposed this fact?---Perhaps that's how you see it, but to us he just gave it as a way to show how Eric had cropped himself by exposing the fact that he was a Communist. 20

But in a Communist Line?---Not that he was going around telling everybody that he was a Communist.

Well, what is it then? However, and what is the reason why he didn't do that?---As I know Eric he's not the type of person that would go around about tell people he's a Communist, he would speak it confidentially. He would let it out to a leader...

Don't tell us what you know about Eric. What I want to know is this - According to you, Mandela complained 30 about the fact that he had exposed the fact that he was a Communist, and he was warning you against it?---Yes, that is correct.

And the reason for that, I'm putting to you, is because he told you that the Regional Command was not to be used as an instrument for propagating Communism?--- No, he didn't put it that way.

Well then what was the reason for it?---He said we, the Regional Command, is in charge of recruits, for instance that are being sent out.

Right?---Then we must consider our duty, as we know what the position is now.

Yes?---To warn these boys that when they come 10 there, they must not let out or let the people know that they are Communists.

And as you have already agreed, you mustn't punt the Communist mind!---My quarrel with you is only this - that I don't agree with you when you said Mandela told us that we, we must not use the Regional Command as a propaganda machine for Communism. That is what I don't agree with. He didn't say that.

But what he did say is that recruits who went over must not go around talking about Communism?---Yes, 20 they must not expose the fact that they are sympathetic with Communism.

And they mustn't go and try and put Communism across! That's why I used the expression punt the Communist mind!

BY THE COURT TO MR. BERRANGE:

That's not what the witness said?---May I ask him then what he did say?

He said people going outside the Country can't talk about Communism or disclose the fact that they are 30 Communists. That's all it comes down to?---Yes.

He said the speech went no further than that!---

And I'm suggesting it to him that he was also told

that they mustn't make Communist propaganda!

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

---No, he didn't say that.

Right, anything else that you want to add to what he said in regard to his visit overseas?---That is about what I can remember.

You've forgotten one, and I can help you!---I will be glad if you will remind me.

Do you remember telling us that when speaking about the money that had been given for the struggle?--- 10
Yes, yes that's correct.

Do you remember?---Now I remember.

Yes, you remember that now, yes, and you say that you said at the hearing when you gave your evidence in chief, that these states had promised to donate 1% of their budget?---That is correct, and that he had brought \$30,000 in cash with him.

I'm talking about the 1% now. You're not guessing about this?---No.

He did mention 1%?---1% of the budget. 20

Of their budget, and that he said had been agreed at this conference?---He didn't say it was agreed at the conference.

Yes?---He said some of the African States.

Yes?---Some of the African States said that they would contribute 1% of their budget.

You didn't get that from the newspaper did you?
---Then I'll go further and say that Mandela actually commented on that - he said "it is surprising the support that we are receiving from the African States". He said some of these States who had made those promises...he said and it is surprising that some of those States, who are prepared to give us assistance in that way, by giving 1% of their budget, is really countries that are themselves

very poor.

Did he say that this had been a resolution part at the conference?---I've already said that was not said as something that was decided at the conference.

Yes?---It wasn't a resolution that was passed at the conference. Not from what he said. It was in his report about all the different States that he had visited.

Yes?---And he said some of these States, gave him cash, I'm talking about 1%. 10

Which State supplied 1%?---No, I can't remember what States they were. Some of the States. Others gave cash.

You see we've got a report about this! The report of this conference, an official report, and I'm wanting to know whether you are not perhaps confusing this meeting with what you read in the Sunday Times, of the meeting a year later. I don't think it matters, if its just a question of recollection?---No...

Do you remember reading a report about a further 20 conference at Addis Ababa a year later, that is in May of 1963?---I read about the conference in 1963.

1963, in it was in that that the statement appeared that the African States would pay 1% of their budget!---Yes, that is quite correct, but that was a year after we had already received the report from Mandela that we were going to get 1% of their budget.

I see, because according to the conference and according to Mandela, the deny it emphatically. They have no recollection of having said this! Something else you've 30 forgotten today!---Also another thing that I can remember now, is that he said that Heillie Selassi said that in regard to recruits, that were to be trained in his country, he was quite

prepared to go and fetch them in Francistown, at their own expense.

Yes, anything else? Let me help you - you spoke about Eric Mtshali just now, didn't you?---Yes.

And you know ofcourse, that Eric Mtshali, was amongst the first batch of recruits to go out of this country?---From Durban yes.

132(B) You told us that yourself. Do you know of any other recruits from anywhere else?---Not from personal knowledge, from reading the newspapers, from seeing them, 10 but not a personal knowledge of them.

Well, when did Eric Mtshali go North?---It was the middle of 1962.

Yes, well we've got evidence from other cases and people who went there that he left in June in 1962, and there is further evidence that he remained in Johannesburg for three weekends before he left for Bechuanaland? That was three weekends after the 13th of June? That is not in evidence in this trial My Lord, but its evidence given in other trials?---I would have no knowledge of that.20

Yes?---Because we just bring them to Johannesburg and then we go back.

Yes, because that is so, and then we've got further evidence that it took them about fifteen, sixteen or seventeen days to get from Lobatsi to Dar-es-Salaam?--- I know nothing about that.

If that is true, its quite clear that Eric Mtshali couldn't have arrived in Dar-Es-Salaam until some time in August!---I don't know. What I'm telling the Court is just what Mandela told us.

30

Yes?---How he came there and what happened, I don't know.

But you say that nevertheless, he was thrown aside, I think is your words used by you?---According to

what Mandela told us, yes. We only got it from Mandela.

Yes, and do you know any other recruits that want from any other parts of the country before this party of Eric Mtshali's?---You mean outside Natal?

Yes, any other part?---No, except what I might have seen in newspapers. Otherwise no personal knowledge at all.

No knowledge at all, and you say you saw anything in newspapers? Let me frame my question clearly - did you see in newspapers that other recruits had gone North before Eric Mtshali's group went North?---No, not that I remember. 10

No, in fact, there is no such evidence that we know about! Because you see if that is so, and if Eric Mtshali's group was the first group to leave any part of South Africa, they couldn't possibly have been trained in Ethiopia for three months at the time that Mr. Mandela was there!---Mandela never mentioned anything about this man having to be trained in Ethiopia, he only said that he saw him in Dar-es-Salaam. 20

Yes, I'm talking about the first group of recruits!---No, I just want to correct you about the fact that Mandela told us that he had found this man in Dar-es-Salaam. You said that Mandela found him at Dar-es-Salaam...I'm sorry, you said that you were referring to Ethiopia, I say that he said that he found him in Dar-es-Salaam.

In Dar-es-Salaam, well I'm in agreement with you. If I said Ethiopia, I'm mistaken, but I think that you made the mistake. I think I said Dar-es-Salaam too! I was talking about the first group of recruits that was going to Ethiopia! It is quite clear that Eric Mtshali, at the time that Mandela was in Dar-es-Salaam, could not have reached Ethiopia yet. That is clear. He couldn't have been there 30

for three months?---Then all I can say is that the information that you have must be wrong, because Mandela told us so about this man. Mandela wouldn't tell us lies.

Glad to hear that! You don't regard him as being a man who would tell lies?---For what reason would he come and lie about this?

Because you see, I want to put it to you purely on the basis of failure of recollection and a twist that you are giving to the conversation you had with Mandela! ---I was a member of the Regional Command, and that is one 10 of those things that I remember and that I should remember and not forget.

Right, because let me indicate something to you - do you remember after Mandela had been arrested and you told us that it was thereafter decided to embark upon some acts of sabotage by way of protest?---Yes.

You said there was a special meeting?---Yes.

And you said that after having received news that judgment had been given that he had not been sentenced? ---Yes. 20

You said that according to the newspaper he had been convicted, but he was to be sentenced on the following Friday?---Yes.

And you then decided to show the Government that you were protesting against this finding, and to commit further acts of sabotage?---Yes.

You then say he was convicted on the Friday?---Yes.

And on the Sunday we committed other acts of sabotage?---Yes.

And amongst those acts, these were acts 74, 75, 30 76 and 77 My Lord, it was thereafter that the Special Branch at Durban, the coloured authorities at the Masonic Road?---Yes.

The Municipal Kwamasha?---Yes.

And a petrol bomb inside a train going to the North Coast?---Yes.

And the Hammersdale Signal box?---Yes.

And you say all those acts of sabotage were committed by you people in protest against his conviction? ---Yes.

And had he then already been sentenced?---Yes, he was sentenced on Friday and we did this on Sunday following

Well, according to my information you know, his 10 trial only took place on the 15th of October, and he was convicted on the 7th of November?---Well, then I will not stand on particular dates, but the fact is that he was to be sentenced on the Friday and the immediate Sunday following that, we committed those acts of sabotage.

You also told us you know, that he was convicted first of all, and then the matter was postponed for sentence, and in truth, he was convicted and sentenced on the same day!---No, the position is this, that was according to the newspapers. He was found guilty and then it was 20 said that the judgment will be given on Friday. (BY THE INTERP.) Just before you go further, the word "judgment" was used by the witness in the English language. I don't want any confusion about that.

But I'm putting to you that he was sentenced on the same day as that upon which he was found guilty!---That was not the information we got in the newspapers.

I see, so the newspapers gave you different information to what I put to you, yes!---Well, if you are correct.

Yes?---Then I will admit that the information in the newspapers must have been wrong.

Must have been wrong, or as a further alternative,

is that your evidence isn't true, or you have made a mistake. Those are all further alternatives!---No, there's no mistake.

No mistake? I see, because you see his trial only started on the 15th of October, he was then convicted and sentenced on the 7th of November, and these acts of sabotage, which you say you committed in protest against his conviction were actually committed on the 14th of October before he was ever brought for trial!---No, he had been convicted on the Friday. 10

I'm not interest^{ed}/in that, I'm putting it to you that we shall establish that these acts of sabotage to which you have attested Nos. 74, 75, 76 and 77, leave out the date altogether, were committed before Mandela was ever brought to trial!---He was already sentenced.

Because these acts of sabotage, according to the State case, were committed on the 14th of October, there can be no mistake about that them, and his trial started on the 15th of October! And he was convicted on the 7th of November!---Well, when we did those he was already convicted and sentenced. 20

I see. Well, now if we...?---I'm certain about that.

If we establish the fact that these acts of sabotage were committed on the 14th of October and that Mandela was only brought to trial thereafter, then none of this evidence of yours can be correct, can it?---I say again that what I'm certain about is that when we did those, Mandela had been convicted on that Friday and we did it on the Sunday, and I have a good reason for remembering. 30

Yes?---Because we did not want to commit those acts on the Friday because we well knew that the Police would be on the alert on that Friday. (Mr. Berrange and

interpreter talking at the same time).

You've given us that already?---That is why I'm certain that he was sentenced on Friday and we did it on Sunday.

Now I'm only putting to you one proposition - assuming that we are able to establish that these acts of sabotage were committed before Mandela was ever brought to trial, will you then agree that the whole of your evidence on this aspect would be completely wrong?---It would surprise me, but the fact will still remain that I'm cer- 10 tain about the facts that I've given.

You see because the State's own case is that these acts were committed on the 14th of October?---Well, then I would like them to refer carefully to those dates.

Yes, well I'm doing so, I'm basing my allegations upon the State's case! Can you be mistaken?---As far as that part is concerned, I cannot see how I can make a mistake.

And if you find that you have made a mistake, what will you say of that?---I'll be very surprised. 20

Would you say that your evidence was a figment of your imagination?---No, I will be surprised because what I said in my statement in regard to that, I'm sure it is correct.

You're as sure of that as you are of the evidence you have given?---Yes.

133(B) BY THE COURT: That was the meeting when he made the model?-- When he did the demonstration to show us, was the day after the meeting.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

I'm talking about this meeting, and I'm wanting to know from what was said at this meeting! I've asked you several times now!---I've already told you what he said

at the meeting.

Is that all he said?---Yes, that he was sent by the High Command, that a High Command has already been formed in Johannesburg that is going to be in charge of all this. In charge of the sabotage, and that he was sent down to come and teach us.

Is what you have told us this afternoon all that he said to you that day when he came to see you?---No, he also gave us the plan of the other sabotage groups. He said there should be four groups, he said the sabotage groups would be four groups.

Yes?---One of them to be a Sergeant. He would be in charge of the other three.

What else did he tell you besides what you've told us this afternoon?---And that the fourth person who is in charge of the other three, would be in charge of the other three, and that anyone of them, if they see somebody that they suspect is also a saboteur, they must not try to gain any information from him or to find out whether he is or not. He said that this sabotage organisation was something that was going to be part of the A.N.C. work. and if there is anything that is causing the A.N.C. any difficulty, that these sabotage groups will deal with that particular subject or object. The main object of the sabotage groups will be to injure the property of the Government, damage or injure the property of the Government. Whatever it is, if it is connected with the Government, and take for instance Municipal places or Municipalities who are in agreement with the Government, or anything else that supports the Government.

Yes?---That would be the work of the sabotage groups, and we were required at all times, to be careful, when these operations are carried out that people should

not get injured.

Yes?---Oh yes, he also told us ...we were also instructed to go around each group on its own, or any member of the sabotage groups, as a whole we must go and spy around and find out any places where any weapons, arms or ammunition is stored up which belongs to the Government. Dynamite and such things.

Yes?---And then targets of Government properties that we could attack.

Yes?---Such members, if they detected anything like that, were to come back and report to the Sergeants.

This is all that was said at this meeting the first time when he came there?---Yes, there's many things that was said.

Yes, but I want you to tell us what?---I'm telling you now. We were also told that whatever job we did, we must give a report on it to the Regional Command.

Yes?---And the Regional Command will then submit the report to the High Command.

Yes?---And then he said we must now meet again 20 tomorrow at the same place.

Yes?---Then on the next day when we arrived, ...

BY THE COURT: Well, counsel has only asked you about the first day, have you completed that?---Yes, I think that's about all I can say about the first day.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

Is that all?---Yes, I think that's all I can say.

You know you haven't remembered your evidence very well?---I remember. The next day I went to Billy and told him to give me....

30

No, I'm talking about this meeting on this first day, that we are talking about?---Yes.

Is that all you can remember?---Yes, I think that's

about all I can remember.

I see. Alright, now shall I tell you what you said last time?---Yes.

You said amongst other things "we must consider it our duty not to stray from the law of the A.N.C. We had to teach the soldiers that they must respect the A.N.C. ---Yes, I said it here too.

Just don't interrupt me - "we must get people to join and establish cells and that we have to learn from the ways of the Communists in China arranged their wars". Have you forgotten about that today?---Yes, he said we must read certain books.

This is not what you told us today, but this is what you told us on the last occasion - had you forgotten this today?---I told you that he said that the sabotage group must support the A.N.C. in all its undertakings, whatever they are.

That's not what you said on the last occasion either?---I have also told you that he said that we must form groups.

"We must get the people to try and establish cells, and that we must learn from the ways that the Communists in China arranged their wars", had you forgotten that today?---I don't remember saying about doing like the Chinese.

I see, right so you don't remember that today. Let me go on - "we must get to know about their military arrangements"(that's the Chinese military arrangements), had you forgotten about that today?---Yes, I remember that he said about books or literature, papers that we had to read to see how the Chinese operated.

So he did talk about the Chinese then? You are remembering it now!---But not as it is stated here.

Not? It is in your language? "We must get to know about their military arrangements" (the chinese military arrangements). Did he tell you that?---You mean in Stratheman(?)

Yes, in Stratheman!---I don't remember that.

You don't remember that! "And we must also learn how the fighting in Cuba took place", have you forgotten that?---Yes, I remember him telling us about Cuba.

Had you forgotten that today?---Yes.

Mm. "because the war that we were going to wage was ...would not end just by destroying Government property yes, the time has come for us to go into the open and into the bushes to fight a guerilla war". Have you forgotten that today?---...

Had you forgotten that, that's all I want to know?---I remember him telling us that.

Had you forgotten it? When I asked you to give evidence, I asked you to say what he told you?---Yes, I'd forgotten that.

You had forgotten all those! "And the aims to go into the open and the bushes to fight guerilla wars, and eventually this would turn into a wholesale war". Had you forgotten that too?---I don't remember saying that Strachan said that.

Do you deny that you said it? That Strachan told you it would turn into a wholesale war? Or were you inventing this?---(No reply).

Did he say that?---Yes, he could have said it. He was speaking to us generally.

I know he was speaking to you generally; I'm asking you did he say it, and if so, had you forgotten that today?---Yes, you see quite a lot of these things you do forget. 30

Right, but you don't forget ofcourse, what passes between you and Mr. Nelson Mandela, do you? Let me take you to something even more important - that you had to start these operations on the 16th of December 1961 and that this date had been fixed by the National High Command on the Rand! Had you forgotten that today?---I'm inclined to say, now that you mention it, yes I didn't say that myself....

You're inclined to?---Yes, I would like to tell the Court that I think that my mind is tired, and that is 10 why I don't deny that I said that.

Had you forgotten it?---I had forgotten it. It didn't come to my mind because I think my mind is tired now.

But you said a lot of things now which you didn't say on the last occasion, that's the thing that interests me! ...I'll deal with later on!---I'm sorry about these mistakes, but I've been on 90 days, and my mind,..I get mentally tired, and that is why I'm getting confused.

BY THE COURT: Yes, I think actually I'll adjourn, I think he is tired. There's just one question I want to ask - You saw quite a lot of Harold Strachan at that time, did you not?---Yes.

You saw him on a number of occasions?---Yes.

Have you a clear recollection of what he told you on each occasion? Or can you only remember what he told you at some time or another?---I try to separate the events, and say what he said at different places, but I feel that I cannot do it now, because there was so many things, that I can't sort them out now, my mind's too tired.

AT THIS STAGE THE COURT ADJOURNS UNTIL

10 A.M. ON 16/1/1964.

ON RESUMING ON THE 16TH JANUARY, 1964:

BRUNO MTOLO, still under oath

134(B)

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

Mtolo, when we adjourned yesterday we were dealing with the meeting of the Regional Command when Harold Strachan came down to address the Regional Command, and do you remember I asked you to tell the Court once again what it was that Harold Strachan told the Regional Command? And after you had been through that evidence, I pointed out to you a number of matters that you had left out, and you 10 said you were very tired?---Yes.

I pointed out to you that you had made no mention of the fact that you had to learn from the ways of the Communists arranged their wars in China, or to learn about how fighting was done in Cuba?---Yes.

You made no mention of the fact that he had said the time had now come to go into the open and into the bushes to fight a guerilla war?---Yes.

And that you made no mention of the fact that he said that this guerilla war would then turn into a whole-sale war?---Yes.

Particularly that you had made no mention of the fact that the acts of sabotage would start on the 16th of December 1961, all of which you said you had forgotten because you were tired.---Yes.

Now you will admit that those are important things? ---Yes, again I want to apologise for having been so tired yesterday.

You're not perhaps mixing up this meeting with other meetings?---Yes, the points that you raised. the 30 majority of those points was points that were raised and included in the address by Strachan.

Do you mean the majority of the points that you had forgotten to tie over?---Yes.

I'm still asking, you're not perhaps mixing up this meeting with other meetings? Or was said at other meetings?---No, I will say that those points that were raised were all what Strachan said at that particular meeting.

Because there was something else that you had forgotten to tell us about yesterday, and you gave evidence in chief and told His Lordship that Strachan had said that something had already been tried out in Port Elizabeth?---
Yes.

10

And you also told His Lordship, on the first occasion that you gave evidence, that at Port Elizabeth what had been tried out was a dry cloth and a petrol bomb, as an experiment...a dry charge I beg you Lordship's pardon?---
That is correct.

Yes, have you forgotten that one also?---Yes.

What interests me, is the fact that yesterday, you alleged that a number of things had been said by Strachan at this meeting, to which you made no reference when you gave your evidence in chief - I'll tell you what some 20 of them were?---Yes.

You said yesterday that Strachan had told the Regional Command that he had been sent by the High Command, that this High Command had been formed in Johannesburg, that the High Command was in charge of sabotage, that Strachan gave you the plan of the sabotage groups, there were to be four in a group, one of them was to be a Sergeant and he was to be in charge. Now you didn't make any mention of that at all when you first gave your evidence in chief. How did that come about?---I think I did.

30

Mm?---I think I did say it.

No you didn't. I'm going to show you that you didn't!---I may not have said it at the time that I was

dealing with Strachan's speech. But in my evidence as a whole, I think I did say that.

That's why I'm asking you whether you're not mixing up this meeting with what has happened at some other meeting? I can assure that when you gave evidence about what Strachan told the Regional Command, you never made any mention of the fact that the High Command had informed Johannesburg that it was in charge of sabotage, that he gave you the plan of the sabotage groups, that there were to be four in a group, and that there was a Sergeant to be in charge. You never mentioned that!---I may not have said that at the time when I was giving evidence at that point.

Yes?---But in any case I think I did mention it during my evidence, because up to that stage, we had not known anything about it until he came and explained all this to us.

You may well have mentioned it in regard to some other meeting, but I'm putting it to you that you never mentioned it as having been told to the Regional Command by Strachan!---No, I'm certain that he said that, at the time when he addressed the Regional Command.

You weren't tired when you gave your evidence in chief!---When a person gives evidence, what you may call making your statement, that is giving your evidence in chief, is different to answering questions when you are under cross-examination.

Ofcourse it is, the whole case is based on cross-examination! I'm still asking you the question, when you gave your evidence in chief you weren't tired then?---Not to such an extent as I was yesterday afternoon.

BY THE COURT TO MR. BERRANGE:. Actually the one point where I think you're wrong Mr. Berrange, is he did say the instruc-

tions were given by the High Command, according to my note, when he gave his evidence in chief. He didn't say anything about the groups. He did say that he was given instructions by the High Command. That was said.--- Yes, he had come from the High Command. I gave him the whole thing in complex, I was more concerned about the fact that he had a plan of the sabotage group.

He didn't mention anything about the groups.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

Let me point something else to you - one of the 10 things you said that Strachan told the Regional Command, what you told us yesterday?---Yes.

That the main object was to injure the property of the Government? And the property must be property that is connected with the Government and they must injure properties such as Municipal places or Municipalities who are in agreement with the Government, and this was to be the work of the sabotage groups. Now you never made any mention of that at all when you gave your evidence in chief?---That I remember distinctly that I did say. 20

I'm afraid you didn't. I'll tell you when you did say it - I know you said, but you said that that was said at the first meeting of the Regional Command, before Strachan came down there. That's why I asked you the question, whether you are not mixing up one meeting with another meeting!---I remember distinctly that I did say it at that time. I remember that even the counsel who was leading the evidence at the time saying "Now what sort of places", and then I gave an example of the court.

yes, that's correct?---I gave an example of the 30 Court.

Quite correct, and that is what you said happened at the first meeting of the Regional Command, and not on this

occasion when Strachan came to address you! My Lord he gave a statement of the record.---That may possibly be so. I will not deny that, but then I will not deny, that maybe so that that was said at the first meeting of the Regional Command, but I will say that Strachan when he was there, the same things were repeated again.

I see. You never said so when you gave your evidence in chief!---It depends on how the questions are put to me.

No, no, I think this is one of the times on which it is up to you to say it, he was going to give you your head, and having given you your head for a little time, he then put a number of questions to you which you gave a number of answers to, but not on one of these occasions did you ever mention this as having been said by Strachan, and the last point, just a small point, you didn't tell His Lordship when you gave your evidence in chief, that whatever was done, whatever you people did on the Regional Command, the Regional Command would have to report back to the High Command! Let me put it to you more accurately - your words were "whatever we did, we had to report to the Regional Command and the Regional Command would report that to the High Command"? That you also you didn't mention when you gave your evidence in chief, but...that there had to be a report back?---There was a person who was specially appointed to do that who was a member of the Regional Command. It was his duty to do all the reporting.

You see what I'm suggesting to you is that you are mixing up what was said at some meetings with other meetings, and that you are just guessing! May I put it to you, that I will find it surprising and His Lordship will find it surprising too, if you were able to remember everything that was said at any particular meeting! But when I

put to what it is that Nelson Mandela is alleged to have said or not to have said, then of course, you're quite positive!---Things that happened, meetings and was instructions given or instructions received are two different things altogether.

I see, there were eight major things that were said by Strachan which you forgot to tell us about yesterday, and there are four matters which you told us about yesterday which you had never mentioned in your evidence in chief!---I have already said that from about half-past 10 three when you started on this particular phase, my mind was getting tired.

Yes, and His Lordship put it to you that you had a number of discussions with Strachan?---Yes, ^{we} were a few days together.

Yes, but there was only one meeting which...at which Strachan addressed the Regional Command.---That is correct.

Your other meetings with Strachan were meetings in which you were demonstrating or he was demonstrating!---20 That is right.

They had nothing whatsoever to do with the question of what report Strachan made to the Regional Command! ---Yes, its two different things altogether. What he told us, or reported at the meeting is one thing, and the demonstrations and other talks are separate altogether.

Quite different. You are not confusing those at all?---No.

What I'd like to refer you to was a meeting that you had with Mlangenie, No. 10 Accused, and Brian Simani 30 came to see the Regional Command?---Yes.

Do you remember that occasion?---I do.

Do you remember when it was?---It was during 1963.

During 1963? Do you remember what month it was?---
Round-about April/May between those two months. It was
round-about that period.

Round-about April/May?---Yes.

I see. Was that before any arrangements had been
made to send up recruits?---No recruits had already been
sent then.

Recruits had already been sent?---They were in
the course of being sent, yes.

I beg your pardon?---They were in the course of 10
being sent somewhere already away and so on.

Had they already been sent?--I remember that
Mlangenie spoke about a certain group that was required
again, and I know that before that some had already been
sent.

Had the first batch with Eric Mtehalu gone al-
ready?---Yes.

I see. Now I'd like you again...?---I remember
now, the first and second groups had already left.

Had already left when you had this discussion. 20
Now where did the discussion take place?---First of all we
met in the offices of S.A.C.T.U.

Yes, when you say we, who do you mean?---Mlangenie
and the Regional Command, but then we went and held the
meeting at Nayer's place, at George Naiker's place in
Malvern.

Before I go on, you were an official of S.A.C.T.U.
were you not?---Yes.

Did you have an office there?---No, not my own
office but I shared an office with others. 30

You shared an office, and I take it then that this
office which you shared with someone else, was the office
that you would use when the S.A.C.T.U. officials were not

there? Or at least, when the person with whom you shared the office was not there?---Yes, I even ...even if the other offices who occupied that particular office are out or are away there, I would continue with my work in that office.

Yes, I'm talking about when you had the Regional Command Meeting there?---We had no meeting in that office. Never! There was another apartment that was empty.

Oh, I see?---On the same premises, on the same floor.

Yes, alright, now would you kindly tell His Lordship what it was that was said, and I don't want you ...I want you to try and not forget anything at all by Mlangenie and Brian Simani when they met the Regional Command on this occasion?---Firstly, I had met Mlangenie in Johannesburg when I was up in Johannesburg. 10

Please I do want to get on, what happened at that meeting in there?---Yes, I must give you the lead by starting it. So when Mlangenie arrived down in Natal, he wanted to see me because I was the person he knew.

Yes?---For that reason he wanted to see me. 20

Don't worry about that, tell us what he said when he met the Regional Command?---Yes, just give me a chance I'll tell you. So when I met Mlangenie, he said that he wanted to meet the Regional Command, because Chief Sobata will be arriving from the Transkei and he must be...and it is required that he must be the host of the Regional Command. (He means guest).

Where were you then?---We were then in the offices of S.A.C.T.U. when we met.

In your office?---That is this empty place I was talking about. 30

You and he and Brian Simani?---Myself, Mlangenie and Brian Simani.

The three of you?---Yes. Although I had no knowledge then, up to that stage I had no knowledge of this supposed arrival of Sobata, evidently the Regional Command had some knowledge of it, what I understood from him...

I know, but I do wish instead of trying to pick up the thread of what you may probably have memorised, you would come to my question and what happened when he met the Regional Command! That is all I'm asking! We know the Regional Command ultimately met, these two people at George Naiker's Garage. Now what happened when the Regional Command met these people?---After I had made arrangements for them to meet the Regional Command.... 10

Please, won't you tell us what happened when you did meet?---Yes, Mlangenie then said that he had come to tell the Regional Command that after Chief Sobata had arrived there, he should be taken to Johannesburg.

Who did he have to go and see in Johannesburg?--- He did not say, and that the Regional Command had to pay all the expenses for such a trip, and then the question was discussed of a group of 8 people that were required. 20

How was this question raised, that's what I'm interested in? Who raised it? Who spoke about it?---He said the High Command required a further eight people.

Is that what he said?---Yes.

Was this immediately after he had told you what was required in regard to Sobata?---I couldn't place it in order, but I'm telling you what was said at the meeting.

Continued on page

BBAt 135(b).
16th.

So you said eight people, what happened to them? --- Eight people were required to come to Johannesburg, who had to go and be trained outside. And that those people would have to get off in Germiston, where a person who would be sent by the High Command, would meet them. He said arrangements would be made, certain signs or signals would be arranged, to recognise each other. Those signals were then also arranged.

What were the signals.---The arrangement was that the leader of that group of eight would carry an umbrella.

Yes?---On arrival in Germiston, as soon as they got off the train, he will open and close this umbrella.

Yes?---And then the person who had come from the opposite side to meet them there would say "Manzi."

Yes?---And then this person with the umbrella would also reply "Manzi."

Yes?---That is the way they would recognise each other.

You say this was after how many groups had been sent?---As far as I recollect, two groups had been sent already.

No that is not consistent with your evidence. Your evidence is that three had been sent, but again I make no comment. Anyway, come on?---I am refreshing my memory. I will remember just now. Yes, that is correct. There were three groups. The third group was the group that was caught at Beit Bridge.

Anyway, let us get on with the meeting. Was anything else said?---And then detonators was discussed.

Who spoke about them?---We said that we were short of detonators. Then Mlangeni said that in Port Elizabeth

they had 1000 detonators, but that they did not have dynamite but that we could swop over. We could supply them with dynamite and they could supply us with detonators.

Yes? Anything else said? Tell me was this a short meeting or a long meeting?--It was not a very long meeting.

Was anything else said, or is that all you remember? ---He also asked us to give him a report of the work that we had already done.

Did you do so?--Yes we did.

Was anything else discussed?---I think that was about all.

And you say it was not a very long meeting?--Not a very long meeting.

You see here again, the one thing that was of some importance was the question and you have made a lot of point of it at various times in your evidence, was the question of your complaints and your requests in regard to money, and when you gave your evidence you said that after the Sobata business had been discussed, Mlangeni then asked whether there were any other requests and you told him what your complaints were, and you told him of your requests in regard to money, and you said that at that time, as far as you remember, Mlangeni had not yet received this message to come to Rivonia, you had not received the message to come to Rivonia, and that you then used your notebook to refresh your memory in regard to these various complaints. Now you have forgotten all about that today. ---You are making a mistake there in regard to the notebook. The notebook was not made there at that meeting where Mlangeni was.

Did you have a notebook at that time?--I had a

a diary but I made no notes there.

Did you refer to anything in your notebook?---
Afterwards when the message came that somebody was required at the High Command. Not at this meeting where Mlangeni was.

I read you your evidence, from the official record, page 139. " After Mlangeni had explained his purpose to the Regional Command in regard to Sobota, he then asked us whether there were any other requests that we had to the High Command. We told him what our complaints were and our requests with regard to money. I believe at that time when Mlangeni came there we had not yet received this message to come to Rivonia, because these instructions that I have mentioned now through my notebook, refreshing my memory through my notebook were then given to him there." And then the question was put to you by my learned friend "Given to Mlangeni?" and your reply was "Yes at the meeting." Now none of this have you mentioned today.---When Mlangeni asked us whether we had any complaints and when we gave him our complaints, he, Mlangeni, wrote that in his notebook.

Not your notebook?---No, not in my notebook. I want to clear this up. After we had given him those complaints, he went away with them, and then after that, when a message was received from the High Command, we then, the Regional Command, held a meeting. That is where I made notes. All these things were then referred to again.

This record is not quite clear. I think if I may put it to the witness, what the position probably was is this: that when you were being questioned about these complaints, you made the notes later, after Mlangeni had been there, at the Regional Command, but when Dr. Yutar asked you about these complaints you said "refreshing my memory through my notebook" - I have got no quarrel with that.

--I am not in agreement with that.

MR. BERRANGE (to the Court)

I think what happened was that the witness refreshed his memory at that time. BY THE COURT: Yes he did not say he made the notes at that time.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

I have no quarrel with you about that at all. What I am asking you, however, is this: today, when I asked you to tell us everything that passed at this meeting, you forgot to make any mention of these complaints and that you had made these complaints to Mlangeni about your requests for money, and you have made a great point during your evidence about these complaints. Had you forgotten about that today?---As a human being you can't remember everything precisely.

That is my whole point. As a human being, you can forget the most important things sometimes, isn't that so? ---For an example, you referred me to the money now. That was a matter that was raised there that I forgot to mention.

And all the other things, that you have forgotten in regard to your meeting with Harold Strachan. That is the only point I am making, as a human being you can forget the most important things, and you can make mistakes. That you are prepared, when we deal with the question of what Mr. Mandela told you to deny that he said certain things. ---I have already told you that what persons say at a meeting and in particular the instructions given by people is different, because instructions you have to bear in your mind.

Yes, and these were instructions.--Yes they were complaints and reports.

Now you remember you told his lordship in regard to an experiment that you made with black powder.---Yes.

You say you stir the ingredients, and you put a runner of black powder on the ground, set it alight, and you found that it worked very well indeed?---Yes.

Where did you get the ingredients for the black powder?--I bought some and Ablon Duma bought some on my instructions.

Included in the ingredients in saltpetre is n't it? ---Yes.

Did you buy that?--Yes.

Where?---At the chemist.

What did you ask for?---Saltpetre. I gave Duma a note and sent him to the chemist with the note.

Asking for a certain quantity of saltpetre?---Yes.

You had no difficulty in getting it?---I can tell you that that was not ~~difficult~~ difficult to obtain, but shortly after that when I went to another chemist the European there said 'No I can't give it to you.'

Did he say why?---He said it was dangerous.

He must have been suspecting you?--Don't know.

And then we will take you to Rivonia. You remember you arrived at Rivonia.---Yes.

You told us you saw Walter Sisulu there.---Yes.

He said he was just going, he was in a hurry,--Yes.

You had a few words with him?--Yes.

And he went off.---Yes.

And you told us about the conversation that you had with Mbeku and you went to bed that night?---Yes.

Now if I understand your evidence correctly you got up very early that morning, the following morning?--Yes. I got up early.

About 6 o'clock?--I would not say that it was about six, it was early.

Were you the first to get up?--No others were also up.

Didn't you get up first of all in order to go and air your bed and blankets?---That was the last day not the first day.

Well I am told it was the first day. I don't want to embarrass you but you had had a lot to drink the night before?--I am not embarrassed at all, and I am quite prepared to tell you why I got up so early.

Yes?--I am prepared to tell the Court why I got up so early.

You look as if you want to tell the Court.--no, I am under the impression that you think I am afraid to tell you.

No I just said I did not want to embarrass you. You had had a lot to drink the night before hadn't you?---Very much.

I am told that that little drinking party took place the first night you were there.---No it was not.

And that is why, as you have already told us in evidence, you got up so early on the next morning, that is the second day that you were there.---No.

What time do you say you did get up?---I got up in the morning early when all the others got up, but it was still early.

That does not help me in finding out what time it was. Before sun up?--Yes the sun was up already.

And you had a discussion with the man from Port Elizabeth, didn't you?---Yes.

You told us that a certain European came there that morning?--Yes.

Did you have a discussion with this man from Port Elizabeth before or after this European came?--We were talking to each other when this European arrived.

You were talking to each other when this European arrived. This European you have already identified as being Arthur Goldreich. And then you asked Arthur Goldreich the name of saltpetre?---Yes I asked him what the correct name was.

What is wrong with the name saltpetre, isn't that correct?---I know from experience, I work in a hospital. I know that things are called by names and that they have real Latin names.

Why did you want to know the Latin name?--Because I wanted to have a thorough knowledge of it.

Why did you want to know the Latin name though? Look, you had already bought saltpetre.---Yes.

You had already found that you could buy it. You had made a preparation with it, which had worked successfully. Why did you want to know the Latin name for saltpetre.--I wanted to broaden my mind, to have knowledge of what I am doing it.

Oh I see, just in order to broaden your mind. Is that the only reason?---To have knowledge of what I am doing

To whom did you direct this enquiry as to the Latin name, the real name?---I asked this person from P.E. and then he said he did not know. Then he asked Goldreich whether he knew.

This person from P.E. was an African wasn't he?---Yes.

Did you think that he would know the Latin name?---Yes, I thought that he would know, because we were discussing

BRUNO.

this black powder at the time, and he was telling me all about the black powder, and I thought that he would know.

So then the enquiry was directed towards Goldreich?

--Yes.

And Goldreich said that he had also forgotten the name?--Yes he said he had forgotten but he would go and look it up in a book in his house.

And he ran to the house?---No he did not run, he walked.

But wasn't he in a tremendous hurry to get away Goldreich?--Yes but that does not mean that he ran to the house.

Was he in a very big hurry when he came into the room?--He was fully dressed.

And was he in a very big hurry?---I cannot tell you how great his hurry was. He only said 'I am going away this morning, as I am now I am on my way to Port Elizabeth.'

Didn't you know that he was in a very big hurry?

---The extent of his hurry I can't say.

Did you realise at that time, when you addressed the request to him, that he was in a very big hurry?-- He said he was in a hurry to get away, but I can't tell you how...

Oh, he said he was in a hurry to get away, because that is what you said, you see. When you gave evidence last time you said 'I know that he was in a very big hurry.' --- He said so. But to say that he ran to the house, I don't agree with that.

Don't you? Well that is what you said last time, you know, this is the picture that you painted, of this man Goldreich, you first of all wanting to know the latin name of saltpetre, because you want to broaden your mind, then

Goldreich comes in, he says he is in a very big hurry, he is on his way to Port Elizabeth. He says 'I am leaving immediately'. He says he has forgotten the Latin name of saltpetre, and he hurries to his house in order to look it up and bring the information back to you? In fact, he did run to his house - that is what you said. "He said he would go to his house and go and look it up in his books. Then he went out, ran towards the house, after a while he came back" and what did he say?---It is potassium something, I have forgotten the second portion of it.

So that is the picture that you painted, of this man who is in a very big hurry, running to his house, looking up a book so as to enable you to broaden your mind. Mtololo, haven't you given this bit of evidence about you wanting to broaden your mind, and wanting to know what the Latin name for saltpetre is, and Goldreich running to his house when he was in this big hurry, just because of the fact that books of on explosives were found later on to your knowledge in Goldreich's house?---What was found in Goldreich's house and all that I have no knowledge of whatsoever. I was in Natal at the time.

You could of course have been told later on when you gave your statement?---By whom?

By the police?--No.

BY THE COURT:

Just arising out of this point before you go on to the next point, do you know anything about chemical formulae? You don't know for instance what the reaction is, if you have got two substances and you mix them together, then you get a third substance formed do you know anything about that?--Apart from what I have said here what I had been taught specially, I know nothing else.

How much schooling have you had?--I did not complete

J.C.

Then you must have learned something about chemistry, didn't you?---That was not one of my subjects. I picked my subjects myself..

Yes you did not take chemistry?--I did not take chemistry.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

Now you say that you saw No. 5 at this place?---Who is No. 5.

Kathrada.--Yes.

Did he look like this? Can you identify him from the photograph?---(Photo shown to witness) . He was not wearing sunglasses.

No? Otherwise was he like that?---It was just.. although I did not know what the original colour of his hair was I could see that it was dyed but he was, as I saw him, I could recognise him as Kathrada even though..

You are not answering my question. Did he look like this, with the exception of the sunglasses?---I don't know what you mean by that. Do you mean the clothes?

No I mean the face and the head.---I can just say that it was Kathrada, and I recognised that photo also as Kathrada, but at the time he did not have the sunglasses that he has got on on the photo.

Did he look like this with the exception of the sunglasses, that is all I am asking---Yes.

Yes, he did! And you had never seen him before?--- Except newspaper photos.

You had seen his photograph in the newspaper?--Yes

That is the only time you had ever seen him?--Yes.

And then you saw this man with hair that had been dyed, and a moustache, a bit moustache, according to the photograph, who looked like the photograph, with the exception

of the sunglasses, and from a newspaper photograph you immediately recognise this man as being Kathrada?--Yes I did.

I see. I can only tell you that when the police came and ~~was~~ arrested him, the police themselves did not recognise him? AND THEY HAD seen him many times in the flesh, and not in a newspaper.---Kathrada even said to me, himself, of his own accord: "Do you recognise me, see who I am?"

You see, that is a point I want to take up with you. I don't think it is of any great importance, because there will be no denial that Kathrada was there, but I want to put it to you, because he will say that you asked him whether he knew you. ---No.

No I am sorry, my lord, I am reading it from the witnesses' notes. Kathrada says that there was a light-hearted exchange of pleasantries between the two of you, and what he said to you was "Do you know that Kathrada has left the country?" and you answered and said "No, we heard he was underground somewhere".---That was said.

That was said?--And then he said, "and can you see who I am?"

And then he disclosed himself to you?--No, he was called Petro.

Yes?--And then I said to him "You are Kathrada." I even went further and said to him "I remember you from the time you were banned when you went to Mandela's trial"

Of which you saw photographs?--Yes.

And you recognised this man we have in this book from a photograph in the paper? It is of no real importance, but I am just putting it. But what I do want to ask, you is this: on the following morning, that is the morning following your arrival at Rivonia, you say you got up early, and you

had a discussion with this man from Port Elizabeth.--Yes.

You told us this man was an African.--Yes.

And I suppose you spoke to him in the same language which you people had used the night before, Zulu?--Yes.

I see. The only point I want to make about this is that Kathrada will tell the Court that he did not hear what it was that passed between the two of you. He was either asleep, which he cannot remember, or he was not paying attention.---I don't want to be confused now. Does Kathrada say that he did not hear..does he say that he did not understand or follow what was said between me and the Port Elizabeth man, or between me and ...

Exactly what I put to you, that he did not hear what was said either by you to the Port Elizabeth man, or by the Port Elizabeth man to Goldreich, or by you to Goldreich.---And not no. 4 accused? Not Mbeki?

No,no.--I cannot say whether he heard or not. We were three together talking there, but I cannot tell you whether he heard or not.

You say that later on that morning you saw Mbeki typing?--Yes.

And that later on Kathrada took a leaflet out for the purpose of stencilling it?

(Mr. Berrange asks for this leaflet, from the State advocates.)

Do you know what was in this leaflet?--After Mbeki, no. 4 accused, had drafted this leaflet he gave it to me and asked me to read it, so I saw it.

(DR. YUTAR: I would like to assist my learned friend. If the witness can indicate what he read I will be able to indicate whether I have such a leaflet in my possession).

BY THE COURT: Perhaps he can explain - what was it headed, and what did it contain?--It was dealing mostly with June 26th.

How the people had to celebrate June 26th.

AT THIS STAGE THE COURT ADJOURNS FOR THE
TEA INTERVAL.

ON RESUMING AT 11.30 a.m.

CROSS-EXAMINATION OF BRUNO MULO BY MR. BERRANGE (CONTINUED):

INTERPRETER informs the Court that "celebrate" is not quite the correct translation - in Afrikaans it would be "Daardie dag word gehuldig."

MR. BERRANGE: My lord, the State has not been able to lay its hands on this leaflet as yet. Steps are being taken to procure it, so I will have to leave this meanwhile and go on to another point in the meantime. Do you remember when Barney Desai came to Durban and said he wanted to see the Regional Command?--Yes I got that information from Billy.

And what did you do about it?---I was not satisfied that we had to see him. That is why, one of the reasons, that I had to establish, make sure of, when I went to the High Command.

Yes?--whether we should or should not see him.

What happened then?---Govan Mbeki said no we must not meet him.

Where did he say that?--At Rivonia.

I am talking long before Rivonia.--Let me put it this way, the Regional Command received information about Barney Desai's request to meet the Regional Command, and then we were not satisfied that we could meet him. That is why I made enquiries at the High Command about it. The Regional Command decided it, because I had already received information that I should go to Rivonia, the Regional Command then decided that I should enquire into that, as to whether we should see him or not.

You remember the occasion when you made arrangements to be met on the 30th May at Germiston?---13?

No 30.---Yes in May that is quite correct.

How did that come about?---

Let me cut it short - was there a meeting of the Regional Command?--Yes that is right.

And the meeting was in regard to your going up on the 30th?---Yes and then arrangements had to be made for somebody to meet me.

And where was this Regional Command meeting?--- at that time we were holding our meetings, and that meeting was held, in the van.

And was it there that you told Billy to inform Johannesburg that you would be there on the 30th May?--- That final arrangement was made in Billy's flat where Billy had got the instructions to advise me.

What did you go to the flat for?---That is where we made the final arrangements of my leaving.

Who made the final arrangements?--It was when Billy was writing the letter to advise I am coming.

But you had made all those arrangements before. You had agreed on a date.---Yes. But the letter advising them about my coming was written in Billy's flat. Billy wrote it in his flat.

You had earlier agreed on a date.---Yes we had.

And everything was finalised and all that had to happen was that Billy now had to write the letter advising them? ---That is so.

Now I am asking you what made you go to his flat? ---Everything was arranged finally, except that it was not 100% certain about the date. I had some other duties to perform, and it depended on that, so I went to Billy on that

day to say "I have performed my duties. The 30th is alright now, so now you can write and tell them it is the 30th."

But had you agreed on the 30th May when you were with the Regional Command?---The date itself was not fully decided, because the date of my departure depended as to whether I would have completed certain duties which I had to perform, in regard to the Trade Unions, therefore the finalising of the date was between me and Billy.

Now you arrived at Rivonia.--Yes.

What time of the day was it?---It was in the evening. I should approximately between half past seven and eight.

And who was the first person you saw?---They were all there together.

Who was the first person you spoke to?---Walter Sisulu was the first person I spoke to.

Solomon Mbanjwa was supposed to go up as well, was he not?--Yes.

Who was he to represent?--The A.N.C.

And you were representing?---Umkonto we Sizwe.

So there were two different representations?--Yes.

Because there were two different organisations?

---Yes.

And what happened when you saw Walter Sisulu?---He asked me where Solomon Mbanjwa was.

Yes?---I then told him that I was also only surprised to hear it from Mtembo here that Solomon Mbanjwa had to come.

Yes?---Then Walter said 'alright, I will give you a message to take.

To?--That I had to convey the message to Solomon Mbanjwa.

At that time was it clear that Walter Sisulu was in a great hurry to get away ---Well, he was sitting down, therefore I cannot say, ^{but} if he said there was somewhere he was in a hurry to go to.

Was he in a hurry to leave?--He said so yes.

Yes. And did he leave?--Yes.

Almost immediately?---As soon as he gave me the message, after he gave me the message.

I see. What was the message?---He said I must tell Solomon Mbanjwa to tell the A.N.C. that it is required that by the end of July that they must find 300 volunteers in Durban, and then, 200 in Durban..

Not 300,---Not 300. I made a mistake, I am mixing that up with the rural areas. (Witness says something to the interpreter). INTERPRETER: No, not the rural areas.

What you are doing is you are mixing up ~~with~~ this conversation with the conversation you had with Govan Mbeki ---That is correct. Walter Sisulu said from Durban 200 volunteers were required, and 2000 from the rural areas, are required.

Yes?--That will be required at the end of October, the 2000.

Is that all?---The 200 at the end of July. He said now seeing that I am in a hurry, there is somewhere I am going, ^{the} rest of the information that you should get you will get from Mbeki, in regard to those volunteers that he had mentioned.

Did he then leave?--He then left.

You see because Walter Sisulu will deny that he said this to you. And what I want to put to you is that you are really putting into Walter Sisulu's mouth what Govan Mbeki..what you allege Govan Mbeki told you. And that in

fat it was correct when you said a few moments ago you are mixing up the meeting with Govan Mbeki with that of Walter Sisulu.---No. What Walter Sisulu said and what Govan Mbeki said are different altogether. Walter Sisulu said 200 were required from Durban, and after we had spoken, and then after I had spoken with Govan Mbeki, he, Govan Mbeki, said we must find 300.

Anyway I am putting to you that Walter Sisulu will deny this, and what is significant, and again I want to suggest to you that you are making things up - you remember when you gave your evidence you were asked to tell what it was that Walter Sisulu said, and in evidence in chief you told the Court and his lordship, you gave this evidence about the 200 volunteers and 2000 volunteers from the rural areas but you went even further than that. You said that he said that Natal was to be divided into seven divisions. Had you forgotten that just now when I asked you this question?---He mentioned that, and said that the explanation I would get fully from Govan Mbeki.

You said a moment ago that the explanation in regard to the volunteers you would get fully from Mbeki, not the explanation in regard to the division. I asked you to tell us what it was that Walter Sisulu told you, and all you mentioned was the volunteers. Not a word about the divisions. You went on to say that the explanation in regard to the volunteers you would get from Mbeki. You made no mention whatsoever about Natal being divided into divisions. I am asking you, had you forgotten that when you gave your evidence a few moments ago?--Yes.

You had forgotten.---I forgot to mention that, that is right.

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Now you remember giving evidence in regard to the groups that had been formed in Natal?---Yes.

And you remember telling his lordship that you ~~thought~~ taught the sergeant in charge of the groups, you gave them instructions?---Yes. I remember that.

Are you able to tell us who the sergeants were that were in charge of these groups?---I can yes, but I am not certain that I can place them in their correct groups, but I can tell you who they were.

Has your memory failed since last time?--I can try now to do it.

I am asking you has ~~f~~ your memory failed?--No.

Because on the last occasion you were able, without any hesitation whatsoever, to say who was in charge of which group?--Yes, and I can say it now.

Why did you say a few moments ago that you were not certain?--I said there is a possibility that I ~~might~~ might not be able to place them, but I could try, as I tried last time.

Alright, well we won't take you any further on that. Who was in charge of the Kwa Mashu group?--Kernick.

Hammersdale is the one I am interested in.---
Solomon Mbatu.

Are you quite sure of that?--Yes.

Right. You also told us on the last occasion on a number of occasions that it was always mentioned of the A.N.C. that you must be a member of SACTU and members of SACTU should be a member of the A.N.C.---That is correct.

Was this an instruction that had been given long before as you say the A.N.C. had decided to go over to violent means to achieve its ends?---Yes.

And in fact it is not quite accurate. The position

is that not all SACTU members could become members of A.N.C. is that not so?---I would say that is correct to a certain extent because ~~Ø~~ SACTU in its membership includes all races of whites which would not be the case with the A.N.C.

QUITE SO. And conversely A.N.C. members who are not workers or members of Trade Unions could not be members of SACTU.--Not quite correct. People for instance a man who has a business, who is not a worker, ~~wo~~ has a business, people like that do join SACTU and become a member - some of them.

But how can they join SACTU unless they are members of a Trade Union? SACTU, as you have already told is, is the South African Congress of Trade Unions, to which the trade unions are affiliated.---I have yesterday explained that ~~people~~ people who are not members of any Union could become members of SACTU through General Workers Association.

General Workers Union.--It is called General Workers Union.

That is what I am talking to you about. Anyway, I want to cut this short: isn't the position this that what you were told is that A.N.C. members should join ~~xxx~~ and build trade unions, that is roughly the position, and these unions should in turn affiliate to SACTU?---Yes, because the policies of A.N.C. and SACTU were the same. It was said that members of the A.N.C. must be members of SACTU and members of SACTU must be members of A.N.C.

That is the way you put it.--Yes. I remember a certain incident. Chief Luthuli, before he was banned, addressed a meeting where he said, he expressed it this way: The ANC was the ~~shild~~ shield which..with which you have got to guard yourself, and the organisation of the workers is the assegai that does the ~~stabing~~ stabbing. The A.N.C. is the shield.

And this was the policy in the days when the A.N.C. was a perfectly legal organisation.--That is so.

Now on a number of occasions you referred to "New Age" as being "our paper." ---Yes.

What I want to know from you is did "New Age" ever at any stage advocate violence? guerrilla warfare? sabotage? fighting the white man?--I would not say that it did that, but "New Age" was the paper that gave ~~xxx~~ everything that was happening and being done that other papers did not give. I would say it was the paper that really ¹⁰ to a large extent supported the A.N.C.

only the A.N.C?--And SACTU and other organisations. More than other papers.

Now you have told us on a number of occasions that your instructions were not to take or endanger the lives of others when ~~xx~~ committing these acts of sabotage? that you were to destroy property and installations, but not to injure persons.--Yes.

And when you first made that statement, his lordship asked you what about this question of cutting signal wires. Now you know that the railway lines are divided up into sections.--Yes.

And unless a signal is given for a train to go through the train coming from behind cannot enter that section? ---Yes.

I see. So in fact the cutting of signal wires would not endanger anybody's life? (I understand that is the position, my lord, I am no expert on it.

BY THE COURT: I have an idea I mentioned rails).

WITNESS:

~~00000000~~: I want to say in reply that it is quite correct that ³⁰ his lordship did put such a question and my reply was

I said that that was sabotage, but I said instructions were given that we must not injure people, but that was all in my reply, I replied to his lordship and I said when you are committing sabotage it is difficult not to endanger lives.

I know what your reply was. I was not questioning you in regard to your reply. I was merely trying to place on record the fact that there is no danger under those circumstances. Now you remember that there was an occasion in which a bomb was placed under the train line.---There were two occasions with bombs and trains. Now which one are you referring to?

You tell us about them.---One was at Karridene.

What happened there?---Ronnie and Ablon Duma put the bomb there.

Where did they put it?--On the lines.

I see. Yes?---The other one was done by Ebrahim on the railway line near Berea Road Station.

Yes; did you think that would endanger lives?
--It could injure people.

It could. Therefore this was done contrary to instructions?---Therefore before you can plant a bomb on a railway line you must first have knowledge of the running of the trains.

Yes?---If you want to overthrow a goods train, for instance, but then you would still have the driver of the train.

That is what I say - therefore it is contrary to instructions. The driver's life is as valuable as anybody's. You see there were instances, were there not, when members of the Regional Command went out on a frolic on their own, and placed bombs without instructions? --- That is true what you

you give people instructions but you will find that they make mistakes.

They go contrary to instructions?--That would be contrary to the instructions.

Take for instance the bombing of the "Paxton".

--Yes.

That was contrary to instructions?--Yes.

Do you remember saying to his lordship that the Rivonia arrests were hard on Billy Nair? INTERPRETER: Pardon me I don't quite follow? that the Rivonia arrests were hard on Billy Nair?

Those were the exact words used. You went on to say but you did not care.--That is correct.

You remember saying that?--Yes I did.

Did you discuss these arrests with Billy Nair?-- Yes we did.

The Rivonia arrests? I see, well that is rather interesting, because at the time that the Rivonia arrests took place Billy Nair had already been arrested for some time. -- INTERPRETER: The witness was now deep in thought, my lord 20 still thinking very hard whilst counsel was putting that question.

I am sure!--INTERPRETER: He was softly whispering "Billy Nair" "Billy Nair" - he was evidently thinking hard.

WITNESS: I think I should say that in my evidence I said ..I think what I meant to convey was that the arrests at Rivonia were a sore point to people like Billy Nair.

Oh No! You said the Rivonia arrests were hard on Billy Nair, but you did not care. And you also said only a few moments ago you actually discussed the Rivonia arrests with Billy Nair.--No that I did not say.

Oh yes you did.---No, then it could be a mistake.

Oh no it is not, I am sorry. Now what do you mean when you say the Rivonia arrests were hard on Billy Nair, seeing that he was already arrested?---What I..I may have expressed it in those words, but what I meant to convey was that the arrests at Rivonia was something that was a sore point, it hurt people like Billy Nair.

Is that what you meant to convey, although they had been arrested before Rivonia?--Yes he was arrested before Rivonia.

Although you did say a few moments ago that you discussed them with Billy Nair.---No, not discussed.

Tell me who was on the Ad Hoc Committee?--In charge I would say was Solomon Mbanjwa, Makanja, Ernest Kalo, Fred Dube.

Yes?--Those are about those I can remember.

Were there a few more that you can't remember?---Yes.

There were some more. And people whom you did not know?---Yes, it is possible that some of them I did not know.

You were not on the committee yourself?--No.

And those that I have mentioned, that I know of, I was told by Solomon.

So you can't really give us any information as to the size and who all the members were? --I am unable.

Because I want to come back to the point we started with yesterday before I sit down. You spoke about Communist control of the A.N.C. And I want to read to you the evidence that you gave in your evidence in chief, reading from page 193, at the top of the page. You said this: "Did any of those directives deal with the membership of the Communist Party vis-a-vis the A.N.C.?" "Yes, one of them my lord instructed us that we must all become members of the A.N.C. branches." "When you say 'we must all' to whom are you referring?" Your

reply was "All the members of our Communist cell." "Had to become members of the A.N.C.?" "It was not limited to our cell only. All the Communist cells had to become members of the A.N.C." "Will you tell his lordship for what purpose all the members of the Communist cells had to become members of the A.N.C.?" Your reply was: "At that time there was a bit of trouble between Umkonto we Sizwe and the A.N.C. We were then...one of the directives was that it would perhaps solve the trouble if we, who were members of the Communist party, became members of the A.N.C." "How?" "So that we could control the A.N.C." "So that the members of the Communist Party could control the A.N.C.?" "yes". "And did in fact members of the Communist Party join the A.N.C.?" "Yes my lord." I am going to top for a moment. You made it quite clear that the reason for cells of the Communist Party was to ensure security.---Yes.

So that the members of your cell would not be known to members of another cell.---Yes.

I think you made it clear that it was basic that members of the Communist Party should not know one another other than those who were in their actual cell.--Correct.

Now I am going to go on with what I was reading. "And was the intended or desired result of control achieved." Your reply was as follows: "I could say yes...(continues quoting...got in charge of the whole A.N.C. my lord."---Yes.25

That was the reason that you gave for saying that the Communist Party had taken control of the A.N.C.--That is so.

I see. Just one further question. What was the difference, or the trouble? You mentioned it on two or three occasions in your evidence in chief between Umkonto we Sizwe and the A.N.C.---One of the difficulties was that the leaders

of the A.N.C. wanted that they should control, they desired to control Unkomo we Sizwe.

Who told you that?---Solomon told me.

Do you want to go on---And Kernick Ndhlovu also told me. We discussed it amongst ourselves.

You were told this by Solomon and Kernick?--Yes¹
us at
That report was received by/the Regional Command.

Is that the trouble you are talking about?---Yes.

Would your lordship pardon me? I am reading this pamphlet I asked for - it has just been given me and I would like to read it for a moment. (Mr. Berrange reads document). Is this the pamphlet that you say was typed by Govan Mbeki.. written by Govan Mbeki and typed by Kathrada?---(Witness reads pamphlet). Yes this is the document.

Could we put it in as an Exhibit my lord?

DR. YUTAR: Exhibit R.10. Might I indicate that the evidence will be that this was found at Rivonia, 139 of them, and the wax sheets too.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

There is not much more I want to ask you, but I do want to ask you about this chief at Bergville. You remember telling us of your conversations with him? Do you remember telling us about the fact that he said that they had guns?---Not directly face to face conversations with him. Information from Solomon that he had said so. Not direct talk between him and me.

You never had any direct talk with the chief at all.
---No, and I did not say that.

What did Solomon Mbanjwa say?--He said the chief from Bergville, when he spoke to him, he said to me that he, in talking to the chief, was satisfied that he was a supporter of the movement, the new movement that we had started.

That he was a supporter of that. He said that the Chief said he was very glad that there are things now that are being done. As a result he gave Solomon Mbanjwa a donation for this cause of £5.

Yes? And one of the indunas of that chief, Solomon said, took him, Solomon, into the forest and showed him where guns were hidden.

I am not trying to test your memory on this so you don't need to go on. But you seem to divide the A.N.C. members up into two categories, the bad members, who are members of the Communist party, and the good members who you say you are trying to save, who are not members of the Communist Party would that be a fair way of putting it?--- Yes I would say from experience that is what my position is now.

That would be a fair way of putting it. Did you have any reason to believe that the Chief of Bergville was a member of the Communist Party?---No.

But you were perfectly ready to betray him by making a statement to this effect?---I will reply putting it this way: Solomon Mbanjwa and I were both Communists, and if he could be bluffed like he was, then he could easily be bluffed in the same way by some other.

You thought that was for the benefit of the A.N.C. that you would betray the chief at Bergville? for the benefit of the A.N.C.?---Yes that is so.

MR. BERRANGE: That temporarily, I must say temporarily, concludes my cross-examination of this witness. First of all my lord evidence was given by this witness about a message that he was informed of that a certain person by the name of Rusty Barnstead or Bernstead or Bernstein, he was not sure of the name, had come to bring a message to the Regional

Command. Now if the person who is referred to is No. 6 accused, Mr. Bernstein, then my lord I only want to place on record that he will deny that he ever brought any such message as has been testified to by this witness. Your lordship will appreciate that I cannot cross-examine this witness on what he says somebody else told him.

Secondly, during the vacation steps were taken by my attorney to interview a number of people in Durban and in Natal in regard to matters that have been testified to by this witness. After all, most of his evidence does concern Natal. Most of the people that my attorney endeavoured to see there are themselves presently standing trial, and their attorney, other than instructing his clients to give us background information in regard to this witness and other matters, was not prepared to allow his clients to give us information in regard to facts testified to by this witness until such time as these persons had themselves been tried and either been convicted or acquitted. It may be as a result of information that we may be able to get from these people at a later stage, that an application will have to be made to your lordship at a later stage for the recall of this witness.

BY THE COURT: I take it you will have to take your chance of his being found if you want to recall him.

CROSS-EXAMINATION BY MR. BIZOS:

Just a few questions in regard to accused no. 9. You have seen accused No. 9 once only?--Yes.

You did not know his name?---No.

And this photograph that you identify, Exhibit ^D B, photograph 9, did you see that in Durban or in Johannesburg or in Pretoria?

BY THE COURT: The question is where did you see that photograph for the first time?--Because I did not know that person's name that is being referred to, I was given a whole heap of photographs, and told to look through them and see whether I can see that particular person.

Yes but the question is where did this happen, in Pretoria, in Johannesburg?---In Johannesburg. I was told to pick out the photos of people that I recognised, and then I saw this photo.

MR. BIZOS: It was in Johannesburg. How long after your arrest on the 3rd August did you come to Johannesburg?---Round about 3 weeks afterwards I am not certain.

Around the end of August?--Yes.

At that stage had you made a statement to the police in regard to the circumstances under which you were taught to make black powder?---Yes.

Did the police want a description from you of the person that taught you to do this?---They asked me whether I will be able to identify him if I saw him.

Did they want a description from you?---Yes they did ask me for a description.

And did you give them a description?--Yes.

And did they want a description of the place where you were taught how to make black powder?---That is so yes

Now before you were shown any photographs, and before you were taken to any place, did the police express any tentative opinion as to who it might have been that taught you to make black powder?---I will put it this way, that at the beginning, when I had given my story to the police, they did not quite believe it it seemed. They said "If we take you to Johannesburg, will you go and point out

all those places?" I said yes. And they said, those people you are talking about, if we brought them before you, would you be able to identify them. I said yes. It was on that account that they brought an envelope full of photos, and asked them if there were any of them that I know

was this photograph amongst them?--It was.

Now these photographs, were they of people that the police suspected you might have had dealings with?--- That I cannot say. They just gave me a large stack of photographs.

Let us take this photo D.(9) in particular. Was it quite obvious to you that this person was in custody, looking at the photograph? Must look at it again.

BY THE COURT: Put it this way to him: are these prison clothes that he is wearing?---No.

MR. BIZOS: Do you see him holding a big number?--I see the number yes.

Do you see him holding a large tin plate with a number on it.--Yes I see that.

Have you ever known of anybody, of his own free will, going to a photographer to have a number taken, or rather a photograph taken, with a big number in front of him?---You never know the minds of others. I know people who go to have photographs taken when they were stark naked!

We will leave perverts out, but this photograph is..

BY THE COURT: The point is, does that suggest to you that he was either an awaiting trial prisoner or a suspect?---No it did not enter my mind when I saw this photo that that might indicate that. It never entered my mind because many

PHOTOGRAPHS FOR INSTANCE were taken in my house by the police, so photos were taken at random.

After your arrest?--No, whilst they were looking for me.

Oh I see. Did you know when you came to Johannesburg that ~~Mxxx~~ Mlangeni had been arrested? the person you knew by name?---Except the Rivonia people, ^I did not know of anyone else who was arrested.

Did you see Mlangeni's picture as well in the same envelope?--Yes.

And he is holding a similar board with No. 58 on it. To a man of your intelligence and varied career, did that not indicate anything at all?---No, not the number my lord. It did not affect my mind at all, but what did have an effect on my mind was, when I saw the photo, I noticed a mark on the side of his forehead which, at the time when I saw it I thought 'I wonder if this person has been caught by the police. He might have been hit there; that did come into my mind.

You don't believe that of the police do you? --- At that time I believed the Police would do anything.

I see. You told us that at the stage just before you were brought up from Durban, the police were not believing anything, or rather everything, you told them?--Yes.


And you were of course very anxious that they should believe you?---Yes.

I don't want to repeat the reasons, you ~~want~~ wanted to do the A.N.C. a favour and also possibly to help yourself along?---Yes.

And you were quite satisfied that if you were able to point out many persons, and give a lot of evidence about them, the greater the opportunity for you to save both the A.N.C. and yourself?---If you could see my statement...

BY THE COURT: I think it is not necessary to make a long story of it. You were prepared and keen to help the police. --In the way I made my statement I could not very well leave out certain things because they were too connected. I had to give everything to connect everything.

CROSS-EXAMINATION BY MR. BIZOS (CONTINUED):

But the question is a very simple one. You were satisfied that the greater detail you gave, the more persons you implicated, the more convincing you were to the Police so that they would believe you, the greater your chance of becoming a State witness instead of an accused?---No, not at that time because then the Police had never informed me that I was going to get any benefit out of it. I had to involve people to make my statement complete, to connect everything I had to involve people the people concerned. You can't skip one incident and go to another one and break the connection. 

I thought you had agreed with me that in addition to helping the A.N.C. you were also helping ~~yourself~~ yourself?--Yes I will agree with you there to a certain extent that is so.

And was the benefit that you were expecting to receive that you would be used as a witness, and not as an accused? Or had't you heard of such proceedings before? such a procedure?---You will be very surprised when I tell you that it took the police a very long time to persuade me, or convince me, that I can give evidence, because I thought the position I was in, because I could just not think how I could be a witness.

You thought that you had done so much that you would be an accused?---Of the acts that I committed, yes.

Secondly I was in this state of mind that I am going to tell the Police everything that I know and when I am finished they can cut my throat and do anything to me that they like.

Did you think that in disclosing everything to the police that that would be used against you and others, and that you yourself would not get any benefit? They could cut your throat, as you express it?---On that night I decided to talk, there were two reasons. The first is the way I had been treated. Secondly I decided that I could not just sit quiet and defend myself in a case like this, knowing very well that these people that I am going to shield now, knowing very well what they had done. Had done to me personally, and to other people.

And in making these various statements you had no thought that you might get yourself out of difficulties by being a witness?---After a long time I was told by the Police, 'Look here, if you are prepared to go to Court and tell the Court that which you have told us, it will depend on the Judge. The Judge might, if he finds that you have told the truth, take you out of the case, release you from duty.

You did not know that sometimes people who commit wrongs together with others, some are chosen to give evidence against the others, and they are given indemnities, if they give satisfactory evidence?--I did know that, but I did not know that it extended so far to a case where you yourself had instructed people to do such things, that you would still be..

So that you had to be really co-operative with the police in order to be used as a witness, because you yourself had done so much?---Yes.

Were you, when you came to Johannesburg, were you ever taken to Orlando at all?---Yes.

To any particular building?---When I arrived in Johannesburg they said I must tell them where in Orlando that building is.

Yes?--I told them that it was in Orlando West, and when you are on the train you can see it on the opposite side of the railway line.

And you were taken there by the police.--They said O.K. they will take me to that railway line.

Just answer my question. Were you taken there by the Police?--Yes.

And did you there see the name of this building?

BY THE COURT: Mr. Bizos he said he was taken to the railway line and from there he pointed out the building.

MR. BIZOS: Were you taken to the railway line?--Yes.

And you read the name S.K.--They took me to the railway line and I pointed out the building from there. There is no name on it. The S.K. is not written on it.

You say that the building has got no name whatsoever. When did you first hear it spoken of as S.K. then?--I heard it from Govan Mbeki, from No. 4 accused.

I see. You did not identify S.K. or S.K. building with any place to which..near which you had met accused No. 9?---Please repeat the question again.

Did you associate the building called S.K. with a place at which you met or near which you met accused No. 9? ---As soon as he said the S.K. Building..I am sorry, as soon as he said there where the herbalist was - I am talking about when Mbeki spoke to me, as soon as he gave me the address of the herbalist, S.K. Building, I knew that he was referring to that particular building where I had received my training.

But there was no connection was there between the two? ---The herbalist was there.

IN THE SUPREME COURT OF SOUTH AFRICA.

(TRANSVAAL PROVINCIAL DIVISION).

PRETORIA: 28th February, 1964.

BEFORE: The Honourable Mr. Justice DE WET (Judge President).

In the matter of:

THE STATE vs. NELSON MANDELA & OTHERS.

CHARGE: 2 Counts of sabotage.

PLEA: All - Not guilty.

For the State: DR. P. YUTAR AND OTHERS.

For the Defence: MR. BERRANGE AND OTHERS.

- EXTRACT OF EVIDENCE -

THE COURT IS CLEARED FOR WITNESS:

BRUNO MOTOLO, declares under oath (recalled).

CROSS-EXAMINATION BY MR. BERRANGE:

Mtolo, I don't want to try and deprive you of the services of an interpreter, but I just want for the purposes of record to put this to you, that you understand English perfectly well?---Yes.

You say you've read advanced philosophical theses on direct materialism, methodical materialism?---Yes.

Do you want to speak through the interpreter, or do you 10 want to speak English?---I think I want to speak through the interpreter.

Allright. Now I immediately want to deal with your visit to the High Command in Johannesburg - that was in June was it not?---Yes.

And you say that you took a batch of men up with you? And thereafter, got in touch with Slovo and other people.... (Interpreter and Mr. Berrange talking at the same time). Is that correct?---When I came to Rivonia, I didn't bring any people with me.

No, no, no, when you came to Johannesburg, when you

brought these people?---On an occasion, when I came to Johannesburg, I did bring some people

And you then went to the High Command after you had been here a few days?---No, when I came to the High Command, I came directly to the High Command, not for anything else, and I didn't bring people with me then.

You didn't bring people with you then?---No.

Oh, by the way, who supplied you with the funds to come up?---George Naicker, gave me the money.

Directly,?---Yes, he handed the money over to me.

Is that so! You, I want to read to you the evidence that you gave in Johannesburg...in Pretoria. Page 141 - You boarded the train at Maritzburg, is that correct?---Yes.

And you went by taxi from Durban to Pietermaritzburg?---Yes.

And then the question was put to you "who provided you with the necessary finance"? You reply was "George Naicker" ---That is correct.

And you went on to say this "Ablon Duma was sent to Naicker My Lord. He went and did the book leave (I suppose that should be booking) for me and everything. "With what amount were you furnished"?---It was altogether R20-00." Did you say that?---That is so.

And did Ablon Duma go to Naicker?---You are perhaps confusing two different occasions, or I might have confused the two occasions.

Yes, I'm going to deal with a number of confusions, of yours later on, but I don't think I am, because this is quite clearly the occasion, but first of all answer my question - was Ablon Duma sent to Naicker?---On a certain occasion, yes.

And did he arrange your bookings for you?---Yes.

And did he get the money from Naicker?---Yes.

And did he get R20-00? From Naicker?---Yes.

Now just be sure that there's no confusion on my part, though I'm not by any means infallible. Let's read on -
....."With what amount were you furnished?---It was altogether R20-00". Then you boarded a train at Pietermaritzburg. Were you given any instructions whom you were to meet, or whom you were to contact?---I said to Bill, when he was doing this message. I said "On several occasions I have been sent to Johannesburg, and I was supposed to be met by somebody, and I have never been met by anybody". So?---And then I have trouble, and I have to expose myself to people that I shouldn't expose myself to"....I'm going to skip some of this My Lord. We won't bother about the details of the train journey. The train journey brought you to Johannesburg, I guess....(quotes) "Where did you go to?-----When I arrived at His Majesty's Building, My Lord, I did not find such a name. On what - where did you look?---On a board that was there, My Lord. What did you do?---I then made enquiries from a European girl that was dressed in a white uniform. Now don't tell us what she said to you, but as a result of what she told you, where did you go?---I went to Innes Chambers, which is opposite the Supreme Court. I looked 20 on the board and saw the name of Joe Slovo. I went into the Reception Office. I made enquiries, she 'phoned. And whom did you meet?---I then saw Joe Slovo. Had you ever met him before?---No. Did you introduce yourself?---Yes. Now I would like you to tell his lordship exactly what you said to this man. ---First of all Billy told me that when I meet Joe Slovo I must not be frightened. I can expose myself altogether to him, so that he could help me quickly. I told him immediately that I came from Durban, from the Regional Command, and that somebody from the High Command had to meet me, but nobody turned up to 30 meet me, and that Billy had said if nobody met me I had to come to him. He said "that's alright - sit down". He 'phoned and he made certain arrangements for where I was to stay. Arrangements for what?---To meet the High Command, my lord. I then told

him I knew a certain Levy Sirolo, who was a member of S.A.C.T.U? And then you say you caught the train to Umphelo....and "then I went to Levy's house. On arrival there I stayed there with the children, I told him I'd arrived early that morning, and he asked whether he could arrange to let me meet Mlangeni or Mthembu. Were arrangements made?---He said If I wanted to see Mlangeni, he could not do that, because he had not seen him for a long time, and the Prosecutor said you can skip these details. I met Mtembu at the party at Phefeni. It was an A.N.C. party, and there were some discussions about Solomon Mbanjwa. Did he then make an effort to get you to the High Command?---Yes, the next day he and Brian Sonana took me to the High Command. And what was the next day?---And then you said you wanted to refresh your memory."....I'm not being confused at any rate!---I know all that, that is correct.

And you said that on this occasion that Ablon Duma was the person who went to Naicker, he went and got the money, he did the booking for you, and you then left from Pietermaritzburg ?---That is all correct, yes.

Right. You gave evidence against a number of persons who are supposed to be on the Regional Command ^{at} and Pietermaritzburg, did you not?---Yes. 20

When did you give that evidence?---Approximately three weeks ago.

Approximately three weeks ago, and you know that at that trial, they were endeavouring to establish that Naicker was the treasurer to the High Command? The State was trying to establish that?---That I don't know.

Oh yes, you do! In any event you know what the defence was trying to establish, because this is the question that was put to you! It was put to you by cross-examining counsel - I want to put to you as well that George Naicker was at no time the treasurer of the Regional Command! Your reply was "he 30

would not be speaking the truth".---That is correct.

"What did you obtain from George Naicker at any time? Is that in connection with money"? Was your reply. Question is - "yes with money matters"?---When I went to Johannesburg to the High Command, he handed me the money personally into my hands. Who handed you the money personally into your hands, when you went to the High Command"?---George Naicker did.

"Which occasion are you talking about?---When I went to a meeting at the High Command. Were you told to go to George Naicker to get some money?---Yes. Did you know how much you were going to get?---R20-00. Did you go to George Naicker and he gave you R20-00?---Yes. Witness: That is correct.

And on the following page - "Now was this R20-00 the only money you ever received from George Naicker?" The reply was "yes". "In what circumstances did you receive it?---I just went to him and I said to him "George, Billy I must get money from you, I'm going to Joh'burg." He asked me what this money was for, I told him that it was my trainfare, I was going up to Durban/Johannesburg, he said it was alright, I must take it. He asked me how much money it was, and I said "Billy R20-00", that was all. Question -"George Naicker will deny that he ever gave you R20-00'.---He would be denying a truth".---That is all correct.

Did Ablon give you the money, or did George Naicker give you the money?---It is fair that I said that I will explain that to you.

Yes, I'm sure!---I think I'm correct when I say that on the first occasion when I came to the High Command, Ablon fetched the money.

Just excuse me one moment - on how many occasions did you go to the High Command?---According to the Regional Command, I had to go there twice.

How many times did you actually go to the High Com-

mand?---I went once actually.

I'm going to give you the chance to explain - I just want to get this clear - at this trial you said that on the occasion that you actually went to the High Command, Duma Ablon handed you the money...?---I think I'm perfectly correct, if I say that on the occasion that I actually did go, that on that occasion the money was given by Ablon.

Really? Do you remember I put an earlier question to you, ten minutes ago "on the occasion that you went to the High Command who gave you the money"? And you said George 10 Naicker?---What you said to me, then I immediately said that it may be that there is a confusion between the two occasions.

Yes, the only time that you said that there may be a confusion, was when you said that you may be confused or that I may be confused. Now what is your explanation!---There was the occasion that I went to the High Command that Ablon Duma fetched the money.

That is when you went to a meeting of the High Command?---Yes, I was supposed to go to a meeting of the High Command. 20

When you went to a meeting?---On that occasion I actually went.

I see, so when you went to a meeting of the High Command Ablon Duma, handed you the money. Is that correct?--- Yes, I would say that is correct.

Right, now then what was your further explanation?--- On the second occasion when I had to go to the High Command, but then it so happened that I did not arrive there. I went personally and George Naicker handed the money over to me personally

On the second occasion?---That is when I took a 30 group with me.

Which occasion was first, in point of time?---That is the one that I went and arrive there.

And went to a meeting?---Yes, that was the first one.

Now I'll show you that this can't be correct, because you hadn't listened very well to what I read out to you, otherwise you wouldn't have given this answer. I'll read it out to you again; "I want to put it to you that George Naicker at no time was the treasurer of the Regional Command!---He would not be speaking the truth. What did you obtain from George Naicker at any time?---Was that in connection with money? Yes, money matters?---When I went to Johannesburg to the High Command, he handed me the money personally into my hands. That's when you went to Johannesburg to the High Command?" Witness: 10
That is correct.

Counsel wasn't satisfied with that - he said "which occasion are you talking about"? Do you know what your reply was?---No, I don't remember.

You said it was when I went to a meeting of the High Command.---Yes, that is correct.

So that was the time that George Naicker actually handed you the money!---Yes, that is quite correct, even though I did not eventually see the High Command, or arrive there, it is still I was going to a meeting of the High Command and he handed me the money.

I didn't say then I was going to a meeting, you were saying "when I went to a meeting"!---That is ...except that it could have been explained, it is still so.

So that's how you explain things Mtololo. You see, what I want to...?---That is how I explain.

Yes, well what I want to suggest to you, before I go any further, is that you are adept at tailoring or fashioning your evidence the meet the circumstances of the case in which you are giving evidence! When you gave evidence last time.... 30 do you want to reply to that? I'm sure you'll deny it! Do you want to deny it?---No that is not so.

When you gave evidence in this trial, in regard to

Rivonia, the matter was never at issue as to whether or not it was Naicker or whether it was Ablon Duma who gave you the money! But when you gave evidence at Pietermaritzburg, the matter was very much at issue for the purposes of proof that Naicker was the treasurer!---Yes.

And I want to suggest to you that it is for that reason that you fashioned your evidence in Pietermaritzburg to overcome...or in order to assist the State in establishing this fact!---Do you mean to suggest that if George Naicker had given me the money, I wouldn't have said that he gave me the money? 10

I'm suggesting to you that at Pietermaritzburg when you were giving evidence, you indicated George Naicker when you hadn't done so in this trial! Anyway, let's go on and see if you've got any further explanations on a similar theme that I propose to put to you. I'm referring now to Item 76 My Lord. Now you remember the occasion in which a petrol bomb was put on a North Coast train?---Yes.

I'm going to read you the evidence that you gave in Durban. Tell me whether I'm reading it correctly. Page 1,745. "What were the groups that were decided on, and what was each 20 to do"?---When Ronnie came back with the report, the groups that I remember are these - Ronnie said that he could burn the offices of the Special Branch, he said that group under Ebrahim would burn (?) office,.....(continues quoting from page 15(d) 1745), and then at Page 1747, we deal with Kajee's office, also line 15. (quotes), then you go on and you volunteer this - "Before we go further" you say "I would like to explain something".---I remember that.

"In connection with the four petrol bombs under signal wires where I said that an attack would be made on the offices of Kajee?---I remember.

A report was received that they got a fright by a night watchman at the offices of Kajee and that a bomb was then

put in a passenger train going up the North Coast", is that right?---I remember.

This is all that you volunteered, saying before we go further. "And what was the Regional Command's attitude to that?---This frightened the Regional Command to hear that it was put in a third class. Ronnie said...the sergeant of the group said that it was alright because the train was empty, the coach into which this was put".---I remember all that.

You were being very anxious to tell the Court there that this was a mistake! That although they should have gone to Kajee they did this unauthorisedly by going and putting this bomb in this North Coast train!---That is correct. 10

And on Page 1929 you repeated, "according to you then the attack on the train, north coast, the railway coach was not planned by the Regional Command at all!---No My Lord." And again at page 1968, "You've told the Court that the attack on Kajee's office was one of the attacks planned in connection with Mandela's affair?---Yes." Witness. That is so.

"Did the Regional Command defy that?---That was the petrol bomb that was eventually placed on the train on the north coast line." Was that attack decided on by the Regional Command?---In connection with Kajee's office, yes". "And was that part of the attacks planned in connection with Mandela's affair? ---Yes, that is Kajee's office". 20

It is quite clear there...Now before I go on, I also want to put it to you that you know full well that a man by the name of Perinell do you remember him? You've mentioned him before?---No, I don't remember him.

Have you never mentioned his name?---What's his name again? 30

Perinell? Have you never mentioned him before?---No, Perinell I can't remember.

You see because this man gave evidence at Pieter-martizburg that he was the person who had placed this bomb in the

train..?---I don't know that.

And in doing so, he was not carrying out the instructions of the Regional Command, but that this was his own decision. I'm sure you're going to tell us that you don't know! ---I don't know that he said so.

Anyway, it's rather extraordinary that your evidence now, if Perinell did give that evidence, agrees with perinell's evidence, and it was a mistake. Not authorised by the Regional Command! That is so, isn't it?---I told what I know about the affair. As far as Perinelle is concerned, what he said, I don't even know him, I've never seen him, I don't know what he said.

But in any event, assuming Perinell did say that your evidence is that it was a mistake! Not authorised by the Regional Command.---Yes, the Regional Command had not instructed that the train of the North Coast should be fired.

Yes, but in fact it was Kajee's place that should be fired and not the...?---That is correct.

Then I'll read you your evidence in chief mind you not in cross-examination, at the trial here in Pretoria. I'm 2 reading from Page 90, my Lord. Having referred to the Mandela affair, you say "It was agreed we would start on Sunday night, and that all the places that were going to be attacked, it would be again done at a specific time, that is at 9 o'clock in the evening." And this is your reply "Yes?---And we decided to use petrol bombs, except at one place, a place Hammersdale where it was decided to cut the signal wire, and then we decided about the trains on the North Coast line". "Who's we?...---Brian and his group...oh not Brian, Ebrahim, and his group, would do that job". BY THE COURT: (His Lordship) "What would they do?---They30 had to put a petrol bomb on the train. my lord". Did you give that evidence?....Just answer my question first! Did you give that evidence?---Ye..

You did!---Now I will explain.

Alright, I'm sure you will! Go on let's hear your explanation this time!---My explanation there is, although the Regional Command did not instruct that that train job should be done, it was done and it was reported to the Regional Command and the Regional Command approved it.

But how does that square with your evidence, given in evidence in chief here, when you say "it was decided on the trains on the North Coast line, it was decided that Ebrahim and his group would do that job". "What would they do"?---"They had to put a petrol bomb on the train". Is that evidence true?---It requires explanation, but it still amounts to what I said in giving my evidence.

Please, this time you can't get out of it so easily! You said in your evidence here that the Regional Command decided that Ebrahim and his group would do this job of putting a petrol bomb on the train. Is that true, or is it not true?---I would say before that act was committed, it is a mistake it is a mistake to say it was the instructions of the Regional Command.

20

And you prefer to call it a mistake rather than an untruth?---Yes, it's a mistake.

We'll leave it at that. But you see, the unfortunate thing that happens here is this - if your evidence had been accepted here, and if this evidence hadn't come out in Pietermaritzburg, the position would have been insofar as this act of sabotage is concerned, that your evidence was to the effect that they had decided in advance to do this attack on the North Coast Train. That it was an act authorised by the Regional Command?---That is correct.

30

And that it was no mistake!---...

That is what your evidence amounted to, didn't it?---Yes, I quite agree with that.

Yes, and in respect of that act people might have been punished on your evidence! Let me take it a bit further...
---Yes.

Is that correct?---That is correct.

Yes! Let me take it a bit further, let me read through what you said at Page 92 in this trial. After having told His Lordship at page 90, that it was decided that Ebrahim and his group would do the job, you were then asked by Dr. Yutar. "Successfully cut - right. Now the North Coast and Ebrahim?" Says Dr. Yutar. "That was also successful My lord". "What happened there?---A bomb was put, a petrol bomb, in the train. That is Item 76.---It was just reported as successful, I don't know what happened". Witness: That is so.

Why didn't you then say when my learned friend was questioning you, why didn't you then say that the Regional Command discussed this when a report back was received, that the Regional Command had been frightened to hear that it was put in the third class as you said in Pietermaritzburg. That the Command said it was alright because the train was empty, and why didn't you say it was a mistake?---I'm also just a human being, 20 and my mind works as an ordinary human being.

Yes?---It comes to a person's memory, certain things that happened at certain stages. This has happened long ago.

Yes, but the only thing is this....?---Interpreter: He hasn't finished yet.

I beg your pardon Mr. Lee.---Therefore, I will say that may be in 'Maritzburg I remembered that and said it, and here when I gave evidence here, I didn't remember it and didn't say it.

Yes, but you see we shall in due course establish Mtololo, that indeed, what happened in Pietermaritzburg not Durban, was that there the witness himself said it was a mistake, and it will be suggested that that is why your evidence had to be tailored to fit his evidence!---Where would I have seen that

person who said it.

Well, we'll leave that to your imagination. Just tell me one more thing - having said in this Court that Ebrahim and his group....it was decided that Ebrahim and his group would do that job, of putting a petrol bomb in the train, which you now say was a mistake, you then went and said it was reported and there was a report back, It was just reported as successful.---Yes.

You went further, and said "I don't know what happened!---Yes, I personally said that. 10

Of course, in Pietermaritzburg, you said that what happened was that the Regional Command had got frightened, and they realised that it was a mistake and they said that it was alright because the train was empty, and the coach into which it was put was empty, all that you had forgotten here!---Yes, it is because ... let me put it this way - did you here ever ask me what happened as far as the bomb is concerned and so on? I just ask.

I didn't - no, but my learned friend didn't. I didn't ask you because I didn't know at that time about these 20 unfortunate mistakes that you made!---I'm trying to explain to you that the Prosecutor only asked me as far as the attempt was concerned, whether it was successful or not, and I said it was reported as successful, and no further questions were put to me. I was not asked by the Regional Command or.....

Are you telling His Lordship now that you hadn't forgotten it? Had you been asked this you would have told this Court what was reported, if you had been asked. Is that what you're saying?---No, I'm replying to your question on this line that you are suggesting that I was trying to hide it. 30

Are you telling His Lordship that when you were questioned about this, you didn't give the answer that you gave in Durban as to the report back, because you weren't questioned

about it. Is that what you're saying?---My reply that I'm giving to you is that it is not correct, what you're suggesting that I was holding certain things back and not wanting to say them on purpose.

Please answer my question! Did you fail to give evidence because you had forgotten about it, or did you fail to give this evidence because you weren't asked about it?---I had forgotten it.

But you providentially remembered in Durban to say it! Anyway, let's take another matter then...?---I remember it in Maritzburg. 10

To see whether your evidence is ever fashioned. I now deal My Lord with Item 147. I hope you're not going to tell me again that you weren't asked about it. I'm reading from page 108 My Lord. "Item 147 - will you tell his lordship what was done and when if you can remember?" I'll start earlier - "It was decided that the Chief at the McCord Hospital, that is the chief of the bantu people, the induna, that he was to be frightened because he was in disagreement with the Workers Union of the Hospital. Will you tell his lordship what was done and when if you can remember?---He was frightened with a pipe bomb. Who did that?---Joseph Ndoli. Was that successful? ---Yes. What happened?---I do not know of my personal knowledge. From the newspapers..." Then my learned friend put this question to you - "But didn't you get a report back?---" I beg your pardon it was his lordship who put the questions then. "Didn't you get a report back?" What was your reply? Can you remember?---No I don't remember my reply. 20

Well, tell us what did happen! Did you get a report back about this attack on the induna's rooms?---I want to make it quite clear that the instructions of the Regional Command was that the man must be frightened. His body must not be injured. That was done. It happened that way and it was 30

reported back.

As being successful?---Yes, but not to his body, not to himself.

Yes, but the attack to frighten by placing the bombs. It was reported back as being successful?---Yes, it was reported back that the frightening was successful.

And that the bomb was placed in the induna's...that he was to be frightened with a pipe bomb?---Yes.

Then you went on "You say a pipe bomb - who made it? ---I made it". Who handed it to Joseph?---I did." Witness: 10 Yes.

"And where was it placed according to the report back?" Just tell his lordship where was it placed according to the report back?---I just want to tell you that also at Maritzburg, I had some difficulty about that. There were two people that had to go and carry out that. The idea was that the induna had to be frightened, but not bodily injured, but a friend of his of the induna, had to be, shall I say attacked not the induna bodily.

Not the induna?---Yes, the frightening of the induna's friend was supposed to have the effect to frighten the induna.

I know, and I know that you're aware that you were cross-examined about this in Pietermaritzburg, just as I'm cross-examining you today!---Yes.

Answer one very simple question - in whose room was the bomb to be placed - in the friend's room, or in the induna's room?---His friend's house.

Not the induna's?---Not the induna's house.

But then I go on reading your evidence that you gave here. I'll go back to page 108 first to get the sequence. "You say a pipe bomb - who made it?---I made it. Who handed it to Joseph?---I did. And where was it placed according to the report back?" Do you know what your reply was?---No, I don't.

Well, I'll read it to you. "In a ventilation window the glass portion above the door".---Yes.

Is that the report back that you got? That it was placed in a ventilation window?---Yes.

The ventilation window of whose room? The induna's or his friend's room?---In his friend's place.

It just shows you what sort of a witness you are, because you know what you said here in this court? "In a ventilation window, the glass portion above the door. Of what?--- Of the induna's room. And where was his room?---In the compound". Was that true?---The difference is that there were two occasions. On the one occasion it was placed on the friend's room and the second occasion it was placed in the induna's room.

So now you say there were two occasions!---Yes.

And the occasion on which it was placed in the induna's room, was that an act authorised by the Regional Committee, or was that an unauthorised act?---The frightening of the induna was the instructions of the Regional Command, that is on the occasion when the friend had to be attacked to frighten the induna.

20

Just answer my question! Placing the bomb in the room of the induna, now you've spoken about a second occasion, placing the bomb in the room of the induna - was that an act authorised by the Regional Command or was it not? Yes or no! ---No, when it was placed in his own place, that was not an instruction of the Regional Command. I'm talking now of the occasion when it was put at the induna's place.

That was not an instruction of the Regional Command?---That was not an instruction.

Why did you say that in this case? You said the induna had to be frightened with a pipe bomb, that the pipe bomb was placed in the induna's room. You made the bomb, and that there was a report back that it had been successful!---

30

It is still correct what I'm saying.

Is it correct, when you've indicated to this Court that this pipe bomb that was placed in the induna's room was an act authorised by the Regional Command and that it had been reported back as such? Is it correct, or is it not?---It is all correct, except that the bomb was not placed in the induna's place, it was placed at his friend's place.

Then why did you tell his lordship that?---Everything is correct....

Why did you tell the Court that here?---If I remember correctly, I did make that explanation here.

Did you?---I think under cross-examination.

I can assure you that you didn't!---I think under cross-examination I did.

One thing you made quite clear in this Court is that this bomb had to be placed in the induna's room not so? As you said here?---If that is so, then I had coupled it with the friend's house.

I must say that you're most adept at finding explanations. I'm still asking you a question - you made it clear that the pipe bomb was to be placed in the induna's room! ---Yes, because the whole idea was to frighten the induna. 20

I see. The idea was to frighten the induna, by putting the bomb in somebody else's room!---Yes, I'll call it an assistant. When I refer to the friend, it was actually an assistant of the induna.

If you wanted to frighten the induna, why not put the bomb in his room, as you say in this Court you had done?--- Although I do not know the reason for the Regional Command's decision to do it that way, I do not remember exactly why it was done. I do know that it was placed at this assistant's.... 30

Yes, that's what you said for the first time in Pietermaritzburg. I'm still asking you, you were on the Re-

gional Command?---Yes.

You had to do with it's deliberations?---That is so.

You were not a dummy there, you voiced your opinions and your views?---That is correct.

Now when this extraordinary decision was taken that you now mention for the first time that the bomb was to be placed in the induna's friend's room in order to frighten the induna, didn't you say that this is ridiculous? Did you?---No, there was a particular reason why it was to be done, even though now I don't remember what the reason was, but there was a particular reason.

Alright, there was a reason which you can't remember? ---What I do remember is, that that person was the assistant of the induna.

Yes, you told us that several times! You told us that quite a number of times! I say there was a reason which you don't remember! Why did you not give that evidence in this Court?---I've already said that as far as I can recollect, I did in cross-examination.

Have you read your cross-examination?---No, I'm just remembering now the questions that you were putting to me yourself, in regard to this induna. 20

Yes, and you said that it was put in the friend's room, in this Court. Did you?---Yes, I really believe that I explained that in cross-examination.

Do you? Well, you didn't explain it in chief, and you didn't explain it in cross-examination either! I'm still asking you the same question - did you or any members of the Regional Command from your collection, say this is ridiculous to place it in the friend's room when you want to frighten the induna, or can't you remember?---There was a discussion about it and then there was an agreement come to that it was going to be done that way, that is the bomb was going to be placed at the friend's 30

place.

And nobody raised any protest?---No, I couldn't remember everything that was discussed...

No, I'm not asking you. I'm asking you to remember the one thing that should stick out like anything, and that is didn't somebody say, "how do you frighten the induna by frightening his friend, why not do it with the induna himself"? Did anybody raise that point? That's all I'm asking you!---It may be that somebody did raise that.

You have no recollection about it?---No, unless my memory is refreshed...

Now I'll tell you what you said in cross-examination. I was cross-examining you about whether you had ever given evidence at all. Do you remember that?---Yes, I remember.

And then I said to you, at the bottom of page 23, "Now I come back to the question I was asking you just before the interval. You say that you have given evidence in other cases before?" Your reply was "yes, but not in political cases".

That is so.

"Cases in which you yourself have been involved?--- 20 Yes one. What sort of cases?---Attempted murder. Who was the accused?---Joseph Nduli. You say that was not a political case? ---No, that was an attempted murder charge. Wasn't that a case where a bomb was put in the Induna's room?" Do you know what your reply was?---No, I don't.

It was "yes". "One of the acts of sabotage that you have related?---Yes, but the difference is that that person did not attempt to murder this person for the..." and then you broke off and said "had no connection with the organisation".

"It wasn't a political crime - it was a personal crime?---Yes. 30 It was a personal grudge.---Yes. You made the bomb though, didn't you?---Yes. And you gave evidence about it?---In that case, yes, ---I remember all that.

Yes! You see Mtololo, so the position is this - that having once committed yourself to having said to his lordship in answer to my questions that you had never given evidence in any other cases which were not political, you then changed your evidence from what it had been in chief, where you said that this was an act of sabotage committed with the full approval of the Regional Committee, by placing a bomb in the induna's room, you then said this is not a political case, and that you said the person who did that, had no connection with the organisation. You see, that's what I mean by fashioning your evidence!--- 10
It is exactly there where I was trying to explain that this attack on the induna that that was not...that attack on the induna, putting a bomb in his room, was not part of instructions of the Regional Committee.

Yes, but did you at any time try and explain that the bomb in the friend's room was an act of the Regional Command? Did you?---Will you look just a little further? My recollection is that when you were cross-examining me there at that point, then I said just a minute there's something I want to explain, and then you stopped me from explaining. That 20 ought to show in the record. That was when I was about to explain.

You've never seen this record, have you?---No, I haven't seen the record, but what I do remember is that at that point when I wanted to explain that, you didn't want to give me a chance to do it.

That is not true. I'll read you your whole evidence. I'll let you read it, and if you like you can point out to me wherever I tried to stop you, and I think I've been more than fair with you in never trying to stop you. Did you at any time in this Court mention the fact that the Regional Command had decided that a pipe bomb should be placed in the induna's friend's room. Yes or no?---What I said was that it was decided that the

induna had to be frightened with a bomb.

Why don't you answer my question? Please answer my question! Did you at any time in this Court say that it was decided by the Regional Command that the induna's friend had be frightened with a bomb?---No, I don't remember having given evidence in that way.

No, of course you didn't.

AT THIS STAGE THE COURT ADJOURNS FOR TEA.

ON RESUMING:

BRUNO MTOLO, still under oath

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CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

I want to put you some more questions about the question of the induna and his friend. We've now established, it appears on the record, in your evidence in chief, you gave evidence that the pipe bomb was to be placed in the induna's room, and a report back was that the expedition was successful. In your cross-examination, after I'd asked you whether you'd given evidence in any case before, then you said not political cases, and I referred you to the case in which you'd given evidence against Nduli, you then said that placing the bomb in the induna's room was a mistake. Now I want to suggest to you that when you went down to Pietermaritzburg to give evidence, you knew that you had in cross-examination said that the bomb in the induna's room was a mistake, and that is why, when you went and gave evidence in Pietermaritzburg, you invented this story about the authorised act being one in which the bomb was placed in the friend's room. You will deny that suggestion I take it? ---Yes, I will deny it, the way you're putting it.

BY THE COURT TO WITNESS: Just before you leave that point - was there, in fact, any bomb put in this assistant of the induna's room?---Yes.

BY MR. BERRANGE TO COURT: Your lordship's question was, was there a bomb placed in the induna's room?---Was there a bomb placed in

the assistant induna's room, and he answered yes.

The assistant to the induna's room?---Yes.

That's what I'm suggesting to the witness he invented in Durban.---Yes.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

And taking that further, what I want to ask you is a very simple question. You see you were led in evidence here by Dr. Yutar to the effect that this bomb had been placed on the instructions of the Regional Command in the induna's room - you've admitted that already?---Yes. 10.

Did you ever make, in your statement to the Police, any statement to the effect, that there had been two pipe bombs, and that the authorised....act authorised by the Regional Command was the one in which the pipe bomb was placed in the induna's friend's room?---I may not have put it in my statement, in the way you're putting it now, but I think I did mention that in my statement to the Police.

Well, I don't know the way I'm putting. Don't worry how I'm putting, did you, in your statement say that there were two pipe bombs used - one on the friends room which was 20 authorised, and one on the induna's room which was not authorised?---Although I say again, that even so it wasn't in my statement they way you put it now, I do remember that the Police did question me about the other bomb, the bomb that was placed in the induna's friend's place, that second bomb was mentioned.

I'll make it even simpler for you - did you in your statement to the Police say that the Regional Committee had authorised the placing of a bomb in the room of the Induna's friend? Now before you answer, let me warn you that Dr. Yutar never led that evidence from you, nor was this charged either 30 here or in Durban!---Although as I say, I might not have put that way in my statement, I pointed out to the Police, I told the Police and I pointed out that one bomb was placed in the

friend of the induna's place, and the other bomb was placed in the induna's place.

And that evidence was never led with you.---And I explained to them that the putting of the bomb at the...in my statement to the Police, that the placing of the bomb at the induna's friend's place, the object of that was to frighten the induna.

But did you explain to them that when Nduli placed the bomb in the Induna's room, that this had nothing to do with the Regional Command? Did you explain that to them?---I cannot remember saying it that way, because it is a way of answering questions that are being put to you, so I might not have put
18(d) it directly that way.

But Mtololo you are intelligent enough to know that insofar as these cases are concerned it makes a big difference whether the instruction was that of the Regional Command and whether the instruction...or whether there was no such instruction, that it was purely an unauthorised act. You know that perfectly well!---...

You understand that perfectly well, don't you?--- 20
I understand.

Now you gave evidence at the preparatory examination in which this man Nduli was charged.---Yes.

And I think we've already established that at this preparatory examination you said nothing about your having handed any bomb to anybody at all, and you've already admitted in this Court that you did not even tell the Police when they were questioning you about the fact that you had handed this bomb to Nduli. That is so isn't it?---At the preparatory examination in Nduli's case?

Yes, yes.---Yes, there I did not say it.

You didn't say it?---I said it here but not there.

You said it in this trial, that I know! What I want

to ask you is this..?----I wanted to say, it depends on how the question is put.

Look here, you've got the opportunity of re-examination, just listen to my questions and answer them! Is this the evidence that you gave in Pietermaritzburg? I'll read it out to you - Page 1865 My lord. "Do you remember that there was a charge of sabotage laid against an African?---As far as I remember it was for attempted murder." That was your reply, correct?---Yes.

"It was a preparatory examination?---I cannot re- 10 member whether it was a preparatory examination or not." --- That is so.

You gave your evidence on oath?---Yes.

Was the evidence that you gave on that occasion, the truth or not? The reply was "I was laid with the truth according to the questions that were put to me by the Police".---Yes.

(Discussion between Court and Mr. Berrange about the reference of what he is quoting. Judge has got the place.) "When you gave evidence at that trial, were you not asked to speak the truth, the whole truth and nothing but the truth"? 20 Your reply was "yes". "and did you tell the Court the truth, the whole truth and nothing but the truth?---My lord I made a full statement with the truth to the Police of all the questions they asked me, but as far as the Court is concerned, and as far as I know, I did not tell them the whole truth". Is that what you said?---That is quite correct.

In other words you concealed from the Police and from the Court the fact that you acquired this bomb and that you handed it to Nduli, and you did that because you say you weren't questioned about it.---All the Police wanted to know from me 30 was the reply to a particular question. The Police just wanted to know as to whether Nduli had.....

I've already conceded that you weren't asked these

questions!---They wanted to know whether Nduli had called a meeting. Whether he held a meeting in the office there.

And you say you didn't tell them....?---I just replied to that questions.

You didn't tell them about your conduct in handing the bomb to Nduli, as you weren't questioned about it!---Yes, because they didn't ask me that.

Yes, and that's why you say you didn't tell them the whole truth!---That is correct.

Nor did you tell the Magistrate the whole truth! 10
Now you see, I'm going to in due course, also put this record beofre his lordship - there was a witness who gave evidence at this preparatory examination by the name of Patrick Mlambo(?) and in this evidence he said the following - "Bruno Mtololo would give this something to No. (1) Accused". Bruno Mtololo it is you. "Did he say what this something was. I asked him what is this thing that Mtololo is going to give you, and he told me that Mtololo is going to bring him something because he got hurt by a policeman who was sent by Mtembu, and he was going to put this thing on the door cill of the induna". I want to break 20 off by saying that the witness is a state witness. "I asked him what is this thing, and he said he was going to give me a bomb. We then parted there". So it is clear from this evidence that Patrick Mlambo told the Court that you were going to bring him a bomb, because he got hurt by a Policeman and he was going to put it in the induna's room, and it must also draw the inference, an irresistable one, it is clear that he must have told the Police that, but despite this evidence that is given by the State witness, and he gave evidence before you gave evidence you were never asked by the Police whether it is true that you 30 were going to bring a bomb! Is that what you say?---No, all the Police wanted to know from me is what Nduli had done at the meeting.

And that you say is all they wanted to know despite

the fact that Patrick Mlambo had said that you were going to bring a bomb along?---Well, I wasn't present when Patrick Mlambo said that, but the Police did not question me about that.

Very well. You see Mtololo I want to suggest to you that you are very adept at finding reasons for everything in regard to which you might find yourself in difficulty, and at the risk of wearing your lordship, I want, for the purposes of reading into the record my lord, for pages of evidence that was given by this witness at Pietermaritzburg. I want you to listen and tell us whether this is what happened, whether these were 10 questions that were put to you and whether this is what..... (Interpreter and Mr. Berrange continually speaking at the same time). I don't want to waste any time about it, perhaps the witness could be allowed to listen without replying.---Yes.

If there is anything wrong, interrupt me. I'm reading from page 1,971 of the Pietermaritzburg record. You were cross-examined by Mr. Tairian. He said "You told us that you were not present at the meeting at which it was decided to attack the signal box". Your reply "I did not prepare the fuse I was present when the decision was taken". You're following 20 me, are you?---Yes.

Of course at this trial, you said you were not present. Isn't this what you said in your evidence in chief? I'm reading from page 1,773 my lord. "Will you tell the Court when you first heard about the attack on the signal box at Kwamashu"? Your reply, the same as in the last case "I was not present at the meeting before, I only heard at a subsequent meeting, because at the time before the explosion, I was either at Table Mountain or in Johannesburg". Reply "I did not prepare the fuse and the detonator my lord". Then his lordship asked you a number of questions. His lordship the Judge President. "This evidence as recorded, that is being read out this is in answer to questions put to you by counsel for the State.---My lord will counsel just read it to me again?" And then counsel read it to

you again. Then his lordship puts the following question to you "You've just said in answer to Mr. Tairian, one of the counsels of the defence, that you were present when it was decided to attack the signal box". Your reply "I was mixing it up with the one at (?) Road." His Lordship "This is one at (?) Road, the signal box?—There are two places - one is (?) road. (A lot of knocking about going. Court stopped for a while.)

ON RESUMING:

BRUNO MTOLO, still under oath

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

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I go on - by his lordship "You say how far is Kwamashu from Duff's(?) Road?—Before the railway line was extended to Kwamashu, the people used to get off the train at Duff's Road. How far away was Duff's Road from Kwamashu?—About a quarter of a mile. Is that all?—Yes my lord. Well now this count 27 that Mr. Reece apparently had in his mind, referred to the signal control box near Duff's railway line!—That I think is intended to mean near the railway line near Duff's Road Station". Then his lordship goes on "Now this particular one which you say you were, this particular attack on a signal box in connection with which 20 you were present at a meeting of the Regional Command before it took place, which one is that?—My lord where I got confused, there was an attack made again at Duff's Road. There was another attack made at the station Kwamashu. I think the name of the station is Thembelisi. Some people refer to it as Duff's Road areas. The question you were asked by Mr. Tairian was in regard to an attack on a signal box.—That may be where I got confused, because I said it was Duff's Road. Yesterday too, that same question confused me my lord." His lordship "I'm afraid I haven't understood what you're saying now. You say 30 there were two attacks on two signal boxes?—My lord there was one which did not explode my lord, according to the papers. Where

was that?---The one on the line exploded, but the one on the signal box did not explode. Where was that?---Pretoria Street Bridge. That's got nothing to do with Kwamashu?---Duff's Road is a Kwamashu area. Now that's what we are talking about, not about Pretoria Street Bridge.---And on the Duff's Road area, there is the Kwamashu location. Yes, we all know that" says his lordship. Your reply is "That is where a signal box was attacked. Now Duff Road there was an attack on a train". His lordship "We are talking about an attack on a signal box and not an attack on a train. At Duff's Road or Kwamashu or that area was there more than one 10 attack on a signal box?---No my lord. Very well, the question you were asked by Mr. Tairian was in regard to an attack on a signal box?---Yes my lord." And then there is some repetition which I won't read out. Mr. Tairian "On the signal box. The attack on the signal box". The court intervenes. His lordship "were you present at the meeting which decided to make that attack?---The signal box at Kwamashu I was not present. Then what did you say a little earlier on before his lordship started questioning you? You made the mention of a detonator, and a fuse which you prepared!" Your reply "That is what I said - that I did not pre-20 pare the fuse and the detonator for the attack on the signal box." His lordship "I'll just read what I wrote down. You will understand my note is not complete. The complete record is being made by the machine. What I recorded is this "I was present when it was decided to attack the signal box, but I did not prepare the fuse?---Yes. Now that means that you were present at a meeting when it was decided to do something that you say you did not prepare the fuse?---My lord it was the attack from the signal box, and the one at Pretoria Bridge that I did not prepare the fuses. Just come back to the question please. When you said you were 30 not present at that meeting, you were present at the meeting when it was decided to attack the signal box. Now you tell

was just because you were not thinking of the signal box, you were thinking of the train at Duff's Road. If you were confused in your mind and you thought counsel's question was directed to an attack on a train at Duff's Road, why did you add that I did not prepare the fuse?—My lord I don't know where I got mixed up but these two attacks always get me mixed up. It was the same yesterday." His lordship I haven't understood your getting mixed up until now. I haven't understood that you've been mixed up at all until now, except on one possible instance. What I can't understand, is how you can speak in the same breath of being present at a meeting and it was decided to make the attack and not preparing a fuse. Now is there any preparation of a fuse necessary, when an attack is made on a train such as was made at Duff's Road?" Your reply "There was no fuse prepared for the attack on the train at Duff's Road." Question "Were you present at the meeting when it was decided to attack a train at Duff's Road?" Your reply "—goods train, yes". His lordship "Why did you, if you thought counsel's question did not relate to an attack on a signal box, but to an attack on a train, why did you say I was present when it was decided to make the attack, but I did not prepare the fuse". Your reply "I got mixed up in my mind, as all these happenings were in the same area." Is that your evidence?—That is so, yes.

Now let's turn to Kwamashu. There are items 126, 127 and 128. Those are the attacks allegedly made on the houses of the men of the advisory board My lord. Kwamashu. Now I want to read to you from page 101, the evidence that you gave in chief, at this trial, on the top of the page. I want you to tell His Lordship whether that evidence is correct. "Curnick, who was at the time secretary of the Residents Association of Kwa Mashu, made report. He said that the member of the Advisory Board of the Municipality were worrying him. He said that they were working hand in hand with the Corporation, my lord, to prevent the residents' association from carrying on their work." Question: "Was

Regional Command....I want to make this very brief...did the Regional Command take any decision on this matter, on the report made by Curnick?---The Regional Command then decided that I should build three pipe bombs. For what purpose?---It was decided that those pipe bombs will be placed in the houses of those members of the Advisory Board, but in such a manner that it will cause destruction, but not injury to the persons themselves, to put the wind up them, to frighten them. Now do you know whether in fact those pipe bombs were used on the houses of the members of the Advisory Committee?" Your reply was "yes". Is that evidence 10 correct?---Yes.

You see Mtololo, it was put to you at Pietermaritzburg that many of the acts of sabotage in regard to which you gave evidence, and in regard to which you said the decision was taken by the Regional Command, were not in fact, so decided by the Regional Command. Do you remember that being suggested to you?--- Yes I do.

Because from there, I want to take your reply in regard to these attacks on these Residents' houses at Kwa Mashu, and now I'm reading my lord from page 1946 of the Pietermaritzburg 20 record. These are all questions put by his lordship the Judge President - "Were there any unauthorised acts of sabotage committed by members of M.K. that is unauthorised by the Regional Command." That was not his lordship's question, nor his language my lord, that was put by Mr. Golders(?). Reply 'yes'. Now by his lordship "Which were they"?---The one on the passenger train my lord. Do you mean that happened on the passenger train instead of the goods train?" Your reply was "yes". "Any others?" Your reply "I don't know what to say about other incidents where the Regional Command had decided on a certain target and a group attacked 30 another target and reported back and then it was approved by the Regional Command." His lordship "Were there any acts unauthorised

acts of sabotage, apart from this passenger train incident, which were committed by M.K. and which were not approved by the Regional Command". Your reply was "The induna at McCord's". We've already read that to you once. Then the next question was "Were not the acts of sabotage committed at Kwa Mashu unauthorised?", and his lordship intervenes "Were they what"? "Unauthorised"? Your reply was "I don't remember". Is that what you said?—
Although I don't remember now, I think I did say that.

Yes, was that true?—Yes, I'd say it was the truth, about Kwa Mashu.

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You don't remember whether they were authorised or not?—
The acts at Kwa Mashu were authorised by the Regional Command.

Then why did you tell his lordship when he asked you question whether they were authorised, why did you say you do remember? You just said that was true!—The question of the Judge was "were there targets that were attacked at Kwa Mashu, which were not authorised by the Regional Command", and I said I don't remember, not that I don't know. I don't remember.

Oh no, I must say that I give you great credit. The question was put to you directly "Were there any acts, unauthorised attacks ...acts of sabotage, apart from the passenger train incident which were committed by M.K. and which were not approved by the Regional Command". Then you mention one - you say the "Induna at McCord's".—That is right.

And then counsel puts to you the acts of sabotage at Kwa Mashu were they not unauthorised? and his lordship puts the question to you, and you say "I don't remember". The acts of sabotage at Kwa Mashu, the ones that you've given evidence about.
BY THE COURT TO MR. BERRANGE: Yes, but the houses were not mentioned specifically.—No, the acts of sabotage committed at Kwa Mashu.

30

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

Then I just want to read you something else, I'm now referring to Item 181, this deals with the attack on the passenger train, and the questions were this - "Now as you know the attack was made by mistake on that passenger train instead of goods train, your reply was yes. In that case didn't the Regional Command criticise the mistake that had taken place? Your reply was "yes, because I myself went to speak to the leader of the group about it.---Yes.

And then the next question was "And didn't the High Command too criticise this act"? Did they criticise it? 10
BY THE COURT TO MR. BERRANGE: The High Command or the Regional Command?---The High Command.

Oh, that would be the Natal Regional Command...?---No, no he first of all referred to the Regional Command and then the High Command.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

I'll read it again "In that case didn't the Regional Command criticise the mistake that had taken place?---Yes, because I myself went and spoke to the leader of the group about it". Then the question was "And didn't the High Command too criticise^u this act?" Did the High Command criticise this act?---There is one instance that the High Command criticised, but now I'm not certain whether it was the passenger train, where the petrol bomb was put in the passenger train or whether it was the case where the Molotov bombs were thrown into the trains. One of those you ...they criticised.

Why are you not certain now?---Because your memory can't always be so sharp to remember...

Your memory was sharp enough when you gave evidence at Pietermaritzburg only a few weeks ago!---When you're in the witness box and you've been questioned for a long time, then things....then your memory becomes refreshed and you remember

things.

Now I'll refresh your memory about what you said at Pietermaritzburg. You know this attack which was made by mistake on a passenger train instead of a goods train. Do you remember it?---Yes, I do.

You know what I'm talking about?---Yes, I know.

Right. Now did the High Command criticise this act?---

...

I'm asking you nothing about the Regional Command, I'm asking you about the High Command!---I've already said I'm not certain which of those two were criticised by the High Command.

But you were very certain at Pietermaritzburg! I'll re-ask you your evidence "And didn't the High Command too criticise this act?---They didn't mention this matter when I was in Johannesburg. And wasn't the reason for this criticism and so on, that with an attack on a goods train would not have entailed the possibility of loss of life, the attack on a passenger train would have entailed loss of life?" Your reply was "yes, that is the effect of their criticism".---That is correct.

Is that the evidence you gave?---Yes.

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That in fact this matter was taken up with the Regional Command, it was taken up with the High Command, both of them criticised this, and the first time you ever mentioned that was in Pietermaritzburg?---That is so.

Now I do want to put this to you - when you gave evidence at Pietermaritzburg, there were a great number of things you did not testify to, because you weren't asked about them, which you testified to in this Court!---That is so.

The questions I'm asking you are in regard to matters in which you testified to, both in this Court and in Pietermaritzburg?---That is so.

And there are a whole lot of topics which were never

raised, nor were you questioned about them in Pietermaritzburg?—
That is so, yes.

And would I be putting it unfairly if I put it to you Mtololo, that when you are confronted with evidence that is being given by state witnesses, you are ready to concede a mistake on your part, or you might have made a mistake?—If I realise it's a mistake, yes.

Now one thing is apparent, that nothing I have put to you at any time which emanates from the defence, or with regard to what the defence might say, have you ever yet conceded that you might be wrong!—Yes, because I would remember a thing as I saw it, and as it is in my memory.

Yes, anyway I'm making the point because you remember that in giving evidence when you were being questioned by Mr. Tairian about the occasion when you went to measure a pylon New Germany, and the question was put to you "Was it after measuring the pylon that you fetched the dynamite from Sale Crafts", do you remember that? And you said 'yes'?—That is correct.

And then when it was put to you that this is not the evidence of other witnesses, you then said it was a long time ago I can't say positively that it was decided whom he had to accompany. The question as to whom went with you. You said it's like that, the human mind, sometimes it's clear in your mind, sometimes it is not. Do you remember that?—I remember that.

And then his lordship put some questions to you, and then you finished up by saying I won't say emphatically that that is what actually happened, and then when it was put to you what Coetzee Naicker, a state witness had in fact said which was different from your evidence, you said "I would agree, because it happened a long time ago", and on the same aspect about the dynamite, do you remember about fetching the dynamite?—Yes, I remember.

When it was pointed out to you that your evidence couldn't possibly be correct, you said "it is possible that I made a mistake with the date of the fetching of the dynamite". That is so.

But you earlier said that the dynamite was fetched on the same day.---That is so.

And later on you made it clear that a month must have intervened between the two! This is the question "Are you now suggesting that the dynamite might have been fetched from Shell(?) as much as perhaps a month before the pylon attack?" Your reply 10 was "according to the evidence it is clear that we must have fetched it before the 14th".---Yes, I said that.

And one of the questions that was put to you was "Could you have made a mistake about the persons who are alleged to have accompanied you on expeditions"? You said "Yes".---Just re-
that question again please?

I'm sorry I read it wrongly. he said "If Coetzee N aicke were to state that he accompanied Accused No. (4), that is Billy Naier and not Casrells" you said I would agree because it happened a long time ago.---That is so. 20

Mr. N aicker was a state witness. Is it not then possible that you've doubts about other persons whose names you have mentioned. When that question was put to you, you say 'no'.

Is that the evidence you gave?---That is so, yes.

I want to get this clearly on the record, this is at page 1,895. Now I want to read it out to you and I just want you to tell His Lordship whether this is correctly recorded. The question was "Just before we adjourned on Friday, I was asking you about the organisation that you have referred to as the sabotage organisation". You said "yes, my lord". If I'm cor- 3
rect I think it started off by a european coming down from Johannesburg and telling you and others that he had been sent

the A.N.C." The reply was "yes, my lord". "Do you remember the name of the european?---I never saw the first european which came down and I never heard his name, it is only after a long time that Curnick mentioned the name. It was either Bernstead or Bernstein." Is that the evidence you gave?---Yes.

Is that correct?---Yes.

"So you yourself never met this european, never had any information from him first-hand?---The only information I have is from Billy Waier and nothing from him personally."?---That is correct.

10

Now lastly I want to read you several extracts from your evidence; all I want you to tell his lordship, ^{is} whether this is what in fact you said. You were being asked questions about how you came to make your statement. "After I was taken to the Police Station, the Police asked me many questions. I refused to answer. During that night I started thinking, and I thought that man of these people that had been arrested, must have made statements to the Police, because the things I was asked by the Police, I realised and I knew that I had done certain acts together with certain other persons my lord. I then decided that the next day when they fetched me, I would tell them the truth. The truth that I was aware of", and then on another occasion you said - "Then after your arrest by the Police, did they question you at length?" Your reply was yes. "About all the aspects of your activities in connection with Umkonto We Ziswe?" Your reply was "yes". "During your discussion with the Police, did they seem to have a lot of information about your activities?---Yes. Not only your own activities but also the activities of other people connected with Umkonto We Ziswe?---Yes. Did it strike you they seemed to know in great detail how these acts were committed?" Your reply was 'yes'. "And also about the people who were involved in the particular attacks?" Your reply was 'yes'. And then you were

asked "When did you complete your statement in Durban?" Your reply was, "as I had said I started the statement between two or three weeks after my arrest, and the statement took a long time." Correct?--Yes.

And then the question was "now what was the reason for the long time it took you to make the statement?" "I would say that at the commencement the Police did not believe or were not satisfied with what I was saying." Did you say that?---Yes.

And then at 1861. The question was "I suggest to you that you made your confession in order to become a state witness!1 ---I made a statement to the Police with no intentions of becoming a state witness".---Yes.

" I decided to tell the Police everything that was in my heart, what was worrying me before I was placed before a Court of Law to answer any case".--Yes.

"Did you make a statement before a Magistrate"?---"I refused". "You refused to make a statement?---I refused to go to a Magistrate. But you made a statement to the Police?---Yes. Were you aware that a statement to the Police which amounted to a confession could not be used against you at your criminal trial?"¹⁰ Your reply was "the Police informed me".---Yes.

"I suggest to you that the reason that you refused to make a statement to the Magistrate, a confession before a Magistrate, was because you didn't know whether you were going to be used as a state witness or not!" The reply was "No". Then 1960. "When you made that statement, did you consider that you might be called as a witness to the Police?---At some time the Police did say to me if I spoke the truth as it is in the statement, that I may be granted an indemnity by the Judge". Did you say that?---Yes.

Now the position then, irrespective of anything other that I shall deal with in this matter Mtololo, is that - mad

a statement to the Police after questioning, and after two or three weeks . They didn't quite believe you, but you know that that statement couldn't be used against you because it amounted to a confession as you've said to his lordship in the other trial when you were asked to go to a Magistrate and make a confession there, you refused to do that? Is that correct?---That is so, but what the Police did not seem to believe was that I had gone to Rivonia. That is what they did not seem to believe.

Perhaps they were correct, I don't know, but the thing about it, is this - my question was, knowing that the statement to which you made to the Police couldn't be used against you, when you were asked to go to a Magistrate and make a confession, that you refused. Is that correct? Yes or no!---That is so.

MR. BERRANGE: No further questions.

EXAMINATION BY DR. YUTAR:

Bruno, despite the fact that you have given evidence in this Court and in Pietermaritzburg, have the Police yet released you from custody?---Not.

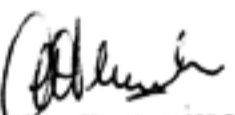
DR. YUTAR: No further questions.

A C C E R T I F I C A T E.

, the undersigned, hereby certify that the foregoing
and correct transcript, to the best of my ability,

the EVIDENCE of BRUNO MTOLO, recorded by mechanical
the matter of:

the State versus NELSON MANDELA AND OTHERS.


A.H. VERMEULEN,
TRANSCRIBING OFFICER.