

ON RESUMING ON THE 28TH APRIL, 1964:

AHMED MAHOMED KATHRADA, still under oath

EXAMINATION BY MR. BERRANGE (CONTINUED):

Mr. Kathrada I want to deal now with the question of the erection of those radio masts. Joseph, one of the witnesses for the State has said that he knocked off work at 1 o'clock, and when they came from the farlands they started this work. Now did you see these radio masts being erected?---I did.

BY THE COURT TO MR. BERRANGE: Well, the witness has given 10 that evidence Mr. Berrange?---I beg your lordship's pardon.

They listened to the broadcast, he with No. 2 and 4, but couldn't receive?---I wasn't going to deal with the broadcast. I was going to deal with the persons who were present.

EXAMINATION BY MR. BERRANGE (CONTINUED):

And what day of the week was it?---I think it was a Saturday morning.

Were these masts erected as Joseph says, in 20 the afternoon or in the morning. He said they started erecting them some time after 1 p.m.?---That would be correct.

And other than those who you knew and recognised there, did you see anybody else assisting in the erection of these poles?---I did see one other person,

male or female?---A male.

Was that person Mr. Bernstein, No. 6 Accused? ---It was certainly not.

Was he there at all?---I did not see him there 30 at all.

I want to deal fourthly with the witness Essop's evidence. You will recollect Mr. Kathrada, that

he said that you had engaged him to take some people to Bechuanaland Border?---I remember it.

Is there any truth in that at all?---No truth whatsoever.

Have you ever been involved in this sort of work, of taking people to the Bechuanaland Border, or engaging people to do so?---I have never been personally involved in any work of that nature.

Have you known Essop for any length of time? ---Yes, I knew him for a number of years.

Have you hired his transport at all?---I have on various occasions hired his transport.

With ..Were those for illegal purposes?--- No my lord.

For what purposes were they? Will you give his lordship some idea, as to the sort of thing you hired his transport for?---I think I first hired Essop during the Treason Trial, when during an adjournment he had to take the Port Elizabeth accused home to Port Elizabeth.

Yes?---I think that's when I first came into contact with Essop, and since then I have hired him on occasions for instance, there with the Pietermaritzburg Conference, where he took delegates over.

Yes?---There were occasions during the "Free Mandela" campaign when his transport was used. There was I remember, the occasion when Chief Luthuli was passing through Jan Smuts Airport on his way to Oslo.

Yes?---That we used his transport to take people to the airport.

Yes?---I have also used him to take sports teams to various places.

Yes?---There are many such occasions.

But you say for never any illegal purpose at all?---No.

Now this witness Piet Coetzee, have you ever seen him at your place?---I have never seen him.

Has he ever visited you there?---No, I have never seen him there. It is quite possible that he came along with Essop on an occasion or two, but I have never seen him. I have no recollection of it whatsoever.

Did you use the office of Mr. Kantor for any purpose connected with litigation?---Yes, for quite a number of cases in which I was involved.

And did this office handle this litigation? ---That's correct.

Wolpe, I think you've already indicated as a friend of yours for some years?---That is correct.

Did you visit him for personal as well as professional reasons?---I did.

Since 1960, I think you've had something like a dozen civil and criminal matters which were handled by this firm?---I should say that's correct.

And have you seen people like Sisulu and Mokwe there when you'd gone to this firm?---Yes, there were a number of cases in which we were all involved together. Jointly involved. I have been with them on occasions.

Other than that, have you ever gone to these offices for any other purpose?---No, for legal and personal purposes. There are no other purposes.

Remember in October 1962, that was after you had received your banning orders, did you go to their offices?---After I received banning orders?

Yes?---Yes, on at least two occasions I went to that office with the consent of the Special Branch in Johannesburg.

For what purpose?---It was in connection with an action I had against the police and the Minister of Justice.

And was it this office which handled your application for relaxation of the restrictions, to enable you to carry on work?---That is true.

Did you notice any change of procedure and the way in which the offices or the furniture in the office was handled, after your bannings? I may be putting my question rather - I don't want to lead you but you know what I'm referring to?---My lord, I guess counsel is referring to special precautions taken there. 10

That is what I am referring to?---I did not notice any such precaution taken when I visited the office.

Did you notice the venetian blind being drawn specially for you? Was that ever done?---I did not take any particular notice of that. 20

Have you ever attended any political meetings there?---I have not attended any meetings there.

And the matter of Mr. Dirker's evidence, when he said that he saw Modiso early in 1963 at the office...at Sisulu's office, and he said that you were sitting next to him with your arms around him and Nokwe sat next to you?---That is not correct. Nokwe and I were both prohibited from communicating with each other since October, and it would be just impossible.... 30

Was it October of?---It was October 1962.

1962?—And even if I had to speak to Nokwe, which I admit I did on occasions, I would not go into Sisulu's office and speak to him.

And put your arms around him?—And put my arms around him.

No, I think the arms were around Sisulu or Modiso. If this had happened, would you have expected to have been arrested?—Naturally, Mr. Dirker would never leave me alone.

MR. BERRANGE: No further questions.

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BY THE COURT: I see the other Defence counsel are not here, so I take it they don't want to ask witness any questions.

MR. BERRANGE: No my lord, there may, as we go through the evidence, be occasions in which other counsel may want to supplement the examination with some questions of their own, but that's not the case.

BY THE COURT TO MR. BERRANGE: Well, they should have done it at this stage. I take it they don't want to. —It won't be the case with this witness my lord, I'm just mentioning other witnesses. I may say if it is done my lord, it will be done on the basis of as if the evidence was being led in chief by way of cross-examination.

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BY DR. YUTAR TO COURT: My lord before I commence the cross-examination of this witness, I'd like to make two matters perfectly clear for the purpose of the record. I never at any stage used the words "so-called grievances". In fact my lord, the passage in question, appears on the very last page of my opening address. ..(quotes)...from the so-called yoke of the white man's domination", and secondly my lord, in the light thereof and in the light of the conduct of the State case and the cross-examination of the one accused so far, I

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think it must be perfectly clear my lord, that I do not propose to attempt to hook any red herring, which may be drawn across the trail of this trial. I'm confining myself purely to the facts of the case.---

Yes.

MR. BERRANGE TO COURT: My lord, I was obviously mistaken in thinking my learned friend had used the words "so-called grievances" in his opening. I am instructed, and I now remember my lord, that the time that he used that word was when he was leading the evidence of our Mr. 'X'. 10 That was when he referred to the so-called hardships.---

Yes.

CROSS-EXAMINATION BY DR. YUTAR:

My learned friend, your counsel, was kind enough to lead you in the opening of your evidence, because he said in that case you'd bring out a few more facts, more than the State knew. Do you remember that?---I remember that.

I'd like to return the compliment to my learned friend through you, and try and give the Court 20 a few more details, and complete the picture accurately. ---Thankyou.

But before I come to that picture, there's ~~just~~ one or two matters, or perhaps three points I'd like to raise with you. They intrigue me somewhat. This proposed broadcast of yours in response to the speech by the Minister of Finance, this very vicious document.?---Do you want me to comment on that?

Yes, I'm suggesting to you it's a very vicious document!---Well, that's the way I felt. 30

Yes! But do you agree it is a vicious document?---I don't agree with your description of the document. I agree that it was immoderate language,

but I don't agree that it's vicious. I think what the Minister was saying, was vicious.

You've called them amongst other things criminals?---That's what they are.

And you said, when my learned friend said it's casting it immoderately, you said "well, that's one of my weakensses".---That is correct.

And you are a responsible leader of your section?---I consider I am.

By the way, when did the Minister make this 10 speech? To which you replied, by this, I still call it, vicious attack?---It was around those...around June of 1963, I don't remember the date.

Where did you stay at the time?---I was staying at Rivonia.

And you prepared that speech in order to have a broadcast?---That is correct.

And you typed it out?---I did.

For your own use?---For my own use, yes.

And did you edit it, make corrections?--- 20 I don't remember now whether I made any corrections.

And then you left for Mountain View?---Yes, it was after I had drafted this, that I left for Mountain View.

Oh, did you draft this at Mountain View? ---No, no, at Rivonia.

It was drafted At Rivonia?---Yes.

And then after this you left for Mountain View?---For Mountain View.

And that's when you were going to start to 30 play white?---That is correct.

Then you took your belongings with you?--- I took some of my things with me.

Including this tape?— I did not take the text with me.

Why not?—I had left it at Rivonia.

Why did you leave it there?—Because I had to record it.

But no arrangement had yet been made whether it should be recorded?—Yes, but I left a lot of my stuff behind at Rivonia.

Yes, but why did you leave the text at Rivonia?—I left the text at Rivonia with Mr. Sisulu. 10
He had some of the other documents with him in connection with the broadcast and he might have had some suggestions.

Are you now saying that you left it with Sisulu?—Yes my lord.

All that you were required to do was to make the broadcast on the tape recorder?—On the tape, yes.

You were now leaving Rivonia for pastures new?—That's right. 20

You might have needed this tape at Mountain View?—I don't see for what purpose.

You might have made your recording at Mountain View?—Well, in that case I could have had the tape brought to me, I mean the text brought to me.

However, we'll skip a few details, I'll come to it tomorrow, more details. Mrs. Goldreich and Wolpe arrived at Mountain View?—That is correct.

And how long after, how long had you been staying at Mountain View?—I moved into Mountain View 30
about the 2nd of July. The night I referred to in evidence in chief, was the 8th of July. So I had been there for six days.

And they came there on the 8th?---The holiday. I think it was the 8th.

The 8th of July?---That's right.

And one of the things they discussed with you was now, the time had arrived to make this recording? ---That's right.

And it was suggested you come back to Rivonia to do the recording there?---That's correct. Well, not to do recording at Rivonia.

The tape recording?---I had to come back 10 to Rivonia. The arrangement was that I would go from there to some place where it would be recorded.

Oh, so you were going to do the tape recording, not even at Rivonia, you were going to do it somewhere else?---That's what I understood.

By the way of course, Goldreich at that stage, was an unknown quantity to the police?---That is so.

But not Wolpe?---No, not Wolpe.

Wolpe was a Communist?---He's a listed Com- 20
munist.

He was a Communist I said!---Well, he is a listed Communist as far as I know.

I repeat for the third time again, as my learned colleague pointed out, never mind about the word listed, he was in fact, a Communist?---Well, I repeat that he was a listed Communist as far as I knew him.

You are not prepared to say as far as you knew him he was a Communist, apart from being listed 30
by the Government?---I knew his beliefs to be Communistic.

It took a long time to get it from you. As

far as you know, he could have been followed by the police?---Yes, there was that possibility.

And therefore, there was a risk in his coming to Mountain View!---I take it that when he did come to Mountain View, he'd take adequate precautions.

And then they asked you to come to Rivonia? ---Yes.

Goldreich?---Yes.

What exactly did he say to you?---I cannot repeat the exact words. 10

Well, you know, more or less. What did he say to you?---He said that he had made arrangements to record the broadcast on the following Thursday and that I should come to Rivonia.

And did you understand thereby that the recording was to be done at Rivonia, or somewhere else? Not the broadcast, the recording of your speech on tape?---I understood that it was going to be done somewhere else.

Kathrada, could you think of any reason why 20 it could not have been done there and then at Mountain View?---I don't know the technicalities of the recording. It may be that they wanted a more efficient one, I don't know. I know recorders, that there are small ones.

A recorder is a recorder, it's a small little tape!---That's how I know them.

Easy to carry!---Yes.

They could have made the recording at Mountain View, not so?---I suppose if it was the simple gadget you are referring to, they could have. 30

However, you acceded to their request and you went to Rivonia?---Yes, I did.

For the purpose of now making the recording

of your speech?---Yes.

Wherever that was to take place. Either at Rivonia, or somewhere else?---Yes.

And you arrived there on the night of the 10th?---I arrived there on the night of the 10th.

And you'd been taken there by Hepple?---No.
How were you taken?---I was driven out by a friend.

Who?---I am not prepared to disclose the name of the friend.

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You're not prepared to. Well, we'll start counting in your case too. That's No. 1.

And what time did you arrive at Rivonia?---
About eightish.

So as far as you were concerned, you were going to make the recording, either at Rivonia or somewhere else?---That's right.

Did you revise your speech in preparation?
---Are you referring to at Rivonia or somewhere else?

Or somewhere else?---I think I did say somewhere else. I understood that it was going to be somewhere else.

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Now did you prepare your text, revise it?
---I don't remember whether I revised it. If you show it to me I'll be able to tell.

Yes, sure! All I want to know...?---I did not see this recording on that day.

No, no, no. No, you went to Rivonia now to make a tape recording?---Yes.

Did you revise the text of the speech that you were going to speak onto the tape recorder, that night of the 10th? Wednesday night?---I did not see it after I went back to Rivonia.

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But you went back to Rivonia specially to make this tape recording, if not at Rivonia, somewhere else?---That's quite right.

Did you revise that text that Wednesday night?---I did not.

Why not?---I did not see it. I did not have it with me.

Where was it?---I told you I had left it with Mr. Sisulu.

Did you ask Sisulu for it?---Mr. Sisulu 10
was not there on the Wednesday night.

He came there on the Thursday?---Yes.

Did you ask him for it?---I did not.

Why not?---He had just come there for the matter of a few minutes and then the police came.

But you...before the police came you've come to Rivonia for a special purpose?---Yes.

And you never asked him for that text?---
There was no hurry about it.

Did you make any enquiries on the Wednesday 20
night for the text?---I don't think so.

Did you make any enquiries for that text the Thursday morning?---There was nobody there on the Thursday morning.

No one at all?---No.

That's your answer, and to this day you'd never asked Sisulu for that text?---The police intervened in the meantime, and made it impossible.

Yes. That was an important document wasn't it?---Yes. 30

You were going to use it?---I was going to use it.

Do you know where it was found Kathrada?---

I don't know where it was found.

Well, his lordship was told where it was found - in the coalshed amongst the bags, the roofless coal shed?---What is surprising about that?

Well, you tell his lordship how a document which you are going to put onto tape, which you had entrusted to the safekeeping of Sisulu, is now found in a roofless coal shed between Rooms 1 and 2 amongst some bags?---I'd be most surprised if the suggestion is that the document was chucked away in the coal shed. 10
I take it that the document was stored in the coal shed.

Stored in the coal shed! Read the envelope now in which that document was found!---What?

Read it!---Yes, "Found between coal bags".
I don't see....

In the roofless coal shed!---Roofless coal shed.

Between Rooms 1 and 2!---What is surprising about that?

I'm not going to argue with you, but I'll 20
make my submission to his lordship. Can you tell his lordship how that came to be there?---I have no idea.

You have no idea?---But I'm not surprised
my lord.

Why are you not surprised?---Because the roofless coal shed could have been used to put away things!

It might have rained!---It might have rained.

Yes, and what would have happened to your poor broadcast?---I don't know. 30

Another thing, you stayed at Mountain View for 6 days?---Well, a bit more.

A bir more yes!---Eight days.

And you particularly told his lordship you asked Goldberg to remain on for you that night, in order to introduce you to the landlord?---That's right.

And in order to introduce you to the maid to do your washing?---And cleaning up the place.

Let's confine myself to the washing. What washing?---Washing.

Your clothes?---My clothes.

What clothes did you leave behind at Mountain View?---What clothes did I leave..? 10

You heard my question!---Yes.

What clothes did you leave behind at Mountain View!---I left behind at Mountain View a felt jacket.

Yes?---I left behind a corduroy pants.

Yes?---I left behind an overcoat.

Yes?---And I left behind a shirt or two.

Where are those shirts or two?---I don't know.

You heard the evidence...!---The police should know.

Yes, you heard the evidence of what was found over there! Did you leave behind a pair of shoes too? ---I did leave behind a pair of shoes too. 20

The one with the heel raised 2"?---No.

Where are those?---I don't know whose those are.

You don't know?---I don't know.

They're not yours?---They're not mine.

Aren't they Goldreich's?---I don't know whose they are.

Who else stayed there with you?---Who else stayed there with me? 30

Yes!---Well, as I said Goldberg stayed with me one night my lord, and a friend stayed with me a

couple of nights.

And no shirts were found over there. No underclothing was found over there! No socks were found over there! I suppose you went barefeet!—My pyjamas and some underwear I took back to Rivonia on the night of the 10th, and if the police are kind enough to produce the clothes they took away from there, you will see them.

Yes, I'm not worried about what was found at Rivonia, because other people were staying there!—I took those things back! 10

I'm talking about the clothes at Mountain View!—Well, as I've mentioned....

You took it all back?—What?

All your clothes back?—No, I took back the clothes for staying overnight.

Yes, well what about the other clothes?—What other clothes? Well, I left behind a considerable amount of my clothes still at Rivonia, which I believe is in the possession of the police. 20

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Surely when you left Mountain View to go to Rivonia, you did not take with all your underclothing!—When I left?

Mountain View to go to Rivonia, you didn't leave all your underclothing!—Well, I just took to Mountain View the things I had on which I took back to Rivonia.

So you left no clothing behind?—As I said I left these things behind. I don't remember having left anything else behind. There is the possibility, when the police produce the other things, I might be able to recognise it. 30

But you are kind enough to admit that the

pair of shoes found there with a raised heel 2", you didn't use?—That wasn't mine.

Goldreich never suggested to you it might be a good way to disguise yourself as a crippled minister of religion?—I don't think the idea came up.

He reserved it for himself!—I happen to limp normally, I have one short leg, so I think it would have been not necessary to exaggerate the limp.

I wasn't being personal, I didn't know about it. I'm sorry I raised it. Kathrada, Accused No. 1 made a statement from the dock?—I heard it. 10

And of course, because of that he could not be cross-examined by the State?—Correct.

That was the main way of testing his statement?—Correct.

And although the State asked for a copy of that statement, it was refused, but it was given to the Press and it was published very fully in the Press? —Yes.

And of course, that has been sent to all four corners of the world?—Well, I'm not responsible for that. 20

I know. Now Sisulu has given evidence under oath?—Yes.

And he has indicated...he indicated, as you have done, that you are not prepared to mention names which implicate others?—Correct.

You are quite prepared to exculpate people who are appearing in this trial? You know what I mean?—I don't.

You're not attaching any blame to accused in this case, for example, No. 6 Bernstein.—Ask me a question. I might be able to answer it. 30

I'm putting it generally. I'll ask you a

lot of questions. You are prepared to tell the Court ...to give certain evidence which will free for example, Bernstein from any blame that he took part in the erection of the radio mast?—I am prepared to tell the Court the truth.

But that is so. Where you can expulcate Bernstein, when you can remove any blame from him, you do so?—If that is a fact, that may be so, but I'm prepared to tell the Court the truth.

By the way, yes, your oath was to tell the truth, the whole truth and nothing but the truth?—I'm aware of that. 10

But when it comes to giving evidence which might implicate somebody either in this Court, or outside this Court, then you're not prepared to give that evidence?—I'm honour bound not to.

Honour bound to whom?—To my conscience, to my political colleagues, to my political organisations to which I owe loyalty.

And what about being honour bound to your oath to the Almighty?—I am not telling any lies. 20

You're not honour bound to that are you?—Well, I don't know if the police are doing the Almighty's work. I am not prepared to give the police anything that might implicate other people.

Yes. —Sisulu adopted that attitude in the box, and you're doing the same!—Is there anything wrong with that?

Don't ask me, I'll tell his lordship what I think about it in due course, but I'm telling you now, you're adopting the same attitude as Sisulu!—That's obvious. 30

That's obvious?—Yes.

And therefore, you must concede, I am unable to test your evidence?---That I am aware of.

So what's the value of your saying you're prepared to give your evidence under oath in order that the accuracy and the truthfulness of it may be checked and tested?---His lordship will judge the value of my evidence, I hope.

What was that?---I said I hoped it would be left to his lordship to test the value of my evidence.

When you say you're honour bound to your political colleagues, did you say?---To my political colleagues, to my conscience and to my political organisations. 10

Yes, and the political colleagues include the Communists?---Naturally.

And the political organisations include the Communist Party of South Africa?---It does.

And you're not prepared to give any evidence which might implicate any members of the Communist Party or the Party?---I am aware that I have implicated myself to a great extent. I am not prepared to implicate anybody else. 20

And this political organisation to which you owe this loyalty, also includes the African National Congress?---Yes.

And also includes the M.K.?---If I knew anything about the M.K. I would not tell you.

You would not tell me.---Of course I would not. If the fact of it is to implicate anybody, I would not tell you. 30

Then how am I to test your story, what you're telling us?---I feel very sorry for you Doctor, but I am unable to help you there.

I don't need your sympathy Kathrada, but I just want to ask you...?---Well, you asked me how are you...

Yes, how am I to test your evidence?---I'm afraid I can't help you,

How is his lordship to test the accuracy of your evidence?---I'm afraid I have no suggestions.

So isn't it a fact, we can't test the accuracy of your evidence?---I'll leave that to his lordship.

And you know what strikes me as very peculiar? You say you owe a loyalty to the Communist Party! It's an anti-religious Party is it not?---I don't know it as being such. 10

You're a member of the Communist Party!---I am a member of the Communist Party.

Don't you know it's anti-religious?---I don't know it as such.

Have you not even read the exhibits in this case? Exhibits 13, 14 and 15? How to be a good Communist?---I have not read that, but I do know that there is a suggestion that the Communists are anti-religious. 20

Of course! And what is more, the Communists go further! Mr. 'X' told us here and we know it! He gave an example and we find it in Mandela's handwriting! "We...nothing of the Almighty, everything is material and factual"!---In my experience with the Communist Party, belief in religion or belief in God is not the primary requirement of members.

You'll answer my question! Is it a fact that the Communist Party is an anti-religious organisation?---I think it's a matter of opinion. Some people do regard it as such. I don't. 30

Have you ever been required by the Communist

Party to take an oath, as you did when you stepped into this witness box?---I have not.

Let me read you just for one example from Exhibit R.21. That's a document in Mandela's handwriting. My lord I read from page 286. "An idealist would answer by saying that thunderstorms are due to the anger of God, and some people are rich and others poor because God made them so. The materialist on the other hand, seeks for an explanation in natural causes, and in the natural economic conditions of ..(quotes)...life. 10 To a materialist thunderstorms are due to natural forces and not to the anger of God....(quotes)...because they are compelled by material conditions to work to low wages for the rest of their lives...(quotes)...in practical results". So you are loyal to the Communist Party which is anti-religious and doesn't require you to take an oath of allegiance?---I have said that it's a matter of opinion. I have never been asked to forsake my religion of my beliefs, and I know of many people who have...or rather I should put it, that throughout the 20 years in which I was a member of the Communist Party, I know of nobody who has been asked to forsake his beliefs.

Were you told by the Communist Party leadership that you were not to implicate anyone?---Nobody has to tell me that, that is basic.

In the Communist Party Doctrine?---That is basic in our political work.

Yes, basic and common I take it, not only to the Communist Party but also to the A.N.C.?---Common 30 to everybody who is fighting for freedom.

And therefore, Looksmart correctly interpreted the doctrine of the Freedom movement, when he

enjoined his followers in Cape Town, "if you are apprehended by the police, don't talk"!---If he said that, he'd be acting correctly.

"Rather commit suicide"?---That might be his own, if he said that.

Do you remember what you told his lordship, about when you first got to hear about the M.K.?---Yes.

When was that?---That was in December 1961.

What date?---I don't remember the date.

You don't remember the date?---I don't re- 10
member the date.

But you remember it's December 1961?---Yes.

When you heard about the M.K. for the first time?---I did, yes.

That was an important statement that Mandela made to you?---It was.

Why did you regard it as important?---Because it was a new development in this country.

And he told you the M.K. had been formed?---
He did. 20

Country-wide organisation?---Yes.

It was going to resort to sabotage?---That's right.

And you regard it as important because, as you rightly say now, it was a new development in this country?---That's right.

New development in what way Kathrada?---That as a struggle.

Yes, let's be a little more specific?
Important because the M.K. had now decided to forget 30
about non-violence and to go over to violence! Sabo-
tage!---The M.K. was formed for sabotage, there was
nothing for it to forget about.

And that was an important political departure from what was the established policy until then? ---Well, the formation of the M.K. itself was an important event.

I'm not talking about any formation of the M.K., I'm also talking this idea of violence, this idea of sabotage was an important departure from what was the accepted practice until then?---Yes.

Was anybody consulted beforehand about it?---
I don't know. 10

And if not, why not?---I am not answerable for what the M.K. did or did not do.

Then why did you tell his lordship in such solemn terms in reply to my learned friend, that when it came to guerilla warfare, nothing could be done until the National Liberation Movement had first been consulted?---I think I said that I understood, that by the very nature of the struggle, of the guerilla warfare methods, it could not be proceeded with without the co-operation of the political organisations. 20

But sabotage an important new development, different to the policy being followed up till then, represented a new departure?---Yes.

And you tell his lordship that the National Liberation Movement had not been consulted beforehand?---I did not say that. I....

Had you been consulted?---I said I have been consulted. I said that Mr. Mandela made it clear to me, that he was approaching me in line with the policy of M.K. 30

Yes?---To approach various people in the Liberation organisation of it's formation. I said that,

You were an activist, weren't you?---I

consider myself to be so.

Yes, and up till then you, as one of the responsible men in the South African Indian Congress, had not been told about even the existence of M.K.?--- I have made my position clear, that I was not an official of the South African Indian Congress ever, and besides that I had been banned in 1954. The South African Indian Congress has got it's own officials and we might have been consulted for all I know. I don't know. 10

You were banned also from the Communist Party?---Yes.

But you re-joined it in 1950?---That's quite right.

The banning has no effect on you?---And what is more, I continued to do Congress work too, after my banning.

Yes, and you played an important part in the activities of the Indian Congress!---It would be a fair way of saying so. 20

Yes, you in effect said yesterday, you dedicated yourself from the moment you came into contact with the colour bar for the first time! You dedicated yourself! And yet you were not told about the M.K. until December 1961!---Nothing surprising.

Not surprising?---Nothing surprising at all! It did not mean that nobdy else was not consulted.

Who else represented the Indian Congress?--- I have made it clear that I did not represent the Indian Congress. 30

BY THE COURT TO ACCUSED NO. 5: Yes, but I mean are you going to tell me that you were not in contact with any of the leaders of the Indian Congress?---Right through

my years in the political field I maintained contact with the activities and with the membership of the Indian Congress.

The question is not about membership, about the leadership!---The leadership too my lord.

You were in contact with the leaders of the Communist Party and with the leaders of the Indian Congress, even though you were banned not so?---That is so my lord. I must correct your lordship, I did not say that I was in contact with the leadership of the Communist Party. 10

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

I'd like to take that document away please, if I may. Kathrada another thing that strikes me, is the fact that the National Liberation Movement whipped up a campaign both in this country and outside this country, against South Africa!---That is so.

Not only against South Africa but also against Portugal!---The National Liberation Movement whipped up a campaign against Portugal? 20

Also against Portugal!---Well, that was an over-statement, Portugal might have been mentioned in the propaganda of the National Liberation Organisation, but I don't think the National Liberation Organisation of South Africa was solely responsible for whipping up any such campaigns.

Wasn't Portugal placed in the same boat as South Africa, as the way it treated inhabitants?--- Well, by virtue of the fact that it treats it's inhabitants in the same way as the South African Government treats it's inhabitants. 30

That's all I'm saying!---In the same boat.

That's all I'm saying, in the same boat,

and the campaign was directed, not only against South Africa, but also against Portugal?—Which campaign? The world campaign?

The world campaign! Economic boycotts, military boycotts! Sanctions! Political isolation! The lot!—That's how I understood it.

Why did you say to play not only white, but to play Portuguese?—That's how I should get through, I took it.

Weren't you ashamed to play the part of a Portuguese? Even a Portuguese name Pedro Perreira!—I was ashamed to have to be placed in a position of playing white altogether in my own country. 10

Yes!—But I was forced to do so.

Well, having disposed of those few preliminary questions, let me now deal in order to complete the picture as I said I would. Kathrada, you come from very respectable parents and families?—I do.

The police told me that. Your parents apparently, are well respected in the Schweizer Reinecke area?—I believe so. 20

And there you have only a small Indian Community?—That is correct.

And please believe me I'm not saying this in any malicious manner, your parents are very well to do?—On the contrary my lord, they are not.

They own a lot of shops, properties in Schweizer Reinecke?—My lord, I haven't got a father.

The family?—My ...well my brother-in-law has a shop. 30

Yes?—My two brothers have shops.

And their shops are patronized by Europeans

and non-Europeans alike?---That's right.

And is it not true Kathrada, that as recently as the early 1960's, your brother offered you to take over one of the shops in Schweizer Reinecke if only you would leave this political business alone?---It is true that...no shop was offered to me, but what is true, is that throughout the years I have been under some pressure to give up politics by the family.

And notwithstanding that, you consciously pursued the path of deliberately flouting the law of the land!---Where the law of the land were offensive, I did. 10

Now again I'm not being malicious when I say you preferred to remain in Johannesburg, to follow your political career, and you preferred to remain in Johannesburg?---I preferred to remain in Johannesburg.

Johannesburg is in South Africa!---I thought you were referring to the choice of leaving the country or....

No, no!---Oh, I see. I was in Johannesburg. I was confined to Johannesburg for many years. 20

And in fact, you occupied a flat at No. 13 Colbert, 27 Market Street?---Quite right.

If I may say so, a very well-furnished flat!---I suppose you can say that.

And you often prided with a gentleman there, I'll give you his full name, Mahomed Ahmee Kajee.---He was amongst other tenants of that flat my lord.

Yes, I know, I'm going to mention others who occupied your flat, and Mahomed Ahmee Kajee shared the flat with you?---Yes. 30

For a long time.---For a long time.

He was a bookkeeper by profession.---That's

right.

And he did the books for various firms including merchants in Schweizer Reinecke?---Quite right.

And you went to University with him during the years 1951 or 1952 was it?---1951, I think he was University in those days.

And you were so diffident to disclose the names yesterday, you only mentioned one. Goldreich was one?---Yes.

He was a Liberal?---I mentioned the Students' Liberal Association, of which he was President. 10

And let's complete the picture, another gentleman who was a close associate of his and yours, was also Harold Wolpe!---I was about to mention yesterday, that the few months that I was at University, Mr. Wolpe was my lecturer in Sociology.

And this Ahmee Kajee to your knowledge, was the owner of the newspaper called "The Spark"!---That would be so, I think.

Yes, you know we produced some copies of this "Spark of the Year"!---Yes. 20

He then sold it to a man called Barney Desai. Do you remember him?---I have no knowledge of this transaction.

No, but you know he sold it?---I believe he sold it at a certain stage.

And Barney Desai is a gentleman who normally lived in Cape Town.---Well, for the last few years he did live in Cape Town.

Yes!---Before that he was living in Johannesburg. 30

And he is also a Communist?---I don't know. What do you mean by that.

I'm prepared to accept that answer!---I'm even

prepared to dispute that.

You can't deny it?---I deny it.

You can deny what?---That he was a listed member of the Communist Party.

You deny it?---I deny it.

Do you want me to produce the Government Gazette?---He might have been listed as a banned person, banned under gatherings. In South Africa people get listed for being Communists for doing all sorts of things. You can even be convicted for attending a meeting, and you can be listed as a Communist, but he was not a listed member of the Communist Party. 10

And this same Barney Desai eventually disappeared from Cape Town and arrived in Natal in Durban. ---I heard that in this case.

You heard that in this case, and you heard Mr. 'X' say that on an occasion of one of his visits down to the National High Command at Rivonia, he wanted to know from the National High Command at Rivonia, whether the Regional Command could trust this Barney Desai? You heard that evidence?---I heard that evidence here. 20

Any truth in it?---I don't know.

You can't dispute it?---I can't dispute it.

And then I'm putting this to you, that this Kajee also used a roneo machine belonging to one Moosa Moola?---I have no knowledge of that.

Do you know Moosa Moola?---I know Mossa Moola.

Did he have a roneo machine?---I don't know.

I'm not disputing it, it's possible that he had it.

And then Kajee took back again "Spark Magazine". 30

---Yes.

The last issue appeared in August 1963.---

I really don't know when the last issue appeared.

And I want to tell you, I'm putting it to you, you supported the publication of "Spark".---Oh yes, I did.

You did?---Oh yes.

In fact, you were in complete agreement with it's policy!---Generally speaking, yes.

Before I leave Moosa Moola, I was reminded, he was the gentleman who also escaped together with Goldreich across the broder!---I believe he slipped out of the hands of the police. I don't know with who he went or how he went.

10

And George Naicker, do you know him?---I know George Naicker.

He haih from Durban.---That's right.

Not only did he operate in Natal, as a member of the Natal Indian Youth Congress, but also in Johannesburg?---Well, I don't know what you mean by operate. I have seen him in Johannesburg.

Did he not concern himself with the affairs of the Indian Youth?---I don't remember ever having met George Naicker in Johannesburg, when he came in connection with any political mission. I have met him on several occasions in Johannesburg.

And this Kajee, to go back to Kajee and to your flat, he received from time to time various publications from overseas?---That could be possible, I don't know.

Didn't you see any publications in your flat which he received from cverseas?---I used to receive a lot of publications. Plichty - I used to receive the "Challenge", I used to receive The ". Youth", I used to receive some Jewish paper from Canada "Fuchenblad". I used to receive quite a lot of publications, from all over.

30

Such as Cuba?---Cuba? I know that the Great or

Cuba was brought out in South Africa.

Yes, I'm coming to that. Did you receive the Assegai?---I have seen the Assegai.

Where?---I saw one before I went underground.

58E

Where did you see it?---I saw it in Johannesburg.

Where?---I saw it at a friend's house.

Who?---I won't tell you who the friend is.

You don't want to?---I don't want to tell you.

That's the second one. And was Kajee's name and your address used and a secret address for the receipt of publications from overseas?---That's almost laughable. My address to be used as a secret address. I've never heard of such a thing. The police are at my flat I don't know how many times. I just can't even count any more. 10

Kajee's name, not alone your address, but Kajee's name?---Kajee's name and my flat. The police know of my flat since 1946, and they know that it's been always occupied by politicians. That would hardly be a secret address. 20

You say it's laughable?---It would be laughable if it's used as a secret address.

And somebody over to my left also thought it laughable, because I heard them laugh, but I want to show you a document T.25. Your lordship will find it on page 40 of the Trevallyn exhibits. I'll show you the original. Now this is a letter addressed by Thunder to O.R. and it's dated the 30th of May 1963. I'm not going to ask you who Thunder is, but look at paragraph 7. "Booklets".---Yes. 30

"On certain specific matters we agree with you that it will be necessary to compile and issue booklets".---Yes.

"sufficient...(quotes)...to undertake this work. Please send us per airmail copies of the two booklets you have already published. We have not yet seen these, and in future we urge you to send us copies of all propaganda material...(quotes)...Post the copies to Mr. Ahme Kajee, First Floor, Maxosa House, Commissioner Street, Johannesburg."---Maxosa House is a different building, it's three streets away from my flat.

Yes. Where is Maxosa House?---Maxosa House is a different building altogether. Colbert House is 10 in Commissioner Street, MaxosaI mean Colbert House is in Market Street, and Maxosa House is in Commissioner Street.

Who does Maxosa House belong to?---It belongs to the Netherlands Bank, because the company owning it went bankrupt or something.

It's the same Ahme Kajee, isn't it?---Well, the name appears the same.

And Kajee was an officer of the Transvaal Indian Youth Congress?---What do you mean by an officer 20 of the Transvaal Indian Youth Congress.

Did he not belong to it?---Kajee is late in his fifties I should think.

Yes?---He did belong to the Youth Congress when I first came into politics, with the Transvaal Nationalist Youth Organisation. That's when he did belong to the Youth Organisation.

Yes?---I don't know if he was an officer of the Youth Congress since then.

And look at the second page of that document, 30 under paragraph 12, sub-paragraph (f). "We would be glad if Dar subscribes for us to a leading English daily in Tanganyika. In addition we would like to be up to date

with the political situations in all countries in Africa, and towards this we would like you to select Journals, Periodicals, Newspapers, etc., and make arrangements for us to receive them. These too should be sent to Ahmee Kajee, the same address we had mentioned earlier". Could you give us the names of some of the booklets he received?---I don't know what he received.

You'd never seen them in your flat?---I received booklets in my flat.

No, Kajee?---I don't know what he received. 10

And you never saw them in you flat?---I could have. If you name some booklets, I'll be able to tell you.

"Assegai"?---I have never seen "Assegais" in my flat.

But you saw it somewhere else?---I did see it.

And you're not prepared to mention the name?
---I'm not prepared to mention the name.

By the way who is Dreyer?---Dreyer? 20

Yes.---I don't know any person by that name. I just know one Dreyer and that's the warder in our gaol.

Yes, but don't tell me it's spread there now.
Book at 12J "We are advised that the address to Dreyer in Johannesburg is no longer good. Please send a copy of this letter to Dar".---I don't know.

You don't know who Dreyer is?---I don't know at all.

Now another person...Now you tried to tell his lordship this morning, that the Government banned you from doing your work, and never allowed you to go into printing houses or into the offices of printing places?---That was one of the effects of the banning 30

order my lord.

Was that the source of your income - printing?

---Yes.

In what way?---I used to collect orders and get commission on it.

You used to collect orders and get commission?

---My lord I must make it clear that it was not - politics was my main concern. The little bit I needed to live, I used to get from....

Mr. Kathrada, you had to live?---Yes.

10

And you needed money to live?---Yes.

Are you suggesting now that you made it from commissions that you earned by getting printing orders and having them executed?---That's correct.

How much did you earn that way?---Well, various sums.

How much?---£25 sometimes, sometimes £50, it all depends on the orders. I did for instance, get a mail order catalogue, which got quite a considerable sum of money, and the commission is naturally higher. It all depends.

20

And didn't the police ask you from time to time to point out and tell them what exactly your work was?---The police asked me?

Yes.---That would not be correct.

Not true?---In fact, after the second refusal of permission, I went up to the Greys and saw Lt. Coetzee of the Special Branch. He assured me that there would be no difficulty in getting this permission, provided I gave him further details of my work. I supplied those details to him in the form of a memoranda, and a few weeks thereafter, that the Government had turned down that as well, but other than that, the police have

30

never ever asked me. In fact, had they asked me, I would not have given them, to save my clients, because I knew they would have gone and threatened them as well.

Perhaps they did ask you, and you'd forgotten, or in any event your attitude was you weren't prepared to tell them?—I would not have told them.

You would not have told them?—It's common experience with us that they would even have gone and threatened the clients.

Do you know a gentleman named Suliman Saloojee? 10
—I know.

You know him?—Yes.

What do you know of him?—Well, there are two people by that name that I know. I don't know which one you're referring to.

Well, tell me what two do you know?—Well, tell me which one you want to know about.

Tell me which two you know?—I am not going to tell you which two I know! You tell me which one you want to know about! And I'll decide whether to 20
answer about him or not!

You will do nothing of the sort! I want to know which Suliman Saloojee, do you know?—I know two Suliman Saloojee's.

Yes?—I'm not prepared to tell you anything further than that. You ask me what you want to know.

You're not prepared to tell?—No. You ask me what you want to know, and I'll decide whether to
answer.

I want to know where the two Sulimans stay! 30
—In Johannesburg.

What address?—I won't tell you what the
address is.

Tell me their business?—I think I have made

it clear my lord, that if Dr. Yutar asks me which Saloojee he wants to know about, I won't be difficult.

You've proved it very well that you are! Already! I want to know the addresses of the two Suliman Saloojee's that you know? The one stays where, the other stays where?---I have already answered that.

I want the address of both Sulimans!---I have answered that.

What is your answer?---I won't tell you.

I want to know the business activities of both Suliman's?---I will not tell you. 10

And why not?---I want to know what you know about them, because I see the members of the Special Branch sitting here.

So you're not prepared to tell me?---You tell me what you want to know about them, or which one you want to know about!

Did you have business dealings with either of them?---I did have business dealings with...

With whom?---With a gentleman by that name. 20

What business dealings did you have?---I've done some printing for one of them.

And for the other?---Well, I've had business dealings with them. I should say that I've had printing dealings with both of them.

What other dealings have you had with both of them?---I've had a drink with one of them.

I'm talking ... was that your only business?

---Well, I mean you want to know what other business. That is such a general question I don't know how to answer you. 30

What business deals have you had with these Sulimans?---Well, I've answered you. I've had some

business dealings with them.

Yes?—In connection with printing.

Yes?—And I've had social dealings with them.

Yes, well I'm talking about business deals only.—I don't know. That's as much as I can say.

ARE they both in the printing business?—

Neither of them are I believe in the printing business.

Do they belong to the Transvaal Indian Congress?—The constitution of the Transvaal Indian Congress is that all Indians over the age of 18 resident in the Transvaal are automatically members of the Transvaal Indian Congress. 10

And this is how you work out your membership of the Transvaal Indian Congress?—I have given you no indication as to the membership of the Transvaal Indian Congress.

What is the membership of the Transvaal Indian Congress?—There is no fixed membership in the Transvaal Indian Congress. There never has been.

I beg yours?—There is no fixed membership of the Transvaal Indian Congress. There never has been. When elections take place, all Indians over the age of 18 are eligible to vote. That's how it's affairs are being conducted. 20

Where did these two Sulimans stay?—I have answered that.

No haven't you?—I said they stay in Johannesburg.

Whereabout in Johannesburg?—That's as much as I'm prepared to say. 30

Did either of them ever stay with you?—Now you're coming to it. All the Sulimans already stayed with me.

Which one was that?—Suliman Saloojee.

And when did he stay with you?—There was a Suliman Saloojee staying with me for many years. I can't give the Court the exact number of years.

And he stayed in your flat with you?—Yes.

Did you have any business deals with him?—

Yes.

What?—Printing.

Well let's be a bit more specific! Print what?—Publication.

10

To form a company?—Yes.

Did he actually form it?—No, well not in the legal terms my lord. I mean we didn't go through all the formalities.

I can't understand your answers. You did it, and you didn't, I don't know where I am with you! Did you form a company or didn't you?—My lord, I did not go through the formalities of forming a company.

And what was to be the name of that company?—Africa Publications.

20

And what was to be the business of that company?—Publishing.

Publishing what?—Pamphlets.

Only pamphlets?—Well, pamphlets, there were some ideas about publishing books, if we considered that it's a feasible project.

And did this company Africa Publications, use a Box number in Johannesburg?—It must have, yes.

What was the box number?—I don't remember it off-hand.

30

Post Office Box 10120?—That's right.

And who did the printing of these booklets?

—Do you mean which printers?

Yes.—Well, I remember we had Pacific, I think.

That's right the Pacific Press (Pty.) Ltd., and who provided them with the material for these books?—I did on occasions.

And Suliman Saloojee also?—Possibly.

And what are the names of these books that were printed here?—Castor's Cuba.

That's right, yes?—Algeria.

Yes?—The Treason Trial.

That wasn't a booklet, but never mind. Yes? 10
What else?—That's all the books.

What about Angola?—Angola.

Congo?—Congo.

Let's just put in two of those — Algeria.
This is one of them Castor's Cuba?—That correct.

Exhibit R.214.—Correct.

And Algeria R.215?—Correct.

For what purpose did you write articles for these booklets?—For what purpose?

Yes!—For the purpose of producing the booklet. 20

Yes, I know that. For what did you write Castro's Cuba?—My lord I must make it clear that I was not necessarily the author of these booklets, but I was responsible for having them printed.

And you contributed to some of them?—I did contribute in collecting material.

Yes, well tell us why did you take steps to have Castro's Cuba published?—Because Castro's Cuba was hot news at the time.

Hot news hey, not for light amusement reading? 30
—Naturally not.

To be used by the movement possibly?—Well, to enlighten the people.

Of course!—Yes.

Of course, to be used by the National Liberation Movement in it's freedom struggle hey?—There's nothing sinister about it. Throughout the years we have brought out publications to enlighten the people.

Yes, and it in effect, deals with the guerilla warfare of Castro's Cuba!—My lord, in fact, I haven't seen this pamphlet for some time.

10

Yes?—But my recollection is that guerilla warfare would be a very small portion of this booklet.

Yes, but it deals with it amongst other things!—It deals with the struggle of the people of Cuba.

Yes, Algeria, the story of Algeria's war for freedom?—Yes.

Did you not want this for the benefit of your followers in the National Liberation Movement to study and to do likewise?—That would be a way of putting it.

20

Of course, and one other thing, this box number P.O. Box 10120, it's on the book here, you didn't really forget that box number did you?—I did not remember the exact box number, but once you told me, I confirmed that that is the box number.

And whose box number was it?—It originally belonged to Kajee I think.

And, let us go a little further back, is it not the box number of the Transvaal Indian Youth Congress?—It could have been used by them.

30

Of course, but wasn't it?—Quite possible. I don't remember it.

Did you also, in preparing this book, make extracts, Castro's booklet, did you also for that purpose read the book on Cuba by an American writer called Leo Huberman?---Huberman.

Is it Huberman?---Huberman.

I only know Huberman the composer, but I never knew this one! Did you make use of that book? ---I did not write that booklet.

Did you not read it?---No, I did not read the Huberman.

10

And on whose behalf did you sell the booklets? ---What do you mean on whose behalf?

Whose behalf did you sell these booklets, Algeria, Congo, Castro's Cuba..?---I don't quite understand the question.

Did you have any dealings with the newspaper New Age?---Yes.

Did you sell the booklets on their behalf?---New Age sold the booklets on our behalf.

I beg your pardon, New Age sold the booklets on your behalf.---The New Age offices were in existence in various centres in the country, and these booklets were distributed through their offices.

20

Now you remember my learned friend put to you Exhibit 10, that pamphlet?---The June the 26th one.

That's right?---Yes.

You say that you were very careful not to show it to anybody, particularly Mr. 'X' whom you didn't know?---I did not say I was particularly careful not to show it to Mr. 'X', I said that was my practice,

30

That was your practice?---Yes.

Did you show it to Mr. 'X'?---I did not. Certainly not!

Do you know that Exhibit 10 was produced in this case?—Yes.

By whom?—I think it was Bruno.

Yes, at whose instance?—I really don't remember that now.

You know it was the Defence who called for that?—Quite likely.

And do you know why? Your lordship will find it on page 141. Because Mr. 'X' was cross-examined, he was asked how did he know about this document, and 10 he said that was being prepared by Mbeki, Accused No. 4. Is that so?—That's so.

So he's true there?—Yes.

And he says you typed it on a stencil and you roneed it?—Yes.

Is that true?—That is true.

Do you know what else he said?—Yes.

He knew that that pamphlet dealt amongst other things with the Blood Bank suggested by Ben Bellah.—Yes.

20

How did he get to know that?—I really don't know how he got to know that.

He was there?—He was at Rivonia.

And he must have seen you there!—I have said that I have done this pamphlet.

Yes?—It was my practice to adopt certain methods when I worked.

Yes?—I doubt it very much if he could have seen it.

You doubt it?—In fact, I'm prepared to put it stronger than that.

30

And that is?—That he definitely couldn't have seen it.

He could not have seen it?---He couldn't have seen me doing this particular pamphlet.

That's his evidence, and he said that this particular pamphlet, amongst other things, dealt with the Blood Bank which had been suggested by the Prime Minister of Algeria, Ben Bellah! If he couldn't have seen it, where did he get this information from?---If I must venture an answer to that, he might have seen it while it was in the possession of the State.

And you heard what my learned friend said 10
twice?---It's possible.

You're now suggesting that under my direction the Police have stooped to such low methods as to show a witness something, and then get a witness to say something false under oath?---The Prosecutor is trying to put words into my mouth, I said no such thing.

You said he could have seen it in the possession of the police!---Well, you asked me to make a suggestion as to how....

That's the only suggestion you can think of? 20
---That's also a possibility.

Tell me, what was this Blood Bank to be used for?---I don't know. It's metaphorical language, I don't know..

Metaphorical language? And I'm going to insist on an answer! What was this Blood Bank to be used for?---Could I have a look at it?

Yes sure, you're entitled to it. Look at my copy for the time being until I get you many more. Look at it.---(Witness reads document).

30
There's the original, I'd like to refer my book back, would you please? I'm reminded Kathrada, in the light of your suggestion that the police could

have shown the pamphlet to Mr. 'X', that's a possibility, how would the police know that you typed it on a stencil and that you roneed it off?---I really don't know.

And they certainly could not have suggested that to Mr. 'X' because they didn't know that.---I really don't know.

Now let me just get this picture absolutely correct - so your suggestion then that he saw it in possession of the police is really just another attempt 10 to smirch the name of the police!---It doesn't require my giving evidence in the box to smirch the name of the police. Their own activities are enough for that.

We won't talk about yours!---You are talking about mine, and I'm prepared to answer them.

I've only just started!---Yes, I'm prepared to speak about them.

I want you to give his lordship a full picture now....

BY THE COURT: Just before we get - there's a word ille- 20 gible here. "Ben Ballah called for a Blood Bank so that our struggle would no longer be words alone".

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Now I want you to give his lordship a complete picture of this Exhibit R.10. R.10 'X' said he saw you typing on a stencil and roneoing afterwards, and that the author was Mbeki. Of course, the police wouldn't know that Mbeki was the author, would they? ---I doubt it, yes.

You doubt it, yes, and of course, you never 30 told us Mbeki was the author?---I've told you now.

Yes, but not in chief!---No.

And how would Mr. 'X' know it?---I don't know.

Now Exhibit 121D is the exact copy of it, which Warrant Officer Dirker said he ran off from the wax which he found at Rivonia, and produced the identical circular Exhibit R.10, of which he found 139 copies in the fourth room. So we've got those three Exhibits. There's R.10 put in by your counsel, 139 copies were found in the fourth room of Rivonia. Exhibit 122, and 121D, is the copy Warrant Officer Dirker said he ran off from the wax sheet which he found. Now look at this pamphlet! I've dealt with Blood Bank, let me deal with that although it comes in the middle. "This year June the 26th, our Freedom day will be observed in many parts of the world. In England, in America, in Eastern Europe, in Scandinavia, in far-off Cuba, in many parts of the African Continent, in Asia". That's what you typed?—Yes. 10

Right, and that is what you were going to disseminate to the Bantu?—I made it clear my lord, that I typed and removed these, and that's where my work ended. I have no objection if you suggest that it was going to be distributed eventually. I suppose that was it, but I was not... 20

Wasn't that the object of it?—Yes.

Was it not issued in the name of the African National Congress?—Yes.

And you said you kept yourself away from other things. You didn't want to know too much so that you shouldn't be asked too much!—What has that got to do with it?

Lots! We'll read on - "In Addis-Ababa the leaders of free Africa pledged itself to work hand in hand with freedom fighters, to free the rest of Africa from the bondage of Colonialism and South Africa 30

in particular, from the racial domination of 12 million non-Whites by a ruthless White minority." "Freedom fighters", was the author not there referring to the soldiers?—I don't know what the author had in mind.

And you never took the trouble to find out?

—I did not.

"12 million non-Whites". Did the African National Congress speak on behalf of 12 million non-Whites?—They certainly do.

They do?—They certainly do.

10

Although it's membership at it's highest, if even that is to be accepted, is 120,000?—If you know the conditions under which these organisations have to function, 120,000 is a very high membership.

I see. "At Addis-Ababa, the Prime Minister of Algeria, Ben Bellah, called for a Flood Bank to aid our struggle. No longer with words alone, but with deeds". What does that mean?—What does what mean?

What I've just read to you!—Well, it can mean what it says here, and that is freedom fighters, soldiers, it can mean boycotts, it can mean anything.

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Can you tell me what boycotters would want a blood transfusion for?—Well you're not persisting that they're referring to a blood transfusion like we know it here?

Well what do you establish a Flood Bank for?—As I said that this is figurative language, I really don't know what he may have in mind.

You don't know?—But it can have various meanings.

30

You of course, were in close contact with Mbeki, the author of this document?—I was.

You say you don't know what it means?—I

have made two suggestions. It can mean what I think the Prosecutor is trying to get me to say, that it means the blood in our veins. I can mean boycotts, it can mean blockades, it can mean anything.

And you never took the trouble to find out from Mbeki why?—But why should I?

You were interested in the affairs of the National Liberation Movement?—I was. I did not see any reason to ask him.

I suggest to you that the plain meaning of these words, is that there must be an establishment of a Blood transfusion service to aid the freedom fighters, the soldiers, because now this was a struggle no longer with words alone, but with deeds, and the deeds refer to not only acts of sabotage, but guerilla warfare!—You might be quite right. 10

I may be quite right! Thankyou. Don't try and get rid of that document so quickly, I want to start from the beginning. "On the 1st of May 1950, the police of the Nationalist Apartheid Government shot down and killed 18 Africans. It was a cold-blooded murder of unarmed workers who took part in a political strike to voice their protest in opposition to what was then merely a beginning of the rule of terror of the Apartheid White minority". What are you there referring to?—I have made it clear that I didn't
.... 20

I mean what was this document there referring to?—When it talks of what in particular?

What I've just read now.—Well, it's quite clear. 30

"The cold-blooded murder of unarmed workers". Where?—That's exactly what happened.

Where?—The 1st of May in Johannesburg, in Benoni, it happened.

So you knew what it's about. The 1st of May at Benoni?—At Benoni, Johannesburg, I think Alexander township, I think Sophiatown as well.

And what happened there?—Unarmed people were killed by police. That is what happened on the 1st of May.

And where did you get that information from? —I was actually participating in the organisation of that strike. 10

And where did you get the evidence to conclude that this was a cold-blooded murder of unarmed workers? —I was in touch with events at the time. I happened to have attended the funerals of the victims as well.

Yes, and did you attend this bloody massacre? —Unfortunately, I was not there.

You were not there. Did you say fortunately or unfortunately?—Fortunately I was not there, because I might have been amongst the victims. 20

Yes, so you had to rely on your conclusions from what others told you?—Yes.

And the others who told you, were members most probably of the National Liberation Movement?—When 18 people get killed. People can't just invent it or suck it out of their thumbs.

No, no of course not!—There are 18 corpses.

"Freedom in our...? By the way, that's very inciting language, isn't it?—You may think so. I don't.

This is addressed now, this is going out to the Bantu at least, to observe Freedom Day the 25th of 30

1963.---It could be.

Of course! That's when Mr. 'X' saw it!---

So he says.

And if this reaches the hands of the Bantu, is it not going to incite them?---I don't think so.

You don't think so?---I don't think so.

Because you know I want to be quite fair to you, I'm going to make...We are going to make the submission to his lordship, and we're going to support it with evidence, documents and otherwise, that you are 10 nothing else but a Communist agitator!---That's your opinion.

Don't you agree with that?---That's your opinion.

Don't you agree with it?---Well I don't know what you mean by a Communist agitator.

That you are a member of the Communist Party and that your job is to agitate people to make them believe that they are oppressed and trying to incite them!---My lord, I thought we had solved this problem 20 already. We don't have to make any non-European believe that they are oppressed.

You don't have to?---The Non-European people know that they are oppressed.

They know it?---They don't need anybody to incite them.

You heard, if I may put it with respect, the suggestion of his lordship to Sisulu, that part of his duty, that's part of the organisation, was to make the non-White believe that they are being oppressed! 30

for my own information, whenever you've got these strikes, a very large proportion of the people who are told to strike, has to be forced to strike. Judging by ^{what} one reads in the newspapers, that for every one that wants to go on strike, there are a number who want to go back to work, but they've got to forcibly be kept from going to work. Isn't that what happens?—That has not been our experience. In fact, the experience of 1950, taught us that it's precisely trying to picket that provokes the police to come and shoot. So that 10 since then, whenever such strikes were called my lord, the policy was to ask the people to stay at home peacefully, and that there be no picketing, because that would just bring in the police force.

And do you suggest that people do stay at home without picketing and without threats?—That has been our experience my lord. I don't say that a certain amount of picketing doesn't take place. It's very likely that it does, but we don't rely on that.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

20

Kathrada, let's come a little nearer home. Following the Pietermaritzburg Conference in March 1961, and prior to the proclamation of the Republic of South Africa, the National Liberation Movement decided upon the stay away strike for the 29th, 30th and 31st of May 1961. Do you remember?—I remember that such a decision was taken.

Yes, and is it not a fact that that was a hopeless failure? That stay at home strike?—I don't agree my lord.

30

and many others were scared to leave because of threats?

Is that not true, yes or no?—My lord, I can give this evidence on what I've heard. Unfortunately two weeks before the strikes, I was taken by Major Dirker and locked up for a month. So I was not in Johannesburg. I wasn't even agitating when the strike took place.

You say you weren't at the Benoni massacre, the police saved you from being at the stay away strike, but do you see where else you weren't — you were at none of the acts of sabotage!—No definitely not. 10

No you weren't on the train that went over that 26 foot rail, that had been loosened. You weren't on that train by any chance? At Alberton?—I....

MR. BERRANGE: Has that ever been a suggestion here?—
I won't adopt that answer.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

We go on — "Freedom in our lifetime. To protest against this brutal murder and against the passing of the Suppression of Communism and Group Areas Act, the African National Congress, supported by its allies", 20 and your organisation is one of the allies, not so?—
The South African Indian Congress was one of the allies.

That's right! And the Communist Party?
—And the Communist Party.

Because you belonged to 39 organisations, didn't you?—My lord I did not. That is one of the farcical things about these banning orders. I was banned from the majority of organisations which I did not even belong to. Some of whom I was opposed to.

"Declare June the 26th the National Freedom 30

of a general strike. From that day onwards the words "Freedom in our lifetime", rang out from the mouths of millions of oppressed people". Who gave the author the authority to say that this call rang out from the mouths of millions of oppressed people?—My lord, is this a serious question, because this is political language. We don't go and count 1,2,3, 2,000, 200,000, 1 million.

Political language, and therefore, is an exaggeration!—I don't agree with you. Millions of people are crying out for freedom.

In this country?—Yes, but you don't go and 10 count these millions of people.

And you hope to achieve that in "our lifetime", in your lifetime?—Certainly, even in your lifetime.

Yes, so guerilla warfare is not far round the corner?—I have made no such suggestion.

Has there been any concessions to the National Liberation Front?—What do you mean?

Has the Government made any concessions to the National Liberation Front?—Can't you put your question a bit more specific please?— 20

Has the Government made any concessions to the demands made by the National Liberation Movement?—I think so.

What?—I remember the bus boycotts for instance, Alexander Townships, bus boycotts here in Pretoria. I remember that the Government made concessions, particularly the Alexander one.

What concessions were made?—They reduced the fares. That was the demand of the people.

In regard to the demands of the National Liberation Movement for freedom of the millions of oppressed people in this country, has the Government made a single concession?—That is the tragedy of the situation.

Well, it carries with it the implication that the Government has not made any concessions!—That is the tragedy of it.

And are you not satisfied in your own mind that the Government is determined not to make any concessions in that regard?—That makes the tragedy even greater. 10

And therefore, guerilla warfare is just around the corner?—I don't say that.

"The pivot of our struggle". Is it correct that the National Liberation Movement is the pivot of the struggle?—Of course it is.

Led by the African National Congress?—Quite correct.

And assisted by the South African Indian Congress?—Quite right.

"On the 26th of June 1955, people's representatives from every nook and corner of our land gathered together at the historical Congress of the People, and expressed their aspirations in the Freedom charter... democratic South Africa". Well, you've indicated the Congress of the People includes the Communist Party.— I did not indicate that my lord. 20

Congress of the People, what does it...?— To the best of my recollection the Congress of the People was held in Kliptown. The Communist Party was not there.

Now the Blood Bank we've dealt with. Now do 30

Communist Party at the age of 13, - The Communist Party at the age of 13?---Well, I did indicate that I joined the Young Communist League in 1942.

When you were 13 years of age?---When I was 13.

Yes! And you matriculated at what school?

---I left the Johannesburg Indian High School.

Yes?---In June of 1946, when I was in my final matric.

Yes?---I subsequently wrote matric, I think it was 1949 or 1950, I don't exactly remember when. 10

Yes, what did you call the name of that school?

---The Johannesburg Indian High School, which has now been closed.

Isn't it the Central Indian High School?--- The Central Indian High School was founded in 1955.

That's right.---It's a different school altogether.

You never went to that school?---I was the Secretary of the Parents' Association. We founded that school. 20

In 1955, and the principal of that school was a Communist?---At one stage, yes, in the beginning.

Whose that Communist?---If you're referring to Mr. Harnel, he was the principal of that school.

You're right, I am referring to him! And now I don't want to embarrass anyone in this Court, but the teachers...amongst the teachers of that school, were Communists!---Oh yes.

And you were associated even at that stage, with Communists!---I have made no secret of my associa- 30
tion with these people.

I'm not denying that, but a very good Communist?—I don't know him as a Communist.

A member of the African National Congress?—
Yes, that's something different.

And both Harmel and Nokwe are co-conspirators in this case?—Yes.

And then you went to University and there you met Goldreich?—Yes.

From what we've heard here with all the documents, he appears to be an arch revolutionary?—Now 10
I get it.

Able assisted, if I may say so, by Wolpe and Nokwe and others?—Well, I don't know about that.

Well Wolpe, you heard the documents he drew up?—I've heard.

Now do you remember you told the Court, about your trip overseas and about your visit to Auschwitz?—
Yes.

You addressed African National Congress meetings, didn't you?—Yes, I did before I was banned. 20

And Mr. Dirker attended those meetings?—Yes.

And do you remember one meeting held at Newclare in 1953?—I spoke at scores and scores of meetings, before I was banned.

And did you there incite your hearers not to go ... to see that the Bantu do not go and work on the Bethal farms?—I don't know what the Prosecutor is referring to.

Did you incite your hearers to ensure that the Bantu do not go and work for the farmers in the Bethal 30
area?—I don't remember.

And did you speak about it in these terms "tell them not to go and work there, because the farmers in that area, take the bones of the Bantu and covert them into fertilizers for their soil". Did you say that or didn't you?---I have no recollection of having said that.

Is it possible you said that?---I doubt it very much.

How did you then...?---Well, if you get that from police notes, I'll challenge it.

You challenge it. What did you say, can you recall?---I don't recall. As I said I spoke at scores of meetings. 10

And did you also inter alia say they shouldn't ...natives shouldn't go and work in the Bethal area?--- I don't know.

Sophiatown, did you ever paint slogans protesting ... on walls, protesting against the removal of the Bantu from Sophiatown?---I did.

Yes, and you incited them not to move! To Meadowlands!--- I called upon the people not to move. 20

And which do you prefer, Sophiatown or Meadowlands?---Which do I prefer?

Yes, which is the better place, Sophiatown...? ---I prefer to live where I would like to live, not where somebody in Parliament tells me to live.

Right, but of the two places, Sophiatown with all it's slums and shebeens, or those beautiful garden houses in Meadowlands? Which do you think is the better place of the two?---Sophiatown with it's comparative freedom, than Meadowlands which has got 101 re- 30

—1949 my lord.

That's right. You said that is when the Africans attacked the Indians?—Quite right.

Mercilessly?—Mercilessly.

You said the police looked on?—My lord, I said that....

And edged them on?—My lord, please, I said I saw Europeans edging the Africans to attack the Indians, while the police looked on.

While the police looked on?—I did not try to 10 say that that was the general picture in the Durban riots. I was conveying what I saw myself.

Is it not a fact Kathrada, but for the timely intervention of the Police, there would have been a bloody massacre of the Indians by the Bantu then?—My lord, who lived through those days were of the opinion that but for the timely intervention of the Marines.

Marines?—Yes, not the Police.

Well, I can't tell you in the what 20 to tell the marines, but you know what I mean. By the way, have you been to India?—No, I have not been.

Do you know about the suffering of the people in India?—I know about the suffering of my people in this Country, where I was born. I don't know anything about India.

You've never been there and you've never done any research?—I have read about India.

And don't the people suffer there?—As the result of years and years of British oppression, people do suffer in India.

ON RESUMING ON THE 29TH APRIL, 1964:

AHMED MAHOMED KATHRADA, still under oath

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MR. BERRANGE TO COURT: My-lord could I raise a matter with your lordship before the witness proceeds?---Yes.

My lord it's with a certain diffidence and a certain measure of reluctance that I raise this matter, but the defence feels so strongly about it, because a matter of principle is involved, that I have no option but to do so. Ever since Mr. Kathrada has completed his evidence in chief, on instructions of Dr. Yutar, the gaol 10 authorities have isolated Mr. Kathrada, and kept him away from his fellow prisoners. That means of course my lord, that when he is here during the days that he is here, it means that he is not entitled to mix with his fellow prisoners during the intervals, he's not entitled to have tea with them, he's not entitled to have lunch with them, and he's not entitled to have any form of intercourse or contact with them. The same thing happened with the first witness Mr. Walter Sisulu. The matter was raised by my learned leader Mr. Fischer with Dr. Yutar, and we thought that that protest would succeed in removing this 20 type of conduct of which we are complaining. Unfortunately we haven't been successful in that, and again we have been informed by Dr. Yutar that he proposes to do this with every one of the prisoners as soon as they have completed their evidence in chief. Now my lord I don't think I need say that we, as Counsel, are very conscious of our own duties, and we certainly would take no steps to interview or have consultations with anyone of the accused prisoners once they have finished their evidence in chief, but this

and we feel that it is a gross interference on the part of Dr. Yutar with the prisoners themselves, and with their rights, and as such, although this may not have anything to do with the proceedings in this case, we are seeking your lordship's ruling in this regard, because if it happens here my lord, it can happen in any case hereafter, and we find it very difficult to understand on what basis such an order could be made by Dr. Yutar, in these or any other proceedings. If these prisoners were on bail, they would naturally be entitled to see one another 10 and talk to one another. It is usual of course, to warn them that they mustn't discuss the case between themselves. That is another matter. The next thing we would have happening, would be that instructions would be given that the man on bail, that he should be isolated from his prisoners by being kept in custody. My lord we feel very strongly about this matter, and we do, under these circumstances appeal to your lordship to give a ruling in this matter as to whether or not the Deputy Attorney-General has got the right to give instructions for pri- 20 soners to be isolated in this matter, during the time that they are giving their evidence. We can see no reason for it whatsoever. It's not as if they were people who were witnesses, who are ordinarily not allowed, because they're ordered out of Court, to converse with one another, or to hear the evidence that's been given one by one or other of them. These are men who hear the evidence, and there can be no prejudice whatsoever, and there can be no reason my lord, for this interference with their rights, by the Deputy Attorney-General, and we do ask your lord- 30

friend and feel equally strongly about the matter. For reasons my lord, which would not be in the interest of the accused themselves to disclose in this Court, I felt obliged to take that precaution in order to avoid my lord, the possibility of consultation between the accused under cross-examination and their fellow accused. My lord, I mention just one thing - my learned friend Mr. Berrange spoke to Mr. Sisulu in the midst of his cross-examination and amongst other things concluded his conversation with the words that "your colleagues in the dock want you 10 to know that they are proud of you, and also the legal team are proud of the way in which you've been giving your evidence". My lord, I don't know whether that pride stems from the reluctance of the witness under cross-examination to disclose certain people, or from the plan of sabotage which had been embarked upon, but I do feel very strongly, that undercoming it's not irregular for Counsel to speak to an accused person under cross-examination, and my lord, the danger of the co-accused speaking to an accused under cross-examination is a very real one, and... 20 ?—But I've never come across this procedure in any other case Mr. Yutar, this is in some ways an unusual case, but I must say that I've never heard of such a procedure being adopted in a criminal case, that accused persons are separated while the one gives evidence.

My lord, it's only designed to avoid consultation.—The Court will take into consideration, that ...in assessing the evidence, that they had an opportunity to discuss it. I mean the Court is quite capable of understanding in assessing the case, the importance to 30

cannot see what object it serves. As far as I'm concerned, I can see no object in this procedure.

With great respect I abide by your lordship's decision.---I mean I can't give a direction. I mean I'm just giving my opinion, and I can see no necessity for it whatsoever.

Then I shall recall my instructions to the gaol authorities my lord.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Mr. Kathrada, when did you first meet Mandela, 10
Accused No. 1 in this case?---I can't really place the
date.

And where did you meet him?---I met him in
Johannesburg.

Under what circumstances?---The flat which I
now occupy belonged to two Indian Law Students with whom
Mr. Mandela was very friendly, and it is through them
that I met Mr. Mandela.

And he was then a leader in the African
National Congress Movement?---Well, he was still a student 20
and I think he was in the African National Congress,
Youth League at the time.

And you, at that time of course, were closely
associated with the Communist Party of South Africa?---
That is so my lord.

As well as with the various Indian Congresses?
---That is correct.

For the purpose of record, let's get it on
record at this stage, there is the Transvaal Indian
Congress?---Yes.

Executive Committee until I was banned.

And the Transvaal Indian Youth Congress?---

In the Youth Congress, both in the Transvaal and the South African Indian Youth Congress.

Well let's deal with each in turn. I'm going to deal with each one separately?---I held in the Transvaal Indian Youth Congress, positions at various times as Chairman and as Secretary.

So as far as the Transvaal is concerned you held fairly responsible positions?---Yes. 10

We move over to Natal and there we find correspondingly a Natal Indian Congress?---That's correct.

And also the Natal Indian Youth Congress?--- That is so.

And did you hold any positions with either of those two in Natal?---I did not.

And then as a superstructure to these four bodies, that I've just mentioned, there was a South African Indian Congress?---And the South African Indian youth Congress. 20

And the South African Indian Youth Congress? ---That is so.

And they looked after the interests of the Indians throughout South Africa?---That is so.

Now insofar as the South African Indian Youth Congress is concerned what position did you hold there? ---I was the General Secretary of the South African Indian Youth Congress.

And of the South African Indian Congress, you were?---I never held any position in the South 30

How closely?---By virtue of my membership of the Transvaal Indian Congress.

And did you do any work on behalf of the South African Indian Congress?---The South African Indian Congress is not a separate organisation, when I work for the Transvaal Indian Congress, it means I'm working for the South African Indian Congress.

And we know the Executive position you held on the Transvaal Indian Congress?---Transvaal Indian Congress.

10

And you, as my learned friend put it to you, Applied yourself to the betterment of the position of the Indians in this country?---Primarily, as well as the betterment of all the oppressed people in this country.

I'm coming to them. I'm sure, and to that you had dedicated yourself whole-heartedly?---That is so.

Commencing when?---Well, if my leaflet distributions of 1940 are the serious commencement of my political activities, then I would say I commenced in 1940.

20

From 1940 until the present date?---That is so.

When did you meet Accused No. 2 for the first time?---I met Mr. Sisulu round-about the same time as I met Mr. Mandela.

Under similar circumstances?---Well, yes you could say that.

Well, you were both fighting for the liberation of your respective peoples?---That is so.

When did you meet No. 3 for the first time?

30

Could you tell his lordship under what circumstances you met him there? When you speak of your flat by the way, you've only got the one flat at the address which I gave yesterday, Colvert House?---In 30 Colvert House, 27 Market Street.

So when you speak of your flat, we know where the flat is?---That is so.

Under what circumstances did you meet Accused No. 3 at your flat?---He ...I understood that he was up in Johannesburg to attend some meetings or a course in 10 connection with Civil Engineering, and he popped in at my flat socially together with some other Cape Town people who were in Johannesburg at the time.

Was that your first meeting with him?---That was my first meeting with him.

You of course, knew Orry(?)?---I have heard of him, yes.

In what way?---I had heard of him as a member of the Congress of Democrats.

And he, as you say, called on you socially 20 in 1962? At your flat?---That is so.

With a colleague of his in the Congress Movement?---Some of them were colleagues in the Congress movement. I don't know if all of them were active in politics.

By the way, was Ben Turok one of them?---No, he was not.

You of course, know Ben Turok?---I know him very well.

In fact, he was also a frequent visitor at 30 your flat?---That is so.

prepared to name who else came with him.

You're not prepared to?---I'm not prepared to.

Alright. And when did you meet Mbeki for the first time?---I met Mr. Mbeki for the first time I think in 1960 or 1961, I'm not too sure.

Where?---In Johannesburg.

It's a big place, but where about in Johannesburg?---I met him at the home of Mr. Sisulu I think.

Where is that?---In Orlando.

And did you know who he was?---Yes.

Who was he?---I first heard of Mr. Mbeki as the Director of the Guardian Newspaper. 10

The New Age?---The Guardian.

That's right, yes. That's the Cape Town paper?---That's the Cape Town paper.

Yes?---And subsequent to the banning of the Guardian, Mr. Mbeki was also closely connected with the New Age.

Operating in Port Elizabeth?---He was operating in Port Elizabeth.

And he was of course, a very responsible member of the African National Congress?---He still is. 20

And still is, and you met him you say at the house of Sisulu?---To the best of my recollection, yes.

And can you recall the purpose of that meeting at Sisulu's house?---There was no special purpose my lord, I used to call on the Sisulu's socially, and I used to meet various people there.

And also professionally as a politician?---
Yes.

And where?---Well, in Johannesburg through the Communist Party.

Of which he was a member?---Of which he was a member.

Shall we be frank and say a leading member of the Communist Party?---That is so.

And you had an awful lot of dealings with him? ---I had dealings with him through the years my lord.

Again politically?---Politically and socially.

And Raymond Mhlaba, Accused No. 7, where did you meet him for the first time?---Mr. Mhlaba, I think I first met in 1952, during the Defiance Campaign. 10

He was also a leading protagonist of the African National Congress?---In Port Elizabeth.

In Port Elizabeth?---That is so.

Although he did not confine his activities to Port Elizabeth?---I only met him in Port Elizabeth, before I met him again.

Where did you meet him in Port Elizabeth?--- In New Brighton I think. 20

Where he stayed?---Well, I did not meet him at his house.

Where did you meet him?---I think I met him at the home of Dr. Njonge.

Do you know the house of Dr. Patsha?---Yes, I do.

Been there?---I have been there.

Attended meetings there?---I have not attended any meetings there.

With others?---No, I've been there, well with 30

You're not prepared to mention his name.
What were you doing in Port Elizabeth? The time when you met Raymond Mhlaba Accused No. 7?—I was in Port Elizabeth in connection with Political work in connection with the Defiance Campaign.

The Defiance Campaign which was being organised and certainly directed by the African National Congress?—And the South African Indian Congress.

And the South African Indian Congress?—That is so my lord.

10

Elias Matsoaledi, Accused No. 97—Mr. Matsoaledi I know also since the fifties, I should think,

Where did you meet him for the first time?—In the African National Congress.

Where?—In the offices of the African National Congress in Johannesburg.

He was also a leading protagonist of that movement? The A.N.C.?—He was a member of the African National Congress.

And a responsible leader?—I should say so. 20

And you've had a lot of dealings with him?—Well, I worked with him.

And then finally Andrew Mlangeni?—Mr. Mlangeni I think I met in the late fifties. I think during the course of the Treason Trial. I'm not too certain.

And you know him of course, as a member of the African National Congress?—Of the African National Congress.

Do you know that his pseudonym is Percy?—I don't know. I knew him as Andrew Mlangeni.

30

me?---If I had known I wouldn't have told you.

You would not have told me?---I would not have told you.

You have therefore, no reason to suggest that if Mr. 'X' said his nickname was Percy, alias Robot, you can't of course, dispute that?---I cannot dispute that.

Now Goldreich you told us you met at the University of the Witwatersrand?---That is so.

And was that your first meeting with him?---
That was my first meeting with him. 10

And you became closely associated with him?
---My Lord, for some time yes, and then I lost contact with him for a number of years.

He wasn't studying Chemistry at the University, was he?---To the best of my knowledge, he was studying architecture.

He didn't take a course in explosives?---I don't know.

And he's a commercial artist. At least that's what people were led to believe - that he's a commercial artist?---I know of Goldreich as one of South Africa's leading artists. 20

Leading artist, commercial artist?---I didn't know of him as a commercial artist.

Did you ever know that he knew a lot about explosives?---I did not know that.

When did you hear that for the first time?---
In this case.

That's not the only thing you heard for the first time in this case "Operation Mayebuya"?---That's 30

against the accused?---That is so.

You learnt a lot of things in this case, for the first time?---It has been quite an education for me.

Harold Wolpe, when did you meet him for the first time?---I met him for the first time as I said yesterday, - I did not say for the first time. I met Mr. Wolpe for the first time, I think, in the early forties.

Where?---In the Young Communist League.

And you've been closely associated with him in that league?---Politically and socially my lord. 10

Yes, that's where he got to like Indian food I suppose?---I don't know.

Then we've got Vivian Ezra. Have you met him before?---I have never met him.

You have never met him before?---Never met him.

Never met him at all?---I've never met him at all.

Julius First?---Julius First I met.

Where did you meet him?---I met him at the home of his daughter. 20

And his daughter is Mrs. Slovo?---Mrs. Slovo.

Right First, or also Ruth Slovo, the wife of Advocate Slovo?---That is so.

The two Slovo's are both Communists?---Both listed Communists.

And in fact, Communists?---And in fact, Communists. I know their beliefs to be Communistic.

And Julius First?---Julius First's politics I did not know at all.

Did you not know that he was very left, to 30

leanings.

This meeting with him at the house of his daughter, was that just a social gathering?—My lord, I often saw him there. It wasn't just once.

Ever discuss politics?—It's quite likely that politics cropped up in these discussions.

And you never knew what his views were?—Well, I wasn't particularly aware of any ... I wasn't taking particular notice of what his views were. I just can't recollect. 10

You knew of course, he left the country?—So, I've heard.

Not of his own free will?—I've heard for the first time again, in this case.

Michael Harmel of course, you knew very well?—Mr. Harmel I knew.

He was the principal of the Central Indian High School with which you were connected as Secretary?—Until he was forced out by the police and the authorities.

And he of course, was a Communist?—That is so my lord. 20

Bob Alexander Hepple, you've told us about him, but when did you meet him for the first time?—Mr. Hepple I met I should think about 1953.

Also at the University of the Witwatersrand?—No my lord.

Before?—Well, I don't know at that stage, whether he was at University or whether he had completed. I'm not too sure. I did not meet him in the course of my work or his work at the University. 30

Where did you meet him then?—I first met

Of?---Of which I was Secretary.

Of the University?---No, no. It was a body of young people not confined to students or workers, which represented overall.

Percy John Jack Hodgson?---Mr. Hodgson, I knew also I should think from the mid forties, I should think.

Where did you meet him?---Firstly in the Communist Party, in the Springbok Legion, Congress of Democrats.

10

And he was a leading Communist?---Well, I don't know what you mean by leading Communist.

Well, a responsible leader?---In the years, when the Communist Party was legal, I did not know Mr. Hodgson to hold any position in the Communist Party.

Who was the leader of the Communist Party?---Well, I knew Mr. Kotane was Secretary.

Yes. I never asked you that. I asked you who was the leader of the Communist Party?---What is the General Secretary?

20

Was he the leader?---I suppose that's elementary.

Well of course, I'm learning too. Now who was the other leaders then of the Communist Party?---Bill Andrews was Chairman.

Yes?---Michael Harmel was one.

Yes?---Yes, Mr. Bernstein I think was the secretary of the Johannesburg District at one stage.

Yes?---Who else do you want to know about? J.B. Marks was one.

30

to give me the complete list?---I'm unable to. I mean if you put names to me I might be able to help you.

Yes, I'm reminded the names you've mentioned are the names of people who were leaders of the Communist Party, before it was banned in 1950?---That is so.

Who were the leaders after it was banned?--- I don't know, but even if I knew I would not tell you.

Ronald Ronnie Kaerils, do you know that gentleman?---I met him on one occasion.

Where?---In Johannesburg. 10

Now I want to dwell a little bit on that. Who is he?---I met as a member of the Congress of Democrats from Durban.

Where?---At my flat.

Under what circumstances?---This was also I think, in July 1962, when I met Mr. Goldberg. There were quite a lot of people from both Durban and Cape Town, who happened to be in Johannesburg, and they called at my place for a meal.

Did he come along with Goldberg that night?--- 20
He did not come round with Goldberg as far as I....

Was it before or after Goldberg arrived?
---It was at the same time.

He was an Engineer, was he?---I don't know what he is.

Now what did he come to your flat for?---
I said I invited them for a meal.

But you never knew of him before?---Well, I heard of him.

From whom?---In the course of our political 30

remember from whom I heard.

What political work was he doing?---The Congress of Democrats.

And where was he operating?---In Durban.

And he came to Johannesburg and was at your flat in July 1962, and you can't tell us what the purpose of that meeting was, except that you invited him? ---If I may just explain, all sorts of people used to pop in at my flat for meals, at all hours.

6LE

Yes?---And especially when people came from other centres, a lot of them made it a point of popping in at my place. 10

Now you know of course, you've said that Kasrils operated in Natal?---I prefer to use the words he worked in Natal.

By the way the people who came to your flat were, let's be quite exact, they were political friends of yours?---Yes, most of them were political friends, but non-political people also.

Political friends working in the cause of National Liberation?---That is so. 20

Now did you know that Kasrils was a member of the Natal Regional Command?---I heard that in this case.

Another thing you heard in this case for the first time?---For the first time.

You never heard that he had operated in Natal, oh you like the word worked, that he worked in Natal as a member of the Natal Regional Command?---I did not know that at all.

You heard of course, the evidence of Mr. 'X',

---I have no reason to believe it or disbelieve it.

Moses Kotane, you've told us about. He's out of the country?---That is so.

And he was a leading Communist?---Leading Communist and one of the most respected leaders of the African people.

Arthur Lethale?---I know Dr. Lethale.

Oh by the way, I forgot about Kotane, not only was he a member of the Communist Party, but he was also a member of the African National Congress?---I know that. 10

Arthur Lethale?---I know Dr. Lethale.

He is by profession?---A doctor.

Working?---In Basutoland at the moment.

In Basutoland?---He was deported from South Africa.

He was in South Africa before he left?---Before he was deported.

I said before he left?---Before he was deported.

And where is he now do you say?---He is in Basutoland. 20

Where, in Masure?---In Maseru I think.

And before he left South Africa, what work did he do here?---He was Treasurer of the African National Congress.

A very responsible man?---That is so.

A man who held the purse strings of the African National Congress?---I believe that's what Treasurers do.

Yes, I thought so also! And does not still handle the purse strings of the African National Congress, but outside the borders of South Africa?---That I don't 30

of Mandela in Mandela's own handwriting, that certain amounts of money were collected in Africa, sent to London, and then part of it was remitted £10,000 was remitted to Lethale? You don't deny that, do you?---I cannot deny that.

Of course, that's the exhibit of Mandela himself and it was found at Trevallyn. Are you prepared then to concede that even at the time in 1963, he was handling the finances of the African National Congress?---I'm not prepared to concede anything. 10

Tennison Makawane?---I knew Tennison.

Who is he?---I knew him as a member of the African National Congress Youth League, he was a fellow Accused of mine in the Treason Trial.

A member of the Communist Party?---I did not know him as such.

But as one of the strong leaders in the African National Congress movement?---Well, I don't know what one of the strong leaders means. I knew him as a member of the African National Congress Youth League. I think he was 20 Secretary of that organisation at one stage in the Transvaal.

That's why I said he was a leading member.--- Of the Youth League, yes.

Joseph Marks?---I knew Mr. Marks for many years.

And?---I knew Mr. Marks as President of the African Mine Workers' Union. I knew him as an official of the Council for Non-European Trade Unions. I knew him as a member of the Communist Party. I knew him as one of the most respected leaders of the African National Congress. 30

Johannes Modiso?—I knew him as a member of the African National Congress.

Yes?—He was a co-accused of mine in the Treason Trial.

AND do you know that he busied himself with the transport of so-called soldiers?—I have heard it in this case.

For the first time?—For the first time.

George Naicker?—George Naicker I knew.

When did you meet him for the first time?— 10
I must have met him for the first time in Natal, but I can't really recollect when and under what circumstances. I think it was in Natal.

What year?—I really can't recollect.

Not even...?—It might have been during the Passive Resistance of 1946, it might have been after, I really can't say.

And who is he?—I knew him as a member of the Natal Indian Congress.

Member of the Natal Indian Congress?—And of 20
the Youth Congress.

Did he occupy any positions there?—I really don't know. He might have been an official of the Youth Congress, but I am not aware of that.

South African Indian Congress?—No, I don't know him to have held any position in the South African Indian Congress.

But associated with the S.A.I.C.?—Oh yes.

And he is a co-religionist of yours?—Co-religionist? He's a Hindu and I'm a Moslem.

Nair?—I knew Mr. Billy Nair.

Also an Indian, let's get that out of the way, straight away?—Also an Indian.

Yes, and...?—And a human being.

I never denied that!—Oh, I thought.....

If you're trying to be smart with me, I'm prepared to take it?—I don't know what the....

I didn't ask you whether he was a human being or not, and I never also disputed that!—I don't know why you keep on saying co-religionist and Indian, or 10 that.

I've a perfectly good reason I shall advance to his lordship later! And I'm not doing so disrespectfully when I ask you whether he's an Indian. Billy Nair is an Indian?—That's right.

When did you meet him for the first time?—I think I met Mr. Nair at the time of the 1946 Passive Resistance Campaign.

He was associated with what organisation?— 20 With the Natal Indian Congress.

What position did he hold there?—I don't know if he held any position in the Natal Indian Congress. I knew him to be a Trade Unionist.

And a member of S.A.C.T.U.?—Yes.

And both these gentlemen George Naicker and Billy Nair, did you know them as members of the Natal Regional Command?—I did not know that.

You heard that in this case for the first time? —I heard that in this case for the first time.

Lookemart SorandeNgundhle?—I did not know 20

him when he was killed, I mean when he was alleged to have committed suicide.

Did you hear about his activities in the cause of the freedom struggle in this case for the first time? ---I think so, yes.

Philemon Duma Nokwe? We've dealt with him already?---I knew Mr. Nokwe well.

You met him many, many years ago, before he even went to University?---Yes, I met him when he was dismissed from the teaching profession, during the Defiance Campaign.

He was one of the Communist teachers at the Central Indian High School?---I don't know Mr. Nokwe as a Communist at all.

Leader of the A.N.C.?---I knew him as a leader of the African National Congress.

James Jobe Radebe?---I knew Mr. Radebe.

When did you meet him for the first time?---I am not able to remember the date, but I knew that he was active in the African National Congress, and he was also, 20 I think, a co-accused in the Treason Trial, but I'm not too sure of that.

Also known as Robbie?---No, I never knew him as Robbie.

I'm sorry, it's not him, it's the next one. James Jobe Radebe, a member of the African National Congress?---That is so.

Robert Roshwa?---I knew him very well.

Where did you meet him for the first time?---In the course of my political work, I think in the forties 30

and he was a member of the A.N.C.?---That is so.

A leading member?---Well, he was a member of the Transvaal Executive I think.

Joseph Joe Slovo, you of course, know him?--- I know him very well.

Very well?---That is so.

Where did you meet him for the first time?--- I think I first met Mr. Slovo when I joined the Young Communist League my lord.

He of course, was a Communist?---He was a listed Communist, I believe. A Communist. 10

You know you never mentioned his name when giving evidence in chief. Did you never see him at Rivonia?---I did see him at Rivonia.

When?---I saw him on one occasion at Rivonia.

When?---After I went there.

When? Because in your version you went there now about three times! On your version?---I went where?

To Rivonia, three times!---When I went to stay there I saw him.

What was the occasion when you saw him there 20 for the first time?---He came there.

When?---I don't remember the date, but he came there. It must have been ...it was soon after I went to Rivonia. In May.

In May 1963, because you went to Rivonia in December 1961?---Oh, I did not see him then.

Didn't you see him then?---No.

And who did he come to there in May 1963, Slovo?---Well, I saw him going into the main house,

Are you prepared to tell us who was in the cottage when Joe Slovo arrived?---I'm not prepared to tell you.

And are you prepared to tell us what the discussion was?---I did not hear any discussion, but even if I did/^Iwould not have told you.

You did not hear any discussion at all?---I did not hear any discussion, but even if I did I would not have told you.

And why wouldn't you tell me?---If it's a 10 discussion having any bearing on any of the other people who were there, I would not have told you, or any bearing on the activities of organisations, whose activities I'm not prepared to disclose.

And if Slovo spoke about the M.K., you're not prepared to tell us?---If it meant divulging any secrets of the Umkonto I would not tell you.

Well, was it a secret that the Umkonton had decided to commit sabotage? Was that a secret?---The Umkonto to the best of my ability, announced it's 20 activities.

Well, then it's no secret?---That is not secret.

Then would you be prepared to tell us what Slovo said?---I did say that I did not hear any discussion, but even if I did I would not tell it.

Because you heard what Abel Mthembu said?---
I heard what Mr. 'Z' said.

And what did he say?---Well, he said something about having met Mr. Slovo, in the presence of Mr. Siqulu.

Yes?---Where Mr. Slovo is alleged to have con- 30 voyed certain things to him, certain matters in connection with the Umkonto.

Yes, and what did Mr. 'Z' say?---Well, I've

just said.

Yes, what did he say Slovo said?—I don't remember the details of what he said.

Let me remind you. He said that after having been told by Joe Modise that the Umkonto had now decided to commit sabotage in order to further the aims and objects of the A.N.C. he was taken to Rivonia, where Slovo confirmed that! Is that true or not?—I was not there.

He says you were there!—Abel Mthembu says I was there when he met Slovo and Sisulu? 10

Yes!—I think you are slightly mistaken Doctor.

Or was it when Mr. 'X' was there? Yes, I am. —Slightly different between Mr. 'X' and Mr. 'Z'.

Yes, there is a difference, I can see that! But supposing you were present when Slovo spoke about the M.K. you wouldn't tell us about it?—I assure you I wouldn't do what Mthembu has done.

I beg yours?—I assure you I wouldn't do what Mthembu has done. 20

Oh, you wouldn't do what Abel Mthembu has done? —I assure you I wouldn't.

Abel Mthembu has come over here and taken the oath to tell the truth and the whole truth!—That's what I saw him do.

And you're not prepared to do what he did?—I wouldn't divulge matters that took place in confidence.

You regard him as a traitor?—I do.

To whom?—To the cause of the freedom of the non-European people.

And what do you do with traitors?—My lord, I want to repeat what Mr. Sisulu said, that if and when the time comes, I hope they will be tried and dealt with.

By whom?—By the machinery set up, when the people of this country run this country.

The provisional revolutionary Government?—
You can call it that.

When did you hear that for the first time?—
Well, I've heard that phrase for many, many years.

Where?—I've heard of the provisional revolutionary Government of Angola, I've heard of the provisional revolutionary Government of the Algeria, I've heard of many provisional Governments. 10

And the provisional revolutionary Government of South Africa?—The provisional revolutionary Government of South Africa? I don't know when I heard it. I think I heard it for the first time in this case!

That you also heard for the first time in this case?—I think so.

Never heard it before?—I don't think I've ever heard it before.

Never?—No.

Well let's not diverse from what you're going to do with traitors. Were you going to wait then until your people take over, that's the National Liberation Movement, and then you're going to try these gentlemen, who you regard as traitors?—I hope that will be done. 20

But wouldn't you take steps to deal with them before that?—I don't think there's any necessity to deal with them.

Were there any traitors amongst your own people, the Indian people?—I suppose there are. There are traitors amongst all people, Indians, Jews, South Africans, Afrikaners, the lot. 30

And what were you going to do with the traitors, let's deal just with your people, the Indian

people?—My lord, when it comes to traitors, they are traitors.

What were you going to do with them?—Of whatever colour they are, they are traitors. I hope they'll all be dealt with similarly.

Is that by trial? A fair trial?—Whatever the machinery that is set into motion, by the people of this country.

Would you deal with them before, by taking revenge on them?—I don't think it's necessary. 10

You wouldn't do what the A.N.C. circulars are supposed to have said, according to the evidence of Warrant Officer Card?—What are they supposed to have said?

That certain people who are against the movement, who are pro-Government must be got out of the way, must be dealt with!—I don't know what that means!

Well, you heard the result that two of them, were attacked. One was found stabbed in the back!—I don't know if that's as a result of the A.N.C. 20

You don't know?—I don't know.

But according to Card, these two men were mentioned in the A.N.C. circular by name, and shortly thereafter, they were done to death. You don't know about that?—I don't know about that.

Do you know a document called "The Combat"?—
Combat?

Yes!—I knew that there was some such..I think there was some such thing brought out by the Indian Youth Congress. 30

Why are you hesitating about it? You were associated with the Indian Youth Congress?—I was.

So why do you hesitate, when I ask you do you

know what "Combat" is?—While I want to make clear that I was always associated with the Congress after my banning, that there were internal details which I'm not always aware of.

Well, I'll read to you. This is a document which has not yet been put in. "Combat. The official organ of the Transvaal Indian Youth Congress".

MR. BERRANGE(?) TO DR. YUTAR: What exhibit please?—

I said this has not been put in yet. I said that.

I didn't hear you, sorry.—If you want to know, it was found in third bedroom at Rivonia, but I haven't put it in yet. Sixty copies of it. 10

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

This is the official organ of the Transvaal Indian Youth Congress?—Did I hear Doctor say that 60 copies of these were found in Rivonia?

At least this copy was found at Rivonia!—
At least one copy?

At least one copy. Do you deny that?—No, no, I deny that 60 copies were found. 20

Oh, but you admit one was?—Could I see it here? (Handed to witness).

And this is issued by the Transvaal Indian Youth Congress, P.O. Box 10120, Johannesburg. The postal address which you conceded yesterday you were using for your Africa Publications?—Africa Publications.

"A warning to the Indian people, do not be stabbed in the back", and this is what the document says "One fact that stood out clearly and unmistakably from the strike, is that while the vast majority of Indian people closed their shops and refrained from work and school, certain people in our community were stabbing the Indian people in the back". What were they referring to there?—I don't know, if you could read the whole circular 30

I might be able to comment on it.

I don't want to burden the record.---Where were you reading from?

You start from the beginning. I missed out one paragraph. Just read the first paragraph.---(Witness is reading through document). I have read it.

Do you know what they're referring to?---To the May Strike.

What year?---1961.

Is that the strike for the three days?---The 10 anti-Republican strike.

You saw this document before, surely!---I must have seen it before.

Surely! There is no doubt. I'll carry on where I stopped. "One fact that stood out clearly and unmistakably from the strike is that while the vast majority of Indian people closed their....refrained from work and school, certain Indian people in our community were stabbing the Indian people in the back". I read up to there. Do you remember his lordship made a sugges- 20 tion to you in regard to the strike. Is it not a fact that some of the Bantu wanted to go to work, but they were prevented. Do you remember that?---I remember his lordship making the suggestion about the strike generally.

Stay at home strike, now the same sort of thing is happening amongst the Indian people!---I beg to differ.

Don't you agree with this?---I think it's possible....

Yes, "People in our community were stabbing 30 the Indian people in the back"?---Yes, they were.

They were not prepared to follow the lead of the Indians!---Oh no, we never had 100% response.

You don't believe in picketing, do you?—
I don't say I don't believe in picketing.

Was that done...?—There might be times when
picketing becomes necessary.

Was that done as far as the Bantu was concerned?
—To the best of my knowledge, no.

Was that done as far as the Indians were
concerned?—Not at the instance of the organisers of
the strike.

Was that done as far as the Indians were con- 10
cerned?—To the best of my knowledge, no.

Then I'll read to you from the same document.
Page 2...?—My lord, there might have been some picketing
at Indian schools, but to the best of my knowledge, this
is not done at the instance of the organisers of the
strike.

Let me read this to you "A few shop people
of the people
have defied the will of the majority/and have kept their
shops open. When asked to close by pickets, they re-
sponded with abuse and insults".—That's quite likely. 20

Quite likely?—Yes.

"Let these individuals remember that they
deal with the oppressed people and they have no sympathy
with the struggle of the people from whom they make their
living, then the people will have no sympathy for them.
We are informed that certain shops are being boycotted
because they opened when others closed. We asked the
people to take effective measures to counter-act strike
breakers. At this crucial time we cannot afford dis-
unity in our ranks." What effective measure did you 30
propose to take against what you called the counter...
to counter-act the strike breakers?—In the first place,
I did not write that.

I don't suggest you did!---I don't know why you say "what you call" effective measures.

Yes?---I don't know what they had in mind.

You don't know?---But it's possible that they had in mind a boycott of their shops.

Right, now I must complete the third paragraph of this document. "Fortunately these individuals are few and far between to split the community, but their danger cannot be under-estimated, particularly now that the Government is desperately looking for stool pigeons, 10 informers and good boys to carry out it's policy." Did you subscribe to that view that the Government was looking for stool pigeons, informers and good boys?--- That's the only type of people they'll get to co-operate with them, that is stool pigeons and good boys.

"Let us be warned of these dangers and take effective steps to deal with them". How were you going to deal with those?---I did not write that, but if I were to deal with them, a lot of their types have already been dealt with. They've been completely ostracised from the community. 20

Yes, some of them have been brutally murdered, shot in the back!---Who for instance?

(Somebody talking very softly in the background). I doubt my learned friend has given me the answer, I'm not going to trouble you to repeat the answer. I'll read on "The future of the Indian people lies with the African and Coloured people in the struggle for full freedom democracy. Any talk of compromise is a stab in the back for the Indian people".---Quite right. 30

"We have reached..", I'm not reading, everything, so let me not be accused of misleading the Court. "We have reached the position in South Africa where no man can afford to sit on the bench(?) fence(?)". Is that

right?—That is right.

So then you have now reached the stage, where you know that the Indian people, part of the National Liberation Movement, is up against a stone wall!—That's right.

And there was no turning back?—There is no turning back.

And then follows sabotage?—Well, is that in the circular?

I'm suggesting that to you?—Well, sabotage 10 has taken place in this country

AT THIS STAGE THE COURT ADJOURNS FOR THE TEABREAK.

ON RESUMING:

62(E)

ARMED MAHOMED KATHIRADA, still under oath

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

I would like to deal with certain people who are here named as enemies of the Indian cause. H.M. Essop of Pretoria?—I know the name.

Was he regarded as not a friend of the Indian cause?—That is right. 20

J.G. Vanbier likewise?—J.G. Vanbier likewise.

Essop Norsaka of Bank?—I don't know very much about the gentleman, but I think he is the man that attended the Republican celebrations.

That's right?—If that's him, then he's regarded likewise.

And A.I. Kajee of Durban?—A.I. Kajee is dead. A.S. Kajee it may be.

It's most probably a misprint here?—Yes, he's the man that...yes. 30

What were you going to say?—He's a man who also attended the Republican celebrations.

In fact, this paragraph deals with the people

who had been invited to attend a Presidential inauguration and this document goes on to say that they are no friends of the people?—I was just going to say my lord, in connection with A.S. Kaje, that in fact, this morning's newspaper, 500 Indians in Natal refused to hear him and asked him to leave. That's how the Indian community look upon him, and I think that's how they are being dealt with. Very satisfactorily.

Let me tell you what this document says how these traitors must be eradicated, in fact, they deal with it, there's an article here entitled "Traitors..." look what this document says here - "We accuse Abdul Raman Mia of Avenue Road, Fordsburg", is he also not a friend?—I don't know much about him. 10

"Mr. M.S. Laher, 12th Street, Vredehoek"?—I don't know much about him either.

They say "We accuse these two as informers and of conniving with the Special Branch to secure ... and preserve their own interests. We accuse these spineless individuals as traitors to the cause". If what is said there, is true about them, I agree. 20

"And we wish to state that this exposure is not intended as a campaign of vilification against these individuals, but is meant as a note of warning to our people". Let me read what the note of warning is, on the last page. "Finally, we warn informers and would-be informers that they will be exposed by us". Is that in accordance with the policy of the Indian Congress? —There's nothing wrong with that.

I'm asking you is that in accordance with the policy? I'm not asking you whether it's wrong or not! —I don't know if the Indian Congress has got a policy of exposing people. It happens in the course of political struggles that these things ...people get exposed. 30

Is it in keeping with the practice followed by the Indian Congress? To expose...?—My lord, this is a Transvaal Indian Youth Congress Publication.

Yes, that's right!—I can't remember when the Indian Congress specifically went on a campaign against any individual, unless you can remind me.

"And if they think that their nefarious activities will bring them personal gain such as passports licences, permits, etc., then they're far mistaken. Their fate would be similar to the Jews who betrayed their people".—That is very, very, correct. 10

You were bemoaning the fate of these Jews at Auschwitz yesterday?—Yes! What happened to the Jews of Auschwitz, will happen to the Indians of South Africa, in the hands of the Nationalist Government.

And do you know what happened to Mr. Kajee, for example? Do you know what happened to him?—I know what happened to his office.

Yes! His office! Dynamite was placed outside his office! On the 9th of December 1962! The office of A.S. Kajee 26 Allen Street, Durban! Item 122. That's what happened to him! Do you approve of that?—I don't disapprove that at all. 20

That's enough for my purpose! Let me just complete the list. Harold Strachan, when did you meet him for the first time?—I have never met Mr. Strachan.

You don't know him?—I've heard of him.

When?—I must have heard of him a few years ago.

As what?—As a member of the Congress of Democrats. 30

He was a lecturer wasn't he, at the Technical College in Port Elizabeth?—So I believe.

Did you know that he specialised in explosives,

in the manufacture and the use of explosives?---I know that he was convicted.

Yes. Did you know that he was training Bantu in order to teach them how to make and use explosives?--- I've heard that in this case.

For the first time?---For the first time.
Oliver Tambo?---I know Mr. Tambo very well.
Where did you meet him?---I met him in the course of my congress work.

He was?---He was also a co-accused in the 10
Treason Trial.

And a leading member of the A.N.C.?---At one stage he was Secretary-General, at one stage he was Deputy President-General of the African National Congress.

And now where is he?---I believe he is on the external mission of the African National Congress.

Together with Tannison Makawane, Reshwa and Radebe and others and Nokwe too?---That is right.

Benjamin Turok, when did you meet him for the first time?---I met Mr. Turok in the fifties I think, 20

Where? First of all, who is he?---Mr. Turok is the or was rather, the secretary of the Congress of Democrats.

When did you meet him for the first time?---I said I think in the fifties.

Under what circumstances?---He was connected with the Modern Youth of Cape Town, I was connected with the Indian Youth Congress as you know, and in the course of our Youth work, I met him.

And you were associated with him politically? 30
---I was.

Do you know what Benjamin Turok did? According to the evidence in this case?---Yes.

What?—He is alleged to have planted a bomb somewhere.

Yes, inside the drawer of the desk of the Commissioner of the Rissik Street, Post Office Building. —I know the...

Yes. Do you approve of that?—I have given in chief my lord, what my attitude to acts of sabotage is. I would like to give it again, if you would allow me.

Do you approve of it?—Well, I'll answer it this way. I don't condemn acts of sabotage, on principle, 10 but I have said that my reservation about acts of sabotage, is individual acts of sabotage do not serve our struggle.

But you did say in chief yesterday, and I'll quote to you what you said presently, that you regard it as justified!—I regard acts of sabotage as justified.

Under what basis can you justify the placing of a bomb in the desk of a man who occupies the position as a semi-judge a judge. A man who sits to hear the debate of divorce cases? On what basis do you justify that?—I take it that that is a Government building. 20

Yes!—And it's in line with Umkonto's policy to damage Government buildings.

Right. Why put it then in the drawer of his desk?—I did not put it there in the drawer of his desk.

Why do you approve of this act of sabotage?—I don't...

You don't disapprove of it?—I don't disapprove of it.

Do you think that is right?—If it brought any danger to the individual concerned, I would have dis- 30 approved of it.

So what did you expect it would bring?—I don't know. I don't know what....I know the result of it was that he didn't ...it didn't explode at all.

Yes, but that wasn't through the good offices of Benjamin Turok. That was just an accident, an act of God?—I'm not prepared to speculate on what the motives of Mr. Turok were.

Yes, and you know the Post Office in Rissik Street, it's an old building made mainly of wood?—That doesn't recall the Hendrik Verwoerd Post Office.

I didn't ask you that?—Well, you asked me whether I know it!

You know the Post office?—I know it. 10

Made of wood?—I don't know if it's made of wood. I know it's made of stone as far as I can remember.

Look, there's a lot of woodwork inside. The staircases, the panelling, the offices - woodwork?—That's what one generally finds in the post offices.

What would have been the effect of a bomb exploding in such a building, the possibility of loss of life to people working in the building?—It all depends on when it explodes, I suppose.

Yes, and it all depends who is walking by! 20

—It all depends on that.

And innocent man posting a letter over there, an innocent child, maybe even a young Indian girl! Or a little Indian child?—I don't know why the Indian comes into it.

I said may be?—Maybe, it may be a Jewish child too.

Yes! And finally, Cecil George Williams?—I know Mr. Williams.

And?—I knew him as a member of the Congress 30 of Democrats.

How long did you know him?—I knew Mr. Williams in the fifties I suppose, or even earlier.

And you've met him often socially?---I have met him socially, I wouldn't say very often.

To the public he was a figure in the theatrical world?---I believe he was a very capable man in that field.

I never asked you that. I just asked you whether he was a figure in the theatrical world?---I believe so.

But to your knowledge he was a member of the Congress of Democrats, associating with you and the likes of you politically?---Yes, I was very privileged to.

Yes, I never asked you that either, and he is the gentleman according to one of the exhibits, who instructed the payment of \$10,000 to the account of a certain firm of attorneys, one of whom is Wolpe?---I've heard that.

What was that money to be used for?---I really don't know.

He was a Communist?---So I believe.

Now let's deal where we left off yesterday afternoon. Do you remember you made a bitter attack on the British Government yesterday?---I stated what I considered to be the facts.

Yes. I asked you do you know about the sufferings of your people in India, and you laid the responsibility therefore, at the doors of the British Government?---I did and I still do.

In the same way as you're laying the sufferings on in this country, at the doors of the South Government?---It's a matter of history that the British ruled India for many, many years, and since the people of India were

fact that countless millions of

your people are suffering and living in conditions far worse than the Indian population in this country?— That could be so.

By comparison Indians in this country are living in a state of luxury by comparison?—I don't know about that. I don't know about that at all.

You have raised objections against the 90 day no detention law not so?—I have, as one who has suffered under the 90 day detention law, I have the strongest objection. 10

I beg your pardon?—As one who has suffered under the 90 days detention law, I have the strongest objection.

You object to that strongly?—I do.

Do you remember the document that I put in, I'll find it presently, where the author of the document said that members of the Liberation Movement must make a nuisance of themselves and publicise the effect of the 90 days as much as possible?—I don't remember any document saying the members of the Liberation Movement must 20 make a nuisance of themselves.

I refer now to Exhibit T.42 my lord, page 97, the part I want to refer to. Now here's the original, ~~or~~ rather the document as it was found at Rivonia. Now that's a document issued on the 10th of July 1963, it's a directive to all Regions and Branches, and it's dated the day before the Police raid.—That is so.

Now just look at the last page under the heading "The 90 Detainees - what to do".—Yes.

By the way, do you know of any similar provision 30 in any other countries in the world, by detention without trial?—Remind me, I might be able to confirm it. Off-hand I don't.

"All Regions and Branches are asked to keep a register of detainees, also find out how many dependents they have and what their financial circumstances are." Have you got that part?—I've got that.

Now look under paragraph 2. "The police want to smash the resistance of those they detain by keeping them in solitary confinement....(a) By getting...detainees to pester the police with demands to see them to take them clothes and food". That was in fact, done not so, Kathrada? The police were posterred?—I won't be surprised if they were. 10

"By organising meetings of....to go to the Chief Magistrate and demand the release of their men and women".—It could have been done.

Irrespective of what they were supposed to have done, those that were detained under 90 days?—Quite likely.

"(c) By holding protest meetings". Right?—Yes.

And "(d) Use all means to keep the minds of the public thinking about these unjust events. This will strengthen those inside".—Right. 20

And just by the way, let me just complete the document.—The nuisance part of it.

Which nuisance part?—You put the question to me that directives went out to people to make nuisances of themselves.

Yes, well that was an understatement, the police speaks of posterred the police. "Renew the campaign amongst our people not to talk when they are arrested by the police. This is very important. At all our small meetings the word must be passed down "Don't talk when you are arrested"". According to Caswell, that 30

is exactly what Solomon Looksmart Ngundhle said "don't talk". "In our last directive we asked you to send us a list of...please send us what you have collected so far". Kathrada, do you know that India has a three year detention no trial law?---It's quite likely.

Did you ever/voice any/protest against that along the same lines, as you do against the 90 day detention no trial law in South Africa?---I have not.

You have not?---I live in South Africa, I suffer from the laws in South Africa, and my objection is what goes on to me and my people. 10

Had you attended conferences overseas?---Yes.

You visited Soviet countries, Socialist countries? ---I visited Auschwitz.

I heard you yesterday.---Yes.

And you directed attention against your country of birth?---Yes.

But not your mother country?---My mother country is South Africa.

Right, the country then as you said yesterday, had cultural ties?---That's right. 20

Not a word of protest against that?---Not a word of protest against that.

You were trying to get assistance from Ghana. Do you know that Ghana has a five year detention no trial law?---That is correct.

Have you ever spurned the system from Ghana?---Never.

Never?---I'll get assistance from the devil.

Yes!---Provided it is for my people in this country, and the freedom of my people. 30

But you choose to attack the country of your birth!---I choose to attack it and I will go on attacking it, till things are put right.

As you see it!—The way my people see it.

Are you prepared to tell me who Gaganini is?

—I don't know.

You don't know?—No, I've heard in Court who he is supposed to be, but even if I knew I would not tell you.

And Gemella?—You heard in Court who he is.

Who is he?—You heard.

Who is he?—Mr. Sisulu.

And are you sometimes referred to as "K"?— 10
I am not referred to as "K".

Never?—I don't no of anybody refers to me as "K".

Do you know anybody else who goes under the initial of "K"?—Yes.

Who?—Mr. Kroestchef.

Was Mr. Kroestchef in Durban?—I don't know.

Was Mr. Kroestchef in Johannesburg?—Not that I know of.

So you were just trying to be funny at my 20
expense?—I wasn't. You asked me if I know of any Mr. "K" and I told you.

Yes, do you know of any other "K"s?—I know of one other person who is referred to as "K".

In South Africa?—In South Africa.

Who?—He is the organiser of the Natal Indian Congress.

Who is he?—Caswell Moonsemy.

In Johannesburg?—I don't.

I'd like to read to you from the diary of Man- 30
dela, Exhibit H.17. Page 204 my lord. This is a diary and it starts from January Wednesday the 3rd, and I'm reading now from the events of Tuesday the 9th January

1962. Now that follows immediately after Mandela saw Luthuli, who he reports was in high spirits, who approved of his trip, that's to Africa, and would suggest a consultation on the new operations. Then he goes on to say this, Mandela does, on Tuesday the 9th "Leave D for J at 7 a.m. and arrive in Joh. 3.45". I think you'll help me and agree when I say that he left Durban for Johannesburg at 7 a.m. and arrived in Johannesburg at 3.45?---That's your interpretation.

You're not prepared to agree to that?---I'm 10
not prepared to agree to that.

"I sent for Gaganini". You don't know who he is?---I don't know who he is.

"Cammella", who we know is Sulu?---Yes.

"and K". I want to suggest that "K" is Kathrada, not Kroestchef?---It might be that he wrote it down that way.

"I had discussion with Gaganini but K fails to turn up. He was reported to be boozing". Do you drink?---I do. 20

Were you boozing, to use the word of Mandela, on that day?---I don't know. I don't make a note in my diary of when I take a drink. The 9th of January 1961 or 1962, I don't know what I was doing.

Yes.---It's very likely that I might have been having a drink.

Yes, but this is not just having a drink. He used a strong term "boozing". Well perhaps we might recount the events of the next day. "I spent the day at the home of the former typist D". Do you know who D is?---I don't. 30

"And then I leave for home." Wednesday the 10th. "I return to home of former typist I see Madeba". Do you know who Madeba is?---I don't.

"Later I see Zemi".---Yes.

"I see Gaganini who reports the arrest of Kalo".---Yes.

And wasn't Sisulu arrested round about that time?---Mr. Sisulu has been arrested so many times by the police, I can't remember.

"Later I meet K who tries to find excuse for the failure to turn up the previous day, on the ground that it had been previously arranged that I sleep at W.C." "We have a brief tiff and later we cool down 10 and we pat each other".~~///~~Is that correct?---My lord, I don't remember that at all.

You don't remember having a tiff?---Not at all.

"And we cool down and we pat each other". Has that never happened with you with Mandela?---I've had arguments with Mr. Mandela.

You have, and now look at the next day. "I leave for Lob." You won't of course, agree that it is Lobatsi?---It could be.

"At 12 and arrive there 3.30. I ascertain 20 that the flight had been cancelled from Dar. I sleep at Fisher's house". (Some discussion about the name). ---May I have the original please?

Yes surely! (Handed to witness). Yes they've got here "I sleep at Fish K's house". Whose that Fish K?---I suppose that's another K, I don't know. It's not me.

Is it Kotse?---I don't know.

Ever heard of such a man?---There was a Ketsing in the Treason Trial with us. 30

Yes, and where is he now?---I believe he is in Bechuanaland.

"At midnight I received the report that A.M. had been arrested for driving under the influence. I

refer to it as an amazing irresponsibility and a betrayal". Who is that A.M.?---I don't know who that A.M. is.

Ahmed Kaje?---I don't know.

"I meet Mr...". You wouldn't know that.

You never heard of A.M.?---A.M.?

Yes.---I'm A.M. Katarada myself.

You're A.M.?---A.M. Katarada, yes.

Had you been arrested for driving whilst under the influence of liquor?---I was never. 10

That's why I excluded you, and I'm suggesting it's A.M. Kaje who stayed with you in the flat.---I don't know. Many people stayed with me at the flat.

Was he ever arrested for driving under the influence of liquor?---I don't know of that.

Do you remember you said you went overseas, and you visited a lot of countries?---That is so.

What was the purpose of your visiting?---I told the Court that I was sent over to attend the World Youth Festival of Youth and Students. 20

Yes?---I then attended a Conference of the International Union of Students.

Yes?---I then spent some months at the headquarters of the World Federation of Democratic leaders, in Budapest.

Any other of the Iron countries? Iron curtain countries?---Talking of the Socialist countries, I did visit Czechoslovakia.

For what purpose?---In transit.

Yes, did you stay there?---I did spend about 30 ten days there.

What did you do?---Visited this country. Locked around.

When was this?—During that period.

What period is this?—During the period of my stay abroad.

What was the year?—1951/1952.

What other iron curtain countries did you visit?
—The Socialist countries that I visited was Eastern Germany.

Yes?—Poland.

Yes?—Czechoslovakia.

Yes?—And Hungary. 10

And Russia?—No, I did not.

Why not?—Unfortunately not.

China?—Unfortunately not.

Now remember you told his lordship when I was dealing with "Combat", that you had now reached the stage where you could not sit on the fence any longer?—That is right.

Now there were two opposing forces lined up against each other?—That is so.

On the one hand, according to the document, 20 we've already put in "Speaker's notes", or is it the outline and the Syllabus. On the one hand we've got Verwoerd's Nationalist Government and the white supporters of the policy of white supremacy.—All the supporters of white supremacy, Matanzima as well.

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And on the other side, we've got according to that list over there, the African National Congress, the South African Indian Congress, and the Coloured people's conference isn't it? Is that right?—Well, I don't know what document you're referring to, but if you ask me who the constituents of the Congress Alliance were, I confirm that those were. 30

Those were? The four?—The African National

Congress, the Indian Congress, the Coloured People's Congress and the Congress of Trade Unions as well as the Congress of Democrats.

That's the Congress Alliance?—That is the Congress Alliance.

That National Liberation Movement?—Well, the National Liberation Movement is a very broad movement.

Consisting of?—Of everybody who aspires for freedom in this country. I say they are in the National Liberation Movement.

10

Who are they?—All these. Non-European people of South Africa, besides the few followers of Matanzima, I say are in the National Liberation movement. The movement.

Let's get this quite clear. First of all I'm referring to Exhibit R.46.—I don't know it. May I have it.

Yes, we'll give it to you. I can't give you my notes, because I've got a copy of it. I'll read it to you. That is the outlines of a syllabus for a brief course on the training of organisers. You know we've referred to that document so often?—Yes.

20

"On the alignment of forces. What are the opposing forces. On the one hand are (1) Verwoerd's Nationalist Government and (2) Supporters of the policy of white supremacy". There it is. Let me find the place for you. You'll find it at page 3 in the middle. —Yes, I've got it.

"On the other are the African National Congress, the South African Communist Party, the South African Indian Congress and the Coloured People's Congress". Right?—Yes.

30

Is that correct?—Yes, those are amongst the

organisations in the National Liberation Movement.

And the National Liberation Movement was formed for the first time, when?—A movement is not formed.

Well, when did these forces come together, as the National Liberation Movement?—I say the moment oppression started in this country, the movement for Liberation started.

And when did they act as a unified?—The supporting of these organisations.

Yes?—Oh well that's different. The African National Congress and the South African Indian Congress, are signed what are called the Doctor pact. Dr. Kuma, Dr. Naicker and Dr. Dadoo signed a pact of unity in 1947.

That's the African National Congress and the Indian Congress?—And the Indian Congress.

And these four organisations worked together? —My lord until the banning of the Communist Party in 1950, it did co-operate with the South African Indian Congress and the African National Congress, in various campaigns.

20

And the banning really had no effect on it at all, because like the A.N.C. it went underground and still carried on?—It did, but to my knowledge the Communist Party, after it was declared illegal was not part of the Congress Alliance. I mean formerly it didn't attend it's meetings.

But it was in the forefront of the National Liberation Movement?—Oh it remained in the National Liberation Movement.

And therefore, there was close contact between the Communist Party, the A.N.C. and the South African Indian Congress?—That I don't know about. After the banning of the Communist Party in 1950, I am

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not aware of any contact between the Indian Congress and the Communist Party.

Not at all?—Not at all.

Although it was one of the forces which was lined up against the ruling government of the day?—Yes. My lord, when we talk of the National Liberation Movement, or rather when I talk of the National Liberation Movement, I also include organisations such as the Pan Africanist Congress, such as the non-European Unity Movement, the All-African Convention. These are all forces of the National Liberation. We might differ fundamentally with some of them, but they still aspire for freedom in this country, and therefore, are part of the National Liberation Movement. 10

Do you know like Sisulu, you've left out one important organisation! I don't know why!—Remind me.

I put in the forefront of your mind, the Umkonto We Sizwe?—The Umkonto We Sizwe, thank you for reminding me.

Why did you leave out that very important independent organisation?—I just forgot about it. 20

You just forgot about it!—I assure you it wasn't deliberate.

Although that was to be the organisation, the military wing that was going to rock and shatter South Africa!—That's how it's looked upon by some people.

And like Sisulu, you forgot it! And I want to tell you why, or suggest a reason to you why. You know perfectly well Kathrada, that the African National Congress...that the M.K. was the military wing of the African National Congress?— That was not my understanding of it my lord.

And there are documents to show it and prove it.—I have heard those documents in Court.

You haven't heard all, I'm keeping some back.
---Show them to me.

I'm going to show them to somebody else, but I want to tell you you know for a fact that the M.K. is the military wing of the A.N.C.?---That was never my understanding of it.

And you said you first heard about the M.K. in December 1961?---That is so.

Can you give any reason why you had not been told about this as early as June of 1961, when according to Sisulu, they began to discuss then the formation of a violent organisation?---I can think of no reason why I should have been told. 10

Because this, as I told you yesterday, represented now an important departure, of what was the policy of the A.N.C., and the South African Indian Congress was one of the bodies to be consulted on important departures in policies?---For all I know the South African Congress was consulted. I'm not denying that.

And you were not aware of it?---I'm not aware of the South African Indian Congress... 20

Although you hold executive positions with the Transvaal Indian Congress and the Transvaal Indian Youth Congress?---That is so.

And you never knew about it, until Mandela told you some time in December 1961?---Knew what?

About the formation of the M.K.?---That is so.

And although you were a friend of his from the early forites?---That's right.

And if you had not to be consulted and if the South African Congress was consulted, why should Mandela tell you about it then in December 1961?---I did make it clear that Mr. Mandela wanted to see me for two reasons. This was just one of the two reasons. 30

What was the other reason?—The other reason was he told me that he was going overseas, and he wanted me to continue to be of assistance to his family. Which was of course, the more important reason in that...

Was that the reason why you went to Rivonia?
—I... that the?

Reason why you went to Rivonia in December 1961?—I went to Rivonia to attend a party, but I did not attend it as I told the Court.

And you spoke to Mandela for the rest of the evening?—I did speak to Mr. Mandela. 10

Well, if there was no need to consult you about it, why should he say I want to tell you about the formation of the M.K.? Why?—Well, he might consider me a leading figure in the movement who could be told.

And if that is so that he considered you a leading figure, why weren't you told about it earlier in June of 1961?—I really don't know.

You see because this is what you said "He said that in line with the policy of the Uukonto We Sizwe, he was approaching me to acquaint me", Kathrada, that's you not me?—That's me. 20

"And other leading members of the National Liberation Movement on it's formation".—Yes.

"So that when it takes action we would not be taken by surprise". "And other leading members of the National Liberation Movement".—That is so.

And he regarded you as a leading member of the National Liberation Movement?—That's possible. 30

But kept it away from you until December 1961.—My lord, there are many, many, leading members of the National Liberation Movement in this country.

Many, many of them.

And you said to his lordship yesterday that you weren't taken by surprise?—I was not taken by surprise.

Why not?—Because things were developing in this country, and anybody who was in touch with the feelings of the non-European people would have come to the conclusion that violence is inevitable in this country.

So you were not taken by surprise?—Not at all. 10

Do you know that prior to December 1961, there had been 12 acts of sabotage committed as alleged in the indictment?—I know. Well, I didn't know the number, but I knew that there were acts of sabotage.

Did you ever enquire who committed them?—I think on occasions there were news items in the paper about Umkonto committing them.

Were you taken by surprise?—I was not taken by surprise at all.

Did you ask the leaders, when these acts took place as early as August of 1961, "now who is committing these acts of sabotage?" Did you ever take that trouble to find out?—No. 20

And you remember Mandela himself in his speech at the P.A.F.M.E.S.C.A. Conference spoke about acts of sabotage which M.K. had committed already in October of 1961?—No....

MR. BERRANGE TO COURT: No, no, that is completely incorrect my lord, and I challenge my learned friend to show where that is to be found. 30

BY THE COURT TO DR. YUTAR: What is the reference?—My lord it's Exhibit 'Y', and I'll have a look now.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Did Mandela refer to acts of sabotage which had been committed in October of 1961?—I heard him that sabotage was committed in 1961.

Who committed these acts of sabotage?—I don't know.

And you are refuting that they were committed by the M.K.?—I'm in no position to confirm or refute.

However...?—But I would believe what Mr. Mandela^{told} the Court.

Not under oath?—Wherever Mr. Mandela speaks, I would believe him.

BY THE COURT TO DR. YUTAR: It's not Exhibit 'Y'. (Dr. Yutar explains to Court which document it is.)

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

I'm reading my lord from the speech. "In the past ten months I moved up and down my country and spoke to peasants...who worked in the Cities, to students and to professional people. It dawned on me quite clearly that the situation has become explosive. It's not surprising therefore, when one morning October last, we woke up to read press reports of wide-spread sabotage involving the cutting of telephone wires and the blowing up of power pylons. The country....The Government remained unshaken and white South Africans tried to dismiss it as the work of criminals. Then on the night of the 16th December last year, the whole...vibrated under the heavy blows of Umkonto We Sizwe....explosives in Johannesburg".—Where did Mr. Mandela say that the October explosions were committed by Umkonto? That's what you told me.

Yes, he said it was not done by criminals.

BY THE COURT: The suggestion seems to be that it was all done by Umkonto, the whole^(P. 11) article. You might read it

either way.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Mr. Mandela says there that the Government, guessed that it was committed by criminals. The only criminals you referred to in this case...?---Are the Government itself.

The Government itself?---That's right.

Well, we can assume that the Government did not commit it! The acts of sabotage?---No.

We have read from the documents of M.K. that 10 they specialise in the cutting of telephone wires and the blowing up of power pylons?---I don't know which document you're referring to. May I see it? Where they claim to specialise in the blowing up of power pylons and the cutting of telephone wires. Will you show me the document please?

Those are the targets of the M.K.!---I want to know which document says the M.K. specialises in these activities.

BY THE COURT TO WITNESS: Mr. Yutar did not say that a 20 document said that. That is the evidence?---I'm sorry my lord, I understood the Prosecutor to say that a document says so. I'm sorry my lord.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

I'm reading to you from a document of the M.K. ...of the African National Congress, Exhibit "WW". Just one document. "Indeed smashed railway lines, damage pylons, cutting electricity across the country, bomb out petrol dumps, cut Verwoerd off from his power, and leave him helpless", and these acts are only the be- 30 ginning!---Yes.

Do you want some more documents?---That really still doesn't confirm your suggestion, that they were

specialists in this.

I won't argue with you. And now he told you, Mandela did, according to your evidence, that this was an organisation that was now country-wide, and had been set up?—That is so.

Set up by leading members of the African National Congress?—That is so.

What else did he tell you about those people? —Well, he told me that there were people, in whom he was sure I would have the fullest confidence. 10

Why should he tell you if there was no obligation then to tell you?—He did not name anybody.

But why should he tell you that he was sure you'd have the fullest confidence in them?—Naturally, that's the natural thing to say.

In whom he was sure I had the fullest confidence. Who were those people in whom you would have the fullest confidence?—He did not tell me.

Do you know who the leaders of the M.K. are? —I have heard who the leaders of the M.K. are.

Who?—I was told that Mr. Mandela himself was 20 a leader of the M.K.

Yes?—I heard in Court that Mr. Sisulu had something to do with it.

Yes?—I heard that Mr. Mbeki was one of them.

Yes? Slovo?—I've heard Mr. Slovo was one of them.

But who were the people to carry out the acts of sabotage?—I took it, I understood the units of the M.K.

The units, not these leaders you have mentioned? —I don't know. He did not say that others are going to 30 do it, and I'm not going to do it.

And what was done resulted in fact, in loss of life?—In what?

I say what was done by way of sabotage, in fact, resulted in loss of life!—My lord, I'm aware of one incident already referred to in Court. The incident in Dube I think.

Yes?—Where Mr. Molefe was killed.

Yes?—I'm aware of that.

Were those the responsible people in whom you would have had confidence?—My lord, I believe that Mr. Molefe was killed, while he himself was trying to plant the bomb.

10

That's right. Responsible leader! What about those in Natal who threw a bomb onto a passenger train, in mistake for a goods train?—Yes, I've heard about that.

What about that?—My lord, I....

Did you have confidence in those people?—I have said that I regard the leadership of the African National Congress as responsible leadership.

Yes!—I have said that those who have been... who are in M.K. have been forced to resort to these methods. I have the fullest admiration for their courage, and when you talk of responsibility, I also know that members of the Cesswa Brandwag committed acts of sabotage, when they had the vote, and when they had every other means of expressing themselves in this country, and they resorted to sabotage, and some of them are in the Government today.

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In other words, as is implicit even in your evidence in chief, you are in full agreement with the acts of sabotage committed by the M.K.?—I made it clear that I expressed my reservations. My reservations were not on the grounds of principle. I have said that I am not a Pacifist. I don't object to acts of sabotage

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or acts of violence on principles. My objection or my reservations rather, was ^{what} may be called, tactical grounds.

Now I was going to deal with your reservations later, but I'll deal with them now perhaps, seeing that you mentioned them. You regarded yourself as an Activist? ---I did.

What exactly do you mean by activist?---Exactly what it means, an active person in the political movement.

Active?---Yes.

10

You let all the other ranken file do your dirty work, but you stay away. They can blow up power pylons and railway lines...?---I have not incited anybody, and I can assure you that had I agreed with that decision, I would have gone and blown up whatever was decided.

But you didn't attempt one act of sabotage? ---Because I was not in agreement. I had expressed my reservations. I was not a member of Ukonto. If and when the time arrived when I'm in agreement with it, I will go and do it. 20

What were your reservations?---I have said what my reservations were.

I'd like to hear what were your reservations? ---I want your reservations!---My reservations were that acts of sabotage on their own, isolated from the mass political struggles of the people are not necessarily effective.

Right. What do you mean by that - not necessarily effective?---Well, they create to my way of thinking, a bit of enthusiasm and that enthusiasm dies down. In other words, if they are not related, for instance if they are related to a mass campaign or a mass struggle. 30

For instance, if there was an anti-pass campaign on, and people were going to gool, for burning of their passes, and somebody goes and blows up the pass office, I would have no objection to that whatsoever.

None at all?---None whatsoever.

Don't you agree with the organisers of M.K. that the whole idea of acts of sabotage, was to inspire fear in the white man and give a feeling of confidence in the non-whites?---That was their belief. I felt that the danger was that the masses of the people might start 10 believing that sabotage is a substitute for the mass struggle, and that was my fear, and that goes for my reservations which I expressed to Mr. Mandela.

Any other reservations?---Well, those were the basic reservations.

Well, you're only mentioning one. Any others? ---No, I think those were the fundamental ones. I can't remember now my lord. I did feel of course, that my fear was that a leading man like him engaged in an organisation like this, it might have the effect of drawing 20 away from the National Liberation Movement many other important people of that stature, who I felt are indispensable to the people of South Africa, in the National Liberation Movement, or in the political organisations rather of the National Liberation Movement.

To boil your one reservation down, you felt that it was ineffective in isolated acts of sabotage?--- Quite so.

You wanted to see that combined with some other mass action?---I wanted to see mass action. I said the 30 basis of our struggles has always been, even still today, and will always be until victory is won, which will be definitely won, the basis of our struggle is the mass

movement, mass political action. Sabotage at the very best, can only be complimentary to the mass struggle. It cannot be something on it's own, isolated.

And sabotage together with guerilla warfare, would be effective?—My lord, I have expressed my views in guerilla warfare.

I'm putting to you a questions now - sabotage with guerilla warfare would be effective!—If I believed that guerilla warfare was feasible, and if I believed that we can achieve our purpose in the minimum of time, 10 I say let's have guerilla warfare tomorrow.

Tomorrow?—But I believe the guerilla warfare was not feasible, and is still not feasible.

BY THE COURT TO ACCUSED NO. 5: What is the difference between guerilla warfare and an armed revolution?—My Lord...

Is there any difference?—My lord I don't profess to see a fair edition on that, but to me guerilla warfare could be referred to as an armed struggle.

Armed revolution?—Or armed revolution my lord. 20
CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

You know you profess not to know about guerilla warfare. It's the second time you've said that!—Apart from my reading of it, I have not read what one might call the classical works on guerilla warfare, or extended works on guerilla warfare.

We've had a lot by Fidell Castro on guerilla warfare, Exhibit R.6. and you published articles...It's Che Quavara on guerilla warfare.—Yes.

You've heard that?—Of course, I've heard that. 30

And you wrote or participated in the drawing up of Castro's Cuba, Exhibit 214!—I participated in the publishing of that.

Yes, and that deals with "How did Cuba's Revolution happen? Who is this Fidel Castro who led it? What kind of change did the Cuba revolution bring about? This booklet will tell you!" So you knew something about guerilla warfare!---I don't profess complete ignorance.

Exhibit 215 "The Story of Algeria's War for Freedom", and you say over here "It is...now out of print", and there too you deal with guerilla warfare! And why, I'm reminded, were you so interested, in the guerilla warfare of Algeria and Cuba, if it was in your view, not feasible?---If one reads these pamphlets you then see that you don't deal with just guerilla warfare. We deal with the conditions in those countries, how the people live, how the people exploited, how the people struggled, how the people attained their freedom. Guerilla warfare might occupy a very small portion of those pamphlets. 10

But certainly the whole of this booklet deals with armed revolution?---The whole of the...?

Yes!---To the exclusion of the conditions of the people of those countries. 20

This deals with revolution, armed revolution?---No doubt there is mention of how those people achieved their freedom.

One thing that surprises me Kathrada, is this, that you never expressed to Mandela, that if M.K. is going to indulge in acts of sabotage, what about loss of life? How are you going to guard against that?---He must have explained to me.

He must have explained to you!---He must have told me what his policy is. 30

You never mentioned it in your evidence in chief!---I did not say I'm mentioning every word of what

Oh well, what did he say about it?—I don't remember now my lord, this discussion took place very long ago, I don't remember everything that he said.

Now you spoke about three items of sabotage in particular that you approved of. The one was the blowing up of the building of the Minister of Lands, Economy and Marketing. His office is in Harrison Street, Pretoria?—My lord, I never said I approved of it, did I?

What did you say?—What did I say?

What did you say about it?—I said these were 10 the dramatic actions that got publicity in the press, as far as I can remember.

And you regarded them as justified?—....

You regarded them as justified?—Well, in line with what I have said, that isolated acts, they create a bit of enthusiasm and then the enthusiasm dies down. On it's own, even the blowing up of Houses of Parliament does not have the effect, that one would like to have.

I want to tell you again, put it to you again - 20 did you not say that these acts were fully justified?—My lord, I want to say in the general sense that anything that the Non-European people do which they think will help their march to freedom, to my mind is justified.

I'm not speaking in a general sense! I'm saying did you say that these acts of...?—If these acts fit into that, I say they are justified.

64E

Anything that the Non-Europeans do, is fully justified?—If they feel...if any non-European feel that whatever they do will take them forward on their march 30 to freedom, they are justified. I am not prepared to condemn them.

Justified to resort to violent methods of

struggle, and you approve of it?---I'm not prepared to condemn them.

Now you remember you mentioned the office of the Minister of Lands, Economy, that was done dynamite thrown through the office window in a very busy area in Pretoria! Extensive damage was done, and there could have been serious loss of life! Approve of that?---I think I have already mentioned.

I put it to you specifically now, did you approve of that?---If the people doing it thought that this was going to take them forward in their march to freedom, I don't disapprove of that. 10

I'm referring to Item 84 my lord. And although this was done in a busy area where it might have resulted in innocent ...loss of innocent lives?---That could have been the effect of it.

Let's take another one! You mentioned the Power Station at Braamfontein, that's Item 82. "Sub-Power Plant, Railway bridge, Braamfontein, Johannesburg". Now there an explosion took place, that could have resulted in loss of life?---Possibly. 20

And you would have raised no objection?---I would not condemn any of these...

No, no!---I have made that clear!

Now the Old Synagogue, Item 184?---That's right.

An attempt was made to blow that up!---So, I've heard.

Do you approve of that?---I give the same answer.

Why should that be blown up? Why?---If/in ^{it's} 30
line with the Umkonto policy to blow up Government buildings...what was your question again I'm sorry. Why do I approve of...?

Yes, the Synagogue?---My lord, I am in the

general sense that if those people believed that this will take the struggle further, I am not prepared to disapprove of it.

Did you regard that act of sabotage as a symbol of Apartheid?—Well, to the extent that it's a Government owned building.

As a symbol of oppression?—To the same extent.

I want to suggest to you that the reason why that place was blow, is because the Treason Trial was 10 hold there!—I don't know my lord, it might have been.

And because Nelson Mandela was tried there!—Quite likely. I don't know.

And that building is situated in the midst of a number of houses! One is some home for unfortunate people, and that explosion there could have blown all those houses to smithereens and killed all those people in the vicinity!—That could have been it's effect.

But you never took any precautions against that?—I did not take any...I was not responsible for that.

Or counselled any precautions?—I was not responsible for this at all!

AT THIS STAGE THE COURT ADJOURNS UNTIL

10.15 A.M. ON THE 30TH APRIL, 1964.

ON RESUMING ON THE 30TH APRIL, 1964:

AHMED MAHOMED KATHRADA still under oath

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED)

65(E)

Kathrada, I'd like to round off the point that I was discussing with you yesterday lunchtime when we adjourned. Just to refresh your memory, I was dealing with your conversation with Mandela at Rivonia in December 1961, when he mentioned to you that the Umkonto We Sizwe, had been formed throughout the country, and that he wanted you and other leading members of the National Liberation Movement to know about it, and not be taken by surprise. ---That is so.

And I also reached the stage, where I suggested to you that he regarded you as one of the leaders who could be so apprised?---That is likely.

I'd like to round it off as briefly as I can. He did indicate to you also that the M.K. had been set up by leading members of the African National Congress?---That is so.

In whom he was sure you had the fullest confidence?---That is so.

20

Whoever/led the M.K. amongst them were leading members of the A.N.C.?---That is how I understood it.

And when these members of the A.N.C. joined the M.K. they did not forego their allegiance or loyalty to the A.N.C.?---As I understood it, it was made quite clear that the Umkonto We Sizwe would work within the political guidance of the National Liberation Movement, headed by the African National Congress.

So when a man like Accused No. 4, Govan Mbeki, became one of the leaders of the M.K. he did not cease to be one of the leaders of the A.N.C.?---That would be so.

30

And is it not fair therefore, to suggest to you as I do, that the A.N.C. was at the very least,

supporting the M.K. by reason of the leading members it made available to the M.K. to carry out the policy of the M.K.?—That might be the case my lord, I'm not prepared to go further than that.

Well, I'm going to go further, and I'm going to say that in fact, the A.N.C. regarded the M.K. as it's military wing, but you don't accept that?—I don't accept that.

You deny it?—That was not my understanding.

And you deny that was, in fact, so?—My lord, 10
I am not in a position to categorically deny that. My understanding was that it was not so.

Who gave you so to understand?—Well it was nobody in particular, that was as the result of the months after the formation of the M.K. The conversations I've had with various people. The propaganda of the M.K. itself.

And you of course, assisted the A.N.C. from time to time?—I did.

Amongst other things, you typed on stencil, 20
R.10?—That is so.

The one dealing with the Blood Bank?—That is so.

An A.N.C. document?—That is so.

You also likewise, stencilled R.55 an A.N.C. circular calling upon the Indians to stand together?—
That is so.

And my learned friend mentioned a third document, a similar circular addressed to the Coloured?—
That is so. 30

His lordship asked the exhibit number, and my learned friend and I were both wrong and his lordship with respect, was perfectly correct, in fact, that document is

before the Court, it's Exhibit T.44.---I don't know the exhibit number.

We were wrong in arguing with his lordship, when we said it wasn't handed in, and his lordship, as I say is right, this is in fact, the document. T.44. (Document handed to witness).---This appears to be the document.

In other words, you were actively assisting the A.N.C. in 1962 and 1963, long after you had been officially apprised of the fact that the M.K. had now 10 embarked on a policy of sabotage?---I have given evidence about assistance which I rendered in 1963. I haven't said anything about 1962.

Were you not assisting in 1962?---Some of my work might have amounted to assistance, but I have given evidence about what I did in 1963 at Rivonia.

You didn't go into political cold storage during 1962?---I did not.

You remained very, very active politically! In 1962!---Well, I remained active. 1962 was rather a 20 different year for me, I have been confined to the Magisterial District of Johannesburg for five years, and in 1962, in January the ban expired and I moved around out of Johannesburg quite a bit.

All I'm saying is that in 1962, even though you were confined to Johannesburg, you were still politically active?---Oh yes, I was.

Kathrada, I want to put two suggestions to you pointedly. Firstly, you did know and the documents say so, that the M.K. was the military wing of the A.N.C.! 30 ---That was not my understanding.

The second proposition I want to put to you is this - that when you declared to Mandela and to your colleagues that sabotage, isolated acts of sabotage was

in effective, that what you really had in mind was not mass political action by way of pamphlets and strikes, but something much more serious - guerilla warfare, armed revolution!---I deny that.

I want to put to you whilst I'm on it, a third proposition, and let us come to documents immediately. You knew too that the A.N.C. had now gone over from a non-violent policy to a violent policy!---My understanding was that the African National Congress would not disapprove of violence any longer. 10

What exactly do you mean thereby?---Well, prior to 1961, the African National Congress, carried on a policy, as I understood it, of positive non-violence, and non-violence only, as a method of struggle. In 1961, they came to realise that violence had become inevitable, and my understanding was that they would not thereafter disapprove of violence.

BY THE COURT TO WITNESS: Well, really to put it in a more simple way, is that the A.N.C. judging from it's pamphlets, informed it's members that it approved of the sabotage campaign that was going on! Isn't that quite clear from the A.N.C. pamphlets, not the M.K. pamphlets, that putting it at it's very mildest, they approved of this? This conduct of the Umkonto?---My lord, I don't know which pamphlet your lordship is referring to. 20

I'm reading them as a whole!---There is Exhibit 'Y' I think, that is the Leballo.....

CROSS-EXAMINATION BY DR. YUFAR (CONTINUED):

His lordship, if I may, is not referring to Exhibit Y, that's not a pamphlet, that's an address by Mandela. His lordship is referring to pamphlets issued by the A.N.C.?---I might be wrong in the exhibit number, 30

I'm referring to this Lobell pamphlet.

Well, that's Exhibit 'WW'---Exhibit 'WW'.
My lord, the propaganda of the African National Congress
which I saw did not give me that impression, that is
before 1963.

Now let's come down to documents, and I want
to carry on as quickly as possible, and conclude. I'm
going to show you now Exhibit R.40. His lordship will
find that in volume No. 2, at page 392. If you will
just look at this document meantime?---(Document handed 10
to witness).

Now Kathrada, before you go further, it is
a fact, as I put it to you in preliminary questions, that
you were an ardent Communist almost from infancy?---I
was a member of the Communist.

And that almost from infancy you were fed on
the bottle of Communist doctrine and literature?---Well,
I wouldn't put it that way. I have read and been in
touch with Communist propaganda.

And you have subscribed thereto as a loyal 20
member of the Communist Party?---To the best of my ability,
yes.

In fact, only the other day, you lauded the
part that the Communist Party had fled in this country
up till now?---That is so.

Now we can turn to Exhibit R.40, and that is
a statement issued by the Communist Central Committee
in the South African Communist Party to its members
at the end of February 1963, and his lordship will turn
kindly to page 399, I'll find it for you here, I'm not 30
sure if the places are marked. Now just let's read
that last paragraph there "No desperation, no adventurous-
ness but...and revolutionary action planned on local initiative

the coordination with the national leadership of the Liberation Movement headed by the African National Congress and its fighting wing Umkonto We Sizwe. This must be the watchword of the Western Cape and all other parts of the country. This is the policy of the Communist Party". Kathrada, could you wish for anything more explicit than that statement there in a Communist document, saying expressly that the M.K. was the military wing of the African National Congress?—Even though it is obvious that this seems to be a draft document, even if these words appear in a document which was issued to its 10 membership, I would say that this was an over statement. According to my understanding my lord.

Kathrada, why did you call this a draft document?—It's very obvious my lord.

Is it?—It's obvious, there are errors, there are corrections, right on the first page.

I'm going to show you...?—And I'm saying that even if this was issued as a document to the Communist Party membership or to the public as a whole, if this is contained in any such document, I'm saying that that 20 is an over statement, as that was not my understanding of what the Umkonto We Sizwe was.

I'm going to show you the draft of this, now that you force me to. Exhibit R.83, and your lordship will find that in the third volume at page 577. This is the draft I'm now showing you!—Are you suggesting this is the issued document?

I'm going to show you R.83, the handwritten document which is the draft of this. Whose handwriting is this Kathrada?—I don't know this handwriting. 30

Is it not in fact, the draft of Exhibit 40? Compare the two. The following statement was issued to members by the Central Committee of the Communist

Party at the end of February 1963, and then follows.

BY THE COURT: Whose handwriting is this?---The witness says he doesn't know.

There's no proof before the Court?---If I remember right, no.

WITNESS: On the draft, there is a heading, I mean on what Dr. Yutar says is the draft, there is a heading "The Revolutionary way out". I don't see it in this typed copy, but I do remember a document, "The revolutionary way out", an issued document, or rather.... 10

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

We'll take the next line, from the draft. "A statement by the Central Committee..."?---Oh there are words that are similar.

What word Kathrada? The whole thing is similar! Look how it starts!---My lord, this document is exactly one paragraph.

Yes!---The other is nine pages typed.

Yes, it's the beginning of it! Unfortunately we haven't got the end! It might have been burnt, I don't know! Take the first paragraph!---It might have been that the person continued the typed and the draft copy. 20

But you will agree that this draft over here on the unfortunately, three pages only that we've got, and by the way, look at the third page of that draft.--- Which draft now?

I'm only talking of the proper draft R.83! Look at the third page, there you get the words "The Revolutionary Way out"! "Statement by the Central Committee of the South African Communist Party"!---Is that on the first page as well? 30

Yes!---The "Revolutionary way out", but it's not on this typed copy.

I know, the wording of the first paragraph, is it identical?—I'm not disputing that. I haven't read it, but I'm prepared to take Dr. Yutar's word for it.

Don't take my word for anything! Now we go on!—Thank you for telling me.

Now we go on! Your lordship will find it on page 405. I'm dealing with R.40. Under the heading "The organisation decides everything. Our political policy is correct, it can be understood and accepted by the National Liberation Movement and the masses of the people, but it is not enough for the leaders to have a correct policy. It is necessary that an adequate machinery must exist to convey this policy to the people and to enable them to carry it out effectively." Have you got that?—I've got that.

10

How was the policy of the MK conveyed to the masses of the people?—I don't know. I have seen an M.K. poster which I think is an exhibit in this Court. I have seen references to the Umkonto We Sizwe in documents of the Communist Party, and I have read other articles as well, that deals with Umkonto We Sizwe.

20

"Our political policy is correct, and can be understood and accepted by the National Liberation Movement and the masses of the people". By the way, was the policy of the M.K. accepted by the National Liberation Movement?—I don't know if the policy of the M.K. was accepted by the National Liberation Movement.

You don't know?—My understanding was that the National Liberation Movement realised that the work of the Umkonto We Sizwe and similar organisations had become inevitable, in this country.

30

I'm not going to argue with you. How did the Communist Party convey this new policy to its members?—I've said that the Communist Party, I have

seen documents of the Communist Party where the Umkonto We Sizwe is dealt with.

And was it conveyed to them?—I have seen it, as a member of the Communist Party.

Through the members?—Yes, I have seen it. I have also seen a public statement of the Communist Party which was contained in an African Communist headed the "Revolutionary Way out".

That's right?—Which also deals with Umkonto We Sizwe.

10

That's right, and did the Communist Party also not rely on the A.N.C. to distribute this new policy and convey it to the masses?—I don't understand that.

More simple language, in conveying this new policy to the masses, did the Communist Party not ride on the backs of the African National Congress?—That might be your interpretation, I don't understand.

You don't understand it, or you don't agree? —I don't agree.

Do you understand perfectly what I'm saying? —I meant to say I don't understand it that way.

20

Now we come to another passage, and your lordship will find it on page 403. The third paragraph on page 3. "The A.N.C. should go all out through the spoken and especially through the written words to place its militant policy before the people in ... and in the languages which they shall understand". Does that not support a proposition which I have just put to you?

This is a Communist document now saying that the A.N.C. should go out through the spoken words, especially

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through the written words to place its militant policy before the people in turn, and in the language which they can understand. Correct or not?—I don't know if it supports your proposition completely. It's nothing new

this type of sentence in this document.

Let's examine it. It speaks of it's militant policy!---Yes.

The militant policy of the A.N.C. Is that correct or not?---Yes.

By militant policy is meant the violent policy! ---Not necessarily, I have been referring to and the National Liberation Movement as a whole has been talking about it's militant policy for many, many years during the Defiance Campaign and even before that. I have never 10 understood militant policy to mean...to be surrounded with violence.

And is it not a fact, I'm dealing with the Communist document now?---My Lord, before the Doctor continues may I have "The Revolutionary Way out", which is the issued document which I have seen. This I have never seen before.

Never seen before?---No, this particular one I have never seen before.

BY THE COURT TO DR. YUTAR: Has that been put in?--- 20 That's Exhibit 121. It has been put in.

Well, let the witness see that and compare them.---Yes. (Document handed to witness).

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

R.121B, your lordship will find it on page 651, part 3. You are suggesting that this document "The revolutionary way out", is the same document as the one I'm now showing you Exhibit R.40?---Where is R.40?

R.40 is the one....?---Oh I see it.

BY THE COURT TO DR. YUTAR: I think the witness is sugges- 30 ting that the draft is a draft not of the document you're reading, but a draft of the "Revolutionary Way out". That is what I think the witness suggests. The wording of

the first paragraph is not the same, is it?---Right.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Now here is Exhibit R.121(b) and tell his lordship whether there is anything in common between the two documents, except for the heading?---(Witness is examining document). My lord, it's a lengthy document may I have a bit of time to go through it. (Permission granted-). My lord, there are with very much examination, there are paragraphs that are similar. If during the tea adjournment I could go through it much more carefully, I'm sure I will...

10

Surely!---Be able to find many more.

Right, well then, you can keep that, you can take it with you. I'll give you a copy of it, but let's return to R.40. Conceding for a moment that as you say, it's a draft, it was drawn up by somebody in the Communist movement?---Obviously my lord.

And therefore, this person, whoever he was, and you can't tell us who it is, has over stated the position when he wrote what I have read to you?---That's my view of it.

20

And as I'm told, it's not only just an ordinary member of the Communist Party, but it's obviously one of so-called responsible leaders! Because it's a document issued and drawn up on behalf of the Central of the South African Communist Party?---Even leaders make mistakes my lord.

now let 's return then to R.40. Page 409 turn and this development cannot take place according

table worked out in advance by the

ff. It will take place according

30

ent of the struggle as a whole,

etermined by the course of our

onrush of the people's

struggle, as they spread from one part of the country to involve the people as a whole. The unkonte's ... therefore, should link itself closely with the actual struggles of the people wherever they may be, and whenever they may require the intervention and leadership of this type of organisation. They should be ready seize unexpected unforeseen opportunities to enter every struggle and to raise the levels...resistance, and enter upon a period of a direct fight for power". Do you agree with the author of this document, either the draft or the final document?---Let me just read it again. My lord, insofar as it refers to Unkonte as part of the people's struggles of the massed struggle, I agree with it. When it refers to, I don't know if that is what it tries to convey, but when it refers to just sporadic outbursts, then it's certainly sporadic outbursts unrelated to the massed struggle of the people. I don't agree with it. I have already stated my view on that.

Let's just read one more paragraph. There's two words missing from your lordship's copy on page 409. The last paragraph on page 409 when it says "In this tremendous responsibility", and the original says "In this situation". "(A) Tremendous responsibility rests upon the shoulders of the South African Communist Party. In the strengthening and the leadership of our organisation, rests the key to the victory. Our Party is the most experienced and...in underground work. This is guided by and imbued with the scientific theory of Marxism and Leninism which has been proved time and again to be the only correct revolutionary ideology". Do you approve of that?---I agree with that.

Now let me turn to Exhibit R.51, your lordship will find it on page 446. Now this is not a draft is it?---This appears to be an issued document.

Issued by whom?---It appears to be a Communist Party document.

It not only appears to be, let's be more definite?---...

It is in fact so!---I'll take your word for it. I told you before...!---I'll have to read it through to satisfy myself.

Let me just glance at some of the subscriptions there. "We ask all our members to discuss and submit their views on this matter now. We ask all our members concerned in the various organisations to give their unqualified support to this ruling". It is a Communist document is it not? That's how you people worked! I don't want to waste time Kathrada, can we go on?---I want to satisfy myself that this a Communist Party document. 10

Do that! Do that! You can have your choice - Communist Party document, or M.K., or A.N.C., or the South African Indian Congress. It makes no difference to me.---(Witness is looking through document). My lord I'm not going to dispute that this is one, but I'm trying to find something to satisfy me that this is a Communist Party document. 20

BY THE COURT TO WITNESS: If you look at page 6, at the bottom there, there's "We ask all our members concerned in the various organisations, to give their unqualified support to this ruling". What would be meant by the various organisations? (Dr. Yutar points out place to witness).---I've seen that my lord, I'll accept that.

That's the only thing that suggests that it was distributed, not only to the Communist Party members, but possibly to other people too. ---It's quite likely my lord. 30

CR. 23--EXAMINATION BY DR. YUEAR (CONTINUED):

From the passages I'll read to you, I think I'll be able to help you there. Now let's turn to this document. Look at paragraph 2. Have you got it?--Yes.

Paragraph 2, "The new line of Congress". Your lordship will find it on page 447. The heading "The new line of Congress". Have you got that?--Yes.

"All of us are probably by now well aware that the A.N.C. has finally discarded the line of non-violence which characterised this organisation for many years. 10
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 and a tooth for a tooth". Do you agree with that?--I think again here's an over statement.

Now just read the second paragraph and no more. "But the fact remains that the masses of the African people are not aware of this new line of the A.N.C. In many years of non-violence propoganda, which continued right to the Treason Trial, and even persisted 20
after the emergency, cannot be dispelled merely by one or two rather ambiguous statements. It has now become a matter of great importance, that the Congress should announce a campaign for it's new line among the masses". Do you agree with that?--Well, it all depends on what is meant here. If it is trying to convey that the new line is that it would no longer disapprove of violence, I'd agree with that.

BY HIS COURT TO WITNESS: What is meant by "Congress"?--

I think it's referring to the African National Congress. 30
My lord, at this stage I might indicate, I don't know if I made it clear yesterday, that the reservations that I had about Unkonto, I also expressed within the Communist

Party group itself.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

I'm very pleased you said that, because I'm going to show you a Communist document and an A.N.C. document to indicate exactly what was understood by reservations. I'm very pleased you said it, but let's go on. What I am concerned about in this second paragraph is not the new policy of violence, but that the masses were not aware of it, and it had to be conveyed to the masses by the Congress. Is that correct or not? 10
---I wouldn't disagree with that.

You would not disagree with that?---I would not disagree with that.

Well, I'm pleased you said that too, because Sisulu when giving evidence on this very paragraph, said this is a mistake!---He might have said so. I don't disagree with that.

Now we just turn my lord to page 448. We've marked the two short paragraphs, I'm going to read there. The fourth paragraph to the bottom my lord. "Serious 20
and harmful consequences have flowed from these departures. Since the A.N.C. is a senior partner representing the majority of the population who of necessity carry the brunt of the struggle, the C.O.D. and to some extent the S.A.I.C. have tended to adopt the role of auxiliaries and assistants to the senior partner, neglecting their essential and primary function of working among their own population groups." The C.O.D., the Congress of Democrats, and the S.A.I.C., the South African Indian Congress?---That is so. 30

This is a correct statement?---Well, I don't know what preceded this particular paragraph.

Well let's take them, I want to be fair to

you!—But my lord these types of complaints, if they're to be complaints, do come up from time to time, that in the struggle in which we are all engaged we must not neglect the particular roles we have to play in our own communities. I'm not surprised at such a statement.

Well, seeing that it says ..speaks about "from the departure"?—But I'm making a point of what preceded this.

I'm going to read it now. The paragraph immediately before that "The people at home and abroad, hardly hear any more of the Indian Congress, nor the C.C.P. or even the A.N.C. but what is said and done by some Memphis(?) called the Congress Alliance. This term really meant merely to describe the nature of the united front, as more and more come into general use, under whose name meetings and demonstrations are called statements issued, etc., giving the impression that it is in itself an organisation".—Perfectly clear now.

10

Do you agree with that?—I agree with that.

2

And then one more paragraph, and I'll read it slowly. The bottom one that's marked. "We in the movement know very well that the A.N.C. is the senior and leading partner in the alliance. Not only because it is numerically stronger than its partners, but ^{and} also/mainly because it represents the course of National Liberation which is the core and the essence of the democratic struggles in this Country. Because of this, the question of numerical representation and voting has never arisen at meetings of the Joint Executives, etc."

30

Do you agree with that?—That's how I understood it always.

What movement are they there referring to?—

I take it they're referring to the National Liberation

Movement.

And who constitutes the Joint Executives?—
In this context here, I think they're referring to the
South African Indian Congress, the African National Con-
gress, the South African coloured people's Congress
and the Congress of Democrats.

That's right!—And the Congress of Trade
Unions I should think.

And this...these joint executives held meetings?
— h yes. 10

And these joint executives held meetings to
give political guidance?—Well, they discussed political
problems as they arose.

I said political guidance?—Yes, wherever
the necessity arose, they gave political guidance.

And the M.K. worked under the political
guidance of the Joint executives?—That I am not aware
of my lord.

You're not aware of that?—I'm not aware of
that. 20

Although the document says so?—Where does
it say so? I am not aware of the joint executives having
discussed the M.K. I might be quite wrong, but....

Kathrada, are you suggesting that the M.K.
did not place itself under the political guidance of the
National Liberation Movement?—Yes. Well the policy
of the National Liberation Movement is public property.
Everybody knows what it is.

And the National Liberation Movement acted
through the Joint executives?—From time to time when 30
political problems arose, the Joint Executives met.

That's all I'm saying!—I understood you to
say that the M.K. itself was discussed at the Joint
Executives, you might be quite right, but I am not aware

of it.

Alright, then the M.K. placed itself under the political guidance of the Joint Executives?—No, I'm saying of the National Liberation Movement.

Functioning through the Joint Executives?—
The Joint Executives is one level at which the affairs of the National Liberation Movement are discussed.

I don't know if that is the reason why his lordship^Z asked you the other day and also Sisulu, when ...that with the new departures in policy, wasn't the Joint Executive, the Executive of each of these subsidiary bodies, were they not consulted, and they must have been consulted?—I don't know of that. 10

You don't know of that?—I wouldn't be surprised if they were, but I am not personally aware of it my lord.

I want to show you now Exhibit '000', your lordship will find that, there's two short passages I want to read there, your lordship will find that on page 10, and the passage I want to read appears on page 11. Do you remember that you said acts of sabotage, you thought it was not sufficient in itself, it was ineffective?—On their own yes. 20

Now I want to show you this. It's the third last paragraph. "We do not believe that the acts of sabotage which we have carried out in the past year will in themselves crush white supremacy. We see this activity as only the beginning of a movement which will grow in size and scope, and which will confront the State with the people able to resist it's force and ultimately to crush it". Was that the reservation you had in mind, when you spoke to Mandela, that it is ineffective. Isolated acts of sabotage are ineffective?—Well, I don't 30

know if this satisfies....

I'm just telling you what the National High Command of the M.K. is saying here! They also say it's ineffective! But that it's only the beginning of a movement which will grow in size and scope, and I want to put to you...?---That might have been from their point of view.

I want to put to you what his lordship put to you yesterday. In fact, is there any difference between guerilla warfare and armed revolution?---I replied 10 that to my knowledge, the little understanding I have of guerilla warfare, guerilla warfare could be also referred to as armed revolution.

And is it not in fact, that reservation which this document now expresses "Sabotage on it's own is not effective. It's only a beginning a means to an end". Is that not the reservation you had in mind when you spoke to Mandela?--I have made my reservation quite clear, I have not departed from that, and I'm prepared to state it again if you want me to. 20

No, you don't have to.---I don't know what the author of this document had in mind,

Now I want to put to you this proposition - I want to put this to you as bluntly as I can, that you as a Communist agitator, from time to time, participated in a dissemination of literature which was absolutely false, in order to mislead the masses and to incite them!---I deny that most categorically.

Now I turn back for the last time to Exhibit R.40. My lord, I'm sorry to have to return to this, 30 some page 406. Now this was a draft on your version, a document on the State version, issued to members on February 1963, and let me find the passage for you. My lord it's the 9th line from the top of page 406.

You'll find it on your page 7, towards the end of the 2nd paragraph. Do you see that part marked in pencil?
—I do.

"The freedom movement has been forced into the position where illegal work is the major side of it's activity. All ideas and organisation must now be re-considered. The main job of the movement is to make it's illegal work more effective and more efficient and more successful in reaching the masses of the people and evading the repressive actions by the authorities", 10
and now I come to the part I want to stress. "What does this mean - In the first place it means that...more care and vigilance must be exercised by every leader and ranken file member of underground organisations.... The struggle rises in it's intensity. The most vicious punishments are being meted out to everybody who is known or even suspected to be involved in underground activities. Points of law and....are thrown to the winds, as the State and the Judges put the preservation of white supremacy before every consideration of justice, 20
fairplay and the legal tradition". Is that false or true?—If I had to draft this, I would not put it that way, but what I would say is that the most impartial Court in the world, if they have to implement the type of laws that they are forced to implement today, there can be no justice in this country. That's what I'd say.

Do you...this statement which is printed here, is that false or true?—I would not say it that way.

You wouldn't say it in this way?—I would not say it this way. 30

Do you know in this country we have not yet reached the stage, and I'm certain we'll never reach the stage where Chief Justices are sacked as happens in

Ghana!—I have nothing to do with that.

From whom you have been getting financial and other assistance!—I have not been getting any financial assistance from Ghana.

When I speak of you, you know who I mean, the movement. Nor have we reached the stage where Judges are sacked or even Magistrates are sacked, and are you suggesting...and are you not inciting the people over here by telling them you can't trust the white Judges, you can't trust the white Magistrates?—I am prepared to say that we will reach a stage when Judges will be sacked. 10

You say that?—I won't be surprised at all, when the Nationalists interfere with the Courts.

Yes! I trust his lordship will forgive me, if I cause any embarrassment, in this ^{very} case were not points of law taken by learned counsel in the very beginning as a result of which the State's indictment was thrown out? Completely?—I have said nothing to reflect on his lordship. 20

Yes!—Nothing at all!

But that points of law were raised in this very case, and upheld against the State, not so?—Yes, I'm aware of that.

Yes!—I have said nothing at all to reflect on his lordship.

And only yesterday, your learned counsel, my learned friend, created a procedure which I followed and his lordship peremptorily said he'd never heard of that, and as a result of which I withdrew the instruction, and you...and this document still says, there is no justice...?—(Dr. Yutar and witness speaking at the same time)...That when I was locked up for a month 30

without bail, his lordship gave me bail.

Yes! Now do you think this is a right thing to convey to members?—I have some knowledge of his lordship's judgment and justice.

Do you think this is not incitement of people to convey such false information?—I don't think so.

You don't think so?—No. I still say that we are going to reach a position where the Nationalists are going to interfere in the Courts of Justice in this country. 10

Do you remember yesterday, you spoke about finance? Now...Yesterday I put to you Mandela's document where he recorded on the receipt of financial assistance from African countries, African States?—I remember a document like that being read in Court.

Large Amounts, and you'll remember too, that fairly large amounts were sent to Oliger Tumbu in London?—I've heard such documents in Court.

And some part of it was remitted to a Dr. Lothole in Maseru?—That's what I've heard here. 20

Did you receive any portion of that money?—I did not, even if I did I wouldn't have told you.

You did not, but even if you did, why wouldn't you have told me?—Because I don't think it's any concern of yours or of the police, for whom you are asking these questions.

But I'm asking these question Kathrada, not for the benefit of the police, but for the benefit of the Court!—I'm saying that I did not receive any portion.

And even if you did, you wouldn't tell us?— 30
I wouldn't tell you.

Is it not a fact that of an amount of R8,000 remitted by the firm of Lethale in Johannesburg, you on the 28th of September 1962, received an amount by way of

cheque for R295-00?—That is so. I received a cheque of R295-00.

It was made payable...?—To A.M. Kathrada, Cash and Bearer, and for what purpose did you receive that amount of money?—My lord, during that period, as I have already indicated to the Court, I was very closely involved in a "Free Mandela Campaign", in a "Free Mandela Committee", and this committee amongst other things, issued considerable propaganda material, lapel badges, etc., and I was asked by Mr. Nokwe who was a member of this committee to collect this sum of money, or to collect a cheque from the firm of Kantor and Partners, which I did, and gave the money to Mr. Nokwe. 10

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And it was used for the purpose of the campaign? —For the "Free Mandela Committee"?

Yes.—Yes.

That is in 1962?—That is in 1962. I was not told where the money was coming from, London via Maseru, I did not know, but even if I were told that, I would have still received that money. 20

I'm reminded, this "Free Mandela" movement was done by a Committee?—By a committee, yes.

Who was on the Committee?—I have mentioned the name of Mr. Nokwe.

Yes?—I am prepared to mention the name of Mr. J.B. Marks who was chairman. I'm not prepared to mention any other names.

You're not prepared to mention any other names?—I'm not prepared to mention any other names. I said I was on the Committee. 30

Yes, yes, would you give me the satisfaction of making the concession that those who served on the

on the committee were all members of the National Liberation Movement?—Naturally.

Thank you. Now you told his lordship, that Lilyleaf Farm was bought by the Communist Party of South Africa?—I said I came to understand that, after I arrived at Rivonia.

Who told you?—I won't tell you who told me. Bernstein?—Or how I found out.

Oh, you had to find out?—I said or how I found out.

10

You're not prepared to?—I would not tell you.

For what purpose was it bought?—I have said that I understood it was bought for the very purpose for which I was suing it, and that was as a hide-out.

Well, you know that the Communist Party was banned in 1950?—That is so.

And it still continued underground?—Yes, well....

Why do you hesitate?—According to a document, well if you are trying to say that they continued, that's 20 what I'm trying to correct, because I think there is a document, on one of the Exhibits which says it was founded in 1953.

Well, I'll take 1953?—I'm just trying to correct that, I'm not making an issue of it my lord.

I'm quite happy with 1953. 1953 to 1961,^{it} was operating underground? You should know that because you were a member?—Yes.

Who asked you to re-join it in 1955?—My lord, I have already indicated that I will not mention 30 him.

You won't?—I will not mention his name

Why were you asked to re-join it in 1955?

---Why is anybody asked to join the Communist Party or any other organisation? By the way 1955, you said, no I said 1957 I think.

I beg your pardon.---I think it's 1957, but well I was a member before.

And you're not prepared to tell us who asked you?---No, I'm not prepared to tell you who asked me to join.

And you told his lordship that you were a member not of a cell, but of a group?---A group. 10

You prefer to call it a group?---Well, I've never ever in all my years in the Communist Party, never heard the groups being referred to as cells.

Have you heard of the word cells?---From Mr. Bruno Mtolo.

Only from him?---Well, in reference to Communist Party groups?

Yes?---From him.

You've never heard of cells in any other organisation?---Well, I have. 20

Which organisation?--- I have heard of cells..

In which organisation?---I can't really think, it's a commonly used word, but I'm telling you how I referred to Communist Party groups, and how they were referred to, in the years of my association with them.

Were there cells in the African National Congress?---You can call them cells if they satisfy you.

I'm not asking you to satisfy me, I'm asking you were there cells in the African National Congress? ---I take it for granted that when the organisation went 30 underground, there must have been cells.

And so did the Communist Party go underground? ---Yes, alright I'll call them cells.

I'm trying to get that. Who served in your

particular cell?—I will not tell you.

And where did the cells meet?—I will not tell you.

Where were the headquarters of the Communist Party?—I don't know.

And if you knew you wouldn't tell me?—If I knew I wouldn't tell you.

But the Communist Party managed to function underground from 1953 to 1961, wherever it was without any difficulty!—Well, I wouldn't say without any difficulty. 10

But it managed to function!—And I hope it still manages to function, and will manage to function.

What was the necessity for acquiring Lilyleaf Farm in 1961?—I don't know, I have told you how I understood ...what I understood why this farm was acquired.

To serve as a hide-out?—Yes.

For members of the National Liberation Movement?—For members of the National Liberation Movement.

What is members of the A.N.C.?—Members of the A.N.C. included. 20

The South African Indian Congress?—Included.

Why did you go to Mountain View then?—Because it was more convenient for me.

In what way?—From every way. I'm not going to tell you how I was going to function.

No, but I want to know in what way it was more convenient?—I'm telling you it was convenient!

If Rivonia was only bought as a hide-out for those people who were escaping from the network of the police, why go to Mountain View?—I found it convenient, to operate from Mountain View. 30

Are you suggesting it was inconvenient to operate

straight from Rivonia?—From my personal point of view, I preferred not to be at Rivonia.

Why? Give me one good reason why?—It was more convenient for me, it was much nearer town for one.

Yes, and it was only to serve as a purpose of a hide-out, why such a huge estate - 25 acres?— I'm unable to help you there I'm afraid.

You're not prepared to help me?—I'm unable to.

Why such a mansion with such large outbuildings? 10
—I'm unable to help you.

Who bought Trevallyn?—I've heard the evidence here who bought Trevallyn.

You heard the evidence in this case that Exra bought Rivonia?—Yes.

You've now admitted the Communist Party bought it. Who in fact, bought Trevallyn?—My lord, about Trevallyn I cannot say any more than what I've heard in this case. I was aware when I was at Rivonia, that some of my colleagues were going to move away to some 20 place, that's as much as I knew.

Just repeat that last, I'm sorry?—My colleagues Mr. Mbeki and others.

What did they say?—They were going to move away to some other place.

Oh, why?—I don't know why - to carry on their work naturally!

What work?—Whatever work they were engaged in!

Well listen you moved away to Mountain View? 20
—Yes.

Mbeki moves away to Trevallyn?—Yes,

Sisulu also moved away to Trevallyn not so?—

Yes

Goldberg moved away to Trevallyn?—Yes.

Who was left at Rivonia? Who was in hiding at Rivonia?—When I left Rivonia, I left the others there, but I understood that they were going to move away.

Yes! But here the Communist Party spends R25,000 to serve as a hide-out for escapees for the National Liberation Movement, and we find the escapees coming over there and all of a sudden they run away!

—My lord, it was by no means envisaged that they were the only five people underground. 10

Well, let's get down to tin tacks - how many people, fugitives from the law, stayed at Rivonia to your knowledge? We've got you?—Yes.

Who else?—Mr. Mbeki stayed there.

Two?—Mr. Sisulu stayed there.

Three.—Mr. Mandela stayed there.

Four.—Mr. Mhalaba stayed there.

Five.—That's as much as I can tell you.

And a R25,000 mansion situated in 25 acres of wooded territory is bought for five people!—I'm 20 saying again that it was by no means envisaged that those are the only five people underground.

And it was occupied on close for three years! Certainly two years, occupied for two years by the time the police took action! And those are the only five you can mention!—I don't know who stayed there before them.

Right, and of the five let's see what happened to them. One Kathrada went to Mountain View?—Yes.

Mbeki and Sisulu went to Trevallyn?—Yes.

Mhalaba?—Went to Trevallyn, I believe. 30

That's four, and Goldberg to Trevallyn?—Yes.

And the place was left like Mother Hubbard's cupboard, absolutely bare!—Are you expecting a comment

from me.

I'm expecting an answer from you!—What is the question?

What purpose was it bought for?—I'm unable to help you!

You're unable to help me.—I'm unable to help you! I told you what I understood, and further than that I'm unable to help you. I can only surmise.

I want to suggest to you that Rivonia was the headquarters of the Communist Party?—I have not denied that. 10

It was also the...?—It could be.

You agree that it was?—I don't agree that it was. I was not aware! I wouldn't be surprised if it was!

It was also the underground headquarters of the A.N.C.!—I did indicate, we may argue on what one means by headquarters.

Yes, well your counsel suggested base of operations, but you didn't like that!—I didn't agree, and I don't agree that I understood it as the headquarters of the African National Congress. I knew that African National work was being done there. I don't agree. 20

What do you understand by headquarters?—Headquarters is a place where work is being done, where meetings are being held.

From which directives are issued?—Yes, amongst other things.

Where circulars are printed?—Also.

To which reports are sent?—Well, it depends on the personnel who is there at the time. 30

And where certain ~~people-mentioned~~ information and data required, in order to wage a campaign are collected and

sorted out?—That also would be in the headquarters.

Where poles are erected in order to carry out radio tests?—It also can take place at headquarters. It could.

That's what you understand by headquarters?—

Yes.

Did not all these things take place at Rivonia? —To my knowledge, yes.

And I want to suggest to you that Rivonia was also the headquarters of the A.N.C.—My lord, I don't want to keep on denying that. If you insist that that is the only definition of headquarters, I'll agree with you.

And it was also the headquarters of the Umkonto We Sizwe?—I did not understand it that way, but I'm prepared to concede that as well.

Because you told his lordship in reply to my learned friend who has introduced the question in this way "It doesn't require much for a trained politician to realise that work was being done over there"...?—I have not denied that. I have not denied that at all!

Now what work did the Communist Party do at Rivonia?—My lord, I have seen a document being done by someone at Rivonia.

One document?—I have seen one document.

By whom?—I won't say whom.

You won't say?—That I won't say.

And you won't say what the document was about?— I'll tell you what the document was about.

What was it about?—I think it was dealing with the Sign of Soviet Dispute.

By the way, as a matter of interest, as a Communist, which brand of Communism do you follow now?—

MR. BERRANGE TO DR. YUTAR: Is this relevant?---Yes please!

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Kroestchef or China?---I follow my own brand of Communism.

Oh!---And that is freedom in South Africa.

Yes!---That is my brand of Communism.

No, because according to the writings in the books, in the exhibits, you follow China?---I follow South Africa.

And you follow Russia! I want to know in view of the pending dispute, which brand do you now follow?---I follow South Africa, for freedom in my country, from oppression. That is what I follow. 10

Yes, but when you inculcate in the members, the readings of certain books, as the organisation has done in many of the exhibits, which brand do you tell them to accept - the Russian brand of Communism or the Chinese brand of Communism?---We are also capable of discussing and deciding what to follow, from time to time. 20

You've not discussed that yet?---I believe discussions have taken place.

And had you come to a decision?---I don't know.

Now apart from this one document, who drew it up by the way? This Soviet/China Dispute?---I don't know, but even if I knew I wouldn't tell you.

Well, just now you told me you weren't prepared to tell me!---I wasn't prepared to tell you who did the roneeing.

Oh!---I'm sorry I'm getting myself at cross- purposes. 30

What other work did you see the Communist Party do there?---Well my lord, specifically that was

the one document I saw.

So in two years the Communist Party, buys a \$25,000 property to serve as a hide-out and you only know one document they drew up in those two years?—That's right.

What work did the A.N.C. do there?—I have indicated that the Court has got ample evidence of what the A.N.C. had done there.

Three documents?—What I have done, four documents. 10

What else?—I have done four documents. I have seen others doing A.N.C. work.

Who?—I'm not going to tell you.

And now most important of all, what work did the M.K. do at Rivonia?—I have heard the discussions about M.K. I have seen one document about the M.K. at Rivonia.

And because of discussions and the one document you realised as a trained politician that the work for M.K. was being done at Rivonia?—Oh yes. Why not?

Discussions with whom?—I'm not prepared to tell you who discussed or what they discussed. 20

What document of M.K. did you see?—I saw, I don't know the exhibit number.

You tell me and I'll try and tell you?—I saw I think it is my lord, the notes for the syllabus of the....

That's the one drawn up by Mbeki?—I don't know.

Oh the notes for the syllabus. That's R.46. And the Speaker's notes R.54.—Those I saw. 30

That's two.—Yes.

Is that all you saw?—That's correct.

You didn't see the big stack of 200 of those,

did you?—Which?

Of the Speaker's notes?—Yes, that's what I saw.

Who drew that up?—I don't know who drew it up.

I heard here who drew it up.

Who drew it up?—I heard here who drew it up.

Who?—Goldreich!

And only Goldreich?—Well, I don't know if it was that document that there was a suggestion that Mr. Mbeki helped with part of it, or was it another one?

That is the one?—But I've heard that Gold- 10
reich drew it up.

And that's the only document?—That's the only document.

AT THIS STAGE THE COURT ADJOURNS FOR TEA.

ON RESUMING:

AHMED MAHOMED KATHRADA, still under oath

ACCUSED NO. 5 TO COURT: My lord, I believe the Prosecutor did not require me to compare these documents any longer, so I did not do them. —I don't think it's of very much importance. 20

MR. THURGOOD TO COURT: My lord, may I mention that evidence will be given with regard thereto, for the purposes of indicating that B.40 is a draft of the other document B.141.

CROSS-EXAMINATION BY DR. YETAR (CONTINUED):

Kathrada, you have conceded the evidence of some of the Dentu employees at Rivonia, that you assisted with the erecting of the radio mast?—I have not.

You have not conceded that?—No. My lord, I have said that I was aware that these poles were being 30
put up, I saw them being put up, but I did not take part in it.

So you deny the evidence then of Solomon Seping,

who apart from saying what else you did, said that he saw you even assisting in burying the earth attached to the radio!—In the first place, I don't think Solomon Seping said that. I think the witness who said that I was helping to put up one pole was the witness Thomas, and I think that he said that in cross-examination.

Are you trying to correct me are you?—I am.

Well, I tell you definitely that, Solomon Seping did say that! You assisted in burying the earth attached to the radio!—I deny that. 10

You deny that!—I deny that.

Thomas Mashifane the next witness, said you assisted with the erection of the mast for the radio! —I deny that.

Can you advance a reason why these two witnesses should say that, Solomon Seping and Thomas Mashifane, if it's not true?—I cannot advance any reasons.

Now you installed yourself at Mountain View? —I did.

And you were going to work there, continuing 20 with your political activities?—That is so.

As a political worker for the benefit of the Indians?—Amongst others, yes.

Amongst the Communist Party?—If and when it became necessary, yes.

And the A.N.C.?—If and when it became necessary also.

And you wanted to work there in the privacy of that cottage even in the absence of Goldberg?—That is so my lord. 30

And you installed yourself with a certain degree of permanency, because you even arranged for a refrigerator to be kept there, installed there?—That is so.

And where did you keep all your documents?

—I did not have any documents.

None at all!—Is that strange? I took with me to Mountain View one Government Year Book, the Jubilee Edition of the Year Book. That is all I took there.

How long did you stay at Mountain View, all told?—For eight days.

And you want to tell his lordship that the only document you had was one document?—The only book I had ... of course, I did some work there. 10

Yes!—Which I posted off.

Yes!—Oh yes, that I did.

You had no documents?—I had no documents.

No papers?—No papers.

No copies of letters that you wrote?—No.

Of reports that you wrote?—No.

You didn't even have exhibit 39, this little booklet?—I did not have that.

You didn't?—I did not have it.

You heard the evidence of the witnesses?—Yes. 20

Who said that following a raid at Mountain View, certain cartons were taken out of the cottage at Mountain View and burnt on the compost heap?—I've heard that evidence here.

Is that true?—How do I know? I was arrested.

Were there documents in the cottage that could have been taken out?—I did not take any documents.

And what is more, Lt. Swanepoel told his lordship he examined some of the documents and he saw some Communistic literature, portion of which coincided with some of the pages of Exhibit 39?—I've heard that evidence. 30

Is that true or false?—I don't know.

And what is more, he said he saw other documents

there which to him, proved to be Communistic literature, and he also saw African National Congress?—I heard him say so.

And that's untrue?—I don't know.

Where did the documents come from?—I heard him say that the word Duma Nokwe appeared as the result of some word Duma in the Russian...referring to the Russian Duma, and he said that that was the African National Congress. I don't know if I am to believe that.

Yes, but that was a clever bit of cross-¹⁰ examination by my learned friend, but you deny that there were tiny documents in cartons in Mountain View which could have been taken out?—Look I'm saying I did not take anything to Mountain View besides this.

Didn't you see the cartons over there, when you arrived there? You were going to stay there, you were going to play Portuguese there!—Yes. My lord, I ...when I arrived there, there was one carton being used as a dustbin, which I then got rid off and got a proper dustbin.

I won't argue with you. Now on the afternoon ²⁰ of the 11th of July 1963, you were in the thatched room? —Yes.

You were there, Mbeki was there, Sisulu was there?—That is so.

Mhlaba was there?—That is so.

Hepple was there?—That is so.

Bernstein?—That is so.

The six of you?—That is so.

What did the six of you discuss in that room? That afternoon?—My lord, I have indicated that we were ³⁰ exchanging pleasantries when the police arrived.

What document was burnt?—I don't know what was burnt.

You didn't see any document burnt?—I did not

burn any document. It's quite likely that somebody burnt it.

Who was the person who burnt the document?

—I did not see the document being burnt, any document being burnt.

And the police are right when they say they could see footprints outside the windows, as if somebody had jumped out?—I jumped out.

I say the police were right when they told his lordship that!—They happen to be right. 10

They happen to be right! And in fact, three of you jumped out of the window?—That is so.

Leaving three behind?—That is so.

And on the table lying open was "Operation Mayibuye", Exhibit R.71?—That is what I heard in Court.

Is it true or not?—That is what I've heard here.

Is it true or not?—I cannot tell. I was not aware of it until I heard it here.

You never saw that document on the table at Rivonia?—I did not see that document. 20

It wasn't discussed?—No.

I suppose the flight of you out the window caused this stir in the atmosphere and opened the document! —I suppose so.

You are a member of the Communist Party?—I am.

A loyal follower of the Communist Party?—I am.

Whose aim and object is to secure freedom for what you call the oppressed peoples in this country?— 30
For what are the oppressed people in this country.

For what are the oppressed people in this country?—That is so.

And to that doctrine you subscribe?---I do.
Fully and unequivocally?---Fully and unequivocally.

And you were determined to see the fulfilment of the policy, the aims and objects of the Communist Party?---I still am.

Which involved the overthrow of the Government of South Africa?---That is so.

By force and violence if necessary?---When and if necessary.

10

DR. YUTAR: No further questions.

RE-EXAMINATION BY MR. BERRANGE:

Mr. Kathrada, I want to refer you to the Exhibit R.40, which appears to you to be a draft document, and you have told his lordship that one of the reasons that makes you think so, because of numbers of corrections and alterations in the document.---That is so.

And I think you have also told his lordship that on a cursory examination of R.40, and comparing it with R.121, which was the document headed the "Revolutionary Way out", that you are of opinion that R.40 is probably a draft in respect of R.121?---Yes, I was only able to see about one paragraph which seemed similar.

Well, we'll lead evidence about that at a later stage Mr. Kathrada, but what I'm interested in is this - my learned friend did not draw his lordship's or your attention to this rather striking fact. He referred you to the paragraph in R.40 which you think is a draft, which reads "No desperation, no adventurism but firm and revolutionary action planned on local initiative in co-ordination with the National leadership of the Liberation Movement headed by the African National Congress and it's fighting wing Umkonto We Sizwe. This must be the watchword of the Western Cape and all other

20

parts of the country. This is the policy of the Communist Party", and you will recollect that you told his lordship that you did not agree with that, and I think you said this was an over statement?—That is so.

Now then if you will have regard to R.121, which you think is the completed draft, and I'm referring my lord to page 6 of the duplicated document. Page 651 in the third volume my lord. In my copy the type is in capitals, it's the third paragraph. (Discussion about finding of document). "Today in many parts of the country Govern- 10
ment policy is driving people...resistance, to a stage where they are clamouring for action. Local leaders cannot lag behind the people or they will cease to be leaders and the blind forces of destruction then shall take over, but local action must always be principled in accordance with the established policy and general direction of the National leadership". Now we come to the words "No desperation, no adventarism, but firm resolute and revolutionary action". The same words that appear in R.40. Is that so Mr. Kathrada?—That is so my lord. 20

"That should be the watchword of the oppressed people and their leaders in the difficult days ahead. That is the policy of the Communist Party". The same words as appeared in R.40. You will notice Mr. Kathrada, there is no reference there whatsoever to the words that the Liberation Movement is headed by the African National Congress and it's fighting wing the Uakonto We Sizwe? That has been deliberately left out in the finished article! Correct?—Correct.

And as far as I am aware my lord, that phrase 30
about it being the fighting wing appears nowhere in this document Exhibit R.121(b). So it would appear perhaps Mr. Kathrada, that you were obviously not the

only person who thought that is if this was a draft, who thought this was an over statement and an incorrect statement?—That appears so.

But now I'll take the matter a little bit further! And I refer you to R.51 which you have told his lordship appears to be a completed document and not a draft?—That is so.

And I'm referring my lord, to page 6 thereof, under the heading "An unreasonable proposal". This reads as follows "We have indicated above the undesirability that mixing up legal and illegal activities. A particularly harmful suggestion which seriously infringes this principle would be any suggestion that the U.W.S., that is the Umkonto We Sizwe, as the military wing of the movement, should place them under the direction and control of the M.C.T." Now that is the National Consultative Committee?—That is so.

"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 both incorrect and dangerous". Is that how you understood it?—That is so.

And just to make it clear, you were referred to the words "Militant policy" appearing in R.40. What you to say about those words, the interpretation which my learned friend appeared to give to the words "Militant policy"...?—My lord I think I did indicate that at that stage, that as far as I personally am concerned, and throughout the years in the Congress movement, the word "militant" has been used as I said even during the Defiance Campaign, and even before that when referring to those non-violent movements of the non-European people.

Repeatedly?—Repeatedly, yes.

They used it in the sense of militant policy, militant action?—Yes.

And Mr. Kathrada, again the words were hurled at you that you were a Communist Party agitator, or a Communist agitator. We won't deal with the word agitator, you've already indicated what the position is in regard thereto, but in that same context my learned friend, referred to R.40, the document which you say is a draft, which would appear that certain criticisms were made about the Courts, and it said that points of law and Court procedures are going to ruins. Do you remember that?—I remember. 10

You of course, had nothing whatsoever to do with the drafting of this document?—I did not.

Have you ever seen this document before it was produced to you in Court?—No.

And you heard what happened when the House of Parliament was set up?—Yes, I remember. I remember that it was set up specially to upset a decision taken by the full bench of the Appeal Court. 20

You wouldn't know of course, whether the author had that sort of thing in mind?—Quite likely. I don't know what the author had in mind.

And you don't take responsibility for this?—I don't.

In regard to this cheque for R295-00, which you say you received for the purpose of, at Mr. Nolwe's request, for the purpose of ^{recouping?} recruiting the committee with its disbursement?—That is so.

What position did Mr. Nokwe hold on this Committee?—Mr. Nokwe was the Treasurer. 30

And did he send you then to collect this money from?—From Mr. Wolpe.

That was at Mr. Kantor's office?—At Mr. Kantor's office.

Did you know at that time, that it was drawn on the, what as known as the Lethale Account?—I did not take any particular notice of that. I did not know.

When did you first hear that?—I heard it in this Court.

And I don't know whether my learned friend for the State is forgetting your evidence, but the way he put it, he said that in two years at Rivonia, you only saw one Communist Party document being prepared at Rivonia. Did you live there for two years?—I did indicate to the Court the times that I went to Rivonia. 10

And in regard to the documents which are alleged to have been burnt at Mountain View, after the raid at Lilyleaf Farm and in regard to Mr. Swanepoel's evidence that he found some burnt papers and burnt documents there, have you any knowledge of those documents?—No, I did indicate that I know nothing of them.

You've heard the evidence, how long after the raid on Rivonia, was it that Mr. Swanepoel went there?—How long? 20

After the raid at Rivonia, was it that Mr. Swanepoel went there?—My lord I think the evidence was that the Mountain View cottage was discovered in September.

Long afterwards?—That is so my lord.

And in regard to the assembly of persons in the room No. 1, that is commonly known as that thatched cottage at Lilyleaf Farm on the afternoon of the 11th of July, you have already told his lordship what you had gone there for?—That is so. 30

My learned friend for the State, asked you

what appeared to be in a tone of great disbelief whether you had seen this document "Operation Mayibaye" lying on the table, and you said you had not seen it. Is that correct?—That is so.

Tell, me when you were in this room did you notice whether there was only one document lying on this table, or did you see whether this table was littered with documents?—There were quite a few booklets and papers right through our stay in Rivonia, on the table.

And I think Detective-Sergeant Kennedy, has 10 testified to the fact that the table was covered with documents?—That is so.

Now I want to deal with one of the earlier questions put to you by my learned friend for the State, and that is in regard to the clothing which you took with you to Mountain View. You've told his lordship, I take it that you were dressed when you went to Mountain View. What were you dressed in? Did you have a suit?—When I went to Mountain View?

Yes, from Rivonia. A collar, tie, underwear? 20
—Yes, that's right.

Boots?—Yes.

And on top of that you took with you a jacket?
—That is so.

An extra pair of corduroy trousers?—Corduroy trousers.

An overcoat?—That is so.

And you told his lordship a pair of shoes?—
And an extra pair of shoes.

And a couple of shirts you said?—That's right. 30

And you said you may have taken more things perhaps, you don't remember?—That is so.

You had as you have already told his lordship,

asked Mr. Goldreich to buy you some new clothing?—

That is so.

When was it that you asked him this?—I...the night that he came to see me at the Mountain View cottage.

And when you went to Lilyleaf Farm, when you returned there on the night of the 10th of July, did you find this clothing?—Yes.

Besides that clothing, was there other clothing which was not new, but which was worn?—That is so.

Laundry?—There were two carrier bags. 10

Two carrier bags full of it?—That's right.

Had this been left behind when you went to Mountain View?—That is so.

Why had it been left behind?—Some of it was being washed at Rivonia, and some of it were just left behind.

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And then you took back with you to Rivonia, when you went there on the evening of the 10th, I take it your pyjamas?—That is so.

Underwear?—That is so. 20

Your toilet articles?—Toilet articles.

When you arrived at Rivonia, or the day after you'd arrived at Rivonia on the morning of the 11th, what did you do with the clothing that you had left behind at Rivonia to be washed and also the new clothing which had been purchased for you by Mr. Goldreich?—I packed everything together to take it with me to ...back to Mountain View. That's how the police found my stuff.

Now I don't quite know why the question was put to you, but as it was put I'd better deal with it. You said in reply to a question by Dr. Yutar that the Communist Party was not known to you as being an anti-religious organisation?—That is so. 30

You also told his Lordship that you are a Moslem?—That is so.

And you also told his Lordship that you have never been asked during all the years that you'd been in the Communist Party to forsake your religion?—That is so.

That is despite the fact, as we well know, that the Marxists has a philosophy which is based upon the materialistic concept as opposed to the philosophy of idealism?—That is so.

And do you know from your reading and studying, that that position applies in Communist Parties throughout the world?—Ah...

That they are prepared to accept into their ranks people who are religious?—That is so.

Do you know what the position is in Italy for instance, where there is a very large Roman Catholic Community?—In which Country?

In Italy?—Yes, well my lord I have read about the position in Italy, but from my personal experience when I was living in Hungary, which is also a Catholic country, I came across Communists who were members of the Church. 20

Catholics?—Catholics. Vast numbers of them.

And you will also know that some of the most prominent clerics openly support the aims and objects of the Party?—That is so.

Such as the Dean of Canterbury?—That is so.

Now with regard to the expressed disbelief by my learned friend that you had only heard of the formation of Umkonto We Sizwe in December when Mr. Mandela told you thereof, I'd like to ask you a few questions. You said that you found nothing surprising in the fact that you had not been told of this earlier? —That is so. 30

Had you met Nelson Mandela earlier before December, that is within the months immediately preceding?—No, that is the first I met him since he went underground my lord.

He was underground during that period?—That is so.

So you had no contact with him?—I had no contact with him.

Now insofar as the Indian Congress is concerned, you have described yourself as being an Activist?— 10
That is so.

And I think you indicated to his lordship what you mean by that?—That is so.

Did you regard yourself in the Indian Congress as being a theoretician or maker of policy or a policy maker?—No my lord.

And I take it that it goes without saying that the formation of an organisation like the Umkonto would be a closely guarded secret?—I would expect so.

Would you expect to be told in advance by 20
the members of the Indian Congress or the leaders of the Indian Congress of the fact that Umkonto We Sizwe. That is if the leaders themselves knew about it?—I wouldn't expect it as a right my lord.

Well, you know as it is stated in evidence, the Umkonto We Sizwe was formed during October/November of 1961?—That's right.

And you were told about it in December by...?
—Mr. Mandela.

And during that time between October/November 30
1961, and the time that you saw Mr. Mandela, did you come into touch or come into contact with any members of the Executive committee of the South African Indian Congress?

---The South African Indian Congress headquarters are in Durban.

That is why I'm asking you that question.---
I did not meet any of the....

And just for the purpose of record, I'd like you to give his lordship some idea of the membership. How many members are there on the Transvaal Indian Congress Executive?---When I was serving on it, there were 25 members. That's on the Executive Committee.

And in December 1961 of course, you were no longer on this Committee?---I was not on the Executive Committee. 10

And the South African Indian Congress Executive? ---20 members of the South African Indian Congress.

And their headquarters were in Durban?---
In Durban.

Have you ever represented the South African Indian Congress on any committee or at any Conference? ---No, I have never represented the S.A.I.C. at any ... on any committee. 20

Just in passing talking about Africa Publications, you said that Suliman Saloojee was associated with you in Africa Publications?---That is so.

Anybody else in Court who was associated with Africa Publications?---My lord, I have sought the assistance of Mr. Bernstein in writing up material.

He was a writer wasn't he?---That is so.

Now these two Exhibits R.214 and R.215. My lord one is referred to as Castro's Cuba and the other is referred to as "Algeria". These are publications which were got out by Africa Publications?---That is so. 30

Were these publications perfectly legal?---Yes.

They could be sold openly?---That is so.

Has there ever been any prosecution in regard thereto?—None...not to my knowledge. I do know that the police took statements from the printers.

But that's as far as it went, as far as you know?—That's as far as I'm aware.

Do you think that there's anything, I'll deal with 214, that's Castro's Cuba. Do you think that there's anything contained therein to which even my learned friend Dr. Yutar could take exception?—I hadn't read these pamphlets for a long time now, but my impression was that ...no, I didn't find anything to be objected to. 10

Let's look at the first ten pages, on both sides. First chapter is headed "Fidell Castro leader of Cubas' Revolution. This is the story of the life and leadership of the Cuban revolution by....This story of the life and leadership of the Cuban revolution by Fidell Castro, was taken from the book on Cuba by the American writers(?)...and (?)..." That is purely nothing else but an historical account of his life and work?—That's my impression. 20

Now the rest contains excerpts of a speech by Fidell Castro to the General Assembly of the United Nations, September 1960?—That is so.

Is this the sort of book that would teach guerilla warfare?—I'd be most surprised.

Exhibit R.10 which has been referred to.

I beg your lordship's pardon 121(d). That's the exhibit which refers to Ben Bellah having called for a Flood Bank. You've already told his lordship that you don't know what the author had in mind, and am not prepared or able to interpret the author's words?—I think I said so my lord. I think I said it's open to various 30

interpretations.

But what I'm interested in is what the document really calls for. I'm reading the last five or six paragraphs. This is what it says "Action! Action! Action!" I haven't given some historical material before that, the document then calls for action, obviously by the people who are...for whom the document was intended, and it says "On this June the 26th, therefore, the African National Congress calls upon the masses of the people, men and women, young and old, workers, businessmen, teachers, doctors, peasants, lawyers, 10 fittingly to observe this day". That is June the 26th, and in this way "On this day we must make it clear that we will no longer read poisonous Nationalist Propaganda. We will boycott apartheid newspaper magazines. We will boycott...and Zonk. We must demonstrate our strength and solidarity by not buying anything from any shops on June the 26th this year. We must only use candlelight and no electricity, we must light bonfires and relate the story of our struggle". Is that violent action Mr. Kathrada?---My lord that is how June the 20 26th has been observed for a number of years.

And Mr. Kathrada, was it in respect of that policy expressed by the A.N.C. that you were prepared to assist the A.N.C.?---That is so, that is how I always understood A.N.C. policy.

Now you have been referred to, I think it was by my lord, to the question of picketing.---That is so.

And it was suggested to you that picketing is a way of imposing your will upon the masses of the 30 people, by trying to prevent them either from going to work and that sort of thing I think you told his lordship,

correct me if I'm wrong, I'm subject to correct, you told his lordship that it was decided because of the fact that picketing so often lead to violent troubles that that is something which would be stopped in the future? —I did indicate that it was my impression that since the shootings of May 1950.

Yes?—The policy of the Congresses then were to call upon the people to stay at home, and not to indulge in actions such as picketing. 10

But now, I don't know whether you remember the date so very well Mr. Kathrada, remember the 1st of May 1950, was that not a stay at home?—That was when the police shot and killed 18 people.

Was that as a result of picketing? Did all these shootings take place at night time when people were coming home?—That shooting took place towards the evening.

as people were coming home?—In the townships, yes. 20

And that day, what did it call upon the people to do?—That was a strike.

You know you've heard the words "stay at home"? —Yes.

Is that what you mean by strike?—My lord, I was trying to explain that it is as a result of that strike, I don't know in what language it was called.

Yes?—It might have been called as a stay at home, or as a strike, but it is as a result of that experience of May the 1st 1950, that to my mind, if I can remember correctly, that the Congresses thereafter stressed the question of stay at home, in your homes and not go to work. 30

You don't remember whether May the 1st itself was a stay at home?—It was a strike or a stay at home, I don't know how it was called. I don't remember what language was used, but thereafter in all the strikes that were held, the language was stay at home.

That is in order to provide no opportunity for violent intervention?—That is so.

And is it as a result of that that the 26th of June came into being as the day to be observed by the movement?—That is so. The 26th June 1950, was 10 thereafter observed, immediately thereafter observed as a day of mourning and protest.

And what were the people asked to do on that day?—They were asked to stay at home.

And what happened?—There was no violence whatsoever. Throughout South Africa there was a very wide response to the call of the Congresses.

Mr. Kathrada, you have told his lordship of the doubts and reservations that you had when you were questioned in regard to the policies of sabotage and 20 even more specifically in regard to the question of guerilla warfare?—That is so.

At the time when these matters were raised with you, did you feel that all other means of a non-violent nature had been exhausted by the people and their struggle to set aside the colour bar?—It was my feeling that we were moving towards the stage where, all other avenues were being closed one after another, but these avenues were by no means closed altogether. 30 There were still opportunities to embark on non-violent mass action.

As far as you were concerned, you were concerned

mainly with trying to get the Government to change it's mind, in regard to the whole policy of apartheid and the colour bar?---That is so.

That is basic?---That is basic.

What are your feelings in regard to pressures being put upon the Government both external and internal? ---I'm all in favour of it.

Do you think that they are being put in?---

Yes, I think very effectively at times. I see just yesterday the South African Government was forced to climb 10
down on the question of South West Africa.

And do you feel also that both internal and external pressures might secure a change?---I am still hopeful.

Because you know Mr. Kathrada, you did say to my learned friend, that if guerilla warfare would secure your ends tomorrow, you would not oppose it. Those were your words?---That is so.

Which would you prefer Mr. Kathrada - the transition being brought about as a result of pressures, 20
non-violent means, or as a result of violent revolutionary actions?---It has always been my preference and the preference of the organisations with which I have been closely connected all the years that changes should be brought about by peaceful means.

Do you notice any changes taking place in white circles amongst the intellectuals?---Yes there have been and we do have a glimmer of hope.

What about the formation of the Progressive Party. What have you got to say about that?---That was 30
on e indication, that there were some sections of white South Africans, who are prepared to accept our point of view to a certain extent.

A very significant point it is, that racialism is an evil thing?—That is so.

And not only evil but harmful?—That is so.

And Afrikaner intellectuals?—My lord, I believe that there has been a significant development as far as the Afrikaner intellectuals are concerned.

Yes?—They are beginning to see the light. I have personally met some people over the years, and I think the leaders of the African National Congress and the South African Indian Congress have met many more of Afrikaner intellectuals who are prepared to see our point of view. 10

And I may be wrong, but I understand my learned friend's attitude in regard to the use of the word "responsible leadership", in the movement, as being one of scepticism, but besides the persons who are before the Court at the present moment, I'd like you to tell his lordship something about other person, that is in the leadership. Do you remember Andrew Masindu?—I have met Mr. Masindu. 20

What is he doing at the present moment?—He is serving a sentence of five years for sabotage.

What is he or was he?—He was a lecturer in applied maths.

Applied mathematics?—That is so.

Where?—At the University of Fort Hare.

Do you know that some seven African National Congress men were sentenced the other day in Ladysmith?—I have heard.

Amongst them was Mr. Yenkwa?—I know Mr. Yenkwa well my lord. 30

What is his occupation?—He's a lawyer.

And Mr. Mbeli?—Mr. Mbeli I know well. He is

also a lawyer.

And Mr. Sellers?—Mr. Sellers is also a lawyer.

And Mr. Dube?—My lord I read the name of Mr. Dube, I think he is the Mr. Dube who is the lecturer at the Natal University.

And the Reverend Mthlabati(?)?—I don't think Mr. Mthlabati was one of those convicted. He was involved in that case.

He was acquitted from that?—He has been given a scholarship to do his training in America. He has 10 left I believe.

He has left the United States?—That is so.

You've also told his lordship that when you went to Rivonia on the 11th of July, you heard that Bernstein and Nepple were coming there and had come there for the purpose of discussing ways and means of assisting people who were affected by 90 day detention?—That is so.

I refer his lordship to Exhibit E.42. My lord it's only the last page that I want to make reference to. Do you remember the last page deals with 90 days 20 and what to do? You've seen this have you not?—Let me have a look at it? (Handed to witness).

You'll see that there are a number of suggestions made?—I see that.

And I'm more particularly concerned with the date of it, the 10th of July, 1963.—That is so.

Can you or can you not say whether the whole question of this 90 day detention at that time was a burning question in your circles?—I'd say that a lot of people were being detained at the time. 30

It has also been suggested that the acts of sabotage which took place before the 16th of December 1961, were the work of the Umkonto We Sizwe. You remember

that?—I remember that.

And you said that so far as you know they were not the work of Umkonto We Sizwe, and you referred to the fact that newspapers had made it clear that other organisations had claimed responsibility for this work? —That's my impression.

Is this one of the newspaper cuttings that you had in mind?—(Paper shown to witness). I don't remember this particular item, but this would be one of the things that gave me that impression. 10

And who does it say was responsible for those acts of sabotage?—This appears to be a cutting from the Daily Mail of the 22nd of December 1961. "We bombed two pylons..." and there is a reproduction from what appears to be a circular from the National Committee. It announces that on the 20th December it destroyed....

National Committee of what?—It just says the National Committee, and further on it says The National Committee of Liberation has been responsible for it, and it mentions a few things that they've done. 20

This is the last one?—....

The date?—The last act of theirs?

Yes, the date?—The destruction of a power line on the 9th October. Item 7 I think it says.

I've already directed some cross-examination to this at an earlier stage my lord, to one of the witnesses. I think it's Item 7.

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BY THE COURT TO WITNESS: What is the National Committee of Liberation?—My lord, I have no personal knowledge of it, but it is an organisation of which we heard from time to time claiming acts of sabotage that took place. From about 1961 onwards. 30

Has that got nothing to do with the Liberation

Movement that you have been talking about?—Well my lord, insofar as they worked for the same ends I would say that they are part of the National Liberation Movement.

RE-EXAMINATION BY MR. BERRANGE (CONTINUED):

My learned friend seems to be amazed at that, so I think you had better explain at any rate for his benefit, what you mean by that?—Well my lord, I think I have explained that my definition of National Liberation Movement is anybody who aspires for the freedom of the people of this country. 10

Whether they be organisations or individuals?—Whether they be organisations or individuals, whether they are within the Congress Movement or without.

I see yes. But are you able to tell his lordship whether there is any difference between Ukonto e Sizwe and this organisation which called itself the National Liberation Movement?—Well my lord, I have personally met members of the Ukonto e Sizwe. I have not met anybody from the National Liberation Committee. To me it appears as if they are two different organisations. 20

MR. BERRANGE: No further questions.
