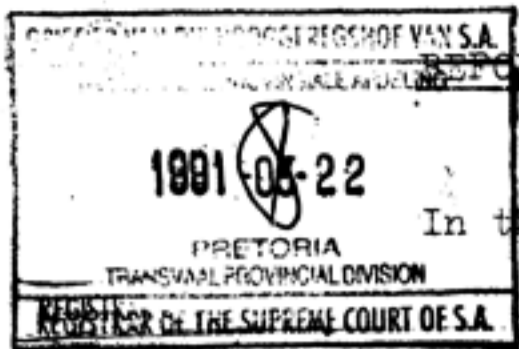


IN THE SUPREME COURT OF SOUTH AFRICA.

(TRANSVAAL PROVINCIAL DIVISION.)



BEFORE:

The Honourable Mr. Justice de Wet. (Judge President).

In the matter of:

THE STATE versus NELSON MANDELA AND OTHERS.

CHARGE: 2 Counts of Sabotage.

PLEA: All - Not guilty.

For the State: DR. YUTAR AND OTHERS.

For the Defence: MR. BERRANGE AND OTHERS.

PRETORIA.

DATE: 20th April, 1964.

- EXTRACT OF EVIDENCE -

Belt 8(E) WALTER MAX ELLIOT SISULU, declares under oath

EXAMINATION BY MR. FISCHER:

Mr. Sisulu you are Accused No. 2, you're 52 years of age, you were born at Ngcob(?) in the Transkei, it is there that you passed Std. 4; After that what did you do? —After that I left for the Rand gold mines my lord. I will be 52 in May.

You will be 52?—-I will be 52 in May.

And you worked on the mines on the Rand, and I think you also had a business of your own?—That is correct.

And later in life you educated yourself further, is that correct?—That is correct.

You've also been a professional politician employed by the African National Congress as a Secretary-General?—That is correct.

You're married and have five children?—That is correct.

Mr. Sisulu - I don't want to touch on this personal matter, but just to mention, you have defective sight have

Certified a true copy of the original, that is this office.  
Gesertifiseer 'n ware afskrif van die oorspronklike, geliasseer in hierdie kantoor.

Registrar of the Supreme Court.  
Griffier van die Hooggeregshof.

you not?---I have.

You read rather slowly?---That is quite correct.

You've taken part in the work of the African National Congress, both before and after it's banning?--- That is correct.

I want you to tell the Court just briefly, what your political views are?---My political views are inspired by the desire to achieve national emancipation for the Africa people from European domination and oppression. I have expressed these views in meetings and in my residence.

Have you ever been a member of the Communist Party?---I have never been.

Have you travelled behind the Iron Curtain?---I have travelled both in the Western Countries as well as in the Eastern countries.

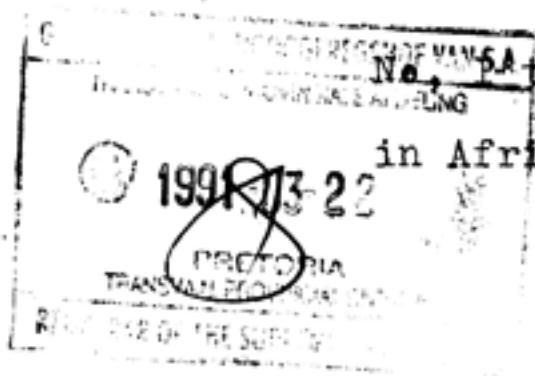
Just to get it on record, how did you come to travel, at whose invitation was it?---In 1953 I was invited by the World Federation of Democratic Youth, a non-political organisation to attend the festival in Rumania.

And is that how you came to travel?---That is how I came to travel.

Now Mr. Sisulu, because so much has been said about this in the State Case, I want you to try and make it clear, again as briefly as possible, where you stand in relation to what one might call the two main political trends of this century. The Socialist trend, the Communist trend on the one hand and the Western or Capitalist trend on the other?---I would rather have the best of both. I myself am influenced by Socialism in my outlook.

Is that unusual in this Continent of Africa?---

No, I think that that is the attitude adopted by most people in Africa, and other people in the colonial countries.



But what do you regard as the fundamental necessity, at the moment, from your point of view?---Just put that again?

I say what do you regard as the fundamental necessity, the first aim, from your point of view? That is to say from your point of view politically?---The achievement of political rights.

And how, therefore, do you approach the African National Congress and how do you regard that it should be composed? Of what sorts of people?---Well, the African National Congress welcomes all classes, as long as they are Africans and as long as they strive for the freedom of the African people.

Have you any objection to the introduction, into A.N.C. policy of ideologies either for or against Socialism? ---I'm opposed to the introduction of ideologies in the A.N.C. because I consider that it's present policy offers all classes in uniting all Africa. It is the most correct thing to do at the present stage.

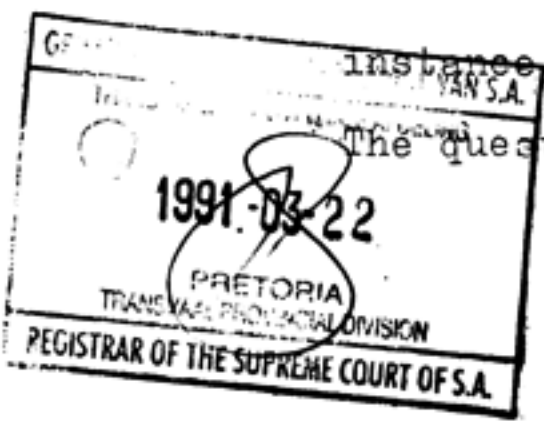
Now have you associated with Accused No. 1 for a long time?---For many years.

You've listened to the latter part of his statement about the hardships from which your people suffer?--- I have listened to him and I agree with what he has said.

Would it be correct to suggest that those hardships were imaginary, unreal?---Those are real hardships which African people suffer in this Country.

And have you suffered from it?---I have suffered. I have had personal experience.

Of what?---Of various disabilities like for instance pass laws. Like the question of being underpaid. The question of persecution. All points which have been raised



by Accused No. 1. I am aware of those and I have had personal experience.

Have you been banned under...?---I have been banned under the suppression of Communism Act, I have been confined, I have been ordered to resign from political organisations which I belonged to. I have been house arrested.

You've been detained?---I've been detained.

You've been separated from your family?---I've been separated from my family.

Mr. Sisulu I want you first of all, to tell the Court why you joined the African National Congress and when that was, what your attitude at that stage was?---In 1940 I joined the African National Congress, because the African National Congress was an organisation which pledged itself to fight for the liberation of the African people. As I've already mentioned, I had myself been persecuted, arrested under pass laws and other numerous discriminatory laws.

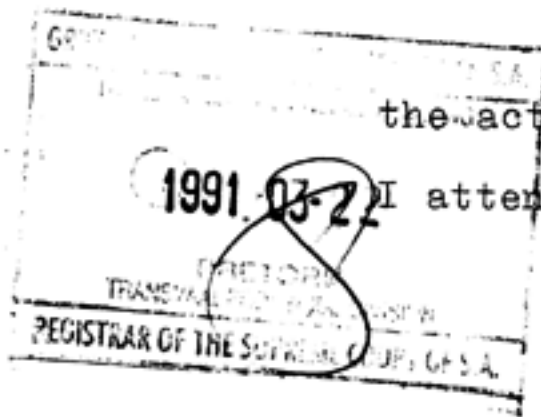
You say you joined the African National Congress in 1940?---That is correct.

Were you ever a member of the African National Congress Youth League?---I was one of the foundation members of the African National Congress Youth League. The African National Youth League was an auxiliary body of the African National Congress, more nationalistic and in fact, more of a group in the A.N.C.

Yes, did you take part in the action which that group took during the 1940's?---Yes, I did.

Would you just explain briefly what sort of action they took?---In 1940....

No, I say in the 1940's.---Well, I took part in the activities of the African National Congress from 1940, and I attended it's conferences, meetings, and in 1949 it adopted



a programme of action which became the basis of its activities, in later years.

Now again there has been a great deal of evidence about association with Communists. What was your attitude, at that time with regard to Communists in the African National Congress?---Well, as I've already mentioned that the African National Congress Youth League was a very Nationalistic Organisation. It was hostile to Communists. I myself I voted in one of the National Conferences a motion for the expulsion of the Communists. I felt that to deal the loyalty of Communists in the A.N.C. would not do for the members of the A.N.C. and also being members of the Communist party, but this was strenuously oppose' by the A.N.C. veterans at that conference, the conservatives, and in the Resolutions Committee in which I was, one of the members, it was in fact the foundation member, who is today the leading member of the Liberal Party. They are the people who opposed this on the grounds that the African National Congress was not a political party. It was the mouthpiece of the African people and as such, all Africans were entitled to be members.

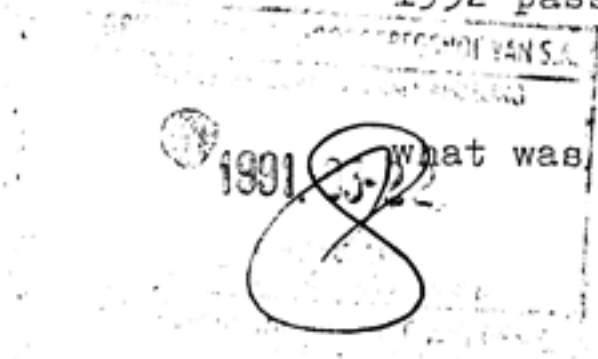
Now I want to proceed straight away to April 1960. Where were you when the African National Congress was declared unlawful?---In April 1960 I was in gaol under the State of Emergency. I was also during that period, facing a charge of high treason.

You were one of the 156?---I was one of the 156.

Who were arrested in December 1956?---That's correct.

And of course you had been convicted after the 1952 passive resistance?---I was convicted in 1952.

Now when you emerged from imprisonment in 1960, what was your attitude towards the banning of the Congress?---

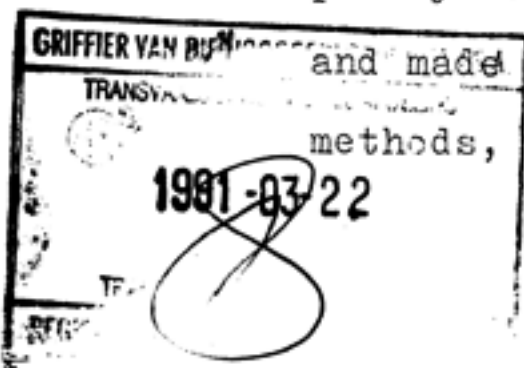


We could not accept the ban on the African National Congress, because the African National Congress was the mouthpiece of the African people. It was the only hope which the African people had, which could liberate them from oppression.

Well now before I proceed to ask you about events after that, I want you to give your lordship some idea so that this evidence is on record of the policy which had been followed up to that stage? You told us that you came to regard the African National Congress as the mouthpiece of the African people to which all could belong?---Since it's inception, the African National Congress adopted a democratic policy. That is it advocated that there was room in South Africa for all racial groups which existed. It advocated that it should participate in the Government Councils of this country. This policy was clearly stated in a document drawn up during the war years in 1943. The document called "African Claims". The drawing up of this document was inspired by the Atlantic Charter which was proclaimed then, which inspired many nations of the world that all peoples irrespective of their colour, will have a future and a state in their respective countries. The list of the names of those who drew up this document and the list of the names of the people who have served in the Executive of the A.N.C. indicates and shows clearly the character and nature of the African National Congress.

I think we'll deal with that tomorrow briefly, as the document has only just come to hand. In the meanwhile, I want you to tell the Court by what methods did the African National Congress seek to achieve it's objects?---It adopted purely constitutional methods from the time it was founded

and made a radical change in 1949 in respect of constitutional methods, and adopted man constitutional methods, because of



the fact that successive governments refused to hear the just plea of the African people.

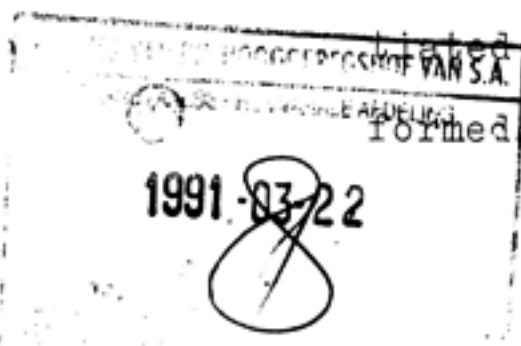
And what then occurred in 1949?---In 1949 a programme of action was adopted, which described the methods which the African National Congress would now use. It abandoned the question of mere deputations and decided to break the laws of the country, the defiance campaign, was brought about as the result of this programme of action. It adopted a programme where it would use certain disobedience, strikes, boycotts.

Yes, it was actually adopted at the end of 1949, and I think then was commenced on the 26th...the defiance campaign commenced on the 26th of June 1952?---That's correct.

Now I want you to say a word about the attitude of the African National Congress during all this period you've been talking about, towards violence?---From 1912(?) to 1961, the African National Congress pursued a policy of non-violence. This applied even during the period I have described as the period which was to break the laws. They still followed a policy of non-violence.

And by that you mean that there was a negative attitude towards violence, or was there a positive preaching of non-violence?---There was a positive preaching of non-violence.

Then I want you to say a word Mr. Sisulu, about the adoption of the Freedom Charter and why the African National Congress supported that, or adopted it as part of its programme?---The Freedom Charter was adopted in 1955 at the Congress of the People. The Congress of the People was initiated by the African National Congress, the demands which formed the basis of Freedom Charter were collected from various




parts of South Africa, and more than 3,000 delegates of Africans and other racial groups attended that conference which adopted the Freedom Charter.

Now it has been said that the Freedom Charter is in a sense a socialist document, because there are passages which deal with monopoly industry and with the land. How do you view those provisions?---The Freedom Charter is far from being a socialist document. It is a document which does visualise a socialisation of mine and other monopoly industries. The reason for this is that the mere attainment of political rights without adjusting the economic position of the country, will still leave the Africans in a poor state where they are held and have not, it is necessary to make such adjustments as visualised by the Freedom Charter.

Now let's go to the year 1960, after the emergency. Incidentally I'm just reminded Mr. Sisulu, the Freedom Charter formed one of the bases of the charges in the treason trial. ---It did. The advocate of the State was that the Freedom Charter was the Communistic document, or sought to bring about establishment of a Communist Government to this Country, but the finding of the Court was that there was no evidence that the African National Congress adopted the ideas of the Communists.

Yes, now we had reached the stage where after the emergency you were not prepared to accept the banning of the African National Congress?---That is correct.

What was then proposed towards the end of 1960, what was the proposed action to be taken?---I must mention that by 1960 there were already groups which were pledged to violent forms of struggle. Within the African National Congress there are groups, most were members, who without the consent of the A.N.C. had adopted an attitude that violence

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was the only outset. The leadership of the African National Congress felt that there was still an opportunity to bring about political demonstrations, to bring about a peaceful settlement. TO THIS end the leaders of the African people decided for me to call for the National Convention.

Yes, now I want you to explain what the congress had in mind by the calling of a National Convention?---The African National Congress thought that in view of the fact that the Government was bringing about a change in the form of Government, it was the most opportune moment to bring about a Convention whereby we could settle our problems peacefully on a round table conference, whereby the grievances of the people of South Africa can be discussed reasonably.

And in the belief that as reasonable adults, those problems could be settled?---That is correct.

To whom was the appeal made for the calling of the Convention?---The appeal was made to the Government. A letter was written to the Prime Minister, not only the African people made this call. The call was first initiated by the African people at a conference called at Pietermaritzburg, but thereafter there was a call-up throughout South Africa, Coloureds came forward, Indians came forward. The most distinguished and respected Europeans of this land from Afrikaners and English also perported a call for the National Convention.

Now that call was made, if I remember correctly, about March of 1961?---The conference was held in March 1961, and the call was made then.

The call was then made. What was the reply to that?---The Government ignored the call, whereupon the African people decided to call for a general strike in protest against this.

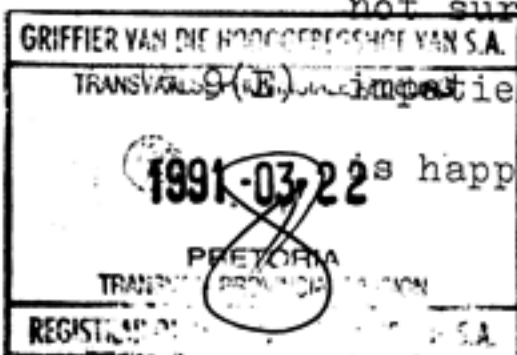
Mr. Sisulu, you have told the Court that up until

this stage the African National Congress had positively preached a policy of non-violence?---That's correct.

Was that an easy course to follow?---The preaching of non-violence was by no means an easy matter. The masses of the oppressed people have always doubted the wisdom of a policy of non-violence. They've always felt that it would never achieve anything, but the African National Congress could argue that, that political demonstrations, political strikes and boycotts could bring about a change. They could force the rulers to negotiate, they could divide the whites of this Country, but when the Government decided to ban organisations, to ban leaders, to make it illegal even to conduct actions such as economic boycotts, and meetings, then our argument could no longer hold.

Well now, were there any particular events in 1960 which affected the views of the leadership of the African National Congress?---Yes, the Sharpeville. After Sharpeville and Pondoland massacres, the African National Congress itself realised that the policy of non-violence could no longer be completely relied upon. At least not the African National Congress, some of the leaders in the African National Congress.

Yes, and were there events taking place outside South Africa, in the Continent of Africa which were also having an influence?---Yes, the Africans in South Africa are among the most informed about the events particularly in their own country. They were aware that in Africa, one country after another they were getting freedom and that the African National Congress, although it was one of the oldest organisations, was not coming anywhere near their cherished ideals. It did not surprise some of us that the people should now become impatient when they see that there is absolutely nothing that is happening in their own land.



Now Mr. Sisulu, I don't know whether it was just at this time, what was your view of what would happen if the Government policy remained as it had been?---I was myself convinced that civil war would eventually become inevitable unless the Government changed its policy. I felt that unless this was done, violence which had already broken out, would break out in the future. I felt that in the interest of my own people it would be better that we should bring about a state of affairs whereby such violence would be controlled.

Well now, I want to ask you just for the sake of the record, what occurred when no heed was given to the call for a National Convention? What decision was taken then?---After the May strike.

When was the May strike decided on?---The May strike was decided in 1961.

Was that strike decided upon at the 'Maritzburg conference in March?---Yes, that's correct.

So just what was that decision?---The decision was that the Government should call a National Convention, that if it failed to do so by the 31st of May, then the people will resort to a political demonstration.

And what happened in regard to that political strike?---The strike took place, but the Government mobilised the army, police and the Government brought about new measures to suppress the strike.

In regard to that strike Mr. Sisulu, was that what the A.N.C. has always called a Stay-at-Home?---Yes, it was a stay-at-home. In fact, one of the criticisms was that too much emphasis was laid on non-violence, because the leaders of the strike saw <sup>it</sup> to/ that they made appeals in meetings and in their leaflets, that it must be absolutely a non-violent strike.

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And just briefly, is there some particular meaning in that regard to be attached to the phrase "stay at home"?---Yes, there is a difference between "stay at home" and strike. By "stay at home" we intend to see to it that the people live in their houses in order to avoid coming into clash with the Police.

In other words, they don't gather in numbers anywhere?---They don't gather in numbers anywhere.

With the object of trying to avoid clashes?---That's correct.

Now Mr. Sisulu, I want you to say just briefly what your personal attitude is towards loss of life and destruction of property?---I hate destruction of property, and I hate more the loss of life, but I am a realist. I realised that the African people like all oppressed people have got a moral right to revolt against oppression.

And therefore, to what conclusion did you come after the May Strike?---Well I came to the conclusion that in order to see to it that violence was controlled, it was the duty of the leadership to discuss and find ways and means whereby it could be directed rather than leave it to take it's own course.

And was such a decision taken?---The National Executive of the African National Congress met in June after serious consideration of the problems and of the situation, it came to the conclusion that it could not by itself, undertake the task of violence struggle, but agreed to allow it's members to participate in forms of violence such as sabotage.

In other words, as far as the A.N.C. itself was concerned, would it undertake any sort of violent action itself?---No, it was definitely decided that it would not undertake any form of violent struggle, it would continue with

GRIFFIER VAN DIE HOOGGEREGTE VAN S.A.  
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political forms of struggle as was the case before.

Yes?---In spite of the difficulties which were brought about by the Main Legislation.

Now briefly Accused No. 1 has told the Court what the actual relationship was, but I would like you just to sum it up. You say the African National Congress itself would not undertake violence, but would not disapprove of violence?--- That's correct. In other words, it would not discipline the members of the A.N.C. who participated in violence. The reason for this is that the African National Congress is a broad national organisation for the African people, and I've already stated that it's police for fifty years has been non-violence, and many members of the African National Congress joined the A.N.C. precisely on this date. It would have been improper for the African National Congress to decide that it should decide to carry out violent forms of struggle.

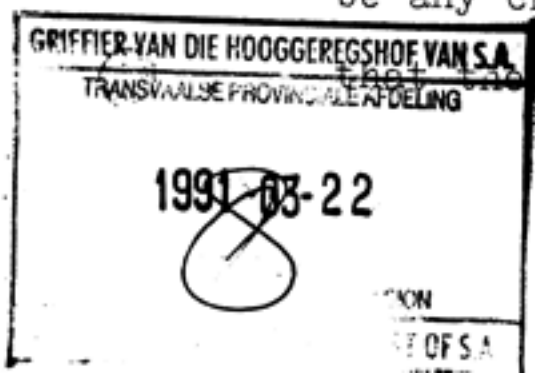
Now in what sense then was sabotage to be controlled or guided?---Those members of the African National Congress who felt that the time ha' come for violent forms of struggle, such as sabotage, were themselves to see to it that they exercised responsible leadership. They in fact, offered that they would see to it that they exercised a responsible leadership.

And in that sense then, could there have been a major change without consultation?---Just put that again?

A change in the policy of whoever...?---Oh you mean....

Organisation it was that was carrying out sabotage?---No, only it merely allowed them to carry on a type of violent struggle such as sabotage. If there was going to be any change from that, it would absolutely be necessary

African National Congress be consulted and gave it's



consent.

Now again just to have it on record Mr. Sisulu, you talked about the violence which had already occurred prior to this. What do you say about the years 1957, '58, '59, '60? ---There was violence in various parts of the country. In 1957, and 1958 and 1959.

Just briefly where?---In Zeerust, in Sekukuniland, in Cato Manor, Durban. In Sharpeville, in Pondoland.

And broadly speaking, what in your opinion was the ...what were the causes of these outbreaks of violence?---Well they were caused by the oppressive laws of this country, such as pass laws, the opposition to bantu authorities.

Well then, do you know when the organisation Umkonto We Ziswe was formed?---Yes, I know. Umkonto We Ziswe was formed in November/December of 1961.

You were aware of that?---I was aware of that.

And Accused No. 1 has told us how it came to be formed?---Yes, I was told as a political leader about the formation of Umkonto We Ziswe.

And were you kept in touch with the occurrences on that stand?---I was in touch with the leaders of Umkonto We Ziswe, I was aware for instance, of the actions on the 15th of December although I did not myself, participate in the discussion which lead to that, but I was told about that.

Well your function was a function to be prepared in the African National Congress itself?---It was the feeling of the African National Congress that they could not afford both Accused No. 1 and myself in the Umkonto. One of us had to be in the political field.

Now Mr. Sisulu, I want to ask you about the early part of 1962 - the P.A.F.M.E.S.C.A. conference was to be held at Addis Ababa I think in February, somewhere there, the date's

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not of such importance. Did the National Executive of the A.N.C. take any decision with regard to Accused No. 1?--- I think in December or January, I can't be too sure, the National Executive of the A.N.C. instructed Mr. Mandela to leave the country to attend the conference in Ethiopia, and also after the conference to tour Africa with the view of soliciting support for our cause, and also to get facilities for higher education for our youth.

Was that of any particular importance, and if so, would you just explain why?---The....

Well, both things?---Yes, the question of education in this country, there has been a change in the type of education and our youth is thirsty for education, and it became necessary to see that we helped them in this particular field, and in so far as our cause is concerned, we are engaged in a struggle of life and death. We would like to see that we get the support of our African brothers in the Continent of Africa.

Do you know whether Accused No. 1 was asked by Umkonto We Ziswe to do anything on this trip?---After the meeting of the National Executive, Mr. Mandela informed the Secretariat of the A.N.C. that he was asked by the National High Command to explore the possibilities of military training in Africa.

And did the A.N.C. do anything to forbid this?--- Well, at the time he left the matter was not discussed by the A.N.C. Only later when he had written to say that the people in Africa were very interested about giving a support to the military training, or making available facilities for military training, and that he had discussed the matter with our external mission. There was the unanimous view that the African National Congress Executive should not hinder this

and should in spirit give permission for it.

For it to take place?---For it to take place.

Now I want to know whether there was anything particular, any event in particular which lead the A.N.C. to take this decision? Did the results of the 16th of December play any part in it for instance? I'm sorry I'm using abbreviations my lord, National Executive Committee of the A.N.C. or the Secretariat, I don't know which body dealt with it?--- I'm not quite clear of the question you're putting.

I'm saying that the decision was taken to permit military training. That decision was taken by the A.N.C. when they had heard from Mr. Mandela that facilities would be available?---Oh yes, I had not yet come to that. When we received the communication from Mr. Mandela, the National Executive met and considered this request. It then decided that he should be given permission to go ahead.

Yes?---The reason as was explained to us by Mr. Mandela, offered scoring possibilities of military training. It was because Umkonto We Ziswe considered that it might, at some stage, be compelled to consider the question of guerilla warfare. Just before the Umkonto We Ziswe came into being, it was during that period, there was the general theoretical discussion in the Liberation movement about the question of guerilla warfare, but when Umkonto We Ziswe then came into being, this fell into the background.

You mean because it came into being, you put sabotage into operation?---The people began to have the hope that we are after all not relying merely on non-violent forms of struggles, but something might come out of the sabotage form of struggle.

In other words, you draw a distinction between sabotage and guerilla warfare?---I do, there is a distinction.

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Now what I'm asking you is this - that in 1962 then, after you had heard about these facilities, you then decided to permit military training?---The African National Congress Executive decided to accept the request of Mr. Mandela and the external mission to permit the military training, but this applied only to outside South Africa, except for the fact that the communication was to be conducted by the Secretariat between the affairs of the High Command and the external mission abroad.

I'll come to that in a moment. What I'm asking you in the first instance, is what moved the National Executive to decide to permit Umkonto to give it's members military training?---First the National Executive considered that it might be compelled at some stage to resort to guerilla warfare, if all other forms failed, and secondly it considered that in any event it has always been the decider of the African people, to be trained in military science too. When then there was such an opportunity, the National Executive felt that for these reasons it was proper to give it's consent.

You say that prior to this, there had been some theoretical discussion in 1961?---That's correct.

Had it been contemplated seriously at all in 1961, that people should be trained?---Well, as I say it was a general discussion, not really on Committees. It was a feeling of the people, that at some stage, they may have to resort to military forms of struggle. That is the view of those who were discussing this issue.

Now when it came to the practical, and now I'm returning to the point you made a moment ago, when it came to the practical question of Umkonto selecting people to send them for training, how was it proposed that these people should be handled outside South Africa? By whom?---Outside South

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Africa, this work was to be done by our external mission. That is the representative of the African National Congress themselves, would handle that.

And at that stage, where did the African National Congress have external mission offices?---There were offices in Tanganyika, in Ghana, in Morocco and in Egypt.

So to that extent then, the African National Congress departed from it's original decision that it should take no part in violent forms of struggle?---To that extent it had departed from the original decision.

I think actually Mr. Mandela had indicated that that would be the only way of handling the problem in his communications from Africa?---Yes, that's correct.

Now that decision then I think was communicated to Mr. Mandela?---It was communicated to Mr. Mandela, and the High Command was also informed that this has been accepted by the A.N.C.

I just want you to explain a little more fully something you said a short while ago, and that is from where was the correspondence, or by whom was the correspondence conducted in regard to recruiting and training between the missions outside and the body inside conceived?---The only body which could do that was the National Secretariat of the African National Congress.

That was the only body which could give instructions ...?---Give instructions to the external mission.

or get information from the external mission?---  
That's right.

When did the first recruits go, do you know Mr. Sisulu?---I think the first recruits left the country in June 1952.

1962?--- 362 I'm sorry.

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BY THE COURT TO WITNESS: Was this in July?---June my lord.

EXAMINATION BY MR. FISCHER (CONTINUED):

Mr. Sisulu I want to ask you whether you made decisions to permit sabotage, to permit recruiting or military training, were decisions which were easily come to, and what your attitude was?---No, they were not very easy decisions to come to. I should explain that the permitting Mr. Mandela to carry on the work abroad was provisional. A full discussion was to follow after his arrival, as to the attitude of the National Executive to this, because of the provisional decision that he should go on.

Yes, but that the matter should be fully discussed? ---The matter should be fully discussed when he comes back.

Now just before I go on Mr. Sisulu, I want to ask you whether the A.N.C. as such inside South Africa took any part in sabotage or in recruiting for military training? ---No, not at all. It did ~~take~~ not take part in sabotage, nor did it take part in the recruiting for military training. The recruiting for military training was done by the units of Umkonto.

BY THE COURT TO WITNESS: You say the training of these recruits was arranged by your head office?---That's correct my lord, in so far as it affects our machinery outside South Africa, it was to be done by the members of the National Congress.

Yes, but still you had to communicate with the outside offices to make the arrangements?---That is correct.

Not the details but in broad outline?---Yes, that's quite correct. The National Secretariat had to communicate with out external mission.

Yes?---But the recruiting itself was an affair of

the units of Umkonto.

OFFICER VAN DIE PROKURATIE VAN S.A.  
TRANSVAAL PROVINSIE

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EXAMINATION BY MR. FISCHER (CONTINUED):

Now I'll turn now to Mr. Mandela's return to South Africa in June of 1962.---Yes.

Did he make a report then?---Yes, Mr. Mandela made a full report about his trip, and among other things which received fullest consideration was this question of military training. Even at that stage, although there was a provisional decision, there were still people who had doubted the wisdom of it and expressed such views that it was a premature decision to agree that we should embark upon military training, but after a full consideration the Executive endorsed the line it had taken earlier.

That military training should be proceeded with?  
---That military training should be proceeded with.

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I'd like you to explain a bit more fully Mr. Sisulu, precisely what the attitude was with regard to the continuing of military training? You say some thought it was premature?---Yes.

Incidentally, there is an Exhibit R.14 which Accused No. 1 referred to?---Yes, that's correct, that refers to such discussions after he had come back.

And there is a name on that who refers to someone who said that military training was premature?---That's correct.

What is that name?---Kumela(?).

And who is that?---That's myself.

I don't want to exonerate you because you took part in the decision, but that is in fact, what you put forward in that meeting?---That's correct.

Now was this a decision Mr. Sisulu, to go in for guerilla warfare?---No, there was no such a decision. The African National Congress made it perfectly clear, that all

that it has decided upon was the ...was that the military training can be undertaken, but no other decision should be taken without fullest consultation. It was by no means a lesson to go ahead with guerilla warfare.

I think the next topic is the question of your house arrest, and how that affected you? When were you placed under house arrest?---I was placed under house arrest in October 1962.

And after that...incidentally, what did your house arrest mean? That you couldn't leave the house?---No, at this stage, it was a twelve hour house arrest. I could leave my house after 7 and be home by 6 o'clock. I could not leave my house on Sundays, I had to be home on Saturday at 2 o'clock and leave on Monday after 7.

AT THIS STAGE THE COURT ADJOURNS UNTIL

21ST APRIL, 1964.

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ON RESUMING ON THE 21ST APRIL, 1964.

WALTER MAX ELLIOT SISULU, still under oath

EXAMINATION BY MR. FISCHER (CONTINUED):

Mr. Sisulu, you will remember you referred yesterday to the document called "African's Claims" which was framed after the Atlantic Charter had been published, and it was framed by a Committee appointed, I think it was in 1943? ---That's correct.

At a conference of the A.N.C. and this was published in 1945?---That's correct.

I don't want to weary the Court with the programme which speaks for itself, but in many respects it's just the forerunner of the Freedom Charter?---That's correct.

That is the bid of violence?---That's correct.

There is even a claim for re-distribution of land? ---That's correct.

But what you wanted to refer to I think, in this connection, was the composition of the committee which drafted this?---That's correct.

What do you say about that?---Well, I say that was the claim of the African leadership. It consisted of leading intellectuals, leading business men, conservatives and Communists, all united by their desire to achieve freedom for themselves and for all the people who have made South Africa their home.

To achieve freedom along the lines which you have discussed?---That's correct.

Now just to mention some of the names, the names appear at the back of this volume which I shall put in as an exhibit, and some of them are described, their capacities?

That's correct.

Are they correctly described here?---That's

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correct.

That some of them are not described. I'll just mention two or three of them. Mr. Baloyi was a business man on a very big scale?---He was a leading business man who owned a fleet of buses.

Then the Reverend James Tgalata, who is a Canon in the Anglican Church?---And a leader of the inter-denominational Ministers' Federation.

Mr. Godlar was a member of the Native Representative Council, and also President of the Vocation Advisory Board?---South African Vocation Advisory Board.

Just to skip a few. Mr. Moses Katani was Secretary of the Communist Party?---That is correct.

And then one had people like the Trade Unionist Mr. Makabeni, and Chairman of various Teachers' Associations? ---That's correct.

So it was a completely mixed committee?---That's correct.

EXHIBIT 'DK' handed in. Now Mr. Sisulu as a background to what eventually made the African National Congress agree to permit sabotage, what happened to all those efforts which had been put forward in 1945?---Well, I'd like to mention that both in policy, programme and practice, the African National Congress adopted the most reasonable and sober attitude for the unity and harmony of it's citizens. They had been reasonable and tolerant for years, but the Europeans of this country through their political representatives, were not prepared to accept the line we have chosen to a peaceful settlement of all problems by negotiations. Instead they chose to make South Africa an armed camp.

Now this is the background to what you did in June 1961?---That is the background to what we did in June '61.

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Well it should be clear my lord, with the banning of meetings, banning of organisations and suppressing all legal methods, it was not possible for the Africans to accept this situation. No self-respecting African would accept this situation.

In fact, Mr. Sisulu just to get it on record, by May 1961, was there any method in which an African organisation could protest in any way whatsoever?---By May 1961?

Yes?---Well, we had been using strikes and boycotts but as I had said earlier, that....

Yes, but those were all illegal..?---They are illegal, but each time they brought about more measures to suppress, and as I said earlier, that the strike in May new measures were brought about to suppress it. Twelve-day detention, for instance was brought about.

Yes, it was introduced at that stage?---Yes.

That was the rule under which a person could be detained for twelve days without any charge at all?---That's correct.

Now with that background, I want you to tell the Court when this matter came to be considered in June 1961, what were your views?---....

There was a decision taken?---I supported the view that the time had come even to resort to methods such as sabotage. I supported that view in the National Executive. I myself had listened to a statement made in Court here by Mr. Nelson Mandela. I chose the same road for the same reasons, that we had to change our attitude. We could not continue preaching non-violence in a situation which was becoming impossible.

As far as you personally were concerned, you joined Umkonto We Ziswe?---It was felt that it would not be in the interests of the whole movement, that both Mr. Mandela

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and myself should join Umkonto We Ziswe. For that reason I did not.

Did you have any...?---I was kept in touch with the leadership of Umkonto We Ziswe. There were times, as I'll show later, when I had to attend meetings of Umkonto We Ziswe.

So you did not actually join Umkonto We Ziswe?---I did not join Umkonto We Ziswe.

Did you feel you had any particular aptitude for it?--- Well, I didn't really have the aptitude for it.

So you were kept informed as you say. Now on what sort of matters particularly, were you kept informed?---I was kept informed by the National High Command on matters which had a bearing on political questions.

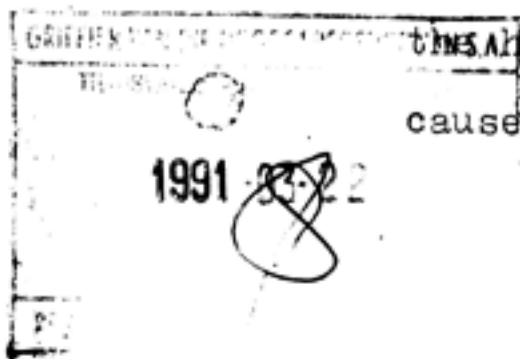
One other aspect of that decision Mr. Sisulu, did it have an affect...did this decision to permit the establishment of such an organisation, have any effect on the policy of the A.N.C. itself?---No, not at all. The policy of the A.N.C. continued to be what it was, except a change only in one respect. That is they had decided that they would no longer go out and preach non-violence, but that they would not themselves, change the organisation into a violent organisation.

Now Mr. Sisulu in October 1962, I think you've told the Court, you were placed under house arrest?---That is correct.

That was just after you had made arrangements for the Lobatsi conference?---That is correct.

Did that precede the conference, or come after the conference?---I had gone to Bechuanaland and made preparations for the conference. I <sup>heard</sup> during that period

house arrest order was issued. I came back home because I wanted to be home when they issued the order. I had no



intentions of leaving the country, and it was served on me a few days before the conference, so I did not attend the conference.

And the evidence that has been given to the contrary?---That will be incorrect.

Now I take it that the house arrest made it difficult for you to attend meetings?---It made it very difficult, because meetings are held at night, and I could only meet people secretly and quickly and during the period I'm allowed to be out, whilst it was twelve hours.

Now for that and for other reasons, there followed a certain overlapping of functions. Could you just explain that?---Yes, the banning orders and also the fact that some of the people lived in the country, made the work a little bit difficult, and there was overlapping. That will be seen for instance, in the letters which were found at Tswabalin(?), but there was this overlapping. People who were serving in two capacities in the Umkonto We Ziswe as well as in the African National Congress....

I don't think it's necessary for you to demonstrate to the Court, but it will be seen from the letters that many of those letters, say the last three months four months before July deal with both A.N.C. matters and with Umkonto matters?---That's correct.

I suppose there were other difficulties as well Mr. Sisulu?---Yes, there were difficulties. For instance,....

I want you to deal specifically with Exhibit 'WW' if you can remember what the history of that was?---Yes. For instance, in regard to that exhibit it was drafted by a member of Umkonto We Ziswe, and he was also a member of the A.N.C. The draft was brought to the members of the Secretariat. That's the A.N.C. Secretariat?---The A.N.C. Secre-

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tariat. I myself saw the draft. The Secretariat then recommended that a portion which was clearly intended for Umkonto We Ziswe, that is the last portion I think on the left-hand, should not be included in the leaflet. There were one or two other amendments which I cannot remember now, but the document was issued as it was originally drafted. I got to know later the reason for this. There were two copies and the amended copy was not handed over to the printers, and the printers went ahead. Our Technical Committee dealt with that aspect of the work, the distribution of leaflets to the various regions.

In fact, were there protests about this leaflet?--- Natal did not distribute it at all, because they thought it was not keeping with our policy, in the sense that it made Umkonto We Ziswe as if it was one with the African National Congress. There was controversy in the Transvaal, but I understand in the Transvaal it was distributed. I myself got the leaflet only in May when I emerged hiding den, to begin my political activities.

And by that time of course it was distributed, it had already been distributed?---By that time it had already been distributed.

Now Mr. Sisulu, I want you to deal with the position of you and Nokwe who were both facing certain charges.--- Both....?

You were both on the National Secretariat in the A.N.C.?---Both Mr. Nokwe and I were in the National Secretariat of the A.N.C. and we were both facing charges under the Unlawful Organisation Act, and other charges like incitement. There was a feeling that we might have to go to gaol, and in any

event there were the restrictions which made the work of the National Secretariat much more difficult and required more

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people in it.

What decision was taken as a result of that?---  
The National Executive discussed the situation and decided that Mr. Govan Mbeki should be brought into the National Secretariat.

He was in Port Elizabeth at that stage?---He was in Port Elizabeth at that stage, although he had attended the conference at Lobatsi, he was present at the discussion, so he requested that he should be allowed to go to Port Elizabeth, make arrangements with his employers. He had accepted the position that he would serve on the National Secretariat.

And did he eventually make those arrangements?---  
He made those arrangements and came back to Johannesburg.

When was that?---This was I think the end of November or beginning of December, 1962.

And as from that date he was on the National Secretariat?---He was on the National Secretariat.

Subsequently, was he also served with some banning order?---In April he was served with the house arrest order, but the Nationala....

Just pause for a minute there - that would have confined him to what?---To Port Elizabeth, he was asked to leave Johannesburg and go to Port Elizabeth, but he was advised by the National Secretariat to ignore the order and go underground. That is how he went to Rivonia.

That is how he came to Rivonia?---Yes.

That was then in April 1963?---That was in April 1963.

Then I think you've told us that the National Secretariat, having charge of the external correspondence of Umkonto We Ziswe?---That's correct.

Who handled that correspondence?---Before Mr.

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Mbeki, Mr. Nokwe handled the correspondence. He had a contact with the National High Command. Matters which had to be referred to the external mission were brought to his attention.

And he handled the correspondence?---And he handled the correspondence. After him Mr. Mbeki handled the correspondence.

So they handled their correspondence as members of the National..?---Members of the National Secretariat.

In fact, when did Mr. Mbeki take over that correspondence?---In January.

That is before he had his house arrest?---Yes, before he had his house arrest.

And before he had come to Rivonia?---Before he went to Rivonia.

Now Mr. Mbeki will tell the Court that he was also a member of the National High Command. How does that come about?---Well, he was approached by the National High Command when he was in Rivonia, to join the High Command, and he accepted the position, and this made the work easier, because he was a man who was also handling the external correspondence of the Secretariat.

Was there any particular reason for asking him to join the High Command that you know of?---Well, I don't know if there was any particular reason, except that he was available at the time.

So thereafter he remained on the National Secretariat to attend to the external correspondence of the National High Command as well.---That's correct.

In cidentally, this is perhaps the appropriate place Mr. Sisulu, the indictment alleges in addition Accused Nos. 1, 2 and 4, it also alleges that Accused Nos. 3, 5, 6 and 7, were on the National High Command?---As faras I know, not.

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They were not.

You on occasions, attended the High Command meetings?---That's correct.

Were any of them ever there?---No.

Would you have known if they had been on the High Command?---I knew the members of the High Command, I was also told of the members of the High Command. I would have known.

Then just to wind up on this aspect of the matter, your...I don't we've dealt with this, your house arrest was extended in April 1963 from twelve hours to twenty-four hours? ---That's correct.

And did the National Executive take any decision with regard to this?---The National Executive decided that I should not go to gaol. I was convicted then, that I should not go to gaol, my services would be required outside, and that I should leave my home and go underground, and then in April somewhere towards the end of April, I went underground.

When did you arrive at Rivonia?---In June, 1963.

Having gone into hiding in April?---Yes.

Now Mr. Sisulu, at the time that you went into hiding what was the main plan of the African National Congress? ---At the conference in Lobatsi, the question of the removal of the people in the Western Cape was highlighted as well as the question of re-organisation of the rural areas. The Executive discussed this question after a report was given by Mr. Mbeki who had gone to Cape Town in January.

Now this is a later time. It had been highlighted in October?---In October. In January we got a report of the actual situation in Cape Town from Mbeki.

Yes?---It was clear that the position was very desperate there. The people were contemplating, not only in burning passes because of the viciousness of the pass laws there. They were in fact, contemplating actual violence. We

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thought that we should plan an anti-pass campaign, not only in relation to the Cape Western but to plan it on a national scheme, so that the Western Cape would merely spark off, but other areas would thereafter join. We were making then these preparations at the beginning of the year.

Mr. Mbeki will tell us precisely what he found in the Western Cape, but just briefly what you acted on was a report which dealt with the removal from the Western Province of the Africans living there?---That's correct.

That was at the time when the so-called Icelan line was in force?---Yes.

Was your understanding that the situation was very serious?---Very desperate indeed.

When you talk about the possibility of violence which was reported, just tell the Court what you mean by that? ---Well....

Was that sabotage, or was it something else?---No. According to Mr. Mbeki's report, the people there were contemplating marching to town and just carrying on violent actions and destruction of shops and molesting Europeans. He stopped that situation.

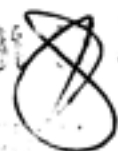
Yes, that we'll hear from him. Now on the other hand, you say that was one plan, the other plan was to deal with rural areas?---Yes.

Just expand that slightly please?---Well you see although the question of the rural areas came up from time to time in the A.N.C., but with the increasing difficulties, it was felt that we should step-up the question of the rural areas.

That's to say organisation?---Organisationally.

Yes. Now in connection with the anti-pass campaign how did the National Executive visualize that that might

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END? IF IT WERE SUCCESSFUL?---Well, the plan was that it will culminate in a national strike, and also it was contemplated that at some stage, there might be burning of passes. So we were working on both these lines, that we should prepare the people for the national strike and for the burning of passes. We had in mind that by June we might be ready for the national strike.

Now did that, in fact, materialise?---It didn't. When the 90 days was introduced we re-examined the situation and the difficulties were increased by the 90 days, and the idea of a strike by June the 25th was relegated to the background. It was not completely abandoned, but it was not a possibility by June the 26th.

Incidentally, I think there's one of the letters "E.29" that deals with these?---Yes, I do know that there were directions which were given to the regions and branches about this particular campaign. It was after all, the major campaign of the A.N.C. for 1962.

Well, when the idea of a national strike was pushed into the background, on what did the A.N.C. then concentrate?---I'm sorry, I didn't follow that.

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When the possibility of a general strike for June fell into the background, on what did the A.N.C. then concentrate its attention?---Well it concentrated its attention on re-organisation in order to fit in the positions of the people who might be collected during the detention, people who might be collected for 90 days, and also concentrated its attention to the re-organisation of the rural areas.

Now I want to come Mr. Sisulu, to the document the contents of the document called "Operation Mayebuya". During the latter part of 1962 and the early part of 1963, was there talk about changing from sabotage to something else



---Yes, during the Lobatsi conference some members of the National High Command met with the external mission, that is our men abroad who had attended the conference, and discussed the question of stepping-up the training of our men. Also during this time, I think at the beginning of the year, Arthur Goldreich who had been abroad came back very interested about the guerilla warfare plans. During March/April the press gave publicity to the plans of the Pan Africanist Movement to bring about revolution, so that this was the period when people were talking a great deal about the guerilla warfare.

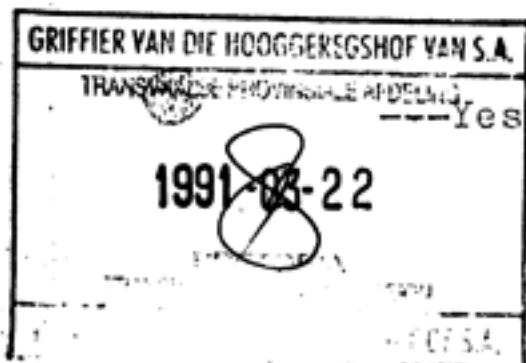
Incidentally, in your opinion Mr. Sisulu, is guerilla warfare something which can be prepared overnight, or will it take a period?---Not at all, although I have made criticism of certain aspects of that pamphlet, I think that pamphlet also makes it clear, that is "WW", it's a matter which we take very seriously. The leaderships of the African people consider that a very serious matter, that is why, when they gave permission for the training of our youth an emphasis was laid that should it be necessary to consider anything else, it will have to be brought to the attention of the National Executive, because we consider this a serious matter and the plans would take a very long time to prepare for such a thing.

When you say anything else, do you mean anything other than sabotage?---Yes, anything other than sabotage.

Now I take it there were different schools of thought about this, what you've indicated? About the possibility or the advisability of trying to involve guerilla warfare?---At this stage there was unanimity, that we are not contemplating, the Executive was certainly not contemplating guerilla warfare.

I'm talking generally amongst the African people?

---Yes, there was a general talk amongst the African people.



And there were people who favoured guerilla warfare?---There were people who favoured guerilla warfare.

Immediately?---Yes, as a matter of fact, I have mentioned the name of Arthur Goldreich. There was a discussion in the circles of the High Command, there were groups which were forming and considering that this matter must be brought officially to the attention of legislative. A GROUP did form which was to lead them. I was later informed by Mr. Mbeki, whilst I was in hiding that he had had discussions for instance with Arthur Goldreich, but they were planning that guerilla warfare should be discussed, with the High Command.

At this stage, you were not yet at Rivonia?---I was not at Rivonia.

What attitude did you adopt?---I thought that it was a matter which required immediate attention and that it should in fact, be discussed officially, and I suggested that a meeting be called of the High Command which I would myself attend, and the meeting was called at the end of April which I attended. In that meeting there were no plans. I raised the matter that this has come to my attention and we would like the members of the High Command to know that if they should consider a matter like this, they should know that we attach a great deal of importance to such plans. There should not just be loose talks. Then I was informed that they are, in fact, working on a plan which was to be submitted to the National High Command, and that Arthur Goldreich, who was not a member of the High Command, was part of the group which was working on this plan, and it was suggested that he should be allowed to attend the next meeting with a concrete plan, which was then to be presented to the High Command.

And did you say anything about your being present?

---Yes I did. I said that I would be available at meetings at

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which such a plan will be discussed.

BY THE COURT TO WITNESS: I don't know if you're quite clear. You say these plans would be submitted to the National Executive in due course?---No my lord, the plans would be submitted to the National High Command.

And via them to the National Executive?---Then from the National High Command they would have to go to....

They would then have to go to the National Executive?---That's correct.

EXAMINATION BY MR. FISCHER (CONTINUED):

Now Mr. Sisulu, I don't know whether you know about this person or whether you have been told about it, whether there was any discussion about the A.N.C. plans for rural areas and the Umkonto plans for the rural areas?---Well, I do know that ....

Was this reported to you? I just want to be clear? ---Yes.

By whom/<sup>was</sup>it reported?---Well, I was trying to explain that, that there was a discussion for instance, between Arthur Goldreich and Govan Mbeki about the ...Arthur Goldreich enquired from Mbeki...

One moment, I don't want to stop you, if my learned friend doesn't mind your telling him this, but this was reported to you by Govan Mbeki?---That's correct.

You weren't present?---No, I wasn't.

Just tell what you were told?---You see he enquired from him about the A.N.C. regions in the rural areas, how they were working, and then Mr. Mbeki explained to him which regions were functioning, and which areas were being contemplated to being organised by the A.N.C.

Well now you say then, that the idea was that a plan would be submitted to the National High Command and that you would be present?---Yes.

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Did that occur?---Yes. In May a meeting of the National High Command was called.

Mr. Sisulu, just before you go on, can you be certain of any particular date?---No, no, I wouldn't be certain of dates, but this was...

What part of May?---It was early in May. A meeting of the National High Command at which I was present, discussed the plans.

BY THE COURT TO WITNESS: Is that the guerilla warfare plans you're talking about?---The guerilla warfare plans. The document which has been submitted here...

EXAMINATION BY MR. FISCHER (CONTINUED):

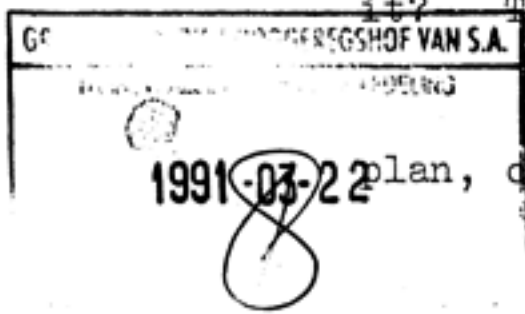
That is Exhibit 'R.71'.---I don't know the exhibit. "Operation Mayebuya".

That was submitted?---That was submitted and a discussion was then led by Arthur Goldreich. Now the reason for appoint <sup>ing</sup> him, it was explained was that he had an extensive knowledge about this, the guerilla warfare or military science. He was himself a Commander in Israel and he was also a very enthusiastic man about this. He had had discussions too about guerilla warfare in his trip abroad, so that those who were suggesting this, had confidence that he would be the best man to submit this plan. Although he was not a member of the High Command, he actually led the discussion on "Operation Mayebuya".

And the document which is now before the Court, is the very document which was presented?---Which was presented.

Well his lordship can analyse the document for his own sake. It's partly an argument and partly a plan, is it? That's correct.

And I think that the regions mentioned in this plan, corresponded with the African National Congress regions?



---Yes, that's correct.

That's the rural areas?---Yes.

Now what...can you remember what was discussed in regard to this plan, at this meeting where you were present?---Yes. There were two views, there were people who urged immediate adoption of the plan, who maintained that it was a suitable proposition. As you will see from the plan itself, they argued along those lines outlined in this plan, that it was a feasible proposition and it could be taken...undertaken within a short space of time, but there were others who felt that this is a very serious matter. It's a serious departure from what we have been doing and it requires, therefore, a very serious consideration. The plan itself, although it had terms to argue the case, was not quite sufficient, it was lacking in details, and that some people felt that the time for guerilla warfare was not yet at any rate, but we could still use mass action in committing sabotage. These were the views which were expressed by the other side. Mr. Mbeki argued that he could not, he was a new man, he could not make up his mind one way or another, but he, however, felt that a plan of this nature must be laid with our political activities, and that it should not cloud the issue which the African National Congress considered to be the main issue in 1963, namely the anti-pass campaign, and the strike which was being contemplated.

You say it lacked details?---It lacked details.

Did it really give any detail at all?---Well, the people who drafted it considered that they provided what was necessary, but it had no details as far as we were concerned. For instance, how much it would cost, what material was required, and things like those as I say, were not available.

And there's a provision for instance, in the document for a report by committees?---Yes, it is in that particular

meeting for instance, where a decision was taken to appoint a committee...a logistic committee.

Called the logistic committee?---Logistic Committee under the Chairmanship of Mr. Goldreich.

We'll come to that in a moment. There's also a reference to reports by committees I think, by the 31st of May? ---The plan has suggested that.

Now in fact, were there any reports, either by the 31st of May or at any time prior to your arrest, by sub-committees?---Well, we are discussing now the beginning really of May. The meeting was at the beginning of May, do you mean later on?

I'm jumping ahead I'll come there presently.---Yes.

Just while I'm dealing with this Mr. Sisulu, I don't think you've made plain what your own attitude was?--- My attitude was that the National High Command would...must know that a matter like this will require the fullest attention of the movement, but I had not yet made a study of the document as such, but even from the little that I was able to observe, it appeared to me that the question of guerilla warfare is not quite a feasible proposition at this stage, and that the document as in itself did not seem to me to argue a case sufficiently.

Apart from the feasibility of it, was this a decision which was merely a military decision, if the decision had to be taken?---No, it would be a political decision of far reaching importance.

Now I want to digress for a moment to deal with two other documents which have been placed before the Court, and those are Exhibits "R.54 and R.58". Those are the speakers' notes for Umkonto organisers and the syllabus - the shorter document. What did you know about these documents?---

The question of lectures was also raised in that meeting. Mr. Goldreich said that he was working on the lectures and then he wanted to be authorised to be carrying on with that, and he was in fact, authorised by that meeting to carry on with the lectures, but he had already been working on this in other respects. I think it was connected with explosives and connected with his trip. It was something which he had already done, but he merely wanted final authority to make it an official document.

To go ahead?---Yes.

Now in fact, did you ever see those lectures?---  
No, I never saw them.

Did you see them for the first time in Court?---  
I saw them for the first time in Court. Mr. Mbeki however, explained to me that he had seen the lectures, in their complete form.

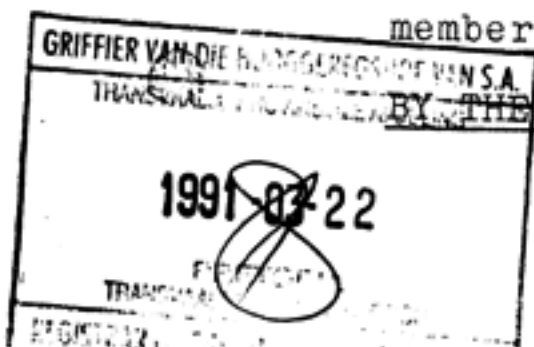
Just one further word about this. Mr. Sisulu, would the A.N.C. at that stage, have felt entitled on it's own to decide that Umkonto could go over to guerilla warfare?---  
No.

Would the A.N.C. have taken the responsibility of making that decision, simply by itself?---Oh no, not at all! It was the tradition for a number of years now for our movement to work in consultation with others. What was known as a Congress Alliance, so that even on comparatively minor campaigns, consultations were held.

Would there have been a danger in the African National Congress taking such a decision all on it's own?---  
Danger? Well, I don't quite follow there?

Well, what might have been the attitude of other members of the so-called Congress Alliance?---Oh yes.

BY THE COURT TO WITNESS: I don't think you've told us who the



members of the Congress Alliance are, have you?---No.

What is the Congress Alliance, and what does it consist of?---The Congress Alliance consists of the Indian Congress...South African Indian Congress, The South African Coloured People's Congress, The South African Democrats was by this time of course banned, but it used to be part of the Congress Alliance, and the African National Congress. The South African Trade Union Congress too, was part of it. S.A.C.T.U. not completely, because it wasn't a political organisation.

How do you mean it was partly? Didn't they send a representative?---It did have a representative in a Committee which was handling the affairs of the Congress Alliance. Like the National Consultative Committee.

EXAMINATION BY MR. FISCHER (CONTINUED):

Now I just want you to make it quite clear what period you're speaking of?---Well, I'm speaking of the period from 19.. Well, these are different periods. You see the Alliance started actually in 1946 between the Indian Congress and the A.N.C. and later on in the fifties the other organisations joined in.

And then did any of the organisations disappear? --- Well the A.N.C. was banned in 1960, and the C.O.D. that is Congress of Democrats was banned in 1962, I think.

BY THE COURT TO WITNESS: But I understand from you that this body still existed though, because you said there would have to be a consultation with this body?---No, not in the sense my lord, that we were working still as a Congress Alliance at this stage.

What do you mean - you would have to consult with these various bodies, before you can make any decisions?--- That is correct.

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EXAMINATION BY MR. FISCHER (CONTINUED):

In other words Mr. Sisulu, it would have been of importance to you whether they agreed with the move or didn't agree with such a movement?---Oh yes.

Because if you undertook it without agreement, then you would be splitting what is broadly referred to as the Liberation Movement?---Yes, that's correct.

As you discussed this question of the Congress Alliance, was there ever any body, that is to say a body constituted of representatives which could take decisions for all the congresses?---No.

Would you just explain?---Each organisation had the right to take a decision on it's own. There was a gentleman's agreement, it was not a binding thing, that there should be consultation.

Yes?---And that is why a committee, called the National Consultative Committee was brought into being.

Is that the significance of the word "consultative"? ---That's correct.

Now Mr. Sisulu, we've discussed the question of the meeting of the National High Command where operation Mayebuya was presented in it's present form, and you've told the Court that it was there that the Logistics Committee was set-up, to investigate the possibility?---Yes.

Now on the political side, what was the next...? ---It was also felt that the matter must be brought to the attention of the political organisation. The A.N.C. Secretariat for instance. We decided to inform the A.N.C. Secretariat. After this meeting, we called a meeting of the A.N.C. Secretariat which we attended with Mr. Mbeki.

You and he attended the Secretariat meeting?--- Yes. Outlining the discussion of the High Command to the



Secretariat, and they also expressed...well two views also emerged in the Secretariat.

Yes?---There were people who thought that there is a case for those people who felt that we must go over to guerilla warfare, but there were others who felt, in the Secretariat, that this was going too far, because to go over to guerilla warfare, would mean a serious proposition with serious implications. The question of the feasibility of guerilla warfare itself was an issue which would have to be seriously considered, but they felt that the question of stepping-up our machinery, there could be no quarrel with that. That that should be undertaken immediately. As a result of this, Solomon Mbanjwa who was the main man dealing with the rural areas, he was a member of the Adhoc Committee and in charge of the rural areas in Natal, it was decided that he should be called up for two reasons. One, he had to inform the members of the National Executive in Natal, that this type of discussion was going on. Secondly, he had to see to it that he steps up the organisational work in the rural areas. As far as other areas are concerned, the Cape Province, there was a man at this stage, who was in Johannesburg. As far as that area was concerned, it was left in his hands.

To convey the information and the directions?---  
Yes. We did not have any Adhoc Committee in the Freestate.

You seem to have left my province out.---Well, the Secretariat would handle the Transvaal.

Now Mr. Sisulu that then was the position adopted by the National Executive at this stage.---The Secretariat.

I'm sorry, the Secretariat. I think...?---I should mention that the Secretariat that the matter should go to the National Executive, as soon as it was possible, but that on the basis of the information which was available, there

wasn't sufficient material to go to the National Executive, and that we should get more information from the High Command.

Yes?---We had not brought the document itself, and the members were keen also to see the document which contained these suggestions.

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Yes, I think at that stage then, you heard that another meeting of the High Command had been held?---At the end of May the meeting of the High Command was arranged. The original intention was that the Logistic Committee should provide the information which it had been asked to collect. I was, however, informed that the Logistic Committee was not ready, and I did not then attend that meeting. I heard the information about the deliberations of that meeting from Mr. Mbeki.

In other words, there could be no point then really, at that stage, in discussing the matter further?---No.

Until there were further details?---Yes.

I think you also told that the High Command had decided to go on doing preparatory work?---Yes, the High Command....

Had decided that it should go on doing preparatory work?---That's correct.

Do you know whether that preparatory work went on?---Yes I do know, because at the beginning of July another meeting of the National High Command was called. I attended that meeting.

Now before we go to that meeting, let me just ask you one or two preliminary matters. Did you know whether someone had been brought in to do investigations for the Logistics Committee?---Oh yes, I was informed that Dennis Goldberg was working with Arthur or under his instructions, to do investigation.

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Collect information?---Collect information on a particular aspect.

And you...as to follow up what you said a short while ago, in response to the request that Mbanjwa should come up from Natal, what did in fact, occur?---Instead of Mbanjwa, Mr. X arrived instead of Mbanjwa.

I don't want you to trouble about Mr. X in any detail, he arrived and do you know with whom he spoke?---When he arrived I was in Rivonia. It was at the beginning of June, I had gone to Rivonia for medical check-up, and he found me on my seat. He was brought in by Mr. Y...

Z?---Mr. Z.

Yes?---I left. I did not stop to meet him and ask him how he was keeping. I did not speak to him at all.

BY THE COURT TO WITNESS: Not at all?---Not at all. I just greeted him and I left. I said well I was going away. I was in fact, not staying at Rivonia, I was going to the place where I was staying. I was not in a particular hurry to go anywhere, except that the car had come for me and was outside.

EXAMINATION BY MR. FISCHER (CONTINUED):

Alright then I won't ask you whether you probably know what did occur, and you were told that afterwards?---I was told about the discussions which were held between him and Mr. Mbeki.

Well, Mbeki will be able to tell us about that.

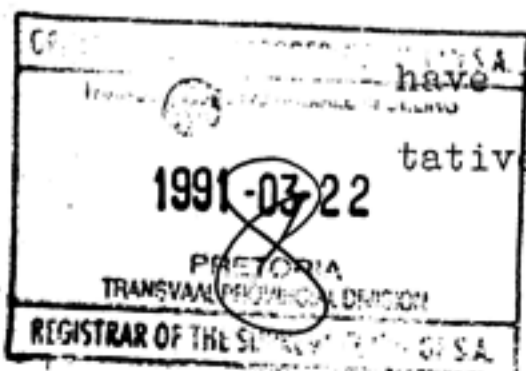
AT THIS STAGE THE COURT ADJOURNS FOR TEA.

ON RESUMING:

WALTER MAX ELLIOT SISULU, still under oath

EXAMINATION BY MR. FISCHER (CONTINUED):

Mr. Sisulu just before I go on to July, you would have remembered that there is a statement in the first argumentative section of this plan, that's "Operation Mayebuya", that

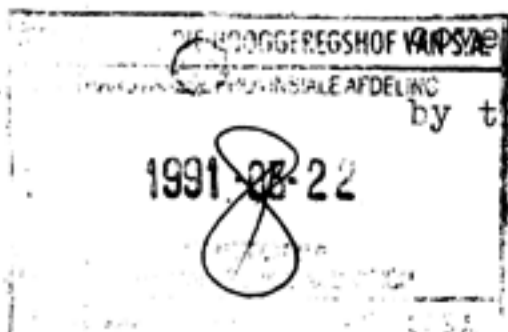


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EVEN ARMED/ACTS WAS A REAL possibility, and I think I'm correct in saying that in opening, the State made considerable play with that. I want to know what your attitude of the African National Congress would be to assistance...towards any assistance which might be offered from outside, if there were to be guerilla warfare?---Well, we have always made our people to feel that they should rely more on their resources, than to look for assistance from outside. That of course, does not mean that we would not accept assistance from outside. We would accept assistance from outside only if we felt that that assistance does not make us obliged, if there is in other words, no strings at all attached to such assistance.

Well now I want to take you to the beginning of July. Will you tell the Court what occurred then?---Well, that is the meeting in which...

That is the meeting of the High Command?---That is the meeting of the High Command, in which now we were expecting more details by the Logistic Committee. The Logistic Committee gave a report which was considered by the High Command to be very scanty indeed, and it did not deal with the most/<sup>important</sup> aspect, and in that report the members of the Logistic Committee presented I think, about three reports, three or two reports, and even these reports were themselves not adequate, and yet they maintained that on the basis of those reports, they could completely work off equipping and maintaining the guerilla forces in a matter of six months.

Can you recollect what those reports were?---  
There was a report from the Intelligence, which was criticised that it was not in terms of the plan itself, or it did not  
what the plan contemplated. There was a report, I think  
by the Housing Committee...



Are those both exhibits in this case?---Yes, they are both exhibits. Now the financial aspect and things like the feasibility of guerilla warfare itself, would have determined on the question of whether the terrain was suited. Such things had not been gone into at all. This type of report provoked a further discussion, perhaps even a more serious discussion than was the case when the first document was presented, because members felt that the people who were drafting the plan, were really not giving the serious attention it deserved. That to talk about six months for instance, when all the Committees...where not all the committees had not even yet reported when they were supposed to report at the end of May, June had ended, the report now was being given in July and yet even that report was not adequate. The question therefore, of whether this is a proposition which can be considered feasible at this stage, was raised very sharply. The...of course again the two views were put forward, and in the case that it could be done, there were the views which felt that from the discussions themselves it appeared that much work had yet to be done, but more than that was the question...it raised now the question of whether in fact, we had exhausted the other forms of struggle, mass action, sabotage itself.

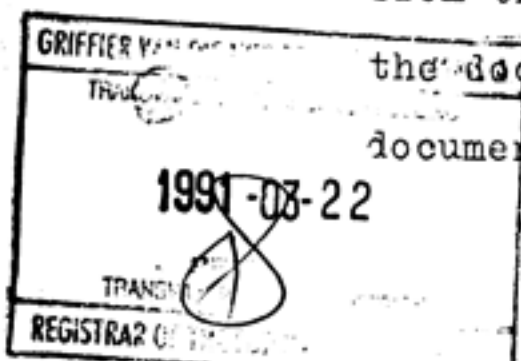
I want you to tell the Court whether you put forward a view at that meeting, and if so, what the view was?--- Well this was part of the view which I myself put forward, that they can quite clearly carry on with mass action, coupled with sabotage, / <sup>the</sup> situation was in our favour and the freedom was coming nearer the borders of South Africa, the Protectorates themselves were changing the character, the Rhodesias were changing the character, they were being considered for independence.

Yes?---And that desecration would influence our

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own suppression in that a well conducted mass action can have also international repercussions, because <sup>the</sup> international situation was in our favour, and that on the basis of this, even the question of guerilla warfare must, of necessity, depend on a thorough political analysis. Analysing all the factors, because if it is correct that this can be done, then you might never consider the question of guerilla warfare at all, on the basis of this submission.

BY THE COURT TO WITNESS: If you say this could be done?---That is if I'm correct in that the situation is in our favour, these changes which are taking place can influence our own situation to an extent that negotiations could be held, then the question of guerilla warfare would naturally fall into the background. Quite apart from that, the question which you raised earlier that is the question now of great significance to us, that is the political liberation...the National Liberation movement, would have to attach great importance on any document which we present before them, and it must therefore, be a reasonable document, a document which indicates that the National High Command and the Secretariat which would prepare such a document for the National Executive had given a serious consideration on this matter, and it gave the attention it deserved, and it had covered all these aspects. There would be a necessity of consulting with other organisations in the National Liberation movement. There would be a need to prepare the people, mentally and otherwise, for such a state, that is now for guerilla warfare, and therefore, the question of talking about six months, gave us an impression that no serious consideration was given by those who drafted the plan. This is quite apart from the criticism which some of us felt were to levelled at the document itself. Just to deal with an example, does the document talk about the setting up political authority, by



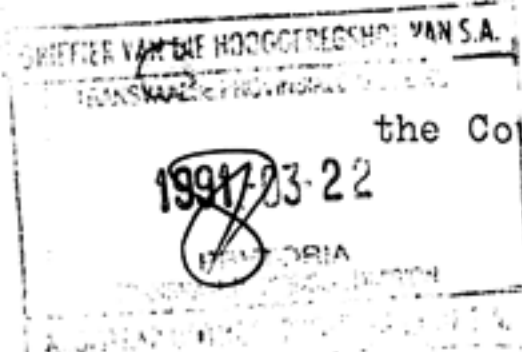
sponsoring organisations. This referred to the African National Congress and the Communist Party. Quite clearly the National Liberation Movement, the African National Congress would have rejected such an approach, because it was an incorrect approach, and it was an approach which was not in keeping with our tradition and the methods of work, namely that we work as a team in the National Liberation movement. No political authority could ever be set up outside the country, by the Communist Party, leaving aside those who are part and parcel of the National Liberation Movement. These then were the criticisms which were levelled against the plan, this was at the beginning of July, and we felt that the plan as it stood was not even adequate to discuss the principles of guerilla warfare itself, and we therefore, felt that<sup>a</sup> much more serious study of this situation, more serious attention, would be necessary before a document of this kind, or before we prepare an analysis which forms the basis of the discussion by the National Executive.

EXAMINATION BY MR. FISHCER (CONTINUED):

Then what did happen to this plan? Can you remember?---Well I remember that there was a strong argument against the plan. It did not amount to saying that we were rejecting it out of hand. The work could be continued with, that is more information which we wanted could still be submitted, and in fact, it was suggested that they should go back and give us more information, that is now the Logistic Committee. The meeting adjourned without taking a decision, except saying that well, this is really inadequate material.

And you couldn't work on that?---We couldn't work on this basis.

Now I want to come to the 11th of July, and tell the Court what had been arranged for the 11th of July?---On the





11th Of July there was going to be a meeting at 3 o'clock of four people in particular - Mr. Mbeki; Mr. Bernstein, Mr. Bob Heppel and myself. I had arranged a meeting with Mr. Bob Heppel two weeks or three weeks before. I'm not sure, maybe two weeks or three weeks I'm not quite sure, to discuss the question of 90 days. The 90 days issue had persecuted our mind a great deal, not only from the political angle and its effect that it would have on the political world, but also the official aspect of it, the attention to the families who were affected, and we thought that something should be done for instance, things like to see that the families are being attended to and also to try and see whether, at that stage, you see the report was that the people were not even allowed to get food. Representations about food being given, publicity being given to the condition of the detainees. All those things required attention. Our aim was that the detainees must not be broken morally as was the intention of the authorities, and to do that would mean that the detainees must maintain contact with outside. This is what we were supposed to discuss on the 11th at 3 o'clock.

Was there any question of possible test cases, legal action?---Yes, there were also things like legal action, and the question of for instance, re-arrest of 90 days. Nobody was clear about this. I think this is also clear in one of the letters written by the A.N.C. Our own view was that the 90 days meant that a man would be released and go home and thereafter be arrested, and we were not clear about things like this. We wanted to be sure about that.

Yes?---Because if that was the case then we would be able to save some of the valuable people.

Now prior to 3 o'clock, did you have some other appointment?---I had an appointment myself...

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I don't think we need mention the name of the person concerned?---No, I had an appointment with a dentist at half-past two, but we were late by I think ten minutes. We arrived at twenty to three.

Did he know your identity?---No, he did not. He attended to me I think ten minutes before the police arrived.

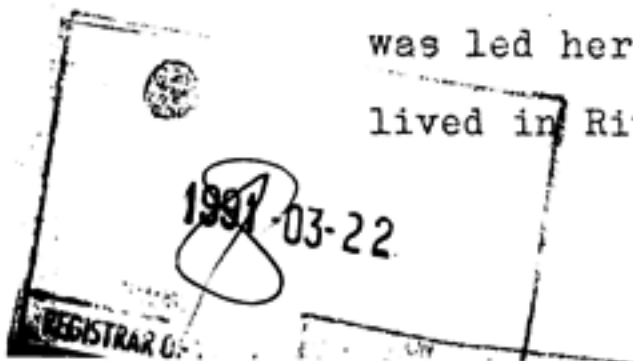
Was there anything else arranged for the 11th?---Yes, on the 11th there was going to be a meeting of the Secretariat. It was going to discuss amongst other things, the rumours made by Umkonto in relation to the "Mayekuya Operation" I mentioned earlier, they had felt that we should present the document itself, and that we weren't going to take the "Operation Mayebuya" to the National Secretariat, and whatever information was available which was given by the Logistic Committee. but of course, the meeting never took place.

Where was that meeting going to be held?---It was going to be in the Townships. Raymond Mthlaba was present there because he was going to that particular meeting. He wasn't a member of the Secretariat, he was going to that meeting to give his own report about the work he had been doing and to get fresh instructions about work he had to do.

Incidentally what had he been working?---He was... New Brighton of Port Elizabeth had become an ideal area, an exemplary...

I didn't want the details, I just wanted to know whether it was work for Umkonto, for A.N.C.?---I'm sorry, it was work for the A.N.C.

Now at that time, I'm going to digress for the moment, you were not living at Rivonia?---No, I was not living at Rivonia. Perhaps I must also refer to the evidence which was led here by the witnesses. One of the witnesses said I lived in Rivonia earlier. That is not correct. What did happen



that the African National Congress had it's Secretariat, not in Rivonia, but was the chief administrative missionary of the A.N.C.

The Secretariat?---The Secretariat, and Rivonia was not at all the headquarters, except that you heard... had people who were living in Rivonia.

For instance, when Mr. Govan Mbeki went there, and conducted the correspondence?---And conducted the correspondence, he was the man who was dealing with correspondence. /10

Perhaps you might just say a word about Travellyn. Did you know that had been bought?---Yes, I knew about Travellyn, that it was bought by Umkonto We Ziswe, as the hiding place for people who were underground and also the trainees who were on transit, from Johannesburg to go away. Of course, also to carry on manufacturing explosives and other things.

I think you were driven to Travellyn by Dennis Goldberg?---Yes, the farm was under his care. He was the man on whose name it was bought. /20

Do you know whether it was under his care temporarily, or was there some permanence about it?---Well, I was informed that it was not a permanent arrangement, but he was chosen because he was going to leave the country, and he would have been the suitable man as the nominee.

I think he actually obtained a British passport?---He had a passport, yes.

Now Mr. Sisulu, just one or two concluding matters, there was a broadcast on the 26th of June?--- That is correct. /30

You took part in that?---I took part in that. Or rather you had your speech tape recorded

and broadcasted?---That is correct. Well about that also, I want to say that the broadcast was not conducted in Rivonia. It was done somewhere else.

And then I want to deal <sup>with</sup> some specific points in the evidence against you. First of all, the witness Essop has said that you had arranged the transporting of young men and that you paid him. What do you say about that?---That is absolutely not correct. I know that I was accused to transport people. I knew that the Umkonto had the contact with him. As a matter of Modiso had dealings /10 with him.

Who?---Joe Modiso, I think he is one of the co-conspirators my lord.

Did you have any dealings with Essop?---Yes, I did. You see Essop has in fact, been used by the movement and for the conferences. For instance Pietermaritzburg. He was used but not by me. I used him for the students once going to Francistown. The son of Mr. Mbeki for instance, was amongst the students. They had not sufficient money and they came to me, I spoke to Essop and he agreed /20 that he would accept half of the amount, and that was paid to him by me.

Now Mashifane spoke about certain meetings that were attended by you in his building. What do you say about that?---Prior to 1960 and up to <sup>the beginning of</sup> 1960 we did use his place. If I am not mistaken I think he said here that ... the way he described the period suggested that round-about April or so I made this arrangement. By that time I was in gaol, so he could not be correct, but it is true that we did use his place for meetings where people, who were /30 banned were to attend.

This was prior to the emergency?---This was

to the emergency.

This was prior to the banning...?---Yes, it is not correct to say that I had gone to see him with Elias Matsoaledi. In fact, even these meetings which I have referred to, the arrangement was not made by me. So that his evidence in that respect is not correct.

I turn to Mthembu who suggested in his evidence that you ... that he was met by Slovo and that you had to be present in order to recruit. Do you remember?--- Well, I don't know if he said so. /10

Am I mistaken?---I think so, but he did say that I was present when Joe Slovo asked him to become a member of the Transvaal Regional Committee and that both Modiso and myself were present. That is correct, that I was present.

Were you there in order to recruit him or to appoint him?---No, no, no. My going there had nothing to do with him at all. I had gone to Rivonia with Joe Slovo. I had a discussion with Joe Slovo. We were going to discuss a question for instance, of trainees. I can't remember whether they had gone, but during that period that was the issue that I was going to discuss with him. /20

Was there talk about the Joint Executives? Do you remember Mthembu said something about that?--- Well, I wasn't really part of the meeting, it was a discussion really between him and Slovo, but I don't recollect that there was a talk about Joint Executive, because if he had said so, I would certainly have denied that, but about the A.N.C. not being opposed to Umkonto, that was correct. /30

Further there was the witness Mrs. Mtombela, from Ladysmith, who said that you had spoken to a group

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of people at Ladysmith, where she was present. I think it was in her house was it not? Did you speak to some people there?---I did speak to a group of people in Ladysmith round-about May or June in 1961. There was certainly no question of talking about bombings, and I have no doubt that some suggestion was made to Mrs. Mtombela to put certain evidence. There could be no question of discussing, at that stage, a bombing, because there was no question of sabotage even the Umkonto was not yet formed!

In any case, did you know all the people there /10 whom you met at her house? Did you know her before?---Well, no I hadn't you see, but I knew some of them as members.

You knew some of them?---Some of the members.

Others you didn't?---Yes.

Mr. Sisulu I want you to say a word about the presence of someone else who was there on the 11th of July, and that was the accused Mr. Kathrada. Do you know what he was doing there on that day?---Well, Mr. Kathrada had stayed there before, but he was not staying there during that period. He had gone there to make arrangements /20 about a broadcast, which we were preparing.

You mean that was on the 11th he had gone there? ---Well no, he was not going...the broadcast was not going to be on the 11th.

No, you explain in your own words what had happened before that?---We had a discussion about the statement which was made by the Minister of Finance, Dr. Donges, about 5 million hearts speaking together, by which he meant that the coloured and Indians would spend on the side of the Europeans. We discussed this and we felt /30 that we should put our own propaganda too, and that he should speak to the Indians. He himself wanted to

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address the Indians on this issue.

And how did that bring him to Rivonia?---Well, he was...

Or don't you know?---No, I wouldn't remember what exactly happened, but I know that he had gone to make arrangements. Arthur Goldreich had something to do with arrangements...

With arrangements in regard to the broadcast? ---Yes.

Of a reply to the Minister's speech?---Yes. /10

Well let me put it to you this way - was Kathrada there, either for the purposes of discussing...?--- No he wasn't part of our meeting at all.

Or anything to do with the Secretariat?---No, not at all.

Incidentally, what role were Mr. Bernstein and Mr. Hepple to play in the consideration of the 90 day detainee problem?---Mr. Hepple was quite active on this field legally and he was also in touch with the Defence and Aid Committee, and we knew that he was a very useful /20 man in this respect, and he was going to deal with the legal aspect too: Explain the implications, and also to see what could be done legally. Mr. Bernstein was a sort of a specialist on propaganda, and we wanted him in particular for this aspect.

And then there are the two accused who were not there, Mr. Andrew Mlangeni and do you know any details about him or what he was connected in?---Yes, well I know Mr. Mlangeni was active in the affairs of the A.N.C. before it was banned, but he was away for a con- /30 siderable time after it was banned. I think he came back at the beginning of 1963. Now I don't know whether he be-

came active when he came back in the affairs of the A.N.C.

And lastly, the accused Mr. Elias Matsoaledi.

---Yes, well I knew he was active in the movement, I have an idea that he was active with Umkonto.

In conclusion Mr. Sisulu, looking back on it do you consider that you could or should have acted otherwise than you did?---I can't see how I could have done otherwise, other than what I have done, because even if myself I did not play the role I did, the others would have done what I have done, instead. /10

Mr. Sisulu, you've chosen to give evidence under oath, so that your story can be tested by cross-examination in the ordinary way. Is that so?---That's correct my lord, except this is not intended as being discourteous to the Court, but I would like to make my position very clear my lord, that I am prepared to testify in this case in regard to the part I have played and in regard to the part which my organisation played, and some of the people connected with this, but my lord I certainly would find it difficult to testify or to answer questions relating to my organisation which might lead to the prosecution of my people. /20 I would not do anything which would lead to revealing the workings of my organisation and confidential matters, I would not be able to testify in so far as that aspect is concerned. I am aware that by so doing I might worsen my position, but I find that I can do no otherwise.

MR. FISCHER: No further questions.

CROSS-EXAMINATION BY DR. YUTAR:

15(E) We'll cross those bridges when we reach them about the workings of the organisation.---I know that. /30

Meantime I'm afraid I'm going to keep you a little long, so if you get tired you can let his lordship

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know, perhaps we could provide a chair for you?---Thankyou.

The first thing I'd like to ask you is this - I'm a little intrigued about the professed feeling of the A.N.C. and the Umkonto We Ziswe, that in the acts of sabotage committed, there was to be no injury to life, no killing of persons.---That is absolutely correct!

Did either organisation ever take any precautions to see that neither result followed from any act of sabotage committed?---Just put that again?

Surely. Did the A.N.C. or the M.K. ever take /10 precautions to see that as a result of the commission of the various acts of sabotage, nobody was injured and nobody would be killed?---The manifest of itself of Umkonto We Ziswe, makes the position perfectly clear, the choice of targets makes the position perfectly clear that the intention was not to injure anybody at all.

But what precautions were taken to see that that didn't happen?---I don't know if I understand you well, but the instructions to the committees, to the regions, were to see to it...by your region No. 1 was to see that /20 nobody was hurt.

If a railway line, 26 feet in length was loosened on a busy track running between Johannesburg and Cape Town carrying heavy passenger traffic, how could the loss of life or injury to persons be avoided?---Such an action would not be part of Umkonto We Ziswe, because of it's very nature that lies in such a case, would be lost.

But in fact, amongst the acts of sabotage enumerated, there are three such instances of railway tracks being loosened on the outside on a curve, carrying pas- /30 senger traffic!---Well, as I have already pointed out my lord, that falls outside the scope of Umkonto We Ziswe.

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I am aware that some acts have been put before this Court, but not all the acts which have been placed before this Court are the acts of Umkonto We Ziswe.

Did the organisation ever take steps to identify which were done by their own organisation, or which were done by others?---Well, I think we have heard in this Court evidence by witnesses, and the State witnesses themselves do say that reports were given to the Regional Command of what was being done.

And what would be the effect of throwing a petrol bomb or a pipe bomb or any other bomb, into a building in a crowded location?---That will also have been an act which falls outside the scope. It would not be in accordance with Umkonto and it's aims. /10

Did the Umkonto make explosives?---Yes, it did.

To be used?---Yes my lord.

What guarantee was there that such explosives would not result in injury to persons or loss of life?---Well, I don't know whether it is not the same question, that the guarantee is in regard to the choice of target. /20  
BY THE COURT TO WITNESS: I put it differently in that regard to you Sisulu.---Yes my lord.

During the last war there was also sections of the population that were going in for sabotage because they didn't agree with the war policy of the Government. ---Yes.

Amongst other things there was a trial that I remember in which a bomb was placed next to the Benoni Post Office.---Yes.

Some unfortunate passer-by came to post a letter. The bomb exploded and he was killed. If you're going to start bombing buildings, is it possible to avoid /30

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that type of accident? If you start putting explosives next to buildings, can you ever be sure that you're avoiding killing or injuring people?---My lord, an accident is an accident, but the caution of the intention of the plan itself and the method used, for instance, at night when the people are not there. These are some of the takings of such things into consideration, that it should not be done at any time anyhow in order to avoid....

Your argument is that as long as you haven't got the intention of killing people, it doesn't matter if /10 you kill people, is that your argument?---No sir, I am saying that the precautions are taken in order to avoid this type of thing.

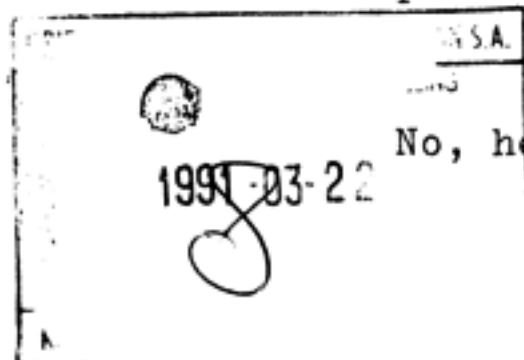
Yes?---I'm not saying that it can't happen, but I'm saying that precautions are taken that it should not happen.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

If I may just follow his lordship's example, you know that incident in Port Elizabeth where a bomb was thrown into a room and two young bantu girls, innocent /20 children were burnt severely, and one was dying. Did you take any precautions to avoid that?---Yes, we did investigate about this type of bombs. First of all, we were quite sure that this type of action, would not be the actions committed by Umkonto, but we had made efforts to investigate. We were informed that this type of action in the Eastern Cape, were not part of the Umkonto!

Who informed you?---Mr . Mbeki who was our leading man there, informed us that this he was sure, was not part of Umkonto. /30

And did he tell you who in fact, did it?---  
No, he didn't. He merely said that he was assured that



this was not....

Well let us come a little nearer home. Item No. 19, where one Peter Molepe was killed and another one Benjamin Ramotse was severely injured as the result of a bomb explosion.---Yes.

Any precautions taken against that?---Yes, I think that after that no similar incident occurred because the matter was discussed and a serious view of the way this thing happened was discussed, and as a result of that no similar incident occurred. /10

But that was an incident which fell under the direction of the Umkonto?---Yes, it is truthful.

In fact, both these gentlemen were members of the A.N.C.!---Yes.

And of the M.K.!---Yes.

And you went to see one of them in gaol!--- Well....

Isn't that so, first of all?---I'm thinking at what stage I went to see him. I...I did see him, but let me also say this, that during that period I was arrested. /20 I was arrested and charged for fraud for having obtained a document, a pass, that my pass was lost, and yet the intention of the Special Branch was in fact, not connected with this question of fraud at all, they were in fact, suspecting that I had something to do with the sabotage. I met Ramotse there. The gaol authorities made it possible, and everything was done in order that I meet Ramotse, and the plan was to see that I'm linked to the sabotage. I did see him, I knew him.

The act that I'm referring to is Act No. 19. /30 That took place on the 16th of December, 1961.---That's right.

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It was during the weekend when the M.K. really went to town?---Yes, that's correct.

And you saw Romatse on the 31st of January 1962. ---I don't know the date.

I'm giving you the date according to the evidence of the warder Mr. Weideman at the Johannesburg Fort.---Yes.

Did you see Romatse?---Yes, I did.

In the company of Nokwe?---I can't remember whether I was in the company of Nokwe, but I did see him. /10

Yes, now what did you see Romatse about?---I can't remember what I had gone to see him about, but I have absolutely no doubt that the authorities were there to record what I was discussing with Ramotse.

I beg your pardon?---If I was implicated, I would have been arrested, because that was the plan of making me to meet Romatse.

I didn't quite follow?---I'm saying that I can't remember what I said, but I say the Police know much better than I do. /20

Well, I'm asking you now! What did you go and see him about?---I can't remember.

You can't remember?---If I'm not mistaken, I think it was after I had been in gaol with him, and I was released on bail, I had to see him, I don't think about anything in particular.

Did you ask him how it happened that Peter Molefe was killed in this bomb explosion?---I don't know if I asked him, because I had by that time heard about Peter Molefe's death. /30

Well, I ask you again then! What steps did you take to ensure that what happened on the 16th of

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December 1961, did not happen again!---Well, these perhaps are matters which are dealt with by technical people, but as I understand it the fault was seen to it, but more matured methods were used.

More matured methods?---Yes.

Did you ever pay consideration perhaps to the desirability of using more matured men, who were better trained in the use of explosives?---Well, I think the men were being trained! I think there is evidence to that effect that efforts were made to see that they trained men./10

Trained men and knew their jobs well?---Yes.

And exercised a certain measure of responsibility?---Yes.

Right! Do you remember the incident in Natal where your men were asked to bomb a goods train and in fact, they bombed a passenger train!?---I remember that.

Could<sup>that</sup>/have resulted in loss of life?---According to the evidence, that could have.

It could have, of course!---Yes.

And you recall the occasion when your men were /20 told to bomb a certain office in Natal, and by mistake so it's said, they bombed the offices of the Natal Newspaper? ---Yes, that's quite correct. The evidence itself showed that the people who were doing these things, were also conscious and the Regional Command itself, took a serious view when a mistake was committed.

Yes, but if somebody had been killed, your taking of a serious view of a mistake wouldn't have helped to kill persons?---Well, that can happen.

Yes. And do you remember there were people /30 working in that building at the time!?---Yes, there is evidence to that effect.

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Yes, quite, this bomb explosion could have resulted in the loss of life!---Yes.

And there was a lady passing in the street, who was injured! Yes, there was a lady passing in the street, and the witness says that when he arrived on the scene, she had just been removed by ambulance!

MR. BIZOS TO COURT: In respect to that my lord, the detective eventually conceded in cross-examination by my learned friend Mr. Berrange, that there was only a newspaper report to that effect, and that he was not there when it /10 happened.--My recollection is that he said that he saw the woman being removed by ambulance. He didn't see what injuries she had.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

But generally, this office was situated in a busy street in a busy part of Durban.

BY THE COURT TO WITNESS: But quite apart from that Sisulu, I mean look at Item 20. I mean this is in line with your policy.--Yes.

A homemade bomb was put next to the Central /20 Post Office in Fordsburg at 10 o'clock at night, it went off.--Yes my lord.

Now that was a time bomb. It's set to go off in half-an-hour or an hour's time, whatever the case may be. Is there any way that you can take any precautions that some passer-by in the street won't be blown up by that bomb?- It so happened that it didn't happen, but it could happen in any of these cases, not so?---That's quite possible my lord, quite possible.

But I mean that didn't worry you?---It did /30 worry us! My lord the very question of embarking on a question of this nature, sabotage, is a matter which

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exercised a great deal of thought in our minds. It was not a matter which we easily arrived at, but it is the situation that we are saying that we're in this situation, our desire and our intentions are: our plans were that to the best of our ability, this must be avoided. That doesn't mean that it could not happen.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

And you told his lordship now expressly, it is a matter that did worry you and your colleagues?---Yes, the question of embarking on a violent struggle. /10

A very dangerous embarkation! This was! What precaution did you take to ensure that it would not happen, what you were afraid would happen?---Well, I have explained the precautions - I say as far as we were concerned, the precautions were the choice of time, the choice of targets, the way of doing it - these were precautions to see that it does not happen. Now dealing with the situation in a political movement, a peaceful demonstration, it happens that there is shooting, there is a fight. These things happen! /20

We're not dealing with peaceful demonstrations! We're dealing with the activities of the A.N.C. from the moment it went over from the policy of non-violence to violence! That's all I'm concerned with in this case!--- The A.N.C. didn't change it's policy from non-violence to violence!

Alright, I'll come to the documents presently, and I want to know did you take any precautions, your organisation, to see that the men who perpetrated these actions of sabotage did not act recklessly?---Yes, there /30 was a constant contact between the National High Command and the Regional Command, emphasising all the time.

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So how did you choose your men?---Well, I wouldn't know how the men were chosen, but the people who were chosen, were people who were considered to be responsible people, who were known in the movement. They didn't choose anybody outside.

Who were those responsible people?---The Regional Command for instance, I wouldn't know anything about the units, but I think the same principle applied.

You can't name as any as a responsible leadership?---In the... /10

In the whole organisation! Have your choice from the High Command down to the lowest level!---Well, as far as I'm concerned, they're responsible people indeed.

Who?---I'm not dealing with the names.

I want the names!---Oh no, I can't deal with the names.

But I do want the names!---I know that!

Well then name me one single responsible person!---Billy Nayer was a responsible man, then there's the evidence by a state witness to show that he was a conscientious /20 man, and the Regional Commander of Natal was.

Right. Under his tutorship a passenger train was bombed instead of a goods train! Name me some more responsible men, who acted like that!---Well, I have dealt with that question.

I beg yours?---I say I have dealt with the question of the passenger train, because I think that the state witness has made it clear that this was an accident, and the Regional Command was very much concerned with that. /30

Name me some more responsible people! I am reminded from both sides, has Billy Nayer removed after

that incident, when a passenger train was bombed instead of a goods train? Was he removed from his post?---No...

Well, he carried on of course! Then name me some other responsible people!---Well, I can't name people. I can't give names of them.

Who were the gentlemen that taught these bantu to use explosives?---What bantus are those?

I'm referring to Abel Mthembu, I'm referring to Romatse, I'm referring to M.r X. Who taught them?--- Well, we have heard from Mr. X himself who taught them. /10

I'd like to hear from you, it sounds better I think now. Who taught them?---Well, people who were connected with the Technical Committee, were people like Jack Hodgson was one of them.

Yes, who else?---Well, that's....

Come, come, we've been here now seven/eight weeks, you've heard the evidence! Who else taught these people?---Strachan.

Yes, who else?---Who else I can't know. Well I think these are the names which I know of. /20

You tell us who you knew were the instructors in this organisation? You told his lordship that sabotage was under responsible leadership! Who taught these people!?!---Well, you have had my explanation first of all, that I was not serving with the National High Command.

You say you were in touch with their leaders! ---On political matters.

Yes, on political matters, what political matters did M.K. deal with?---Oh with the very question which I was dealing with here, of guerilla warfare, is a /30 matter which involves political division.

The whole sabotage involves political matters,

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but M.K....?---Well, that's the interpretation of what political matters. I make a distinction between pure matters of sabotage and political divisions, such as guerilla warfare.

Let's understand each other quite clearly! M.K. was formed to commit acts of sabotage?---Correct.

It wasn't formed for the purpose of furthering the political aims of any other organisation, except by committing acts of sabotage!---That was it's particular field.

/10

Who were, to your knowledge, the responsible leadership that taught these people how to use explosives? ---These people I have mentioned, are to me responsible people.

Yes. One is in gaol, the other has fled the country!---That is correct.

Who else?---I don't know who else?

You know No. 9, Matsoaledi?---Yes.

Did he teach anybody?---Yes, he did.

He did!?---Yes. I don't mention him, because you see he himself was taught by Hodgson.

/20

Anyone else?---Well X himself.

Well he learnt from his master!---Yes.

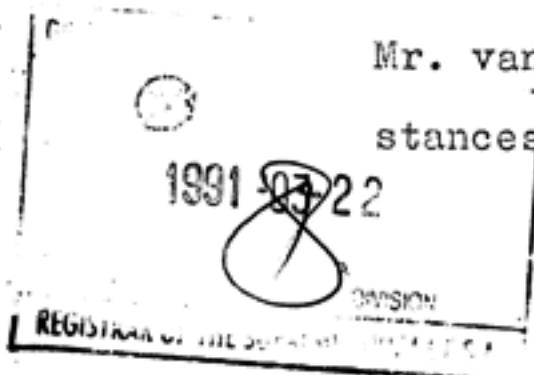
Yes?---I don't whose master, but he was taught by Strachan and Hodgson as he said.

Who else?---These are the only names I know.

The only names, and they were teaching people, who up till then, had no knowledge at all about the use of explosives?---Yes.

And you heard the expert Mr. van Cruywagen and Mr. van Wyk, who said how dangerous some of these substances were, these mixtures in the final product?---Yes.

/30



What steps did you take to ensure that these explosive materials in the hands of people with no prime knowledge of it, would not result in injury to persons or loss of life?---Well, I have explained that the people who were handling this, saw to it that they used better methods.

Better methods?---Yes, and studied the explosives.

Was Goldreich one of the tutors?---Yes.

He was?---He was.

A responsible man?---Yes, he is a responsible /10 man. He had an idea about it.

Yes, he's also fled the country?---Yes, he has.

Did the Umkonto We Ziswe organisation at any stage, set down a minimum qualification for people who should handle explosives?---No, I don't think they did. If you heard people who were regarded as authority on this, it is these people who will teach others, and as a result of this, these people will know, will become experts.

You see why I ask, is this - do you remember that when you establish so-called scholarships overseas, /20 we'll come to that later, you demanded that the so-called students would at least have their matriculation certificates?---That's the ordinary requirement for higher education anywhere!

Right. Did you insist at least, on that requirement for the men who were to handle explosives?---An educational requirement!?

Matriculation standard, they do a certain amount of physical science in matric. Did you insist at least, on that?---I don't think that was really necessary. /30

You don't think it was necessary?---No.

In other words, you were reckless as to the

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choice of persons, to who was entrusted this task of bombing, right and left. Now here, now there?---That's being extravagant.

Extravagant?---Oh yes, because...

Then I shall read from one of your documents. Extravagant in what way by the way?---It is extravagant to say that we were reckless, because there is absolutely no suggestion that we were reckless.

Are you now suggesting that you took no risk at all!?---Well, I have explained that we have tried to the best of our ability to see that the loss of life was avoided. It is not the same thing as just being reckless!

But that was your risk that you envisaged, you had in your mind!---Oh yes.

And that was a risk which you knew,...that was something which you knew could happen!---Yes, we know that...

And notwithstanding that knowledge, and notwithstanding what happened with Peter Molefe, you still allowed it to go on!---Yes, we had started something...

And you were going to end it!---It had to go on. /20

It had to go on?---But it was planned, it was not just going on it's own.

And you were going on irrespective of the consequences!---Not irrespective of the consequences.

Well, what precautions again?---But I've just explained the precautions, that precautions had been taken.

I want to show you an exhibit, your lordship will find it among the alphabetical exhibits at page 3. /30

Do you see that document Exhibit 'VV'? (Shown to witness).

Yes.

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Let's make it quite clear at the beginning, this is a document issued by the African National Congress! Right?---Yes.

And you were the Secretary-General of the African National Congress, right?---I was the Secretary-General yes.

Now let's listen to what the African National Congress has to tell the masses. "Part of the Transkei killings. Listen white man, political violence has become the South African way of life. Why? What can be done to stop it?" And then you go on to say "Five whites were murdered in the Transkei and then hacked to death at Llanga. The Police are still not sure whether the murders were political or not?" (perhaps they were not politically organised). "There had been previous murders before, of course, only now they become more frequent. Like the raid on Paarl last year when seven people died. The motive is a massive political wrong, fury, frustration, contempt for what whites do. Black, Coloureds and Asians are sick to death of white supremacy." If I might just stop there for a moment. I'll have my copy thank you. Is there any word of caution uttered there, "please, in the name of heaven don't see that it happens as far as our acts of sabotage are concerned"?---Well, first of all this is a mistake, not for distribution amongs the African,s because the leaflet is for Europeans. /10 /20

For Europeans?---And it was dealing with the situation as we saw it. This is not advocating anything, except explaining the position.

Oh, you really mean that is not advocating an event, except explaining!?!---Yes. /30

We'll tackle you on that right away! Just look

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under the words "Vorster's threats deter nobody", have you got that?---Yes.

Look what follows immediately afterwards!  
"Sabotage and murder will not cease"!---Just a second, I don't know where it is.

Right in the middle. "Vorster's threats deter nobody". Right in the middle. I'll point it out to you. Bring it nearer and I'll show you with a ruler. (Witness complies). There you are, it's all underlined for you!---  
Yes, yes. /10

"Sabotage and murder will not cease because...".  
Is that an explanation or a threat?---This note, I think it is an explanation.

Oh! What are you saying there? "Sabotage and murder will continue!"---Yes, you will see that's not justifying. All that this says, is that it is the conditions which produced this state of affairs, and that it will continue if you don't consider the causes which lead to this situations.

Now you're telling the white man, "if you don't /20  
remove the causes about which we complain, sabotage and murder will continue", right?---You're stating a fact!  
We're stating a fact, to say these things are happening...

They will happen, yes!---Because they are caused by the conditions.

And you are now telling them that is in effect, what happened in the past, and I suppose what will happen in the future?---Oh yes!

Did the A.N.C. never visualize that it's acts of sabotage will result in death?---It took precautions /30  
to see to it, and that this avoided.

And in fact, in a certain measure, you are

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here gloating over the incidents that have already taken place, and warning the white man more is going to happen! ---You're misreading the leaflet. This is not inciting, this is not saying this must happen! It's saying that it happened, and it will happen! You're not saying...

You're not inciting?---You're merely explaining the position!

Well, let's follow this leaflet from the beginning, and we will come to whether you're right. "Sabotage erupts...", back to the top, after the passage "Black, /10 Coloured people are sick to death of whitesupremacy". "Sabotage erupts every week throughout the country, now here, now there". Is that right?---Yes.

Is that on account of the activities of the M.K.? Just to stop there - is that right?---Yes, that's right.

"The whites are turning vicious and panicky. Already we see the sinister birth pains of the lynch game. ....?---Yes.

I can't make out the next word, it's not clear /20 in my copy, ...."At that rate within a year or two South Africa will be embroiled in the second bloodiest, most furious Algerian war."---Yes.

Are you explaining things, or are you telling the white man what's going to happen?---No, we're saying that this is the situation, as it exists. It must lead to the situation which existed in Algeria!

In other words, you are now prophesying what's going to happen in South Africa!---We analyse the situation, of course, on the existing conditions! /30

Then you go on "While apartheid leads to war, the Government stokes the fires. All Verwoerd can do is

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to tighten the pressure, he doesn't dare relax the army build-up release the organisation.....If the heart of the Government tries to stifle resistance to apartheid, the stronger, more determined they become, despite Vorster's promised death penalty, sabotage and murders multiplied last year."---Yes.

You were claiming that as an achievement?---No, stating what happened.

Who committed the sabotage?---M.K. did and other people did. /10

Who committed the murders?---Which murders?

That you're talking about here?---Well, we refer to murders in the Transkei.

Yes, but that's not the only murders! "Sabotage and murders multiplied last year". Who committed the murders referred to here?---They were murders in...in...in Paarl.

Yes?---Murders in the Transkei.

Yes, who committed them?---...Well, as far as I know in the Paarl, the P.A.C. people were charged and the ...as far as I know in the Transkei, or I heard that also /20 in the Transkei P.A.C. people were charged.

And M.K. had nothing to do with it?---Of course not!

Of course not! Right, then I ask you again, why do you, the A.N.C. go on to say 'he sabotage and murder will not cease? What exactly do you mean by that?---We say that...that is as I have explained, that the conditions will produce this state of affairs. You will have Paarl, you will have Transkei, you will have something else, in a situation like this! /30

You will have sabotage, or acts of sabotage?--- Of course you will.

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Comitted by the M.K.?---Yes,

You will have more acts of murder committed by?---There will be murder, I don't know who will commit the murder.

You don't know , but there will be murder....

(Witness and Dr. Yutar talking at the same time. Intelligible!)

AT THIS STAGE THE COURT ADJOURNS FOR LUNCH.

ON RESUMING AT 2 P.M.:

WALTER MAX SISULU, still under oath

/10

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Sisulu, I think we can run through this very quickly now. Exhibit 'VV'. The last part "Violence breeds violence in return". Have you got that?---Yes sir.

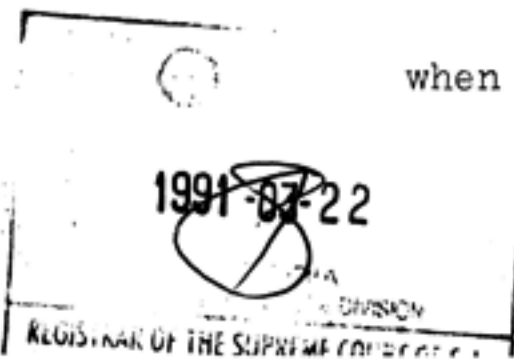
Now I just want to read you the next paragraph. "You now face an indefinitely long future of terror, uncertainty and steadily eroding power. You will keep a gun on your side, not knowing who to trust, perhaps the street cleaner is a saboteur, perhaps the man who makes you your tea at the office has a gun? You will never be safe and you'll never be sure, because white power, industry, arms, police....white labour." Is that not a threat? ---No, I don't interpret it that way.

/20

How do you interpret it?---I interpret this to mean that in a situation like this, you will find that where there is a drifting apart between the two main communities, the natural thing will be to distrust each other. It is natural that you will distrust your servants, who belongs to the other country. That is the wya we are describing it!

/30

I can understand that, but what do you mean when you say "you now face an indefinitely long future of



terror"?---Well, there's the Government terror.

No! You're addressing the white man! You say "you white man are now facing an indefinitely long future of terror"!---Well in this situation...

Yes!---It is this situation there will be terrorism.

Of course!---There will be terrorism which is brought about by this situation.

Yes! I don't care what it's about, but you're telling the white man that "you are now facing an indefinitely long future of terror"!---Terrorism which has broken out.

And you speak about the possibility of having to fear even the person who makes your tea! He might have a gun!---The possibility.

Yes, and that is what you were telling the white man!---It says the more they drift apart, the more likelihood there is of this situation.

Then you end up "you will have launched a war, you cannot win".---There can be no doubt about it!

Now who is launching the war?---The whites! /20  
That any future war in this country must end inevitable on the victory of the oppressed people!

Right! But you say here "you will have launched a war"! You now accuse the white man of launching the war!---Of course it is! It is the white man, who is, instead of meeting the reasonable demands of the people, instead of discussing, it is arming them preparing for a war!

You're not suggesting that the white man drew up "Operation Mayebuya", Exhibit R.71?---No! /30

No?---I'm not saying so, but I'm saying that the actions of the white man, leads to this situation!

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And you are here contemplating that if the white man does not give in to the demands of the black man, there will be a war which you, white man can never win!---inevitably, it must lead to that situation!

And that is your view, and that is the view of the African National Congress?---Yes, after 50 years of patience and of a reasonable approach.

And I'm merely concerning myself, not with the last fifty years, but with the last three years! I've told you that before, and I'll remind you again later! /10  
Now I want to deal with these murders. You remember I told you about the two young girls who were badly burnt, and one died?---Yes, I remember that.

That's Item 129. That took place on the 15th of December, 1962.---Yes.

Did you say that that was not the work of the A.N.C.?---That was our information?

From whom?---Mr. Mbeki, who was our member in Congress, that he had assured himself that it was not.

Now do you know who committed that murder, by /20 the way?---No, I don't,

You've no idea?---No.

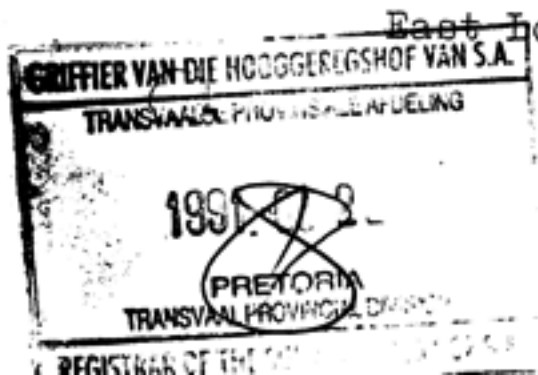
Do you know a man called Hoyi?---I know of a name Hoyi.

How do you know of his name?---Well, he was a prominent man in East London, and I also know that it was reported in the newspaper, that his house was bombed.

Yes. So you know him. Now do you know the following names? Johnson Kondhoti?---Yes, I know him.

Who is he?---He was a member of the A.N.C. in /30 East London.

You're quite right. East London, No. 9, and



do you know a man called Fezile Mlandhlo, forgive my pronunciation but I haven't got Mr. Berrange here to help me, but do you know him?---No, I don't know him.

That's No. 20. Do you know a name called Zolo Majho?---No, I don't know him.

You say you don't know any of these people, except for the one?---No, I only know the one.

Just the one. He's a member of the A.N.C.?  
---Yes.

Well you know B. Sekadies evidence, as he /10  
said that all these four that I've mentioned are members of the A.N.C. so you can't dispute it?---No, I'm not trying to dispute it.

Going back to Hoyi. Hoyi was a gentleman, according to Card who was co-government?---Yes.

He published articles in the press to the effect that the bantu in the country couldn't take over, and are not in a position to take over, not within 100 years.---Yes, he said that.

You knew about it?---No, no, I heard about that./20

You heard about that?---Yes.

His house was attacked on the 16th of December, 1962, because he was pro-government and anti-A.N.C.! And attacked by these four people whose names I've mentioned who threw a bomb through the window. Two in fact! Now what did the A.N.C. do about that to stop that!?---Well, first of all you see, the A.N.C. we never heard that it was done by the members of the A.N.C., but we relied for our information from the Eastern Province, and we were assured that so far as our members were concerned, that /30  
they were not responsible for this.

Well, you know detective Card was not cross-

examined, and if he's right then your information was wrong!---Yes, which aspect of it?

On the question of who did this act?---No, I'm not denying that.

And it was this act here, where the A.N.C. wanted to reap it's vengeance against Hoyi because he expressed anti-A.N.C. views that two young innocent bantu females were severely burnt, and one has died as a result!---Now I've said this, that even according to the evidence here, a state witness who was a member of the Regional Committee of East London, made it perfectly clear that it had absolutely nothing to do with the A.N.C.! They said it was never discussed.... /10

Who was that member?---I think Mdube.

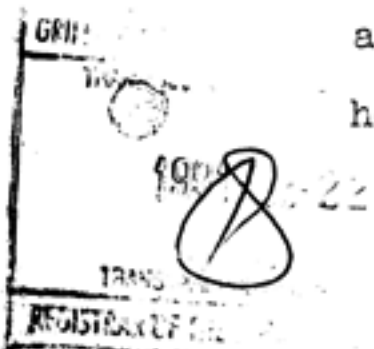
Oh no! Oh no!---I thought he said that these things were not discussed at all in East London.

I'm not talking about discussions at meetings! I'm interested in what took place!---Yes well, individuals could do that, although they may be members of the A.N.C. but it doesn't mean that because they are members of the A.N.C., the A.N.C. is responsible for such actions! /20

No, these thing wouldn't incite them?---Not at all. I don't think so.

Now we come to another item. You see we're dealing with murders now. We come to another Item 66. That was a dwelling of a bantu constable Tshingata(?), Port Elizabeth, on the 1st of October 1962. Do you remember this Peter Nvombo, who got 15 years for acts of sabctage?---Yes, I remember that.

He said he is the one who participated in this act. Now you know which act I'm speaking to you about hey?---I don't know the numbers, but I remember the.... /30



But you know which I'm speaking of?---I know it's the bombing of....

Do you know who Peter Nvombo was?---I didn't know him.

Yes, well he told his lordship that he was a soldier of the organisation, and therefore, he was a member of the M.K. That's the only organisation who has soldiers.---Well, no it doesn't follow, but I do think that he was a soldier .....

Of the A.N.C.?---Soldier of the A.N.C.? /10

Yes, that's what he said. Of the organisation. ---Well organisation can be broad, but from his evidence he was a member of Umkonto.

And a witness who was going to testify with regard to that, was a man named Sipo Mange. Have you ever heard that name before?---No, I heard it here.

Do you know the name now of Vuyisele Mini?--- Yes, I do.

Who is he?---He was a member of the A.N.C.

He was a member of the A.N.C.?---Yes. /20

Port Elizabeth?---Yes.

Was he responsible?---Yes, I knew him to be responsible.

Then there's a man called (?) Makaba, do you know him?---No.

Well, he's listed here as No. 16, and then Wilson Kyengo?---I know him.

Who is he?---He is an A.N.C. member in Port Elizabeth.

Is he perhaps one of the chief volunteers?--- /30 I don't know his position, but I know he's a leading man.

A leading member of the A.N.C.?---Yes.

Yes, du Preez says he is the leader there, and he is called "Chief". Now take those three gentlemen, are they all responsible men?---I know them to be responsible.

Responsible people. Now let me tell what they did according to the evidence of Detective-Sergeant du Preez, who was not cross-examined. He says that these three people shot this man Sipo Mange two days before he was to give evidence for the State with regard to Item 66. Is that the action of responsible people of the A.N.C.?---No, it would not be the action of a responsible man of the A.N.C. /10

BY MR. FISCHER TO COURT: My lord I'm afraid I wasn't in Court at that stage, but I'm told by my learned junior that that is now what the evidence was.

DR. YUTAR TO COURT: I'm reading it my lord. I'm reading from the evidence of du Preez, and I'll read the whole passage. "Now I come to the next Item 66, and I here want to dwell a little longer. ....(Continues continued). "He was shot dead two days before he had to give evidence"....and he mentions the three names that I have given to you. /20

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

What have you to say about that, the shooting of a State witness, just because he is giving evidence for the State?---Well, I can only say that neither the A.N.C. nor Umkonto would ever comprise the act of a thing like that.

But this was doenby members of the regional Command! /30

BY MR. FISCHER TO COURT: My lord, there's no evidence with respect, that they were done as...?---I mean it's



put on the assumption that that is true.

WITNESS: It certainly would not be in keeping with the policy and it would not be an action which the A.N.C. and Umkonto would ever encourage.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Was it the policy of the A.N.C. that if you are apprehended or questioned by the Police, that you should not tell them anything?---Oh yes, it was the policy.

Was it the policy of the A.N.C. or the M.K. that if you should be questioned by the Police rather than giving any evidence, commit suicide?---No, not at all.

It wasn't?---Not at all.

That was the teaching at the Mamre camp run by Accused No. 3, would it be the wrong teaching?---Certainly it would be.

Well here is a case now where three people, who you admit are members of the A.N.C. who were arrested in connection with the shooting of a State witness. /20

17(E) A man who was going to testify for the State, and a man who was a soldier of the organisation. Did you ever take any steps to avoid that sort of thing happening? ---Well, as I have explained the steps were taken, the policy was stated, it was explained to members, and in addition, now and again emphasis was made, it was important in the organisation, that it must not happen.

Now assuming as his lordship said, that I'm relying on the truthfulness, here are two cases of murder. Were those the murders you had in mind when your/30 organisation drafted "Exhibit 'VV'"?---Well, I've explained that we were speaking about murders in general,

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and they had taken place.

Yes?---And we were having in mind those which had taken place.

Yes; well these are also two murders that took place!---Yes.

Let's come to Exhibit 'WW' that my learned friend showed to you this morning. It's another pamphlet. Your lordship will find that on pages 4 to 6 of your exhibit. Do you remember the pamphlet I'm referring to?  
---Yes.

/10

You'd better keep this in front of you. Exhibit 'WW' and it corresponds to Exhibit 'CS' and Exhibit "AE" my lord. Now Sisulu this is a document which your counsel has admitted was distributed throughout the country during May of 1963. That is so, isn't it?---I think I gave evidence about it, that it was not distributed in Natal. The A.N.C. refused to distribute it. It was distributed in the Transvaal, so there was a controversy about it.

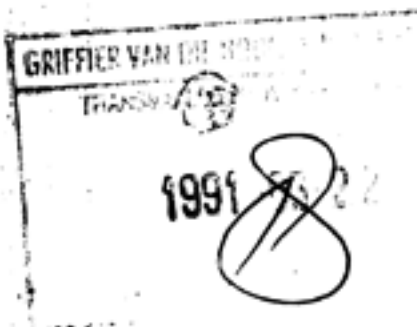
Well, I can only tell you what your counsel said, but be that as it may, let's examine it. Which part should not have gone out?---The part which deals with Umkonto We Ziswe, the Army of the Liberation Movement.

/20

Now let's see. This is a double-faced...a double-paged pamphlet, the middle portion "The Leballo way is useless", and then we are now reading from the other side, and you say this part "Umkonto We Ziswe, Army of the Liberation Movement"...?---Was supposed to be removed, but I did say that there were one or two amendments which I cannot now say, which they were.

/30

No, no, let's keep it in turn. I first asked you which part, did not find favour with you and had to



be removed?---My lord that is precisely what I'm trying to explain. I'm saying that portion which I have indicated, this portion.

The A.N.C. Spearhead....?---No, no, I'm sorry. Umkonto We Ziswe, this portion.

The whole of that?---The whole of this portion.

The whole of that portion!?---The whole of it.

On what grounds did you want it removed?---  
On the grounds that it was speaking on behalf of Umkonto. It obviously was intended for Umkonto, not A.N.C. That /10  
A.N.C. was not Umkonto We Ziswe, and could not speak on behalf of Umkonto.

Notwithstanding that, the responsible leadership of the African National Congress, still issued this pamphlet?---Yes, that did happen. The conditions under which people worked they find the situation...you see the position was this before. Things are discussed, meetings are easy to call.

Yes?---And you reach the situation of illegality.

Yes?---Where thing which ordinarily would have /20  
been discussed properly, are rather discussed by two or three people. Sometimes it happens, and that is how this happens too, as I've explained, that the duplication of work, people who belong to the Umkonto and also belonging to the A.N.C. Their mental attitude also reflects this position.

Now where did this discussion take place, where you recommended that this should be deleted?---  
In Johannesburg.

Where?---What does that mean now? Where? /30

Where in Johannesburg?---In the Townships.

Whereabout in the Townships?---Are you trying

to get the house?

I'm not trying to get the house! I'm trying to get the truth! Where was this discussed!?!---I'm saying in the Townships, in the North-Western areas.

I want to know the truth! I want to know where in the Townships!---Well, that means whose house it was!

Well, them....?---Well, I'm not prepared to answer that!

You're not prepared to answer that?---No!

Why Not?--I've explained the position. I'm /10.  
not going to implicate people here! But what difference does it make? The question of which house? What?

Don't ask me questions please! I want to know whose house this discussion took place!---I'm afraid my lord, I won't be able to implicate people. I won't answer that question!

You don't want to answer that question?---No sir.

In what way will you be implicating this person?---Because it's the question of saying so and so's /  
house, and the next thing is that policeman must go and detain that person under 90 days to find out who the people were!

I'm dealing now with the responsible leadership! Who was the responsible leadership, that it drew up this pamphlet?---The Secretariat...you see I'm mentioning evidence in chief that a member of Umkonto drafted this, submitted it to the members of the Secretariat. I was not present at the meeting, but I saw the draft myself. /30

Who was the member of the Umkonto who drafted this pamphlet?---I can't mention the name.

Why not?---Because I'm not mentioning names.

Well, unless his lordship stops me, I'm going to insist on a name! I want to know who, on behalf of Umkonto We Ziswe, drafted this pamphlet?---It doesn't help you to insist on the name! I have explained that insofar as the people who are in the country are concerned I will certainly not answer!

Not answer?---No! But I'll answer to people who are outside.

Oh they're safe?---Yes of course!

/10

I want to know who drafted this pamphlet!--- Well my lord, I'm not able to answer that question. BY THE COURT TO ACCUSED NO. 2: You're not prepared to answer?---I'm not prepared to answer.

Yes, very well.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Now who were the members of the Secretariat?--- I was one of them.

Yes?---Mbeki was one of them.

Accused No. 4, yes?---Mr. Nzoe was one of them./

Yes?---That's all I can mention. I'm mentioning Mr. Nzoe because he's out of the country.

But you are not prepared to mention who were the other members of the National Secretariat?---No.

We'll leave it at that. Is it true to say that the Umkonto We Ziswe was the army of the Liberation Movement?---Well, that's how they describe themselves.

I know. Is it true to say so?---Well, that's how they describe themselves.

My question is, is it true!---Yes. Well I don't know whether I would put it this way, but I know that they are part of the Liberation Movement.

/30

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REGISTRATION

They are part of the Liberation Movement?---

Yes.

What do you object to - army?---Yes, yes.

But for the rest you're prepared to say that it is a part of the Liberation Movement?---It is part of the Liberation Movement.

What is your objection to the word "army"?---

No, I don't think, I'm merely saying that. I don't know if I'll put it that way, I prefer to put it my own way.

What is your own way?---My own way is that /10 they are part of the Liberation Movement.

"Now Umkonto We Ziswe ...we have struck against the white state more than 70 times, boldly and methodically. We are trained and practised. We shall be more so." Is that correct?---That's what they say.

Is it correct?---They're describing their position.

Is it correct?---I don't know if it's correct. I never counted how many acts.

You see, this is issued by the African National Congress!---Yes, in the light of what I've explained before. /2'

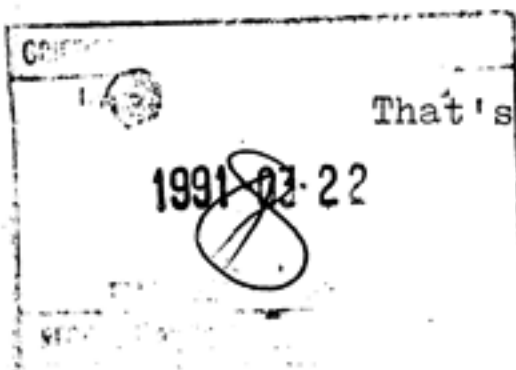
Yes, and you say there "we"?---I mean when I say "we", I mean the...

"We have struck against the white man". Are they not identifying the African National Congress with the M.K.?---Yes, they are.

And 70 times, so that must be according to the report back that the National High Command received? ---Yes. /30

It's an awful lot of times, isn't Sisulu?---

That's quite a lot.



And you weren't going to stop there!---The question of sabotage?

Yes?---The acts of sabotage?

Yes!---No!

And what is more "we are trained and practised and we shall be more so". You are hoping to become more proficient in these acts of sabotage?---It's reasonable to expect it.

"Our organisation is nation-wide, we can strike anywhere". Correct?---Yes.

/10

Now let us examine that! Your organisation operated on the Witwatersrand. It operated here in Pretoria. It made an attempt on the Synagogue, the Old Synagogue which was the scene of the trial of Accused No. 1. Right?---And attempt was made there, yes.

By the way these machines don't take nods, I'd prefer you to say yes, unless you disagree with me. And an attempt was also made on the Minister of Agriculture! ---Yes.

The organisation also operated throughout Natal!---Yes, that's quite correct.

/20

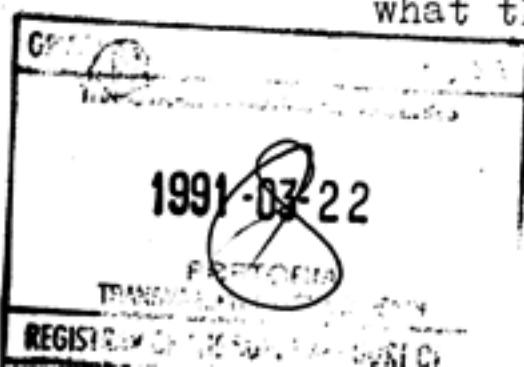
Port Elizabeth and East London!---I don't know if in East London there was an Umkonto We Ziswe, I haven't heard their evidence.

Well, you've heard the evidence of Peter Nvombo and Card! Item 66 that I've just dealt with! And Reginald Mdube?---I can't remember them having said that Umkonto We Ziswe was operated in East London.

Perhaps the A.N.C. were operating under their own colours there!---No, but I think he also explained what the position of the A.N.C. was.

/30

Cape Town?---Yes.



So it was true to say it was a country-wide organisation?---That's quite correct.

What was your objection into putting it into the pamphlet?---Well, simply this that this obviously would be alright, issued by the Umkonto itself. It certainly does not belong to a pamphlet which belongs to the A.N.C. The A.N.C. isn't speaking on behalf of Umkonto, and it doesn't discuss the affairs of Umkonto, of where it strikes and how.

You're of course adopting what Accused No. 1 /10 says, that the State was wrong to suggest that the M.K. was the military wing of the A.N.C.!---Yes.

That's wrong?---The State was wrong.

If I produce you at least three of your own documents which say that, then the documents must be wrong too?---Well, I wouldn't deny that there might be documents, but those documents which will say that, will be the documents which are produced under the same circumstances as this one.

I see. More mistakes?---Well mistakes do /20 happen. I've explained actually the position that you have the members of the A.N.C. who are Umkonto. You had a duplication of meetings, and that must affect even the mental attitude of the people concerned.

It must even affect the trained saboteurs who were blowing up power pylons and other such things? It must even affect them, not so?---Well, the people were engaged on both sides.

Yes. I'll come to those documents later.

"Umkonto trains the youth", is that not true?---Yes. /30

"We are ceaselessly thoroughly training an army of liberation". True?---Yes.

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What objection was there to letting them all go in?---No objection at all. Umkonto was entitled to make that claim.

But not the A.N.C.?---No.

But it is true?---It's true that they were training.

"And Umkonto has powerful allies in African States. The African States in the democratic world are behind us with allies amongst other races in South Africa." Is that also true?---Of course, it has got numbers of /10 other races in it.

Now I want to skip the next one, "Umkonto has a Plan Strategy", because that I'll give special attention to tomorrow, but I want to go on to "The Umkonto has leadership". That's the responsible leadership you referred to just now?---Yes.

"Our leaders are brave, intelligent men, they work together". Is that right?---Yes.

Where are all these brave intelligent men today?---They are in gaol some of them. /2

Yes! They may still be brave, but where are the others?---The others have gone for training.

And some have fled?---Yes, some have left the country.

Yes! What caused them to leave the country?---Well, there are many ways of leaving the country. Half have left the country because of persecution in the country.

Yes?---Others leave the country because they go for training. Others leave the country because they /30 have got to take other duties.

Is it a possible that the A.N.C. leaders, the

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brave, intelligent leaders, told the Ranken file, if you are arrested, rot in gaol? But say nothing?---Well, any sensible person knows that that is the most reasonable thing.

I know certain people who didn't rot in gaol. They went out! Do you still call them brave?---Which people are these?

You know who I'm referring to! These are people who told their ranken file, the average person?--- Are you referring to Mr. Goldreich? /10

Yes, I'm referring to Goldreich and Wolpe!--- Well, they had an opportunity of leaving, there's nothing wrong with that!

You had an opportunity of leaving, but you didn't?---I didn't you see, but I wasn't in the same condition.

And you heard the compliment that Mr. 'X' paid No. 1?---Yes.

There was a brave man, he went overseas and came back to report!---Yes. /20

Can you see no difference between No. 1 on the one hand and Wolpe and Goldreich on the other?---Well, if a man can escape it, why should he stay.

And then this portion in here, in black - is that correct?---Well, were you read it again. If I'm not troubling you?

No you're not, you're not! My eyesight is almost as bad as yours. "Three Pogo men are due to hang, hundreds are in gaol, many for life. Who knows how many will be round-about after the Leballo fiasco? These are /30 the casualties in the freedom struggle. We quarrel not with bravery, but with bad leadership. We attack the

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Leballo policy, not as a petty rife, but because it takes us back, not forward along the road, ...along the freedom road. Genuine freedom fighters must find a way to fight together in unity, in unbreakable strength. There's no rule in the freedom struggle for all brave men and women. We are prepared to talk unity, to work for unity, to fight, united with the correct policy and the correct fighting strategy." Is that correct?---Yes, that's a correct statement.

Sisulu are you correct that this a plea now /10 made by the African National Congress to the Poqo and P.A.C. sections, let's get together and act like brothers in one brotherhood?---Yes, not only that, but act in a responsible manner.

Yes?---In a planned manner. In other words, if the criticism of mere rivals, mere feeling of the people.

Yes?---But let that be a planned strategy.

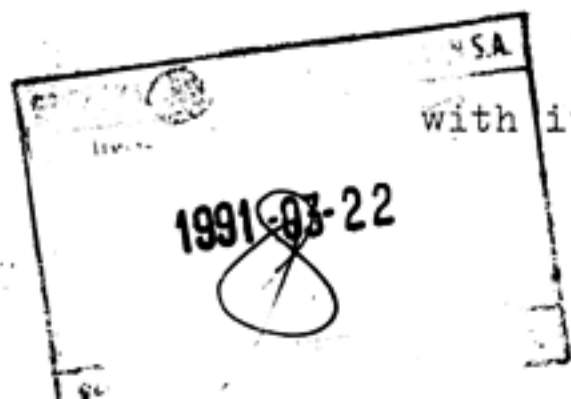
So you were prepared and willing to accept within the poles the leaders and the followers of Poqo and Pan African Congress?---Yes, because it is the question of leadership, to give a proper guidance as to what is necessary in the national struggle.

And you were hoping to work with them together with a view to committing further acts of sabotage?--- Sabotage, yes.

Which could have involved further loss of life?---No, not with that intention at all.

Well, that's what would have happened?--- No, the idea of course, as I say here would be to prevent murders, but rather to use a method of sabotage. /30

Well, we won't go into that again. We dealt with it this morning, there's just one or two passages I



want to read here to you. You turn now to the part against which you had no objection. Let's turn to the first part. "The A.N.C. Spearheads a revolution Leballo ? No. The South African people are at war with Verwoerd. 12 million people will be slaved no longer. For 300 years the whites have refused to hear our voices. The ways of peace have failed, now we fight to be free. The Verwoerd Government made it impossible for us to win our birth-right any other way. The A.N.C. tells the people straight the struggle that will free us is a long, hard job. Do /10 not be deceived by men who talk big with no thoughts for tomorrow." Is that correctly reflected there?---Yes.

And you had no objection to that?---No.

What had you in mind when you say "that the struggle that will free us is a long, hard job"?---What's the question again.

What did you have in mind when you said the struggle would be a long, hard job?---Because those who are in power, are not prepared either to negotiate, and I'm not prepared just to leave things.

So you were prepared to start with sabotage? /20  
---Yes, that's correct.

Carry on with the guerilla warfare?---If need be.

And I'll come to another document presently, and then when the situation is ripe you will insurrection in the rural areas particularly?---Well, once you have guerilla warfare, it might lead to that.

It must!---Yes.

And then you would be assisted by outside /30 forces landing in South Africa on the coast lines or across the borders?---In a situation of war, that also is

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a possibility. That is not what we planned.

But you envisaged it?---Well, in a situation where you fight, that is likely to happen.

And then that would be followed ultimately by civil war?---Yes.

You envisaged that too?---I did. We warned that civil war will be inevitable unless the situation changes!

And that is something that you and the A.N.C. always had in mind?---Why do you say so? /10

Because I'm trying to state the facts!---That's not a fact!

Did you not have it in mind?---We have demonstrated for years, that we did not have it in mind at all! But we changed insofar as the A.N.C. permitted in 1961, in which members participated in.

Well, you see Sisulu I said earlier that I'd have to remind you again, and I do remind you again, that I'm only interested in terms of the indictment for what happened from 1961 onwards.---Oh I see, yes. /20

And then you end up that that kind of a circular organised violence and smash a party.

BY THE COURT: Well, what's more important, is how are we to smash them? That paragraph is more important! That seems to me to be inconsistent with this explanation that the A.N.C. is separate from the Umkonto. Put that to the witness.---Unfortunately I lent my copy to the typist my lord, and the copy I have here, I can use. (Court hands Dr. Yutar a copy).

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED): /30

Shall I read it to you?---Please.

"How to smash them. With planned strategic

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violence, already scared, the whites are on the lookout. We must hit them when they are not looking, we must strike where they do not expect it. We must hit them hardest where they are soft."

BY THE COURT TO WITNESS: Now this is the A.N.C. not the Umkonto?---Yes my lord. I'm not sure here, but I did say here that there were one or two amendments.

That also is something that should have been left out?---Yes.

And was put in by mistake?---There were one or /10 two amendments which were made but, the circular went out as it was.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Now Sisulu may I trouble you to look on the inside of that document? (Witness complies). I want to read from the left-hand side, the paragraph under the heading "P.A.C. knows nothing about war". By the way, <sup>does</sup> that carry with it the implication that the A.N.C. does know something about war?---Well, perhaps that it would not act in the same way as the P.A.C. did. /2

"A crowd of unarmed men on a midnight march cannot break the police, the army and all the oppression of Verwoerd.....It is no good to think in terms of impis, nor of modern guerilla war. P.A.C. leaders like Leballo talk of revolutions, but they do not work at how to make the revolution, war needs careful plans. War is not a gesture of defiance. For a sum total of 9 white youths, only one of them a policeman and he killed by accident! Hundreds of Poqos are in gaol serving thousands of years of imprisonment! For a wild boast, Leballo's caused a round-up of unknown numbers of young fighters." /30  
Is that approved by the A.N.C.?---Well, I don't know but

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I would not disapprove of that.

You wouldn't disapprove of that?---No!

In other words, you admit then that war needs careful plans?---Yes, I admit that.

And now you complain that only nine whites were killed, the one of them a policeman, by accident. Is that something really to complain about?---No, this is not complaining. We are merely stating a situation, we are saying that what you were doing, <sup>even</sup> in what is considered to be an action. You are merely endangering /10 people. You are merely endangering your own people. It's merely warning and explaining the position.

Warning, yes, yes. "The sum total of nine whites killed, only one a policeman, was killed by accident." Now let's go over on the other side "Brave men must know how to fight". "The leaders must have control of the soldiers, their soldiers. The soldiers must know what the leaders want. The freedom force of South Africa must be co-ordinated. Cell with cell, branch with branch and region with region, in revolution. There must /20 be strong discipline. No action.....of half cast." Correct?---Quite correct.

What control did the leaders have over their soldiers in this case?---No, it....all that has been suggested here, is that instead of an organised situation as was the fact in the P.A.C. Movement.

Yes?---It says we should consider a way of properly organising control on it's own soldiers, even if they were to plunge into war.

Does it not carry with it the suggestion, you /30 P.A.C. leaders don't know how to organise! We A.N.C. do know! We have leaders with control over the soldiers!

Doesn't it?---No you see, that suggests that the A.N.C.

Yes!---Would not do what they have been doing. They would consider the question of war or revolution, as the case was standing, a serious matter, which must be gone into carefully and whether it is necessary or not, is quite another thing.

"And the freedom forces of Africa must be co-ordinated! A.N.C., M.K., P.A.C., Poqo, South African Communist Party. All must be co-ordinated?---Yes.

"Cell with cell, branch with branch, region with region." That was the organisation of the A.N.C.? /10  
---Yes.

And the M.K.?---Yes.

Where you had your cells...?---Well, I don't know if the M.K. had cells, but I know the A.N.C. had cells.

CONTINUED ON PAGE 98.

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1.

ACCUSED No. 2: Well I don't know if the M.K. had cells, but I know the A.N.C. had cells.

And your speech leaders yes. Right - then the next paragraph you speak of no misuse of manpower, freedom fighters must be trained, and I want to read the next. "Don't mistake the real target. <sup>is</sup> Poqo/said to have killed five White road builders in the Transkei recently. There are more effective ways of busting white supremacy states. A few road builders make no difference to the revolution. Instead smash railway lines, damage pylons, carrying electricity across the country, bomb out petrol dumps, cut Verwoerd off from his power and leave him helpless and these acts are only the beginning." A.N.C. policy?---No.

Why is it there?---Well..I don't know why it is there.

Another mistake?---I would not say another mistake - as I say I cannot explain which of these were in fact to be removed.

Well, what should be removed? Study it carefully and tell his lordship.---As far as this is concerned, I would not approve of it.

You would not - why not?---Because among other things it talks about damaging the railway line.

Now you know why I asked you that question earlier. Were you against damaging railway lines?---Yes, oh yes.

Why?---Because you might injure the passengers.

Well in fact it was done on three occasions.---  
Well I certainly don't think that it was done by us.

And two were done in Durban, and Mr. X told us



about it.---The damaging of railway lines?

Yes. Remember one just before you came to the concrete carrying the bridge?---Well I don't know what he said about it, but certainly even if it was done in Durban it falls outside their scope.

But falls within the circular.---Well the circular mentions that. I think that the National Executive of the A.N.C. certainly would never approve of a circular like that, and that includes this.

And a funny thing, you know Sisulu, although 10 your counsel said that this circular was distributed throughout the country, you said it was not distributed in Natal. --Yes that is so.

But Natal nevertheless knew what to do - they damaged the lines, the railway lines on at least two occasions. ---Well I don't know..I don't think that they were following this circular.

Perhaps they got their instructions direct from Rivonia when Mr. "X" came there.---I certainly don't think they could have ever got such instructions. 20

Well let us just examine this carefully. "Damaging pylons" is that in order?---Quite in order.

That is in order, even though it might carry electricity serving hospitals, that makes no difference.--- Oh yes.

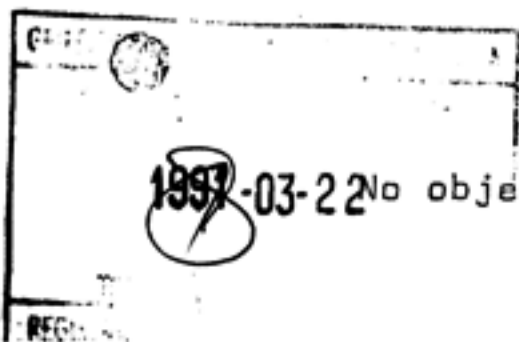
It makes no difference?--No. Well innocent people may suffer.

They may suffer?---Yes.

So it has got to be done?--It has got to be done.

"Bomb out petrol dumps". Any objection to that?--- 30

1997-03-22 No objection.



And that was done in Cape Town?---Well though it was done in Cape Town, as far as my recollection, if I am right, I think it was not done by anybody connected with Umkonto but there is no objection.

No objection. It was done at Sasol.--Yes.

And where the police officer very fairly told his lordship that it is so protected, the one dump from the other, that there is no danger of the others being set alight. But you have no objection to that?---No.

Even although it could set the whole place alight, the whole country alight?---Well if it is done with due regard to life, of course. 10

Well if you want to blow up a tank containing 100,000 gallons of petrol, you know - there would be no danger of life to people in the vicinity - none at all!--- Well, it depends where it is.

Sasol - you know where it is. Sasolburg.---My recollection is that there are no people who stay there.

No houses there? It is an industrial area?--Yes.

So there is no objection to doing that?---There are no people there who live there actually. 20

Oh yes!---Then I may be mistaken.

So you had no objection to pylons, petrol dumps, but you objected to railway lines?---Yes.

Just railway lines? Any other objections?--- Wherever there are people living there, for instance.

Now we come to the last paragraph on the right hand side "Above all security - Freedom Fighters must keep their mouths shut. There is no room for those who give statements to the police." Young Sipo Mango(?) did not keep 30

his mouth shut - he was going to give evidence for the State. Was he a traitor in the eyes of the A.N.C.?---Well you know the question of people being opposed to giving information, it is not a new thing, but it does not mean killing at all.

But that is what happened to young Sipo Mango? ---And I say as far as that is concerned, it could not have been passed.

But according to this circular he is a traitor to the cause.--Of course he is a traitor - a person who gives evidence against his people is a traitor. 10

Well how do the A.N.C. deal with traitors?--- Isolate them. The time may come when we might have to try them.

Yes? And shoot them?--I don't know what the result will be of such a trial.

And how do the Communists deal with traitors? ---Where?

Anywhere? Shoot them first and try them afterwards?---I can't profess to know what the Communists did.

Right. But you were associated with the Communist Party in this country.--Yes we were.

You were!--Yes.

Closely associated too?---Oh yes.

I am going to show you documents.--Yes.

Unless they are mistakes?--I can't answer until you give me the documents.

Yes, I will show them to you. Now look here we will carry on. "Young recruits who have a few drinks and start boasting are a danger. Arrested men who turn State 30

witnesses betray the struggle. No abortive adventures, no police penetration of the freedom force." You agree with that?--Yes, oh yes.

So all you didnot want in this page was the railway lines, but you cannot explain why the railway lines were damaged, two in Natal, and on the Kroonstad line.---Well I say it was not part and parcel of the policy, but people did wrong things. They do.

Just a few other topics I want to deal with.

BY THE COURT:

10

Just before you go further - I don't quite follow this: these circulars were distributed by the A.N.C. not so? Distributed to their Regional Committees and by the Regional Committees to their members, not so?--Yes my lord.

Now any Regional Committee reading this circular the passage Mr. Yutar has read to you, about smash railway lines, that was an instruction to your Regional Committees to smash railway lines, isn't it? That is how I understood it. ---No, no, first of all it would not be. The A.N.C. members are not engaged on smashing lines. Their task is clear, it is a political task my lord. 20

No, no, but this circular - didn't this circular go to the Regional Committees of the Umkonto - wouldn't they get a copy of this circular?--Yes even if they did..you see, I don't think this circular is an instruction. This circular first of all is a circular which is explaining. Its real place..

Well, leaving the mistake out now, I mean, this circular, assuming it is not a mistake, says that the policy of the A.N.C. is to bust White supremacy, smash railway lines, 30

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damage pylons and bomb petrol dumps.---Yes my lord..

That to any reader would mean that that is the policy of the A.N.C. being communicated to its members, not so?---No my lord. That is what I am trying to explain.

Yes?---The point I am trying to explain - members of the A.N.C. would never accept this leaflet as an instruction. They would read this leaflet as explaining the approach on the situation, the difference between the P.A.C. and what the A.N.C. would do. Now the A.N.C. members are not engaged on sabotage, and to do that would mean that an explanation must be given to them that now you as A.N.C. members do so and so. 10

Well now I still have a lot of difficulty with understanding it. As I understand your evidence, the Executive Committee now approves of the National High Command of the Umkonto.---It approves that acts of sabotage be undertaken.

To a certain extent it supervised the activities of the Umkonto, because, according to your evidence, Umkonto has to come and get approval for some of the things they do. ---Yes for instance like the training. 20

Yes, exactly. Now the Umkonto again gives instructions to the Regional Committees.--Yes, its own Regional Committees.

The National Committee to the various Regional Committees?--Yes.

How do they give their instructions?---By contacting them, not by written material.

Some man acting as liason?---Yes, except insofar as the first policy was laid down in the Manifesto, and I think there was another document which was also issued a year 30 thereafter. Otherwise the instructions are by verbal contact.

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Now then the Regional Committee again has its various sabotage committees, and to a certain extent they act under instructions, and to a certain extent they just do what they think is right, not so?---They are supposed to act on instructions only.

Supposed to act on instructions, but in actual fact very often they just do what they think they should do? ---Some of them did, yes my lord.

Now you are not responsible for anything they do unless there is some instruction gone down right from the Head Office down to this particular man committing the act of sabotage? Is that your argument?---My lord, the proper approach would be that people should do what they are told. It does happen in life that people do the opposite. But that is not our instructions, and that is not our understanding. We tried, to the best of our ability, to say how it should be done, what should be done.

That is what you now call organizing the acts of violence.---Well I don't know sir.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Sisulu, is it not a fact that instructions were issued by headquarters to the Regional committees, not only by word of mouth, but also by circulars?---Of Umkonto? I have never heard one.

Of the A.N.C.---Oh no, no, I am talking about Umkonto. A.N.C. does give directives by written word. Oh yes.

Yes. If we accept for the moment that Umkonto is the brainchild of the A.N.C. there is no objection to the mother giving instructions likewise by circulars?---I don't quite follow.

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If the M.K. was the child of the African National Congress, there is no objection to the mother body, the African National Congress, giving instructions to the child, its offshoot, by circular - no objection?---No I think I understand the position. These are two different organisations. Umkonto We Sizwe comes into existence, announced its existence, it is definitely separated even in its composition, composed of various racial groups. The A.N.C. is a different organization. It is an organisation consisting of Africans only. All that the A.N.C. did was to say "We will not condemn it. We will permit our members to participate."

If you look at this circular again, in the light of what his lordship just said earlier, you will find that you conclude the circular with the slogan of the African National Congress, not so? "With your support we will win" You have got the slogan of the A.N.C. and look what you say thereafter - just read it "Be careful, but let others see this."---Yes.

What did you mean by that?--It is a leaflet.

It is a leaflet yes - to be passed on to your people. "Be careful - let others see this too."---I don't know what careful means in this sense, because this is a document which is for the public, not a private document.

Now come, come! You were a member of the National Secretariat - you know and understand what you write. What does 'be careful' mean? Two simple little words.---I know what it means.

Well then, what does it mean here?---That is why I say, I would not use a word like that here. I don't know what it means - it has no meaning, absolutely no meaning here.

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No meaning?---Of course not, because this is a public document.

It has got no meaning at all!--I don't know its meaning at all.

There is nothing revolutionary about this.---I don't quite understand.

"But let others see this" - who are the others who are to see this?---Perhaps the carefulness here might mean this: the A.N.C. is an illegal organisation. I am sorry, I think that is what it means. 17

Yes.---The A.N.C. is an illegal organisation - in passing on a leaflet like this you might be arrested.

Oh I can show you a lot of leaflets of the A.N.C. some issued very recently, too - last Friday, for one - where there is no mention of "be Careful" - none at all.---No I don't think all the leaflets do, but I think that is all it means. I don't/<sup>know</sup>what interpretation..

Who are the others to whom it should be passed on to?---Those that did not see it.

And for what purpose had it to be passed on?--- 20  
To be acquainted with the contents.

For what purpose?---Well, for the message which is contained in the leaflet.

And the message, of course, speaks for itself?---  
The message is largely to say the P.A.C. methods are wrong. That is what it means.

I show you two other pamphlets, Exhibit QQQ.  
Look at this one here. You see that? That is another pamphlet.---Yes.

Now here is another pamphlet issued by the African 30  
National Congress. It does not say anything here about

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being careful, and you see what it is headed "The A.N.C. is alive. The Umkonto We Sizwe fights on". Both are bracketed together. "The Police say they have smashed the African National Congress, our reply is 'The A.N.C. shall never die'. Our underground organisation is at work tirelessly meeting, organizing, planning. Our secret forces are with the people all the time, in the buses, in the factories, in the townships. We shall strike the oppressive Government when we are prepared, and the A.N.C. is ready for anything." Is that correct? ---Well to say 'ready for anything' is putting it rather strongly. I don't think it is correct. 10

Rather strongly! ---Yes an extravagant language actually to say that.

Look at Exhibit R.R.R. now. "The Rules of a Volcano". That is also issued by the African National Congress? ---Yes.

"The recent violent clashes at Paarl, Kwa Mata(?) and Queenstown must be looked at in their proper perspective. They are a writing on the wall, sharp and clear warning to the oppressors that the volcano they have been for 20 years is about to erupt and it will involve every South African black or white." What are you preaching there? ---I think that this circular, too, should be looked at in the same way as the other one, that is it describes a situation. It is not preaching anything. It says this is the result of our situation in the country.

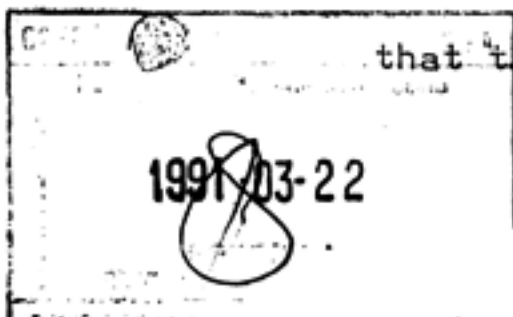
Is that a correct reflection of what the A.N.C. wanted to convey? ---I think it does convey that actually. It is the writing on the wall - you will have this type of thing.

Yes, what is the volcano you have in mind? ---Well, 30 civil war for instance.

Civil war - at least we have got it clearly now. Right "It is futile to try, as the Government is trying to do to lay the blame on a few mischiefmakers and to pretend the problem can be solved by mopping-up operation in which the Africans are shot, arrested and even ultimately hanged. This approach is superficial and dangerous because it merely intensifies the very methods against which the people are revolting." Now I just want to read some other passage - you see the heading "The Peoples' Life is a Living Hell." Have you got that? That is the fourth paragraph, beginning 10 with "The supporters of white domination" - have you got that? ---Yes.

"...have consistently been warned that their brutal denial of rights to our people, the contemptuous dismissal of the people's demands, the ever-growing harrassing of our people, the ruthless suppression of the political organisations activity, and to crown it all the complete reliance on force and violence against the people, parading saracens and 'skiet-kommandos' will provoke our people to do that with other people in similar circumstances have done, 20 namely to strike back at the enemy in the way in which it strikes at the people. We warn that oppression with the sword will provoke resistance by the sword." What are you there warning the people? ---Well we are saying if the Europeans continue, persist in this road of not negotiating, of not talking, the nett result of that, in the end, will bring about civil war.

Now take the next paragraph, just the last four lines "The whites must realise, and the sooner the better, that they have created a situation so intolerable that



the Africans are beginning to storm the citadel of white domination in spite of crude weapons, and regardless of the consequences."---Describing a situation.

Are the 'crude weapons' that you are there referring to perhaps not the pipe bombs, the syringe bombs, the bottle bombs, the petrol bombs that you had been manufacturing?---No, no.

What are the crude weapons then?---Talking about things that have been used in Paarl for instance.

Is that the only crude weapons you had in mind? 10  
--I think so.

Nothing else? Does it not speak about the position generally, throughout the country?--It is really, it is a statement issued in relation to a particular event.

Oh!---Yes, it is dealing with the...it deals with the Paarl situation and Kwa Mata.

Yes, it says "The recent clashes at Paarl, Kwa Mata and Queenstown must be looked at in their proper perspective" and now you are placing those three events into the perspective of the whole South African field?---Oh yes, to 20  
look at the situation in the light of this.

Now what are the crude weapons you have in mind?  
---The crude weapons that were used in these particular what you call ... places.

And what weapons were used there?--I can't profess to know, I think pangas and other things.

And regardless of the consequences?--Yes, that is what they did, by marching to the Police Station, they disregarded the consequences.

That is your interpretation?---Yes.

30

The 'crude weapons' refers to those three incidents?---Yes.

Well, let us test that in the light of the last paragraph on that page "Unless an immediate halt is called upon this brutal and barbaric experiment on human life by those who support White domination, there will be more dead people to mourn for. The conflagration, conflict and violence will spread. The volcano will not only rumble, but will erupt. The weapons and methods of Africans will not always be inferior, nor will the casualties be higher among the 10 oppressed." Now Sisulu, does it still refer to the three places, Paarl, Kwa Mata and Queenstown?---Well, this is a general paragraph. It is a general paragraph, and it is saying that if there is no halt in this situation, then it must lead to what has been described.

And you have again got in mind here sabotage?  
---Well, with other things..

..Geurilla warfare and eventually civil warfare, and the casualties will not always be higher amongst the 20 oppressed. In other words, you are here warning the white man that the casualties amongst them will be far higher than they are amongst the non-Europeans. Is that an explanation or a warning?--It is a warning.

Of course it is! Finally, the last paragraph on page 2 - "The choice is between white domination and white privilege maintained through bloodshed, turmoil and conflict ? Power to all the people of our country in peace - the time to choose is running out." Are you not preaching, there, Sisulu, a bloody revolution?---Well we are having in mind that 30 revolution will eventually take place unless..

Unless!..--We are not denying that at all, unless

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the conditions which we describe...

And those are the conditions which you have been envisaging at the stage when this circular was drawn up?--- Statements like this could have been made even earlier, merely saying that a situation like this will emerge, unless something is done.

And by the way - who drew up that circular?---

This one?

Yes.--I think this is an official circular.

Yes it is. Who drew it up?--The National Secretariat. 10

You had a propaganda committee didn't you---Yes.

Who did it consist of?---Well I can't exactly give the names.

You have mentioned one earlier this morning.

You told us this morning one name already. He has not fled the country.---Well the only name I mentioned was Mr. Mbeki.

Yes, you mentioned somebody else as your propaganda expert.---Oh no, no, no..

Yes you did.---No I did say .. 20

What?--I did say that Mr. Bernstein is an expert on propaganda, not A.N.C.

Expert on propaganda - Oh I see.---Not A.N.C. This is A.N.C.

19. Well, this is propaganda isn't it?---This is not A.N.C.

Oh I see?---I mean, he is not a member of the A.N.C. No European is a member of the A.N.C.

I know - what is he a member of? ---I knew him as a member of the C.O.D. 30

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The C.O.D. Congress of Democrats?--Yes.

Communist Party? Yes?---

You co-opted members of the Communist Party?---

I don't know if he is a member of the Communist Party. He is a member.

He is a member?---Yes.

You see, you co-opted Bernstein in connection with propaganda.---Not for A.N.C.

For what propaganda?--It was in connection with the question of 90 days, it was a general question, not a matter of A.N.C. We were putting across propaganda in regard to the 90 days.

But 90 days is a recent innovation. He did not become an expert, or have a flair for propaganda as a result of that?--Oh no, in the past he did play an important part in joint campaigns.

Well I am going to suggest to you that this was also a joint campaign.--Which one,?

This campaign for guerilla warfare and civil revolution..civil war?---This is a statement by the A.N.C. I am trying to say to you that as far as A.N.C. is concerned, it issued its own statements.

Without assistance?---No assistance whatsoever.

You know, you identified yourself with a statement made by Accused No. 1.---Yes.

That the State was wrong in suggesting that the A.N.C. was dominated by the Communist Party of South Africa.--Yes, oh yes. Certainly.

And that of course is the fault of whoever made that statement?---Well it is an incorrect statement.

The State has said it in the past, hasn't it?--Yes.

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And it is wrong?--It was found wrong.

The Police have said it in the past, and it is wrong?--Of course they are wrong.

None of you people have ever said it?--Which people?

African National Congress. Would you ever make a statement like that?---No, there is no question of domination. There has been statements of objection to do operation. Not domination. 10

But an A.N.C. would never say that the A.N.C. is dominated by the Communist Party?---Why should they say so when it is not?

I am just stating...---It is a ridiculous proposition!

Of course it is!---The A.N.C. is not dominated by the Communist Party.

And I suppose it is equally ridiculous to say that ..any of the African countries supporting you it would be equally ridiculous for any of them to say that the A.N.C. 20 is dominated by the Communist Party?---Well I don't know. I can't speak for other countries, somebody who is not in favour of A.N.C. policy may say so.

Oh no, no, I am talking about African countries, African States who promised you all support, financial, liberty and otherwise. Those countries who were in favour of the A.N.C. they would never say a thing like that would they?---Well, I don't know if they would say so. You see it depends, if some people are convinced that those who are co-operating with it..they might say so. I don't know. 30

I can't speak for them.

BY SA



But if they said it, it would be wrong?---  
Absolutely.

Did accused No. 1 ever make any such report to you?---Yes he did.

When?---When he came back he made some report. I am..I don't know whether I am catching your question properly.

Yes?--I don't know..he did make a report that an impression has been created that we are being dominated, I think by the Whites. I don't think he said Communist Party. 10

And where did he get that from?---Well on his travels abroad.

He did not say where?---Well he did mention certain people.

Dominated by the Whites, and not by the Communist Party?---Well, also the question of the Communist Party, yes.

Oh yes, there is one other thing: and you also associated yourself with the observation made by No. 1 accused that he is against White domination, and that he is also against black domination?--Yes. 20

That there is room in this country for co-operation between White and non-White?--That is correct.

And that is your theory too?--That is correct.

And that is the theory of the members of the National Liberation Movement?---Yes.

And that is also the view of all those who support the National Liberation Movement?--That is correct.

Whether they support them by finance or military aid, of whatever other aid?--I can't follow your trend. 30

OFFICE OF VAN S.A.

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the view  
Well anyhow, that is your view/of the A.N.C.?

---Yes.

And it is the view of the National Liberation movement?--Yes.

And it is the view of all those who support the National Liberation movement?--Yes.

From within or without?--Yes.

Look at this document, Exhibit R.13. That is Mandela's report on his tour of Africa. Do you see what he says in the middle of the page? "It is clear that in this 10 area there are great reservations about our policy, as there is a widespread feeling that the A.N.C. is a Communist-dominated organisation."--Yes.

That is what your friends across the border are saying?---Some of those were not very friendly towards us. They were spreading this type of propaganda.

Well now just let us look at it, and see what areas you are referring to. Just turn over - it deals with the political climate in the Pafmesco area.--Yes.

And then it mentions all the names we have had 20 before.---Yes.

And that is the view now of these States that are helping you.---Yes.

What explanation have you got for that?---Among the African States there are people who are very sensitive to Communists, and in this country there is the greatest propaganda ever which tries to smear A.N.C. as a Communist-dominated organisation. These things mean quite a lot to those countries. Unless explained, they must consider such

a report.

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DIVISION

THE SUPREME COURT OF S.A.

But here is a report made by Accused No. 1---

Yes.

On his return from this tour that this is the wide-spread feeling, that the A.N.C. is a Communist-dominated organisation. You deny this of course?--Yes, yes.

Just a little further down it says "Hilda's brilliant address is not appreciated. Application of C.O.D. for membership of A.P.C. (?) defeated on a motion from delegate of Communist China. Who is this Hilda?---I suppose it must have been Hilda Bernstein.

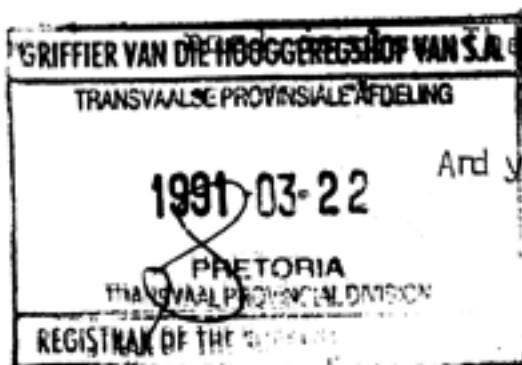
The wife of No. 6 accused?--Yes.

And she is also a member of the Communist Party? --I don't know if she is a member of the Communist Party.

You don't know?--No. She was a member.

She was a member. Now just turn to this heading on the second page, 'Political Climate in the Pafmesco area.' Striking feature widespread anti-white feeling and a violent opposition to anything that smacks of the concept of partnership between black and white.' Here is a report made to you (page 2). The last six lines. Opposition across the border to any concept of partnership between black and white.' ---Yes, understandable. That is the position.

Understandable, and yet you say under oath, you agree with what No. 1 says, that that is your solution of the problems of this country, the concept of black and white co-operation.---Oh yes. We have absolutely no doubt that as a feasible proposition it is the only answer - no other. The question of what Africa says or anybody else is not the



question is what do we feel in this country?

And yet the rest of Africa - I am putting it a bit

too high, but many states of Africa are the countries to whom you have appealed for assistance, military and financial?

---Yes that is correct.

And they are the countries that are supporting you militarily and financially?---In spite of our policies.

In spite of your policies.---Yes.

And they are the countries who are against this concept of partnership between black and whites?--Yes.

And notwithstanding that, you still say that can be the position in this country?--Of course. I am saying 10 that the position is decided by the people of South Africa, not the people outside.

Incidentally, Sisulu, when did you join the A.N.C?

---If you don't mind, just let me..the point that was raised just now..?

Yes.---That what this does mean. It merely emphasises the difficulties and the problems of our organisation, of our policy, and yet we are prepared to stand by it. We educate other people in this country, and abroad, that the only solution in South Africa is living together 20 of black and white, and no other.

And in the face of opposition from the African States?--Oh yes.

BY THE COURT:

Living together, but doesn't that involve, according to your ideas, control by the non-white element, because they have got more in numbers?--My lord, we have always maintained that perhaps because of historical conditions in this country, that the mere fact that the Africans are in the majority would not mean black domination. 30

No, but black control? Won't mean black control?

GRIFFIER VAN HET GERECHTSHOF  
1962

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--Only in the sense that the majority of the voters will be black.

That necessarily involves control, not so?--- Well it might be that the control can be exercised by both races, elected together. We have in the history of this country an example, that when the Cape Province had a right to elect..that is the Africans..instead of electing an African, the Africans themselves elected a European. There is this question of living together in South Africa.

You would never agree to that though, would you?---Why not? 10

Your being represented by a white person?---No, not to be represented my lord. We don't want to be represented but we say if the people of South africa elected Dr. Verwoerd, by all means let him come to Parliament. He is elected by the whole lot. We are not fighting the issue on the basis of colour. We say that can never work.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Sisulu, with an eye to count no. 3, perhaps it is pertinent at this stage just to ask you this : if eventually the non-Europeans got control of the country, what would be the position if the responsible leadership made a few more mistakes and dropped a few more bombs in houses of the whites?---Well on the question of responsibility insofar as this line is concerned, it is not a question of colour. Europeans have done worse things in this country, they have bombed each other. 20

I am talking about the responsible leadership that you have referred to that made mistakes - what if they cut away some more railway lines?---I said that the question of being irresponsible is not a question of colour. The

leadership of the A.N.C. has demonstrated for the last 50 years that they are most responsible.

Most responsible?--Oh yes.

And notwithstanding it, you gave your benign blessing to the creation of Umkonto we Sizwe and allowed them cart blanche to commit acts of sabotage?---Very much against our feeling. We have tried, by all means, not to get into this situation. We have been forced into a position whereby this had to take place.

Much against your feeling!---Oh yes. We 10  
don't like violence.

Alright, I am going to examine that presently.  
When did you join the A.N.C.?---1940.

In what capacity?--I was an ordinary member.

Yes? And when were you promoted to Secretary-General?---In 1949.

A position you occupied until?--Until I was ordered to resign by the Government.

And that was?---In 1954.

But you still remained a member of the A.N.C?  
---I still remained a member of the A.N.C. 20

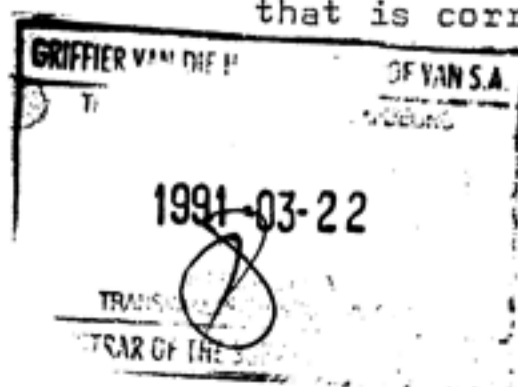
Now I said to you before I am only starting at the year 1961 or perhaps a year earlier. In 1960 the A.N.C. was banned?--Yes.

Until then you say that it was an organisation that preached non-violence, and ensured that no violence took place?---That is correct.

It was a well disciplined organisation?---Yes  
that is correct.

And it followed its leadership?--That is correct. 30

Who was the leader of the A.N.C. when it was banned?



---Chief Lutuli was the President.

And who were the other leaders,?---We had an Executive of 22 members. I don't know if I can remember, Mr. Mandela was one..

Oh I am not asking you for names this time so we won't worry - unless you want to give them? I don't want them.

No. 1 was..?---No. 1 was the Deputy-President, but he was also asked to resign in 1953.

However, in 1960 the A.N.C. was banned?---That 10 is correct.

And then you say you were experiencing trouble from certain members of the A.N.C. who wanted to go over to violence---Yes my lord.

Here I want the names - who were the people who wanted to go over to violence? ---Well I don't know why we should be quarrelling about this question.

I promise you I am not quarrelling. I just want to know who the people were.---No but you see you are putting me in a position whereby I have to continue saying 20 I can't give the names. The organisation was banned in 1960, and why should I give the names of the people who were taking this line? I am saying in 1960 this thing came about.

Put it this way - you of course refuse to disclose the names, is that your attitude?---Yes.

Those who wanted violence, were they members of this National Executive?---No, no, they were the rank and file members. Perhaps on the Provincial level, some of them the rank and file members.

And how many were there altogether who wanted violence?---Well I can't really give the number, but I know that it was a discussion which was taking place in various levels of the A.N.C.

But if the A.N.C. was a disciplined organisation until then, could you not have continued to discipline these people and say "That has been our policy for the last 50 years, and that is how we remain for the next decade?" ---Yes, except this, that by 1960 fate had completely changed the situation. The organisation was illegal. 10

Yes? ---Before this difficulties were easy to solve, because you could address a public meeting, and tell the people, and assure them and you could have demonstrations, you could have a strike, you could have, for instance, even a stubborn Government like our Government, you have it forced by the boycott in Alexandra to concede, because of a demonstration. There were such things.

So therefore what caused this change of front from non-violence to violence was the fact that the A.N.C. had now been declared an illegal organisation, and they 20 could no longer protest in the manner they did up til then? ---The avenues were completely closed.

Well then didn't the leaders of the A.N.C. feel the same way? And say "Well we will go over to violence?" ---They were now able to reconsider their position, because they realised that the realities of the situation demanded that they should be changed.

Let's be brave about it, why then blame the rank and file? The leaders themselves are now prepared to go over 30 to a policy of violence?---Well my lord, I think it is known

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that the natural reaction of the people will be that things must be settled by force. That was indeed the position - it was the education of the A.N.C. educating the masses which made the decision to be what it was.

That is what I wanted.--So that it is not correct to say that it is only the leaders. I say that the leaders also realised that they were faced with a situation which was becoming more and more difficult

And so the A.N.C. through its leaders is now educating the Masses, 'because of this banning we now for- 10  
sake our policy of non-violence, and we go over to violence?' That is what you said?--No.

What were the leaders to educate the masses, in what?--I am saying that the leaders educated the masses before about the non-violent policy. In other words the people did not just feel "Well we don't want violence" - it is a natural thing for the people to feel 'we will settle it by force.' It was the education by the leaders which made the situation to be better off than it was.

However, we reached a stage now where you said 20  
some of the people wanted violence the policy of violence? ---Yes.

And the A.N.C. agreed thereto?--Yes.  
The Executive accepted the position.

In fact, is it not true that the A.N.C. said "There is nothing sacred about a non-violent policy. The time has come now to resort to violence?" ---No. If you know the nature of the executive of the A.N.C. one would know that it is not as simple as that. You had people who were so wedded to the question of non-violence, and it was 30  
easy to convince the Executive about this, and that is why

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there was this sort of a compromise, because among the members the people had joined on the basis of non-violence.

Is it not a fact that the A.N.C. now specially renounced its policy of non-violence, and went over to one of violence?--No sir, that is not correct. What it did was to permit its members to that extent..

To commit violence?--It did allow violence.

And if I show you several documents which say that this is now the policy of the A.N.C. would that be a mistake?--It can never come from the A.N.C.

Never come from the A.N.C.?--No. That it is the policy of the A.N.C.

And was there not also a policy of the Communist Party of South Africa to enjoin the A.N.C. and its followers "Forget about your policy of non-violence, and come over to violence"?--Well I don't know what the policy of the Communist Party was. I can only speak about the policy of the A.N.C.

But these were your bed-fellows, the Communist Party. Was that also their policy?--I can't speak about the Policy of the Communist Party. I don't know what it was. But I do admit that when they were legally in existence they did their best to see to it that the policy does not clash with the policy of the A.N.C. which was the main organisation.

Are you denying that that was the official policy of the Communist party?--No I don't. You mean the policy of violence?

Of violence.--I am not aware that their policy was a policy of violence, but I am not prepared to speak about the policy of the Communist Party. I am not an authority on

that.

Tell me, the National Liberation Movement, who did it comprise?---Actually it is a broad term, although our understanding of it, it applied largely to those who were working with us. The Indian Congress..

African Indian Congress, Congress of Democrats  
---Yes the South African Coloured Peoples' Congress.

Yes?--And A.N.C. but it is much broader than that.

Sactu?--Perhaps to a limited extent, because it is a trade union.

Why have you left out the Communist Party?---  
No I left it out because the Communist Party was banned in 1950 when Congress Alliance came into existence.

I know but were they not part and parcel of the National Liberation Movement? ---Yes they are.

Of course. You see I don't know why you and No. 1 accused are so very keen to tell the Court that the A.N.C. had nothing to do with the Communist Party.

MR. FISCHER: No never!

MR. YUTAR: Or that they were not allied in this great venture.---No no, it is not a question of being keen to say anything which is not true, it is a question of correcting a wrong..

Well it is read from Exhibit R.39 (Volume 2, page 391). Now that is the programme of the South African Communist Party.---Yes it is.

The Road to South african freedom.---Yes.

Look at page 53.--Yes.

The last paragraph. "In the face of these provocations the Liberation movement had to reconsider its

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attitude towards non-violence as a universal principle. The patience of the people is not endless. They are determined to win freedom in our lifetime. They would prefer to achieve their liberation by non-violent means, but today they are left with no alternative but to defend themselves and hit back - to meet violence with violence." Just pause there for a moment - isn't that what the A.N.C. was doing now through the M.K.---Yes, in that sense it was.

To carry on "The Nationalists are forcing the situation(?) upon South Africa in which patriots and democrats will take up arms to defend themselves. Organised <sup>10</sup> geurilla armies undertake various acts of armed resistance culminating in a mass insurrection against white domination. In such a conflict, however, long and costly, the fighters of freedom must win, for they will enjoy the support of the overwhelming majority of the people of our country, and the whole world." Was that not the aim and object of the A.N.C.?--Yes.

Of course. We will carry on: "The Communist Party consider that the slogan "non-violence" is harmful to the cause of democratic national revolution in the <sup>20</sup> new phase of the struggle, disarming the people in the face of the savage assault of the oppressor, damping their militancy, undermining their confidence in their leaders. At the same time the party opposes undisciplined acts of individual terror. It rejects the theory that all non-violent methods of struggle are useless or impossible, and will continue to advocate and work for the use of all forms of struggle by the people including non-collaboration, strikes, boycotts and demonstrations./" Is that not in fact what the A.N.C. had been doing until the time it was banned?--- <sup>30</sup>

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--We tried boycotts, yes.

"The Party does not dismiss...(continues quoting) ...majority of the people" By the way, this phrase, the 'illusion that the white majority can rule' - does it ring a bell with you?---Oh yes it does.

What kind of bell does it ring? ---I did have a..drafted a document which does use that phrase.

That is right. R.170. And why did you draft that document?--Well, I drafted the document in anger when I read the statements made by Cabinet Ministers and the Sunday Times. 10

Drafted in anger?--Yes.

What made you draft that document?---Excuse me, I am worried about the question you are asking here. When I answer..

Don't be worried - it is an innocent question, I promise you.---No, no, I am merely saying that when I say yes here in relation to the broad outline I am not committing myself to the question of A.N.C. IN THE sense I have already explained. Now this document...

MR. FISCHER: I think perhaps you can show him the document.

DR. YUTAR: I am going to, I have got it here.

MR. FISCHER: It does not use that phrase.

DR. YUTAR: No, the illusion - I am referring to illusion. (to the witness) I will show you the document - you said you drafted this document in anger.--Yes, Yes I did.

Why?--- Well because of the statements which are being made in this country about the situation, instead of considering the situation here. All that the Europeans do is merely to boast about their power. That is the thing which makes one angry.

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For what purpose did you draft this document?  
 ---I was considering broadcasting. But it was in a draft form. It was to be submitted first to the National Secretariat and as a basis of what I proposed doing.

Just keep it - I just want to finish this quotation, and then I will come to that document. Have you got page 54?--Yes I have.

"Whether its end is brought about by such a peaceful transition or by insurrection, the vicious type of colonialism embodies in the present Republic of South Africa cannot long endure." "Its downfall and the victory of the South African Democratic Revolution are certain in the near future." That is what the A.N.C. had in mind, too?---Democratic revolution?

Yes.---Yes. Possibly.

"The Communist Party unreservedly support and participate in the struggle for national liberation headed by the African National Congress in alliance with the South African Indian Congress, the Congress of Trade Unions, the Coloured Peoples' Congress and other patriotic groups of democrats, women, peasants and youth. With them we demand the immediate....(continues quoting)..at this time." Is that a correct statement?---Generally it is a correct statement.

Is it therefore, according to this - you can't speak for the Communist Party, on the face of it - this is what the Communist Party says is their official programme, but it says that the National Liberation movement, headed by the African National Congress - is that correct?--That is correct.

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And the National Liberation Movement, does it not

also include its Army of Liberation?--Yes it does.

And the head of this National Liberation Movement is the A.N.C. --Yes that is correct.

With its responsible leaders?---Correct.

Who made mistakes even in the issuing of circulars.---No that is correct.

So what difference is there between the Communist Party policy and the policy of the A.N.C.?--There are fundamental differences.

As expressed here.---Well the long and the 10  
short terms - there are no differences in the short terms.  
The objective of working for rights for all applies to the  
Communist Party as well as to the A.N.C.

Well I am only dealing with the short term - my  
indictment covers three years, and therefore as far as the  
period of the indictment is concerned, there is no difference  
between the Communist Party's aims and objects, and  
those of the African National Congress?--They coincide.

They coincide?---Yes.

Now we come to that document there (vol. 3 page 20  
708). Now you have got here "The illusions of Europeans  
oppressors  
that non-Europeans will stand with their white in  
the event of a crisis caused by South Africa's white supremacy  
is baseless and without a foundation."---Yes. That is  
correct my lord.

What would have been the position of people  
such as Goldberg and Goldreich if this had eventuated, if  
this is correct?---Well you see, our approach is not just  
a question of colour. We invite Europeans to participate in  
bringing about a change. People like those are part and 30

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parcel of the people.

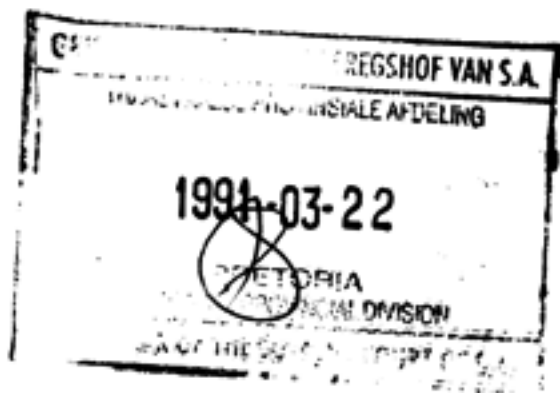
And tell me, how would the rank and file, who make mistakes when they bomb places and blow up railway lines, how were they to distinguish between the White Oppressors, and the white people who were not oppressors? How would they make that distinction? ---Well it is a very difficult distinction generally. They would not easily make it.

Yes.---But it is one of the problems all the same. That is why they are being educated, that it is not a question of every white man, and therefore Don't say, if you see a white man, therefore he is an enemy.

But you admit it is fraught with a lot of difficulties?--It is.

A lot of difficulties.---I agree.

AT THIS STAGE THE COURT ADJOURNS UNTIL  
10 a.m. on the 22/4/1964.





WALTER MAX ELLIOT SISULU, still under oath

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Sisulu, I understand you were feeling tired yesterday afternoon. My offer of the chair remains,--- Thankyou very much indeed.

Before I continue where I left off yesterday afternoon, I'd like to put to you certain evidence at this stage, instead of doing it, as I intended later. Do you remember we referred to Exhibit 'WW', that pam- 10 phlet which made reference to railway lines being smashed? ---Yes.

You say that was not the policy of the A.N.C. or of the M.K.?---Yes.

Do you still adhere to that?---Yes, I do.

I'd like you to look at Exhibit R.71, "Operation Mayebuya". Your lordship will find that in the third volume at page 506. I'll deal with this document more fully later, but I want to draw your attention to what appears at page 512, and I'll find it for you there. 20 And we'll read under the heading of "The Intelligence Department", it falls under part 5, a detailed plan of implementation. You'll read the following "(e) Selection of targets to be tackled in the initial phase of guerilla warfare...guerilla operations, with a view to causing maximum damage to the enemy, as well as preventing the quick deployment of reinforcements. In it's (?) the committee should bear in mind the following main targets. (1) Strategic roads, railways and other communications." What is meant here by railways?---It 30 means railways, as we know them.

Oh, - as you know what?---Railways!

What do you mean by that?---The public transport.

Yes! Well, in that case it would include the railway engines, the railway carriages?---Yes.

And the railway lines they run on!---Yes.

And that was one of the targets!---Yes, this is one of the targets described here.

Yes!---But this is a different document. I've mentioned in my evidence in chief that as far as this document is concerned, it's a document which up to the 10 time of the arrest, was under discussion.

Under discussion?---Yes.

I understood you,---Yes.

But I'm going to show you presently, fourteen documents to show that, not only has this been drawn up, but in fact carried out. I didn't come to those documents yesterday!---Yes.

But do you not agree that one of the targets to be sabotaged, was in fact, railways?---No, I don't agree. 20

Well, you agreed with what accused No. 1 said in his statement from the dock, didn't you?---Yes, I did.

And this is what he said - "In order to scare away foreign trafficker, and drain the life line of the country, we felt it necessary to destroy power plants, railways, etc."---Yes, I don't know if he meant the railway lines. That I don't know, but I certainly know that that was not a policy to destroy. It would be not in keeping with the policy. 30

So when I asked you just now what was meant by railways, you included railway lines, but when No. 1

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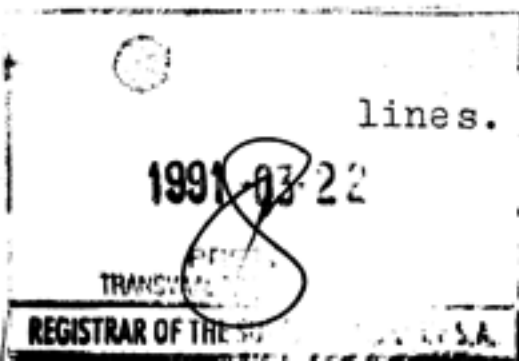
speaks of railways, you don't know what he means!---  
I'm relating it to the policy, and I know that he is  
aware what the situation was, and what the policy was.

Alright! In the light of that, let me show  
you another document 'R.2'. You lordship will find it  
on page 17 of the first volume, and I refer in particu-  
lar to page 32. (Points out where it is), and I'm  
going to read to you from page 13. "Task of the Umkonto".  
Now this is what it says, we'll give you the original  
presently. "Task of the Umkonto - the first and second 10  
stages. First, sabotage of Government installations.  
2. Properties of Government, foreign and local capiti-  
lisms. 2. Setting up of groups in the rural areas,"  
and sub-paragraph 3 says this - "Sabotage of tele-  
communications, transport, roads, bridges, railway lines,  
etc.", and that's included under the tasks of the Umkonto,  
first and second stage. What have you to say to that?  
----Well, I don't know what that document is, but I ...  
from the reading of it, it would appear to me that it  
is part and parcel of this type of document, because 20  
there was certainly no second phase on which we're en-  
gaged on, by the time the arrest took place.

I'll show you now the page in the original.  
---I also want to make a slight correction perhaps -  
when I'm speaking of railways, I don't mean that nothing  
has been done on the railways. We were talking yester-  
day about the lines.

Yes?---I'm not denying that nothing has been  
done about the railways, for instance the signal boxes,  
I know they were...

Yes?---I was talking about the question of the  
lines. That is the issue which has been put to me.



Well, you're prepared to concede that you know about the attacks on the signal boxes?---Yes.

Yes, well I'll deal with it in a minute.---  
Right.

But there you'll read that railway lines are specifically mentioned. Now what have you to say to that?---The same answer.

BY THE COURT TO ACCUSED NO. 2: This is the tasks of the Umkonto, first and second stages. What is meant by the first and second stages?---My lord I say as far as this document is concerned, it is related to my way of reason, and I think that even this draft is related to my way of reason. My way of reason vizualises a stage when you pass on from the sabotage to guerilla warfare.

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That is. / <sup>then</sup> the position, that the first stage is sabotage and the second stage is guerilla warfare?---  
That is so, yes.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

And sabotage of tele-communications would fall under the first stage?---I think so.

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Yes sure! According to the author of this document, it includes railway lines as well! Now I just want to mention items, to go on record. Some of the items has to deal with railway lines. Item No. 2, Item No. 95 of Annexure 'B', Detective-Sergeant Swart told us, that a railway line running between...at the St. Lion's railway station, between Uitenhage and Klipplaat, 23 bolts were lossened from the railway line.---May I say the same - that that falls outside the scope. It could not have been done by the Umkonto.

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We find too Item 135, there was an explosion under the guard's van on the southcoast line, and it is

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testified to by Mr. Joubert. Is that within or without the scope?---What is that?

The explosion under the guard's van, you know! A bomb was put on the line, and it exploded just as the guard's van passed over it. Is that included in your targets?---No, anything that would damage life you see, would not be.

So this is done in Natal, by the Natal Regional Command. The responsible leaders there!---Yes.

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Is this a frolic of their own, or what?---Well, it must be, because I've mention that they had strict instructions "you must avoid anything that will bring about loss of life".

But civil offices are O.K. That's in order? ---They were.

Item 156, we go back to the Cape Province. There Mr. van der Merwe the witness, told us that a stormwater drain lid was placed on the railway line. Is that within our without?---A stormwater...?

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A stormwater drain lid! It was a very heavy lid. It was carried a distance of about 100 yards or so and placed on the railway line.---No that would be without.

Yes, I take it you had responsible leaders of the M.K. in Cape Town?---Everywhere we had...

Yes! Who was the responsible man in Cape Town?---No, I wouldn't know. I know that we have responsible people.

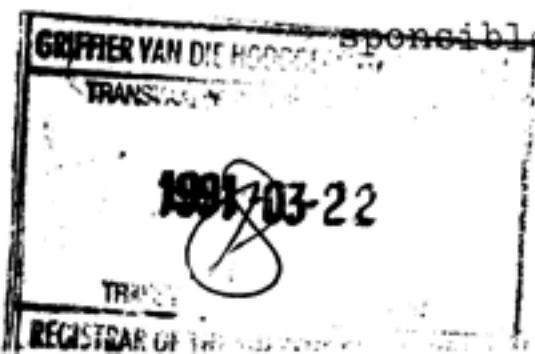
Who?---I don't know.

You don't know, but you know they were re-

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sponsible?---Yes.

Might I make a suggestion to you, and mention



a name?---Yes.

Looksmart?---I don't know if he was in the Regional Command.

But was he in the organisation of the ---He was in the A.N.C. I don't know in Cape Town who was in the Regional Command.

So how do you know whether they were responsible?---Well, I know they were recruited from the A.N.C., and the A.N.C. is the most responsible people.

Most responsible people?---Yes.

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Item 163, we find that a bolt between the tracks and a fishplate, between points. Mr. Muller testified to that. Is that within or outside the selected targets?---Say that again, I'm sorry?

Bolts between tracks and fishplates between points? A bolt was placed between the tracks and the fishplates and the points?---Of a railway line?

Yes, a railway line?---It falls outside.

Item 167, a whole 26 feet rail was loosened, and a passenger train derailed between Alberton and Vereeniging! That's the Transvaal. That's also outside? ---Yes.

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And finally, Item 176 - Natal. Part of a rail broken out at the Victoria Street Bridge. It was testified to by this gentleman, Mr. Watson, and the engine driver said what could have happened. Was that outside or in the scope?---That would be outside.

How did these responsible leaders then, come to do these acts, in the Cape, Eastern Province, Western Province, Natal and Transvaal, unless they got instructions?---When you say in the Cape, do you mean Cape Town?

The Western Province, yes?---And is it sugges-

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ted that that is done by the Umkonto?

Yes?---Well, there wasn't evidence.

Yes. Let's confine ourselves....

BY MR. FISCHER TO COURT: My learned friend...?---Well Mr. Fischer they're always put on the assumption, I mean no timing has been made as to the weight of the evidence.

No my lord, but what I wish to say is that my learned friend should put it as his suggestion, when there isn't evidence that it was.---Perhaps he can put it 10 more clearly to the witness, assuming that the Court accepts that it is done by the Umkonto, because there's no finding of facts yet, it's always assuming.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Let's take now Natal. Where we' have had the evidence of Bruno who said that he acted on the instructions of the Natal Regional Command, who get their instructions in turn, from the National High Command.--- Yes, I've heard that.

Why would they do that unless they had in- 20 structions thereto?---But he too, I think he mentioned that the instructions were strictly that there must not be anything that might endanger life. He said so! And he also said that they did make some mistakes, in some cases.

But the mistake he referred to was the dropping of the bomb on the passenger train when it should have been dropped on a goods train.---Yes.

But there was no mistake about these two 30 items from Natal to which I have now drawn attention! ---You can drop a bomb on a goods train, which loads cars without damaging the railway line!

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What about the engine driver? What about the guard?---No, I say we can do so without ...with due regard to the life of the guard.

Let's speak of your signal boxes. You have no objection to signal boxes being sabotaged?---No.

That would have the effect of throwing signals systems out of operation?---Yes.

What would happen if as a result of that, trains travelling opposite directions collided, or didn't go off onto a loop, or went off onto a loop, instead of going onto a straight line? What would be the result of that?---Well, as far as I know that those who were responsible for this, were sure that a type of thing like that would be avoided. The way they were doing it. I don't know the technicalities of it. 10

You don't know?---No.

And you took no precautions?---No, well I was assured that type of thing would not lead to loss of life.

Who assured you?---..... 20

Who assured you?---Well, the people who were dealing with Umkonto.

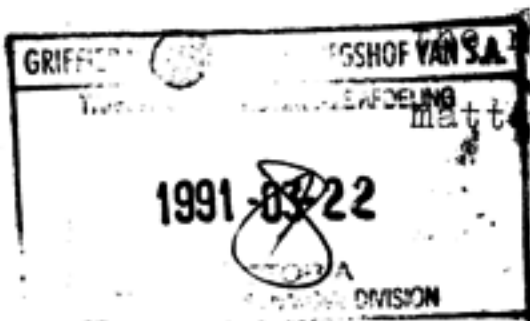
Who were they?---Do you want the names?

Yes?---They were in the Umkonto.

Yes, who were the people of the Umkonto who assured you that due precautions were being taken?--- Well, I can't remember the names now.

Why not? After all you were the Secretary-General of this organisation, the A.N.C., and you were in touch with the leadership of the M.K.!- What was 30

names of the leadership of the M.K.?---No, this matter was never really taken up with Umkonto you see,





except general discussions, because I never thought it would lead to what you suggest now.

Look Sisulu, you said in your evidence in chief that you were in touch with the leadership of the M.K. and that you on occasions attended their meetings! I ask you now who was the leadership, or who constituted the leadership of the M.K.?---Is that the question you're asking?

Yes!---I'm prepared to tell you about the people who are involved here, and I'm prepared to tell you you about the people who have left the country, and I go no further. Now with that in mind I can tell you that Mandela was in, Mr. Mbeki was in it, Mr. Slovo was in it, and Mr. Modiso was in it. 10

Is that Joe Modiso?---Yes.

ALSO known as Johannes Modiso?---Yes.

Right, and was that part of the leadership of the M.K.?---Yes, that was the High Command.

No one else? Or are you not prepared to mention their names?---No, they are the only people I'm prepared to mention the names of. 20

Who are then, of those you've mentioned, assured you that if signal boxes were being blasted by bombs, due precautions were taken to see that there would be no collisions between railway vehicles?---No, I didn't raise that matter.

No, unimportant?---No, I didn't think it would lead to anything.

By the way, let's deal with the names you've mentioned. You say Accused No. 1 was a member of the National High Command? Well we know his position with the A.N.C. You say No. 4 was?---Yes. 30

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We know his position with the A.N.C. Slovo, that's the Advocate?---Yes.

He was a listed Communist. A member of the Communist party?---Yes.

Johannes Modiso - what was his political affiliations?---A.N.C.

That's four - who else?---I've given you four.

Anyone else?---That's all I've given you.

That's all you've given me?---Yes!

That's all you want to give me?---That's all 10  
I want to give you.

You're not prepared to take his lordship into your confidence and tell us who else were members?---I have explained my position to his lordship.

Yes, and if we were to suggest ...in fact we do suggest that certainly the first seven accused were members of the National High Command, you'll deny that?--- I deny that.

But you're not prepared to tell us who, in fact, were the members of the National High Command?--- 20  
I have told you the people who constituted the High Command, excepting the people who are still in the country, whom I'm not prepared to mention.

That's what I say, you're not prepared to give us the additional names of the members who were members of the High Command?---No!

Now you also said yesterday that dealing with murders, that it was not the policy of the A.N.C. to commit murder, directly or indirectly, is that right?---  
Yes. 30

Do you remember I pointed out to you this case of the State witness Sipo Nange, who had turned a

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State witness and who was shot two days before he had to give evidence. Do you remember that?---Yes.

I want to put it to you that that was not the only incident where an informer or a pro-Government man was killed, in terms of A.N.C. policies!---In terms of A.N.C. policies?

Yes!---Where do you get that?

Do you repute it?---Of course I do!

I want you to look at this Exhibit 'QQQ3. Your lordship will find it on page 14. This is <sup>a</sup> pamphlet<sup>10</sup> issued by the African National Congress. Is that right Sisulu?---That's right, it's ...

I beg yours?---It's what it states.

Is that not so?---How do I know.

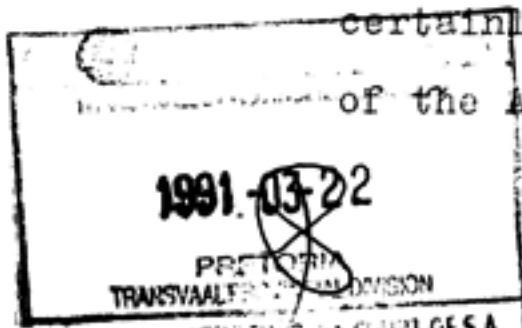
It says it's issued by the African National Congress.---Well it doesn't follow that it is, because it says so. There is for instance one pamphlet here, I can't remember it's....which it is my considered opinion that it was never A.N.C. Which dondemns the leadership of the A.N.C. itself.

20

Which one is that?---I don't...I can't remember.

You know this suggestion has been made before, I was going to put it to you later. The suggestion has been made from other quarters that the State was relying on faked and false documents. Can you point to any document which has been tendered by the State, which has been either faked or is false?---Well, I haven't got evidence of a document being faked, but you see I say that it is my opinion that one of the documents which I read here, 30

certainly could not have been issued by the leadership of the A.N.C.



And you can't tell us which is that document?

---I can check if you'll allow me to ....

Surely!---Consult my counsel, because perhaps he will remember.

That...Such a document, that was in fact not issued by the A.N.C., has never been raised in the course of the State Case! It has never been suggested! Never! But you will get us that document?---Yes.

But apart from that document, we've produced a few hundred, are there any other documents which you 10 contend are either faked or false?---Well, I paid particular attention to this one, I don't know if there are others.

You don't know?---Yes.

Do you suspect that there may be?---No, from the documents I've seen, I don't think there could have been, except this one.

Well, we'll carry on then with Exhibit 'QQQ'. "The A.N.C. is alive" is the heading, "Umkonto We Ziswe fights on. The A.N.C. is ready for everything. We're 20 not alone." Now turn to the second page. I'll find it for you, I'll show you the passage. I'll just mark it. Now this is what this document says "To informers we swear if it takes five years or 100, we shall track you down. There will be no mercy. There will be no escape." What does that mean?---I don't know what it means but I certainly deny that it is the policy of the African National Congress.

What does these plain English words mean!?

"We will track you down. There will be no mercy. There 30 will be no escape."---Well, I don't know if it necessarily means murder. It may mean assault, it may mean

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ostracising the chaps, I don't know what it means.

You don't know?---I'm not going to give interpretation to this.

You're not! Well, I shall to his lordship in due course. I will not argue with you now. In the light of that document...?---I particularly deny; that it is the policy of the African National Congress to commit murder.

Even informers?---Even informers, that is not the policy.

10

By the way, do you know a gentleman name Mandla, forgive me if I've mispronounced the name, I'll give you his full name now. Does that name strike a bell?---I don't remember.

Mandla is his surname, and the christian name is Mzwandile. Mzwandile Mandla, Item No. 15 East London. Do you know this gentleman?---No, I don't.

Have you ever met him?---No, I don't...Well, I might have met him, I don't remember him.

Well Detective Card said that he was a member 20 of the A.N.C.!---Yes.

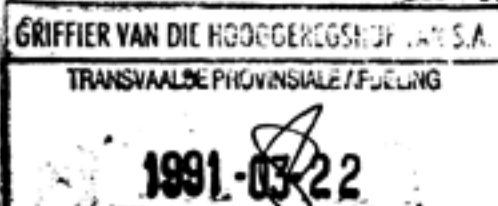
Now do you know a gentleman name Symington Dukada.---No, I don't know him.

Yes, well Bennet also refers to him. He was a police informer. He informed to the police. Do you know what happened to him?---Well, I heard evidence here.

What was the evidence?---He was someone who was shot.

Page 22(E)

Yes, and Card said this, "He is at present 30 at Frere Hospital, only a shell after having been shot in the spine." The spinal cord is dried up and he is



expected to die any minute. Anybody arrested in connection with that shooting?---Yes, Mzwandile Mandla." Was that in conformity with the policy of the A.N.C. as expressed even in this pamphlet I put to you, Exhibit "QQQ"?---Certainly not.

How did that happen then? Under leadership? ---Well, you have had the evidence here of your own witnesses. A man who was a member of the Regional Committee in East London, who said no such decision was ever taken, and that people who did anything of the kind, 10 did so on their own.

On their own?---That's evidence by your own witnesses.

Yes, but the fact that your own circulars say there will be no mercy to Police informers, "we will track them down. There will be no escape." That of course, you forget?---I'm not forgetting. I'm saying that I deny that it is the policy of the Umkonto.

By the way do you remember the suggestion - do you remember this Mr. 'X'? How do you regard him? 20 As a traitor?---Oh yes, I regard him as a traitor.

As a traitor?---Yes.

A traitor to whom?---To the African people.

In fact, that was the suggestion by learned counsel, that he was a traitor to the cause of the A.N.C. ---He is not only to the A.N.C., he is a traitor to the African people.

And you regard him as such, and you propose to deal with him as such?---I don't. I don't. I think he has been exposed quite sufficiently, but he will be 30 absolutely isolated.

Isolated?---And he will not be able to do

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any more damage to the movement.

Yes, of course not. He won't be a member of the M.K. any more!---Yes.

But in terms of that, you're going to track him down, if it takes you five years or 100 years, and you're going to show him no mercy!---Well, I can take it no further than to say that it certainly is not the policy of the A.N.C.

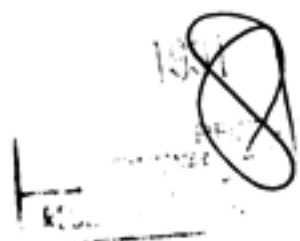
Right. I'll read you something else. Do you remember Detective Warrant Officer Card? He gave 10 evidence, and he knows the names of all you people, the first names and the surnames, and he knows who were members of the M.K. and who were members of the A.N.C.? ---Yes.

Now you know he told his lordship, that there was a time when the A.N.C. issued a spate of pamphlets. Do you remember? Do you remember that Sisulu?---Yes, I remember that.

Now listen "the issue of pamphlets is one of the methods of propoganda", (Accused and Dr. Yutar 20 talking at the same time). ---I don't deny that, I'm trying to remember the evidence.

No, no, I'm going to produce a document, not only did you rely on the issue of pamphlets, but you also got people to paint slogans on walls.---Oh yes.

Well, this is what Mr. Cardsays - "Most of these pamphlets were like that, but the one pamphlet in particular, a pamphlet with the heading "Leaders are being refused", that pamphlet was a very strong 30 pamphlet. It was directed against certain persons, the instructions in the pamphlet was that those persons



should be done away with, and what in fact did happen afterwards was that members, one member who is mentioned in that pamphlet was picked up in one of the East London streets, and we've never known what was the cause of death. He was actually stabbed."---Do you want me to answer that?

Yes!---How can I answer for people who are stabbed in the streets!

But he was a man whose name was mentioned in the pamphlet as one of the persons who should be done away with!---I don't know. I.... 10

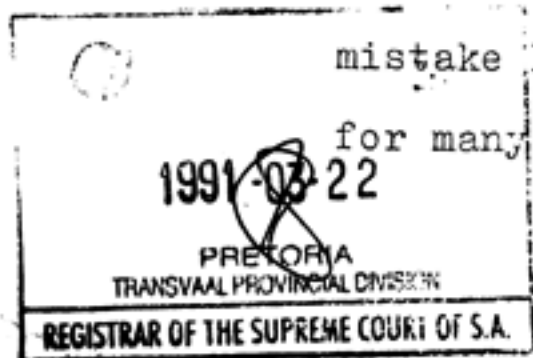
You can't explain that?---I can't explain how he was stabbed, and who could have killed him.

Well, Card has very fairly said to his lordship...?---But he said himself he didn't know.

Yes, he said so, he told his lordship that too! I haven't even finished the quotation yet. He says "and the other man who was mentioned in the pamphlet who should be done away with, received two petrol bombs", and he mentions his name as Tongane. Now here we have 20 two people mentioned in an A.N.C. pamphlet who the A.N.C. says they must be done away with, and we find that one of them is stabbed in the back, another has received two petrol bombs and not through the post either! Now what have you to say to that Sisulu?---Well, in regard to the pamphlet being issued perhaps by the East London Branch.

Yes?---It certainly would not be a pamphlet authorised by the A.N.C.

But you had such wonderful leadership! Responsible leadership! And yet these things happened! Another 30 mistake I suppose?---Well many people are responsible for many things, and many irresponsible things also.





happen in this world.

Now let's see whether we can't tie you down now to something that you yourself has said. Yes, only yesterday in chief. Do you remember you said yesterday that when this conference, the all-in African conference which was held in Pietermaritzburg in March 1961, took a resolution calling upon the Government to hold a National Convention?---I know that.

The Government, you say, ignored that?---I remember that.

10

You thereupon decided, when I say "you" I mean the A.N.C. because you were the Secretary-Generaal, weren't you?---I wasn't.

What were you?---My position was this, that in 1954...

I know you were banned by the Government.--- I was banned by the Government, and I was succeeded by someone else, Oliver Tambo, he was succeeded by Duma Nokwe.

What was your position then?---...

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What was your position!?---My position was that I was just amongst the leaders. I wasn't an official secretary.

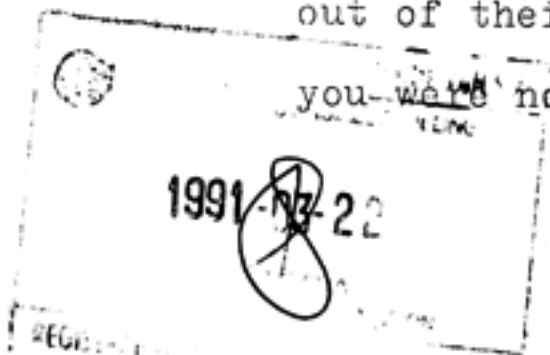
BY THE COURT TO ACCUSED NO. 2: I understood all through your evidence Sisulu, that you were on the National Secretariat!---Yes my lord.

I mean what was the National Secretariat? How many people were on that?---Five my lord.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

You know you're making me produce exhibits out of their turn! Do you deny that despite the day, you were not the Secretary-General of the African Na-

30



tional Congress?---Oh yes, certainly I deny it!

You deny it!?---Yes, that I was not the Secretary....I know what you want to refer to is that letter, but I'm telling you....

Oh - you know what I'm referring to! You've studied these documents very well, haven't you Sisulu? ---If you'll just give me a chance to explain. You're not going to handle me like that, just getting it out of me. Let me explain the position.

Sisulu let's understand each other perfectly- 10  
I'm not getting excited!---Yes.

And I shall give you all the chance to explain, but you'll answer my questions unless his lordship stops me. I said you have carefully studied all the documents!---Well, I'm dealing with this question which you've raised of the Secretary.

Yes, but answer my question first! Have you carefully studied all the documents in this case?---I inspected documents. I don't know how carefully, but I did.

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You did?---Yes.

And you're able now to know in advance, or in pursuance of my question, what document I have in mind?---  
Yes.

Now what is the document I have in mind?---  
Well, you have in mind a letter which was written to Rhodesia.

That's right! Northern Rhodesia to be correct! ---Yes, but do you mind if I explain the position?

I don't mind at all!---Because what I want to 30  
do here is to make my position very clear.



Yes!---I am saying that when I was ordered to resign by the Government, the National Conference appointed someone. It's public knowledge, it's known. It has been presented in the Courts of this country, that was the position. First Mr. Oliver Tambu, and I say that Mr. Duma Nokwe, succeeded Mr. Tambu as the Secretary-General. As long as these people were the officials, I was not an official. I was not the Secretary-General, I was a member who participated in the affairs of the African National Congress, but I don't deny that?

Perhaps your lordship will look at Exhibit T.64, at page 137. There's T.64, you keep that, his lordship's got a copy. That is a letter addressed to the Secretary of the African National Congress at Lusaka, and another one's addressed to the United National Independence Party, and it's dated the 6th of June 1963! And it ends with the words "yours for freedom, and what follow". What follows?---For Walter Sisulu, Secretary-General.

Yes, no read the whole thing, whole thing! 20  
 ---"African National Congress, South Africa."

Is that true or false?---Well, this was really an assumption, it was not the position.

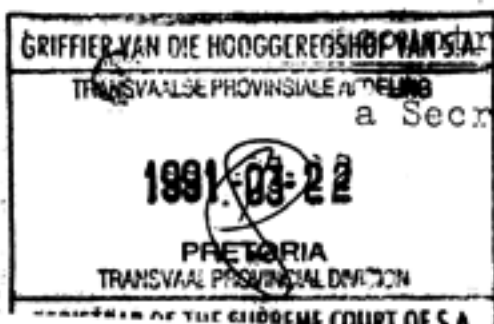
My question was, is that statement true or false?---I'm telling you the statement.

Yes, is it true or false?---Well, I don't want to say it's false.

What do you want to say?---But let me make an explanation.

Yes?--- That after Mr. Nokwe had left the 30

there was no question of a discussion to appoint a Secretary, what we had was the Secretariat. The one who



wrote this letter, or sent this letter in this way, did so with the understanding that I was the Senior man, and Mr. Nokwe has left the country. Not because there was a decision to put me officially in that position, and I would not deny the responsibility of Secretary-Generalship, except putting the position as I know it, and I understand it.

Who is this gentleman who wrote this letter?

---Well, the letter was done by Mr. Mbeki.

Accused No. 4.?---Yes.

10

Exhibit 64.....T.64, and this letter was found at Trevallyn. True?---Yes.

But you admit that you were at any rate, in your own words, a senior member and a member...?---I do that.

of the Secretariat?---Yes, I do that.

Now when you told his lordship yesterday under oath, that when this "stay at home" strike", the masses of the A.N.C. felt that the time had come for violence, and the responsible leadership of the A.N.C. felt it could not ignore that call from the masses?---Yes, I gave instances that violence was going on, and I gave instances that the people were urging that we should revert to violence.

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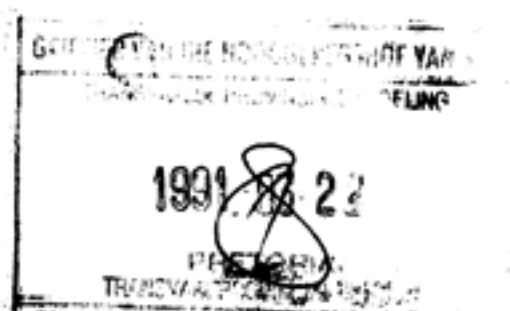
And you decided, the responsible leadership of the A.N.C. decided "well rather/<sup>than</sup>let the masses give vent to their feelings for violence in their own way, the responsible leadership would try to direct it into channels"?---Yes.

That's what you said yesterday?---Yes.

30

Was that true?---That's true.

I refer you now to a document R.81, your



lordship will find that in volume 3, page 566. This is a document which was found at Rivonia, and it's headed "The new problems of the Democratic movement". It's a 9-page document. By the way, who is Archie?--- Archie?

Yes!---No I wouldn't know. I don't know.

You don't know? Don't you know or don't you want to tell us?---There was an Archie Sebekwe in Cape Town.

Who else? Come on, give all the Archies you know!---There is Archie Levitan. 10

Yes?---That's all. I don't know any others.

Archie Sebekwe a member of the A.N.C.?--- He was.

Archie Levitan was?---Well, he wasn't a member of any organisation, except that I think he was a supporter of the movement.

Which movement?---The Liberation movement. He was sympathetic at least. I don't think he was a member. I don't know if he was a member of the C.O.D. He might have been. 20

Yes, well this is the document I'm referring to. It's in an envelope with the name Archie thereon, and you open that envelope and take out the document and turn to page 2 of it? (Witness complies.) Under the heading "The new Line of Congress". Now bear in mind what you said yesterday, and we'll see how this squares with the following two paragraphs. I'll read it. "The New Line of Congress." Have you got that?--- Yes, I've got that. 30

"All of us are probably by now well aware that the A.N.C. has finally discarded the line of non-

violence which has characterised this organisation for many years. That it has adopted the attitude that force must be met by force, that the African people must learn to defend themselves and hit back an eye for an eye, a tooth for a tooth." Is that correct?--- Well, it's certainly not the policy of the A.N.C.

It's not the policy of the A.N.C.?---No.

Right now let's read the second paragraph.--- Let me know first of all, what document are we dealing with?

10

Yes, sure!---Is this an A.N.C. document?

I can't tell you, this is a document found at Rivonia, which the State alleges was the Headquarters of the A.N.C. We'll deal with that later! "New problems of the Democratic movement." Who comprised the Democratic Movement by the way?---I think that would generally refer to the National Liberation Movement.

And who did it comprise? If you don't know, then we can tell you, but perhaps you can tell us?---It would comprise of the Congress Alliance, the Communist Party.

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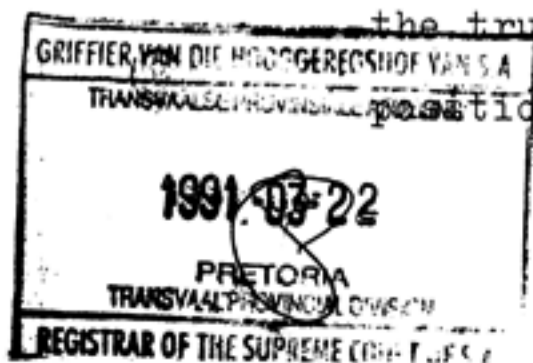
Yes! You can go a little further, and we can mention those that you mentioned yesterday, but...?--- Yes, the Indian Congress.

So anyhow "all of us", with us underlined, now partly aware, so whoever drew up this document, is mistaking the policy of the A.N.C.?---Oh yes.

Oh yes! The second paragraph. "But the fact remains that the masses of the African people are not aware of this new line of the A.N.C." Sisulu, what is the true position? Were the masses aware ...Is the

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position that the masses wanted violence, but the leader-



ship didn't want it, or is the true position as stated here, that the leadership wanted it and the masses were not aware of the new line? What is the true position? ---There was no new line of the A.N.C.

So this document is false?---Absolutely not correct.

It's not correct?---In regard to the policy of the A.N.C. whatever else it does.

There's no suggestion that the State faked this document?---No suggestion. 10

Or that the police faked it?---I'm not suggesting that at all.

Right. We go on - "Many years of non-violence propaganda which continued right through the Treason Trial, and even persisted after the emergency, cannot be dispelled merely by one or two rather imbiguous statements. It has now become a matter of great importance ...and campaign for it's new line among the masses." Is that false?---Not correct.

Is it false?---It's not correct. 20

You're not prepared...you don't like the word false?---I don't know what the contents are, but it's not correct.

"Because firstly, the revolutionary African workers and intellectuals will not fight for and ascend the Congress leadership. They will not have confidence in it's ability to conquer the armed forces of Verwoerdism. If they are under the impression that we're still pleading to the obviously inadequate and ineffective methods of non-violent actions only." That is also wrong, or as you say not correct?---Yes. 30

and secondly because the new methods of Con-

REGISTRAR VAN S.A.  
 1991-03-22

gress cannot hope to succeed unless they enjoy support, encouragement and assistance from the greatest number of the people, and that, therefore, the people must be one and persuaded to the understanding of the value and necessity of these new methods and their possibility of success." That is also not correct?---This is an interpretation. Whoever wrote this, that is his own view.

But he speaks of us?---I don't who is the "us" that he is referring to.

Yes, well it's headed new problems of the De-10 mocratic movement!---Oh yes, the Democratic movement is a broad movement.

Very broad!---A particular organisation can speak about the Democratic Movement and can speak about 'us', meaning itself.

Now let's turn over the page. I'm missing the next paragraph, if my learned friend wants it read, then I'll read it, but I want to save time. I want to go onto the second paragraph. "But it means that the A.N.C. must show respect and confidence towards the people, 20 by telling them the truth, about the next phase of the struggle. It would be naive, self-deception that the authorities don't already know that the A.N.C. is committed. From whom are we concealing it? Only from the people!" Sisulu, is that false or true?---Well, it is a question of interpretation here. When you say "the next phase", for instance, what is he talking about? May he be talking about the training of the soldiers? What I understand by the next phase, would the next phase would be something like the guerilla warfare. 30

No, no, no! He's just talking now about the transition from the stage of non-violence to violence!--- second stage.

GENERAL VAN DER MERWE'S DEPOSITION  
 TRANSLATION

1901





Do you want to take me back to Exhibit 2. I'm dealing now with Exhibit 81, which does not deal with the M.K.!---Mm.

It makes it perfectly clear - "The new Line of Congress". The opening lines I read to you speaks about the old line of non-violence and the new line of violence. Is this last paragraph that I've read to you false or correct?---It's not correct.

It's not correct?---It's absolutely not correct.

So the man who wrote this, had no idea of the 10 true position of the A.N.C.?---He was not presenting the true position of the A.N.C. Definitely not!

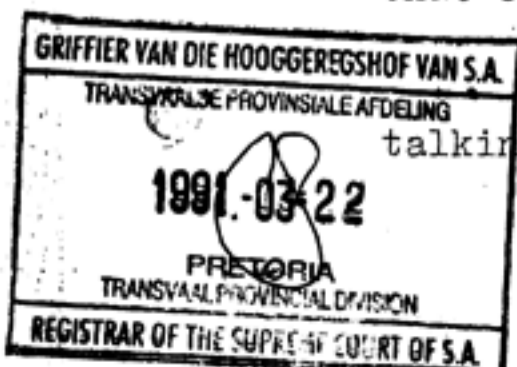
And then just look what follows there in big type - "We ask members in the A.N.C. to do their best to persuade the leadership to bring the policy of this organisation to the masses." Not as you told his lordship yesterday from the masses to the leadership! Is this also false? Or as you say not correct?---It's not correct.

Then they deal with the image of the movement 20 at home and abroad. For example, just take the the third paragraph. Under the third heading "The image of the movement"...that's the Democratic movement.---Yes.

See what it says there. "The main content of South African Democratic Revolution as formulated in our own draft programme. It's the National Liberation of the African people, and the organisation which ... and represents this struggle is the African National Congress, the National Organ of the African people." Is that correct?---Quite correct.

30

So the person who wrote that knew what he was talking about?---Yes, he knew as far as this is concerned.



Let's look at a few more pieces. Page 7. The third paragraph "The question is being raised in certain quarters, that in view of the difficulty of maintaining a number of separate illegal organisations, the A.N.C. should open it's doors to all sections of the population and that they should be only one Congress." Is that correct?---I think I've got a different page 7 here.

Let's have a look? Can I just mark it for you?

---Yes.

10

Is that true that the question is being raised in certain quarters? In other words, let me just summarise what appears in the preceding pages.---Yes,

The author of this documents says it's very difficult to have meetings of various organisations, some of whom are banned, some of whom are not banned. Then certain people who were banned exposed themselves by having to attend such meetings, and they complained of leaks. In the proceeding pages he goes on to make this suggestion that the question has been raised that the A.N.C. should open it's doors, and allow everybody to climb in, including the Communists?----There has been this general discussion.

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Including the Communists?---There has been...

So this is correct?---This correct yes, there was a general discussion.

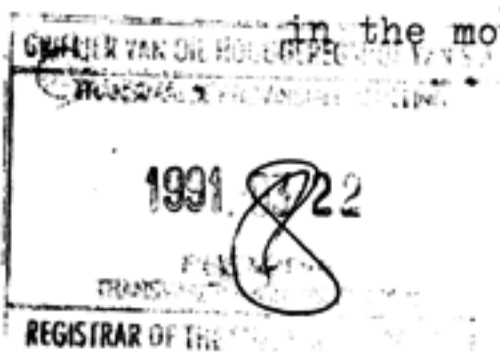
So the person who wrote this had an inside knowledge of what was going on?---Well, he certainly does not, as far as I know, present the policy of the A.N.C.

Yes, but...?---He might know certain things

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in the movement.

He's got a good inside knowledge, if what I



have just explained to you led to this suggestion is correct?---When you say inside, let's make a clear distinction between inside the Executive of the A.N.C. and inside the National Liberation Movement, which consists of many organisations.

Yes, oh yes! It's perfectly clear, and now...

BY THE COURT TO WITNESS: Yes, just before we go on - I'm still not clear was the A.N.C. confined entirely to bantu?---Yes my lord, the African National Congress, was only an organisation which admitted only Africans. 10

Yes?---Since it was formed.

Not coloured people either?---Well some coloured people could, but it was really for the Africans.

Yes, but I gathered from what you've said about the Umkonto, they were going to allow whites into the Umkonto!---That's correct my lord, whites, Indians and Coloureds were members of Umkonto, because it was a different organisation.

AT THIS STAGE THE COURT ADJOURNS FOR TEA.

ON RESUMING: 20

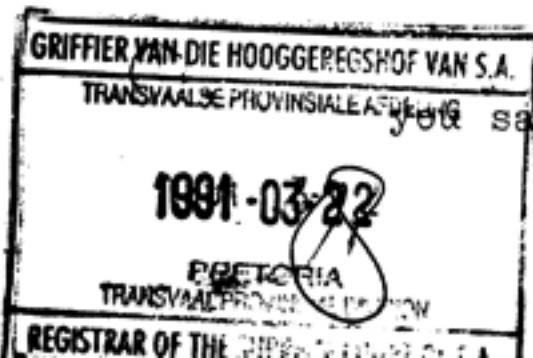
WALTER MAX ELLIOT SISULU, still under oath

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Sisulu his lordship asked you a question about the A.N.C. That was confined only to Africans?---That's correct.

But you say it admitted certain Coloureds?---No, I should have said a certain class of Coloureds, those who really pass as Africans. Otherwise, there was the Coloured Organisation, and the African National Congress was purely for Africans.

I misunderstood. I misunderstood, I thought you said it was open for Coloureds, and I just wondered 30



how you made the distinction.---No, I really meant those coloureds....

I understood you now. You also told his lordship that the M.K. was a distinct organisation?---Yes.

With no ties?---No ties whatsoever. It was an independant organisation, it had it's own policy and manifests.

And it acted independantly?---Oh yes, independantly, except that it placed itself at the disposal of the Liberation Movement. In other words, it would at- 10 tempt not to do anything that is not approved by the Liberation Movement. In regard to this document, I wonder if you would be good enough to allow me to take this document during lunch hour. I would like to look at it.

Surely! You're entitled to it. I'd like you just to look now, in the light of the replies you gave to his lordship before we adjourned, and now that you've given to me, I'd like you to look at paragraph 7, headed "An Unreasonable Proposal". My lord at page 573.---Yes.

"We have indicated about the undesirability of 20 mixing up legal and illegal activities. A particularly harmful suggestion would....this principle would be a suggestion that U.W.S., as the military wing of the movement, should place itself under the control and the direction of the N.C.C." Now the N.C.C. is the National Consultative Committee?---That's correct.

"Or even local and provincial consultative committees. U.W.S. has already indicated it's willingness to accept the general political direction of the movement. To demand that this be taken any further, is 30 both incorrect and dangerous." Is that correct?---That's correct. Certainly correct.

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Who was the ....gave political direction to the M.K.?---Well, the M.K. placed itself at the disposal of the National movement. The National movement felt certain political tendencies were developing, for certain proposals such as "Mayebuya" for instance, are fundamental and are political in character. The National Liberation movement would have to give direction in that case. He says no, I say yes.

Guerilla warfare?---Yes, oh yes.

The M.K. would, therefore, have to get prior permission from the National Liberation Movement?---Yes. 10

Sabotage?---Sabotage it had already got it.

From the .N.C.?---From the A.N.C.

In other words, it got it's direction and approval and blessing from the A.N.C. to commit sabotage?--- Oh yes, it did in the sense that the matter is discussed and the A.N.C. agrees to permit it's members, including it's sleeping members, to carry on the acts of sabotage.

And when the M.K. got it's consent and approval and blessing from the National Liberation Movement, it included, not only the senior partner, which was the A.N.C. but all the other organisations that composed the National Liberation movement. I'll put it more simply.---Yes, please. 20

The M.K. got it's authority permission and blessing to commit sabotage from the A.N.C.?---Yes, that's correct.

As part of the National Liberation Movement?  
---Yes.

~~GRUPPEN VAN DE ERVEN VAN S.A.~~ The A.N.C. in the words of some of your own 30  
documents which I'll put to you presently, was the senior  
partner and the leader of the National Liberation Movement?

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---That's correct.

And the other members of the National Liberation Movement were the South African Indian Congress?

---That's correct.

South African Coloured People's Congress?---

Yes.

South African Congress of Trade Unions?---Yes, there were some that were eliminated.

Yes, as you said, and of course, the South African Communist Party?---Yes.

10

And the Congress of Democrats?---Before it was dissolved.

Now we can continue where I left off yesterday. This...Once the A.N.C. went over to a policy of violence, and of course it had been banned, it went underground?---Yes.

Where were the headquarters of the underground movement?---When it went underground?

Yes!---It operated in the Townships.

Only in the townships?---Well, you're talking 20 about headquarters.

Only in the townships?---Yes.

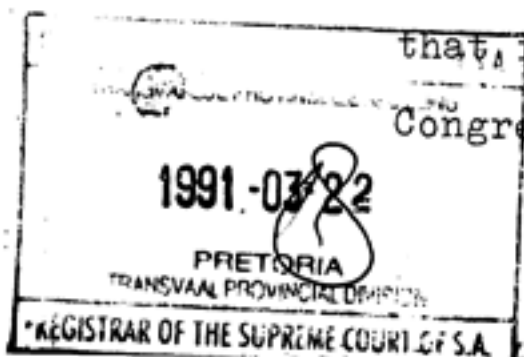
Where in the townships?--- Do you want to know the name of the house again?

Yes.---I'm afraid I can't disclose.

You're not prepared to tell us the name of the place where...which served as the headquarters of the African National Congress, now underground?---No, I'm not prepared to tell you.

You see, I want to make the suggestion to you 30

that, in fact, the headquarters of the African National Congress underground, was Rivonia! To be more exact



Lilyleaf Farm!---Absolutely incorrect!

How are we to judge whether you are telling the truth, if you will not tell us the name of the place which you say was in fact, the headquarters of the African National Congress?---Well, there are documents I think which also indicate that, that the National Secretariat was not...there was correspondence between the people at Rivonia and the National Secretariat. That indicates that that is where the A.N.C. operated. The Secretariat where it is.

I don't quite follow you there Sisulu.---I say there are documents here in this case, which show that there was a Secretariat which operated, but not in Rivonia, that between the Secretariat and the people at Rivonia, there was communication in between these, at the time when some of the leading people were in Rivonia.

Is that explanation given and designed to explain why some of these documents were found at Rivonia? ---No, it is possible...I mean there are reasons for finding some of the documents in Rivonia, because there were leading people of the A.N.C. who did live in Rivonia. I don't think that they were ever a member of the National Executive or movements. The A.N.C. is therefore, the headquarters.

Well, if you will not tell us the name of the headquarters of the A.N.C. where it was, then let's test your answer. Even under that disability of your not disclosing?---Yes.

Do you remember Accused No. 1 in his address spoke about the difficulties that the bantus were having, in organising meetings in the locations, in the townships?

---Yes.

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CLERK OF THE SUPREME COURT

This document I read out to you spoke also about the difficulty of banned people meeting in places where they can be seen?---Yes.

And you also know, in view of your brushes, so you say, that the police keep a surveillance over these townships?---Yes.

Why then have the National headquarters of the A.N.C./<sup>in</sup> such a place, subjected to such limitations when you've got a glorious hide-out at Rivonia, which can't veven be seen from the road?---Well, for the simple 10 reason that the majority of the people are in the townships, and the African National Congress was an organisation of the African people.

Yes?---Rivonia is alright in so far as meetings of the various groups are concerned, but there are no difficulties in spite of the surveillance of the police, the African National Congress operates. It has got it's meetings in various parts of the country. That they know. It does so every now and then, even today.

YOU SEE Accused No. 1 found Rivonia a glorious 20 hide-out, where he could carry on?---He explained his position. He found it a glorious place in so far as he could move about.

Yes?---And he did not suggest that he conducted. He went to the townships to meet the people. He explained that in his address.

Was that during the day?---Well, during the night.

You found Rivonia a very convenient place, you even received medical attention there?---Yes, it was. It 30 was convenient.

Mbeki lived there?---Yes, yes, it was. It was

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Mthlaba lived there!---Yes.

Kathrada lived there!---Yes, it was convenient.

All the leading lights of the African National Congress?---Well, not all. A few lived there.

Some were there?---Yes.

And what about your broadcast. You were introduced by Govan Mbeki, weren't you?---I was.

Govan Mbeki, is the voice that spoke on that tape "Here is Walter Sisulu to speak to you from the African National Congress Underground Headquarters". Is 10 that how he introduced you amongst other things?---He did, but the broadcast did not take place ....

I'll come to that! That's how he introduced you?---Yes, that's correct.

He got his voice on the tape, although Detective Warrant Officer Dirker said "I think it's the voice of Mbeki", but anyhow you've confirmed, it is in fact, Mbeki who introduced you.---Yes, yes.

Where from did you make that broadcast?--- Well, I wouldn't answer that! 20

Why not?---Because I am again going to expose people. I used people's places to do this.

You did that?---Yes.

You know I must keep a list of all the questions you don't want to answer!---You can do it.

Now you don't want to tell us even the area?--- Yes, I can tell you the area.

Where?---In Johannesburg, near Johannesburg.

Well, I know Pretoria is trying to vie with Johannesburg which is the bigger place, Johannesburg is 30 still a big place even if Pretoria wins! Where in Johannesburg!---Well, you see I think the detrimental

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position, now in that stage, will be to investigate the area, and the people who are sympathetic to the movement. It is somewhere in Johannesburg.

Yes, give me the suburb!---No, I think I can't give you the suburb.

Not even the suburb. You don't want to?---  
No, Not.

Alright, who erected the transmitter?---The technical committee which was doing that.

Who were they?---Arthur Goldreich was one of 10 them.

Yes?---That's the only one I can mention.

Why can't you mention the others?---The same reasons I've advanced.

What about Wolpe?---No, he was not involved in this.

Well, we've got a witness from Durban who says that he helped Goldreich carry a parcel, on which he saw the name Harry Kapter(?) and we know that he's radio equipment?---Well, perhaps it might be that he 20 some work, but I'm not aware of that.

But you're not prepared to go further than to say Arthur Goldreich erected the transmitting set?---  
No, I don't know what exactly...the technical aspect I wouldn't know.

No, no, no, the other people who arranged it? Who installed the transmitter. You're not prepared to mention any more names beyond Arthur Goldreich?---  
No.

Not prepared to?---No, I'm not prepared to 30 do that.

And this broadcast was on the 26th of June



1963, if I remember rightly?---That's correct.

Where was Goldreich staying then?---He was at Rivonia.

Why should he then go and erect a radio transmitter set somewhere else when he had a wonderful place at Rivonia, secluded and well hidden, and unknown to the Police? Why!?---Well, for the simple reason that you had a number of people there who were hiding in Rivonia, and Rivonia was being used for the hiding out of those people, and that if a broadcast took place there, it would be an easy thing for the police to detect the place. 10

But an easy thing for the police to detect a place?---Oh yes, they could trace where it comes from. It was common knowledge that that type of thing has been done!

Yes, but they also not trace it if it came from this particular place in Johannesburg?---There were less dangers. All that it could have done, they could have arrested the persons. 20

Less dangers?---Yes, less dangerous.

Was it a private house?---Yes, a private house.

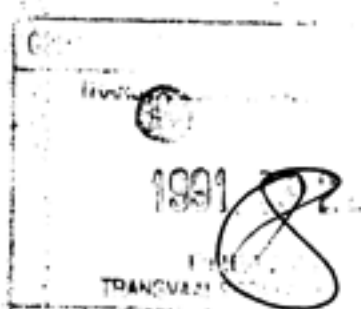
What was the extent of the ground?---No, I....

Not even prepared to tell me that?---No.

Tell me were there beautiful tress growing over there?---No, I don't know if there were trees. I'm not prepared to answer that.

You see, what about this bantu folk at Rivonia, who testified to the cutting down of six trees, in order to erect masts which were in, fact, erected?---Yes, that's correct. 30

What was that done for? For amusement?---No,



for testing.

Testing what?---Testing the radio by the radio operators.

So that the radio was tested at Rivonia?---  
It was.

By whom?---I don't know the people who was doing the technical there, I wouldn't say, but I know that Arthur was among them.

Now come, if you knew that those poles were erected in order to test a radio there, who assisted?--- 10  
In what?

In the erection of the poles and the testing of the radio? Who assisted?---Well, you have heard the evidence of the witnesses here, saying that they dug the what you call...

Yes?---And put the poles.

Are they speaking the truth?---In some respects they do.

As far as the radio is concerned?---Well,....

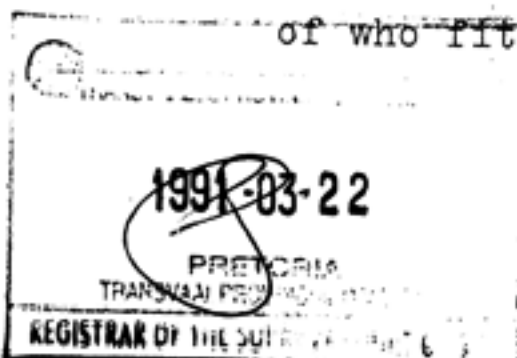
Are they speaking the truth?---Yes, there 20  
was the testing of the radio there.

They say that a furrow was dug and a wire was buried?---I wouldn't know those details. I only know that there were poles there. It was tested there. I wouldn't know the details of what was....

But you say that those witnesses who testified here, are speaking the truth?---Except that I was not there when they dug it.

Yes, yes, and they also say that Bernstein helped with the fitting of the wires?---Well, the question 30  
of who fitted there, I don't know.

And another witness, testified to the radio



room, where on one occasion somebody stood inside or just outside the room, and somebody else some distance away, with earphones. One was speaking?---...

You don't know about that?---No.

Tell me, if Goldreich went to the trouble of erecting a radio transmitting set and testing it at Rivonia, why shouldn't he do the actual broadcast on Rivonia?---For the reasons I've explained. It's not the same thing.

It's not the same thing!?!---No! 10

And what is more, one or perhaps two of these witnesses, it's immaterial, the evidence is to the effect that when it had been used, the poles were taken down, and when it was required again, they were put up again! Why?---I think they were taken away, something like two weeks or three weeks I think, before the arrest. The poles, and they were never put there again. I don't think so.

Tell me, was the radio transmitting set transferred from Rivonia to this other secret place in Johannesburg for the broadcast?---The what? 20

Was the radio transmitting set transferred away from Rivonia to this other secret place in Johannesburg, to enable you to make your broadcast?---I don't know what was done. All I know is that the broadcast did not take place in Rivonia. The type of machinery which is used, you see, is not really my concern. What I did was to speak on the tape recorder.

Yes?---That's all.

When were the poles removed from Rivonia?--- I'm not sure. I'm not sure whether they were removed. 30

You're not sure?---No.

And you're still not prepared to tell us where

GRIFFIER VAN DIE HOOGGEREGSHOF VAN S.A.

TRANSVAALSE PROVINSIE

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TRANSVAAL

RECHTER VAN DIE HOOGGEREGSHOF

this broadcast was made from?---No, I'm not prepared to.

Is the house still in existence?---Well, I should imagine it is.

The people still there?---I don't know if they're still there.

You're not sure?---No, I don't know.

And you're not prepared to tell us?---No.

By the way, where did No. 1 Accused make his broadcast from?---I don't know if he actually made his broadcast, because the machine was not successful. 10

Technically we were not able to go ahead with the broadcast. I don't know if he actually made a broadcast. If I remember this was 1961.

That's right?---If I remember well, I think it did not take place.

But he did prepare for broadcast?---He did prepare for broadcasting.

And you say you're not certain?---I know that it did not take place. The broadcast itself did not take place. We were not successful. 20

And you spoke to the people in what capacity? ---Well, as a leader of the A.N.C.

As a senior member of the Secretariat?---I don't think that is how we put it. I was a leader of the underground A.N.C.

What was your function, whatever your position was, as Secretary-General, or Senior member of the Secretariat? What were your functions?---My functions were to see that the political work of the A.N.C. is carried out, and that the political task of the movement was carried out in various parts of the country, 30

and to see also to the correspondence, either discuss

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it in some cases, draft some letters, leaflets, quite a number of things, but those were the main functions.

Alright. Seeing that the political aims of the organisation were carried out, carrying on with correspondence, drafting leaflets and other documents as well I take it?---Yes, policy documents.

And who were the other members of the National Secretariat?---I mentioned yesterday those I could mention.

Yes, I forgot?---Mr. Mbeki.

10

Yes?---Myself, Mr. Nokwe was a member at one stage and Mr. Xoo.

And you're not prepared to tell us who the others were?---No, I'm not.

And the functions of your colleagues on the National Secretariat - the same as yours?---Yes, to see that the daily routine was carried off.

But seeing that the policy of the African National Congress was now one of violence, therefore, you had to see that violence was carried out too!---I think I've answered that I don't know how many times, this question of violence! The policy of the A.N.C. has not been violence. The policy of the A.N.C. was to carry out the ordinary political activities. It is clear easily from the documents here, what the real functions of the A.N.C. are, they are reflected in the documents! Which are not the documents which were intended for the public, but private documents between members of the A.N.C. and their main task was the political work. The anti-pass campaign - these are the things that the A.N.C. was carrying on.

20

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Yes, Sisulu of course! That was in the good

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old days of non-violence!---I'm talking about documents in this case, not about the good old days!

Yes! I'm talking about those same documents, and I'm telling you I want to forget the good old days, when you were preaching non-violence. I'm talking of the time 1960 to 1963, when the policy of the A.N.C., we'll go as far as you went, was to control violence under responsible leadership!---Yes.

Right!---I'm saying that during that period the functions of the A.N.C. did not change. 10

Yes!---They were to see that the political work was done.

Yes!---And I'm saying that the documents bear us out.

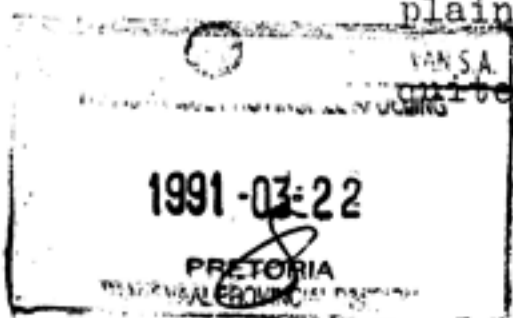
The documents bear you out!---Yes!

Alright. Was it not part of your function then to control the acts of violence that were taking place hroughout the country?---Umkonto was in charge of that, and they were the people to do that.

Under the direction of the A.N.C.! Or under 20 the supervision of the A.N.C.!---Not under the supervision of the A.N.C., but the A.N.C. had given the consent that they could go on with this type of work.

You know let's not quibble! Let's not argue! You told us yesterday and again today, that you succumbed to the wishes of the masses, so you said, the document djesn't say it, to allow them to indulge in violence, but you wanted to control it! So that there's no terrorisms! ---Yes.

Did the A.N.C. not help it?---Well, I'll ex- 30 plain again - that the African National Congress, discussed quite seriously the position of sabotage, and took a





decision that it would no longer again preach non-violence. That it will permit it's members to participate in acts of violence. To that extent it co-operated, and there were people in the National Executive who was putting forward the point of view, and it was me and these other people who would give political direction, who are part and parcel of the African National Congress.

So all that you were now doing as far as the M.K. was concerned, was to allow them to commit acts of violence, and you would not, and the words you used yesterday, were and you would not discipline them, for using violence?---Yes, we would not discipline them. 10

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You would not discipline them for using violence?---No.

And beyond that, you left them to themselves? ---With the understanding that the leadership, which directed the affairs of the M.K. was a responsible leadership, which is part and parcel of the National movement.

Right. Now who was the leadership of the M.K.?---I have mentioned them. 20

You've mentioned four!---Yes, that's good enough.

No, it's not good enough!---Yes, but....

You mentioned Accused No. 1?---Yes.

Accused No. 4?---Yes.

You've mentioned Slovo?---Yes.

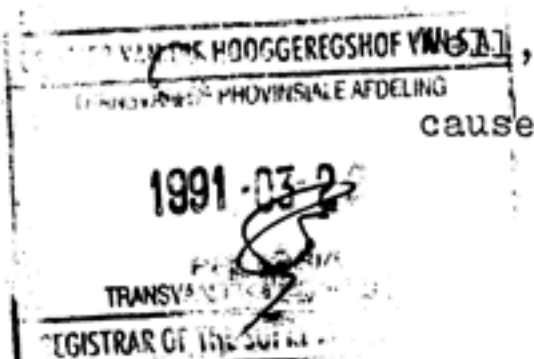
And you've mentioned Modiso?---Yes.

Who else?---Well, I'm not prepared to tell.

And they were in charge of the M.K.?---Yes.

Where was the headquarters of the M.K.?--- 30

the headquarters in this sense I wouldn't know, because very little correspondence was done by M.K. The



question of meetings - they would meet here today and meet in another place tomorrow.

My question was a simple one - where were the headquarters of the Umkonto We Sizwe?---Well, I don't know what is meant by headquarters here. You see in a political movement, I would understand headquarters. An office where you operate and you carry on, but in an organisation like Umkonto We Sizwe, the High Command, it's function was to discuss the affairs of the M.K. and direct the Policy, and as far as I know, this was done not by letter, 10 but by sending people to various places. So that the main task of the High Command would really be to discuss.

From where did the M.K. operate?---What does that mean?

I'm using your words, when I speak of the headquarters of the A.N.C. you understand that to be the place from where the A.N.C. operated!---Yes.

Now I'm using your own words!---Yes, I'm saying...

Where from did the M.K. operate?---But I'm explaining. I'm saying that as far as the A.N.C. is concerned, 20 it carries on propaganda work, it carries on correspondence, and that is not the position with Umkonto, and it's headquarters is not an important person, because they are not running an office. They meet in this house today and they meet in that house tomorrow.

Don't you tell me what is the important question and what is not! I'm asking you where are the headquarters, where were the headquarters of the M.K.!---Do you expect me to answer that?

Yes!---Well, I don't know what the means. 30

You don't know what it means?---I don't know

what it means, except what I understand by headquarters,

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