

IN THE SUPREME COURT OF SOUTH AFRICA.

(TRANSVAAL PROVINCIAL DIVISION).

BEFORE:

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

In the matter of:

THE STATE versus NELSON MANDELA AND OTHERS.

CHARGE: 2 Counts of Sabotage.

PLEA: ALL - Not guilty.

For the State: DR. YUTAR AND OTHERS.

For the Defence: MR. BERRANGE AND OTHERS.

5TH MAY, 1964.

EXTRACT OF EVIDENCE -

GOVAN ARCHIBALD MBEKI, declares under oath

EXAMINATION BY MR. FISCHER:

Mr. Mbeki you were born on the 8th of July, 1910, Namakwe District of the Transkei?---That's correct.

And you were brought up by highly religious parents?---Highly religious parents.

In fairly well to do circumstances?---Correct.

You had primary education there and then you went to Boarding school for secondary education, where you, I think won a bursary to Fort Hare?---

That's correct.

It was the Bunga bursary?---Yes, it was the Bunga bursary.

You finally took a degree in arts?---Correct.

Which you completed in 1936?---Correct.

I think later on you took a further degree of some kind?---Yes, later on I did.

Was that in Economics?---Yes.

Social Studies?---Yes, I was a Bachelor of Economics and Social Studies.

When you were at Boarding school and at University, where did you live during your holidays?—Most of the time during holidays I lived in Johannesburg with my sister.

I think that's when you first came into contact with urban life and urban poverty and hardship?—Yes, because during that time I also worked during holidays to earn a living, and that's where my first... when I first came into contact with the working people, whose lot I shared.

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And had your first experience of police raids, liquor raids, pass raids, etc.?—Yes, that was when I first got to experience what the meaning of the passes was to the African.

I don't want you to go into this - was it an experience which produced any effect on you?—Yes, in the sense that practically every week-end, I would say, raids or practically daily raids for passes and for liquor took place. Some police who closed the entrances to the alleys behind the houses, while others combed the backyards, beating up almost indiscriminately the men who were found in the backyards, and arresting those who were unable to produce passes. Then living in a state of fear like this, resulted in one never knowing a rest at week-ends, more particularly, after a long week of hard work. It was during this time that I realised as others had realised amongst the Africans that if the African was to restore his respect at all, and enjoy any measure of freedom, then he would have to struggle hard to see that the pass laws were retrieved.

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And in actual fact, your interest in politics had started even before that?—Oh yes, my interest in politics had started in fact, about the middle of 1920,

while I was still a boy in Primary school.

And what organisation was it that steered your first interest in politics?—It was firstly the African National Congress. I remember at the time, a certain Reverend Mr. Mthlongo took charge of an Independant Methodist Church Mission in my location, and he used to stage fund raising concerts for the African National Congress, and at these he also took advantage to explain what the African National Congress stood for.

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Then I think you also, a youth, took part in meetings of the I.C.U.?—Yes, a youth. It was not so much that I initiated the meetings or addressed the meetings, but that I interpreted for my cousin.

He addressed the meetings?—Yes, he addressed the meetings and I was the interpreter.

That was the Industrial and Commercial Workers' Union?—Correct.

Which under Kadali, I think it eventually had a membership of something like 200,000?—Yes, it was under the leadership of Kadali, that I think more than that, a quarter million.

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Mr. Mbeki, I'm going to be a little personal, because I want to give his lordship some picture of your background, in order to be able to argue what your attitude would be towards guerilla warfare. I think you say you were brought up in a strongly religious atmosphere. Did you also meet or attend meetings addressed by Dr. Agory?—I did not attend meetings addressed by Dr. Agory, but rather I read what Dr. Agory wrote, more particularly, after his visit to South Africa in the early 1920's.

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BY THE COURT TO WITNESS: Dr. who was that?—Dr. Agory.

Yes?—Or sometimes referred to as Agory of Africa my lord.

EXAMINATION BY MR. FISCHER (CONTINUED):

Where did he come from and what was his theme?
—Dr. Agory had originally come from West Africa, but had acquired his education largely, and more particularly his higher education, largely in America, and then during his visit to South Africa, he stressed the need for the Africans and Europeans to work together. He said he saw the interest of the Africans and the Europeans as inextricably bound together, and in order to illustrate this, he coined his famous saying practically every African boy he knew in the Secondary Schools, you know Agory's biography words. We were almost every one of us called upon to read. He coined his famous saying to the effect that if you wanted harmony on a piano you must play on both the black and the white notes. 10

Was that in consonance with your religious upbringing too?—Very much so, I would say, because I had myself been brought up to observe the term "do unto others as you would that they do unto you". 20

And so it was with that background on the one hand that you, I think, believed that joint councils, and that type of institution might help to solve the problems in South Africa?—Oh yes, very much so. The influence of Dr. Agory on me brought about the assertance of the fact that joint councils of Europeans and Non-Europeans would serve a very useful purpose in this country in order to harmonise the relations between the two races. 30

I want you to give just one illustration of the late twenties and the early thirties of that

particular thing. I'm referring to the days of the depression, when many poor-whites had to move from farms.—Yes, during this period, that is the late twenties and the early thirties, I personally witnessed the great exodus of poor-whites from the farms, because of the break-down of the agricultural economy. Daily, that is while I lived in the Transkei, I saw poor-whites trudge the dusty roads of the Transkei and on numerous occasions one after another, put up at my own home. They hardly had anything to wear and had nothing to eat. They shared what we offered them for food and as well as shared shelter with us, but at the same time there were numbers of African families, who for singular reasons, were being thrown out of the farms. They were also in an extremely poor condition. Then as I saw this thing there, I saw this grave problem of poverty and which was crying out for a solution and it was the poverty of black and white alike. 10

I think that may have been your first experience of the possible, one possible line of this problem of poverty amongst both races. That was the policy applied in the Transkei by the Government round-about that time?—I beg your pardon? 20

I say you saw, I think for the first time, an aspect of Government policy which endeavoured to solve this situation in the Transkei, as far as the whites were concerned?—Yes. What the Government did at the time, it was at that time or about that time, that the Government declared what it called "The Civilised Labour Policy", and this in fact, meant that certain types of work were set aside for Europeans and this resulted in Europeans taking over jobs which had originally been done by Africans at very low wages indeed. 30

Did you see this Transkei?---Yes, I saw quite a great deal of this in the Transkei too. More particularly on the railways. Jobs that had normally been undertaken by Africans. I mean the pick and shovel type of job on the railways that had originally been done by the Africans, were taken over by the Europeans and upgraded accordingly.

And I think that actually this ^{process} went on during one of the worst drought years in the Transkei?---Yes, I remember round-about 1932 was one of the worst droughts 10 in the Transkei.

And was that a somewhat frightening experience for you?---Yes.

Now at that stage did you see this other side of the picture? As far as the Transkei was concerned...as far as the Industrial centres were concerned, was there at that stage too, a development of unrest?---Yes, there was a certainly developing unrest, more particularly in the urban areas about that time. The African National Congress in the late twenties 20 and the early thirties, was campaigning against the pass laws and about the same time the I.C.U. was campaigning for higher wages for Africans, and what was striking to me at the time, was the manner in which the Government faced up to a situation like that. Instead of sitting down to negotiate with the leaders of these organisations, it seemed to adopt the attitude that they had no business to complain at all! And finally there were disturbances in places like Bloemfontein and Durban, which resulted in some shootings. 30 I remember one of the men shot at the time, was one of the early heroes of the Movement for National Liberation was Johannes Nkosi. That was 1930.

Who was killed in Durban?---He died as a result of the shooting.

Now let's just go to your personal history. What did you do after that? When you had finished at Fort Hare, what had you always intended to do?--- While I was at Fort Hare I had always felt I owed something to the persons of the Transkei who had made it possible for me to receive my education.

In other words, the Bunga Scholarship, was a scholarship from the taxes of the...?---It was a scholarship from the taxes contributed by the parents of the Transkei. 10

And so you wished to devote your life to them?---I had always wished to go back to do some work amongst the parents of the Transkei.

In fact, I think when you had qualified you were unable to obtain a teaching post in the Transkei? ---Yes, I did make several applications to Secondary and High Schools in the Transkei, but I was unable to get a teaching post.

So you started teaching first at the Laurem High School/Secondary School in Durban?---Correct. 20

And then at the well-known institutional, Adam's College?---Yes.

I think it was there you started writing a series of articles for the New South African Outlook?--- Yes, it was during that period.

That was a Journal published at that stage? ---That was a Journal that was published in Durban, about that time.

And that was finally published in the form of a booklet called "The Transkei in the Making"?---Yes. 30

Now eventually, in 1938, you found a teaching

post in the Transkei, at Clerkbury Training School, and I think that was where you brought out the booklet?—Yes, it was during the latter part of 1938, that I accepted an offer to teach at the training school at Clerkbury.

What happened to your appointment there Mr. Mbeki?—Well, shortly after the booklet came out, I was served with a notice and dismissed from my teaching post.

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Was that because of the views expressed by you in the booklet?—Yes, I would say because of the views I expressed in the booklet and also my political activities generally after school hours amongst the people.

Now I think you then started a small shop in order to try and get enough to live by?—Yes.

And in order to give you time to undertake political activities?—Yes, I did.

I just want briefly to refer to some of the organisations which you brought into being and which you helped to run. I think first of all, you became Secretary of the Transkei Registered Voter's Association?—Yes, that was the early forties. I think 1941 when I was elected Secretary of the Transkei African Voter's Association.

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And that was an organisation which was endeavouring to save the remnants of the franchise?—Yes, it was amongst the other things which this organisations set out to achieve. It was to restore the African to the common roads from which they had been removed in 1936, when the Native Representation Act

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was passed, and to retain what there was still left of the African franchise, as well as to strive to have the franchise expended to the Africans in the other Provinces. These were some of the objects of the organisation.

Was that an organisation which made representations to the Government?—Yes, time and again it made representations to the Government and also used what channels there were available for putting such demands across, and that is channels such as Bunga, or what was known 10 as the Bunga Lahle, but it's correct name is the United Transkeian Territories General Council, and Advisory Board to other bodies like that.

That was a body with advisory powers?—Yes, the pre-decessor of the Transkei Territorial Authorities.

Well, then I think you were responsible a year or two later for establishing what was called the Transkei Organised Bodies?—Yes, the Transkei Organised Bodies I helped to found. That was 1943 I think it was.

And that too, was a federation of a number of 20 bodies?—Yes.

Including such diverse organisations as Women's Organisations?—Yes, there were included in this federation all sorts of organisations that were in existence then. As women's Organisations, Chief's Associations, Peasant/Farmers Associations, Trade Union. There was one Trade Union in the Transkei at Umtata, and Teacher's Associations and so on.

And the object of this organisation which was founded, was what?—The object of the organisation was 30 to create a united front of the peasantry and other sections of the African population in the Transkei, as well as to highlight the problems of the peasantry.

More particularly, as they presented a large problem of landlessness.

Of landlessness?---Yes.

I'll deal with a little later Mr. Mbeki.

Again...Oh, was a charter drawn up? By this organisation?---Yes, the first Conference of the Transkei Organised Bodies drew up a charter of demand which was presented to the Chief Native Commissioner, with a request that he should pass it on to the Government.

You've had a fair amount of experience in making representations?---Yes, I have. 10

I think, in fact, from 1943 on for four years, you were a member of the Bunga?---Yes, from 1943..for four years as from 1943, I was elected into the Bunga, and I was a member both of the Gifted Council, as well as of the General Council.

And there again, did you move resolutions, and go on deputations?---During all those years, I submitted motions as well as other members of the Bunga did, and these were to be in turn, submitted to the Government, but you know the stock reply that one gets from the Government on such matters, either that the time was not ripe or you were reminded what the Government Policy was. 20

AT THIS STAGE THE COURT ADJOURNS UNTIL

10 A.M. ON THE 6TH MAY, 1964.

ON RESUMING ON THE 6TH MAY, 1964:

GOVAN ARCHIBALD MBEKI, still under oath

EXAMINATION BY MR. FISCHER (CONTINUED):

Mr. Mbeki we were dealing with the ... your position on the Bunga when we adjourned, and...yesterday afternoon. I think you went on enumerable delegations from that organisation as well?---Yes.

In line with what always had been the tradition. Mr. Mbeki, when did you join the African National Congress?---I joined the African National Congress in 1935. 10

And I think you've been a member ever since? ---I've been.

What positions have you occupied there?---I've been a member of the National Executive as well as the National Speaker, that is the National Chairman at National Conferences.

When did you become...do you remember when you became a member of the National Executive?---In 1956, I think it was. 20

Well now to return for a moment to the Transkei, I think you eventually had to abandon your shop there? ---Yes, I did.

As it was no longer able to keep you and your family?---No, it couldn't.

So you abandoned that in 1949?---Yes.

Then I think you obtained a teaching position?---Yes, thereafter I again went back to the teaching profession. That is as from the latter half of 1953, and I taught at the Secondary School at Ladysmith, in Northern Natal. 30

I think there again you were politically active?---Yes, I continued to be politically active.

I think you took a considerable part in the organisation of the Congress of the People?---Yes.

Did ^{that} have a result on your employment?---I was dismissed from my position as a teacher again in 1955.

By that time were you being watched by the Special Branch?---The Special Branch had started watching me as early as the early forties, and while I was teaching at Ladysmith, they used to pull me out of the class room for interrogation.

Was that the sort of thing that led to your dismissal?---I should think so, yes. 10

Now Mr. Mbeki, I'm going to deal at a somewhat later stage with some of the chief grievances and objectives of the African people. Just while we're dealing with your personal history, did you make any special, any small surveys in the Transkei when you lived there? ---Yes, I did. One survey I conducted some time in the forties. I made a survey of a sample of about 25 families, around the little shop I ran.

I think you were examining the death rate of children under 5?---Yes, it was in my opinion most appalling, because of the sample group of 25 families, that I started, I found that two-thirds of the children between the ages of 1 and 5 had died, largely as a result of gaster enteritis. 20

Yes?---Although I wouldn't like to claim my lord that this was a highly scientific survey, but I think it did point to some conclusion, that one of the richest countries in the world should produce disease and ^{backwardness} / , such as I found amongst those people.

Just one last matter, I think another task which you tackled in the Transkei in your years there, had something to do with Farmers' Co-operatives?---Yes, I was generally interested in the Co-operative Movement. 30

When I got to the Transkei I found that a beginning had been made to establish Farmers' Co-operatives, and I became interested in this myself and also attempted to help them to establish Consumers' Co-operatives, not successfully, but about the same time I also wrote a booklet, it was an essay on Co-operatives, in which I dealt with various aspects of the Co-operative Movement.

This was for...?---With special reference to the Transkei.

This was called "Let's do it together"?--- 10
It was called "Let's do it together" yes.

Intended to guide the people to run Co-operatives?---Yes.

Now after your dismissal in 1955, I think you went from there to Port Elizabeth?---Yes.

And you became the Branch Manager of the Real Printing and Publishing Company, and the Editor for that area?---Of New Age.

And subsequently you occupied the same position for Spark?---Yes. 20

And I think you remained in Port Elizabeth until November 1962?---Yes, I remained in P.E. until the end of November 1962.

When the Suppression of Communism Act was passed, were you named as a Communist?---I was named as a Communist, yes.

Had you ever been a member of the Communist Party up to that stage?---No, I had never been, but after the passing of the Suppression of Communism Act, I received a letter from the liquidator in which he called 30 upon me to show reasons if any, why I should not be placed on the list of Communists, then shortly after my name appeared on the list of Communists.

And there it remained. Now at a later stage, did you join the illegal Communist Party?—Yes, at a very much later stage, I did join the illegal Communist Party.

And of course, from what you've said, it is clear that you didn't accept the banning of the African National Congress?—No, I couldn't at all. I didn't.

Had you good reasons for that?—Yes, the African National Congress, had for a number of decades been the vanguard of the struggle of the African people for National Liberation, and it was something which I just couldn't accept, that at the time thousands of people looked up to the African National Congress to lead them in the struggle against the laws which were threatening practically every right that the African had enjoyed before. As I say I just could not accept the fact that the Government should destroy the African National Congress. I therefore, continued to be a member of the African National Congress, under conditions of illegality. 10 20

Now Mr. Mbeki, I want you in a few moments, to deal with the decision of the African National Congress to go over to allow its members to go over to the policy of sabotage. You knew of the formation of the the organisation known as Umkonto We Sizwe?—Yes, I did.

Did you disapprove of the decision of the African National Congress to allow that formation?—No, I didn't.

Do you consider that it was justified?— Yes, perfectly justified. 30

Mr. Mbeki, was it a method in which something might be brought to the attention of the white people of this country?—

Yes, it was a method that could shock the white electorate into the realisation of the fact that Africans were suffering a lot of hardships. I would say before 1950....

Yes, just before we go on, you see I want to just put before you and his lordship, some of the problems which have arisen as a result of the evidence given here. You know it's been suggested by the State, I don't know whether it's contained, that the hardships of the African people were imaginary. It's been suggested that you be- 10
long to the Communist Party or the A.N.C. as agitators. It's also been suggested that in 1963, the view you took was that there was no chance of any change in the situation, except by force of arms. You see it's against that background, that I want you to go back to 1950, and if you can, explain to his lordship how, on a previous occasion things had been changed. In other words, was there a basis for your belief?---It is not correct to say that the situation in South Africa has reached a stage where it cannot be changed, except by resorting 20
to armed force, to a military struggle. We see already that there is a growing number of Europeans both Afrikaans and English speaking who have come to realise that they should regard us, the Africans, and treat us as ordinary responsible adult human beings, but ... that they are entitled to the enjoyment of political rights. Before 1950 my lord, except for one voice in the wilderness here and there amongst the churchmen, there was only one group amongst Europeans that realised this fact, and that was Marxists, or Socialists or people who were 30
so inclined, but I don't think it to be correct to day to day that the position is as it was before 1950. As I have indicated, changes have been taking place. We have

seen for instance, how after the Defiance Campaign, political parties such as the Liberal Party were established, and how the Congress of Democrats was established, and that out of the strength that the African National Congress dealt up during the Defiance Campaign, political parties such as the Progressive Party were also born, and the question is how do these changes come about?

Do you consider the Defiance Campaign played a role in this?—Yes, I do. The Defiance Campaign played a very important role in bringing about these changes. 10
 In fact, my view of it is that history will yet record that the Defiance Campaign marked the beginning of a new direction in the relationships between black and white in this country. Then I was remarking about the coming about of this change. A change which may not be perceptible perhaps to those people who do not take sufficient trouble to study closely and seriously South Africa's problem of progress. The adjustment of relations between Europeans and Africans, but we, in the African National Congress, who are vitally concerned 20
 about this watch this political development with great care, because they mean ever so much to us, to our people and the people of South Africa.

May I interrupt you, in your language, I mean in the language of the Congress Movement, would you describe the Defiance Campaign as ^{militant} ~~merited~~ or non-militant? ~~merited~~ ---It's a militant action my lord. The Defiance Campaign is a militant action.

And do you think that it did bring to the notice of Europeans what the grievances of Africans were?—I think it did so very, very successfully indeed. 30

You were in the thick of it I think in the Eastern Province?—Yes, although I didn't go to gaol.

And in all about 8,500 did go to gaol?---Yes, altogether 8,500 volunteers went to gaol. They sacrificed their livelihood, left their families behind, they served varying periods of imprisonment and I think it would take a very bold man indeed...

Now I want you Mr. Mbeki, I'm sorry, a very bold man indeed?---To forget or to doubt the reality of the grievances of such people. I mean gaol is not a holiday. Nobody would normally go into gaol, unless he was perfectly convinced that there was fundamental he had to fight for and allow himself to go to gaol. 10

Well, now with his lordship's permission, I want you to deal very briefly with the grievances now of the African people, which you think can be brought to the attention of the white people by means of the sabotage organisation?---I think to refer my lord only to the salient features of this protest it may be necessary to give a brief backgrounds of events that came before this period. The attitude of the whites in South Africa, has been expressed I think very clearly by three or four 20 of the Prime Ministers. I would like to refer in passing to an attitude which was manifested for instance, in a speech that Genl. Smuts made in Oxford, at the Oxford University, referring to the manner in which the Africans had tolerated hardships without complaining. I still remember the phrase he used. He said Africans had after nine(?) patience, and then later as I say, the attitude of the whites was expressed by some of the Ministers, three other Ministers later, who also had something to say about this. Tabling the Native Bills before Parlia- 30 ment in 1936, Genl. Hertzog said to justify his action, "Self-preservation is the first law of nature". The meaning of this within it's context was clear. He

meant that the South African Government would protect the interests of the whites at the expense of the Africans. Then about the same time a deputation of African leaders was sent to go and urge Genl. Hertzog and his Government to continue to retain the African voters on the common role, and Genl. Hertzog sent them back with the patronizing advice that half a loaf was better than no bread. Then this policy, at different times have gone under different names. We've had segregation, followed by trusteeship and then trusteeship followed by baasskap and baasskap followed by apartheid, and apartheid by separate laws. 10

What do you say has the policy itself changed, apart from this name?---No, apart from that, the leopard has not changed its colours at all. Apart from the name my lord, the position was very clearly expressed, I think by the late Prime Minister J.G. Strijdom when he said "Die witman moet altyd baas wees", and subsequently and I think only recently, about a week or two ago, the present Prime Minister, also endorsed this point of view.

Now Mr. Mbeki we must not detain the Court too long. 20
Now I digress for a moment to ask you this - has any one of the last three Prime Ministers, including the present Prime Minister, ever met any leading members of the African National Congress?---Not one of them. At least in that respect, as much as I differed from the policies of Genl. Hertzog, I think at least in that respect, he did condescend to meet African leaders.

Now let's pass on to deal with some of the principal matters about which you complain. You don't have to deal with the laws, because the laws are a matter which we can find in the statute books, if it's necessary for argument. What I'd like you to deal with 30

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briefly is just the results.---My lord, if the Court would bear in mind how long the period during which the laws of African rights has continued, I hope the Court will appreciate how amazingly restrained the Africans have been in their selection of political methods of struggle, and are still so restrained. I would even add that I doubt if any other racial group in South Africa would have been as patient as the Africans have been. When Union was formed, the South Africa Act did not extend the franchise right to the Africans in the Northern Provinces. That is the franchise rights which the Africans had enjoyed, as I indicated, for I think then a period of 33 years. That is in 1936, for a period of 33 years. If anything, the South Africa Act, laid the African voters, as I indicated, open to a threat of dis-franchisement.

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BY THE COURT: Aren't we going too far? (Court and Mr. Fischer talking at the same time).

EXAMINATION BY MR. FISCHER (CONTINUED):

Yes, I think we'll then come to more modern times. That threat was latent in the South Africa Act, and the vote was then ruled in 1936, a different kind of representation? And then finally it was abolished in 1950...?---It was finally abolished in the 1950's, under the abolishment of Native Representation Act.

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Now then in it's place was instituted the Bantu Authorities Act?---Yes, in it's place was instituted the Bantu Authorities Act which in the words of the then Minister of Native Affairs, was intended to prevent the Africans from being re-orientated and changed over to Western methods of administration. Such a policy, the Minister said would have led to more and more demands by Africans for equality with Europeans, which would have resulted in the domination of Europeans by Africans.

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You see Mr. Mbeki, what I would like to get is do you and the A.N.C. view the Bantu Authorities Act as a method of giving you political rights, or do you view it in some other way?---It was not at all, if anything, the Bantu Authorities Act, in the words of the Minister of Native Affairs himself. He said, referring to the reasons why it was necessary to pass the Bantu Authorities Act, that it is the only key to the prevention of Africans aspiring to enjoy political rights on an equal basis with the Africans, lies in the acceptance 10 by the Europeans of the type of system as a springboard from which Africans may ride.

In other words Mr. Mbeki, you regard the Bantu Authorities Act as giving the Africans a modern system of Government or not?---It is no modern system of Government at all. It is not correct to say so. The Bantu Authorities Act, and the institution of that act, set up under the Bantu Authorities Act are in fact, intended to serve as a rubber stamp for Government policy. The Government is making use of 20

Yes, now do you think the Bantu Authorities Act will terminate the tribal system?---It will not terminate the Tribal system it wants to entrance it.

Is that the policy which has been tried elsewhere with success or without success?---Yes, the Government in that respect is trying to revive indirect rule, which was tried by British Colonial Governments in East Colonies in Africa, and this was abandoned by the British Government, because it just wouldn't work.

And is that what you feel about the Bantu Authorities system of Government?---That's correct. 30

Now Mr. Mbeki, talking about the methods of protest, since this Government has been in power. What

has happened to the rights of Africans to hold meetings or demonstrations or processions. Just briefly in different parts of the country?---In the reserves since the early fifties, meetings have been banned except those that had the approval of the Native Commissioner. In an area like the Transkei, Proclamation 400 which was passed about four years ago to meet a specific situation, has become a permanent feature of the administration. In the urban areas it's virtually impossible to find a place where to hold political meetings for Africans. 10

And what has happened for instance to Chiefs or Headmen who do not approve of Government policy?--- Chiefs or Headmen who do not approve of Government policies have either ^{been} ~~interposed~~ deposed or banished. I think since the Nationalist Party came into power in 1948, no less than 132 Chiefs have been banished to different areas, where their language was not spoken and where they couldn't make a living.

Now Mr. Mbeki, you talked about meetings being ...about you being unable to find places in urban areas 20 for holding meetings. Are meetings interfered with, even if they can be held, are they interfered with by special notices, or by the police?---I was referring specifically to the townships, but even when meetings are held outside the townships, that is in towns, or in that part of town which is called the white area, even when meetings are held in those areas, they are usually either interfered with by the Special Branch, or they are banned before they take place.

Does the same apply to Trade Unions as well 30 as the African National Congress?---Oh yes, the meetings of Trade Unions I have myself witnessed instances where even meetings of Trade Unions have been broken up by

the Special Branch.

Now Mr. Mbeki, I would like you just to say one or two words about another aspect of the same problem, and that is Bantu Education. Do you consider that has advanced the African people while it has been in force? ---No. The African people opposed Bantu education as from the moment indications were there that the Government was going to proceed with this legislation. They saw in Bantu education an attempt on the part of the Government to indoctrinate the African child in the class room. 10

Have you seen it in operation at close quarters?

---I have made a fair study of it.

Do you think that it is designed or can help to fit the pupils for modern Industrial civilisation?--- Rather the contrary, but it is designed to get the African child to upset in the classroom a position of an inferior status in Society. That's what it is intended for.

Well, now I want you presently to give just one set of figures to show whether that statement is borne out. We'll do that in a moment, but in the meanwhile you say that your view is that this is the rear object of the Act?---We have the statement made by the Minister of Native Affairs and the present Prime Minister himself, where he said if African education was to be effected at all it must conform to the policies of the country. I don't think there could be anything clearer to indicate what the intentions of the Government were about Bantu education. 20

Mr. Mbeki, you have just one set of figures with regard to the matriculation examinations, what has happened to them since this system of education was introduced?---Since Bantu education was introduced, the 30

standards have not been rising at all. In 1953, for instance, of the students who sat, that is African students who sat for the matric examination 47% passed, and in 1960, less than 18% passed matric, and the position is that even if the type anthology, we have reached a stage where about 30% of the students admitted have not matriculated at all.

Is that because there are simply not enough matriculants?—There are just not enough. I think in the last two years they have not been able to produce 10 more than 300 odd matriculants amongst the Africans.

Those figures then tend to bear out what you say?—Yes.

Incidentally those two figures regarding the procapitive cost of educating children?—Yes, the Government spends for instance on every European child, I'm quoting from 1962 my lord. On every European child the Government spends R163, whereas the expenditure on an African child was R13-04, and we may also note that 54 African children have to be satisfied with one teacher, whereas in the case of Europeans, 24 children 20 have a teacher to themselves. And if we were to take into consideration the fact that in the Primary schools, there's a double shift, then we would realise that it is not just 54 pupils to a teacher, it is in fact, 100 odd pupils to a teacher, because the same teacher has to teach in the first shift, as well as in the second shift.

Now Mr. Mbeki, are these the sort of grievances which you believe you can get Europeans to understand?—Yes, we believe if Europeans realised what was 30 taking place they would be in a position to understand, and probably even to move for a change of policy on the part of the Government.

Now let's just turn briefly to economic matters. I don't think you need mention the 1913 land act, his lordship knows the effects of that, and also the effect of the 1936 Act, first of which created the reserves and the second of which created the scheduled release areas. I just want you to mention what the Tomlinson Commission said about the additional areas released under the 1936 Act? Did that in fact, cure the land shortage? Or help to ameliorate?---It didn't, although on the surface it would appear that it should have done so, but in fact, it didn't, because as the Tomlinson Commission report 10 shows, that is in 1955 when the report came out, 92% of the land that had already been acquired, that is over 7 million morgen which the Government had promised to buy, 92% of that was situated in the Northern and Western Transvaal, whereas only 8% of that was situated in Natal, the Transkei and the Siskei, and the Siskei being one of those areas where the population density is at it's highest, and the 92% that was allocated to the Northern and Western Transvaal, you will find that in fact, it only served to accommodate people who had been 20 thrown out of what are called white spots, so that it was not a release at all.

Now again Mr. Mbeki, bear in mind we're just outlining this. I think you have a figure for the average income of the peasant in the Transkei, and his average allotment. Is that also from the Tomlinson report?--- This is also from the Tomlinson report. The Tomlinson report says on the average a peasant has 3.6 morgen of land, and that the estimated income from 3.6 morgen would be R58-00 for a family of six consisting of husband, 30 wife and four children.

They take the average family of six, and the average income from that was R58. And does the Commission

give what it considers the average income is which is required to keep a family?---It does give an estimate of what it regards as the average income that would be required to keep this family alive in the reserves, and it gives it as R120 per annum.

Of course, in drought years would the average be achieved, the average of R58?---In drought years it's not achieved at all, and I think the (?) Survey shows which was conducted by Professor Houten, on the average it happens in areas like the Ciskei that the peasants 10 do not even reap as much as the weight of the seed that they put into the soil.

Now passing on from that, there is the ...you have got the figure there for the tax which a male in the Transkei has to pay. I don't want to go through the details, but in the special taxes which he has to pay, he has upon that so-called average income to disburse about R10-00 per annum?---Yes, about R10 they have got to pay in taxes, whether he has received an income or not. 20

Just broadly speaking, what was the Tomlinson Commission's view as to the system in the reserves?---The findings of the Tomlinson Commission was that with this average income and the failure ever to reach it, the head of the family and possibly some other members of the family would be required to go out and seek work outside and then it went further to say the present system has failed to give sustenance to Africans in the ...

Now Mr. Mbeki, the policy which the Tomlinson Commission laid down, suggested as being the proper 30 policy, was greatly to reduce the number of people in the reserves? And to spend a considerable amount of money on the reserves?---Yes.

Broadly speaking?---Yes.

Now is that in fact...has that happened since the Tomlinson Commission report?---No, it hasn't. The Tomlinson Commission recommended amongst other things, that the population of the reserves should be lessened by almost half. It recommended that large sums of money should be set aside for the movement of the soil. It recommended that a certain measure of industrialisation should be coupled with the....

What I'm getting at, that was industrialisation 10 to give an economic standard of living to the people remaining in the reserves, but what has in fact, happened in regard to endorsements out from the urban areas?--- The Government has done precisely the reverse. Instead of reducing the population of the reserves it throws out Africans from the urban areas into the reserves!

Now I will later get you to give a first-hand description to his lordship, of ^{meetings} which you held near Cape Town in the bush amongst people who had been endorsed out in this fashion, but for the moment the point you are making is that the reverse policy from that of the Tomlinson Commission has, in fact, been applied?---Yes. 20

And I think you have seen recently about a camp for homeless men who simply have no home in the urban areas or in the rural areas?---Yes, I saw a report of that. In fact, I think it was in The Star.

The Star of the end of last month?---I'm not sure of the date, but the report was to the effect that there was something like 50 families or so that had been... 30
BY THE COURT TO MR. FISCHER: How is it relevant what happened last week Mr. Fischer?---It's really an illustration of what....

But how would that be relevant to whatever his state of mind was in 1963?

EXAMINATION BY MR. FISCHER (CONTINUED):

Mr. Mbeki, the position is then that there are people who are endorsed out of the urban areas and cannot find accommodation or livelihood in the reserves?
---Yes.

Now does this Mr. Mbeki, do you think, have an effect on the wages of African people?---Yes, it has an effect, in the first place because by controlling the labour through the pass system, then you virtually take it away from the labour market, so that employers don't have to compete for labour at all. 10

There's a pool from which they can draw?---Yes. Labour is dumped into a pool so that employers just come to scoop out what they want.

And what effect has that had on the improvement of skills amongst workers?---You just can't get any improvement of skills at all in a situation like that, because it means that an employee who loses his job here cannot go on to another industry, and even there is no incentive in them for the employers to improve the skills of their employees. 20

They intend to rely on the cheap labour?--- Cheap labour is right.

You have one figure as to the average earnings in industries and in manufacturing building industries, given in the House of Assembly. What was the per annum average for Europeans?---The average wages or salary for Europeans, it gives sections of Economies R1,900 per annum, whereas for Africans it's R370. 30

Now Mr. Mbeki, I want lastly just for you to give the Court the figures in regard to four items of

health, which I assume you say flows from this whole situation. As far as life expectancy is concerned, I understand that the average amongst Europeans today is about 70 years?—Yes, the average life expectancy of a European in South Africa is estimated at 70, whereas that of an African is 36.

103(E)

And you have the infant mortality for whites in 1959, for Africans for a period in 1960, how do they compare?—In 1959 the infant mortality per thousand for Europeans was 27.7, whereas in 1960, I'd have quoting 10 the figures given by the Medical Officer of Health in Durban was 243.42 for Africans.

I think in the United Nations Demographic Survey for 1950, it shows that this is amongst the highest in the world 243?—The figure for European infant mortality is the amongst the lowest in the world, and the figure for African infant mortality is amongst the highest in the world.

As one other illustration the case of Kwashiorkor which became a registered notifiable disease in 1962, you have the figures for 1963?—Yes. The incidence of Kwashiorkor, since it became a notifiable disease are for whites during 1963, reported cases were 3, whereas during the same period reported cases for Africans were 15,560, and I think probably the position would be more correctly reflected by a statement which appeared in the Medical Journal, where it likened the position of Kwashiorkor as being akin to the visible part of an eye sack. The greater number of cases were not shown, because probably they were not reported.

Well now Mr. Mcheli, these are just illustrations of what you people of the A.N.C. believe is happening generally in this country?—Yes my lord, and I think

probably I may give but one or two figures relating to T.B. In 1953 cases of T.B....reported cases of T.B. for whites were 1,453, and during the same period the reported cases of T.B. for Africans were 48,507, and then for 1963, I'm keeping the other years in between.

The first year was 1958?---The first year was 1958, and then for 1962 the figures for Europeans were 1,272, whereas the figures for Africans were 53,801, showing an increase amongst the Africans of approximately 10 5,000.

And now I just want you to conclude Mr. Mbeki, by just mentioning just one other aspect of life, and that is the pass laws, and their effect on a family. In your own case, I think you worked for about eight years in Port Elizabeth?---Yes, I worked for eight years in Port Elizabeth, and during that time I was never able to live with my family.

Why was that?---I was not allowed to rent a house, because I had not qualified to be permanently re- 20 sident in Port Elizabeth, because I had not worked continuously for one employer for a period of ten years.

So you were never able to bring your family to live with you?---For the eight years that I was there, I was never able to do so.

And of course, you are not a unique case?--- Pardon?

Your case is not unique?---No, it is not unique. Not at all, because lots of other men who live in single men's barracks, live there without their 30 families.

One other aspect of the pass laws - you have a figure for the convictions for 1962?---Yes, the figure given for 1962 of convictions for contravention of pass

laws, is 384,497. That average is out at the rate of 1,000 arrests and convictions for pass laws alone, per day.

AT THIS STAGE THE COURT ADJOURNS FOR TEA.

ON RESUMING:

GOVAN ARCHIBALD MBEKI, still under oath

EXAMINATION BY MR. FISCHER (CONTINUED):

Mr. Mbeki, you've outlined the matters which you think can be brought to the attention of voters in this country. The question was raised whether the figure of 120,000, of the membership before it was declared illegal of the A.N.C., that question has been raised whether that is a large or a small figure. First of all, may I ask you this, do people have difficulty in joining the A.N.C., or remaining members? I'm talking now about the period before 1960?—Before it was banned? 10

Yes.—Yes, they certainly had quite a lot of difficulties.

Could anybody holding an official position, a Government position, Provincial position, could they have become members, could they remain members?—At first they could, because when the African National Congress was formed in 1912, it was regarded as a sort of a counter to the formation of the Union Government, and the Africans regarded the A.N.C. as their parliament. 20

Yes, I'm talking of recent years?—Then recently, Chiefs could not become members of the A.N.C. and certain areas, more particularly in rural areas, like Groot Marico if I remember very well, and Sekukuneland, the A.N.C. was banned round-about 1956/1957, there about. 30

And teachers, people of that kind?—No, they couldn't openly associate with the A.N.C.

Then just to look at the other side of it

what do you say about the A.N.C. representing the views of people other than the 120,000 members?—I think for instance, an exhibit was handed in here, "The African Plains", I don't know what number the exhibit is. If you look at the list of people who compiled the African Plains you'll find there was a representative of the Teacher's Association, representatives....

All kinds of people?—Yes.

What I'm talking about, you say as at 1960, before it's banning, the only people who supported the African National Congress policy was the membership?—No, no, it had the support of say very large sections of the African population, they looked after it's own leadership. 10

Well now I want to go back Mr. Mbeki, you remember we started from the statement you made that you approved of the formation of Umkonto?—Yes.

Now does ..both Accused No. 1, Accused No. 2, have explained how the idea was to keep the A.N.C. and this organisation separate and distinct. From that has arisen the question whether the M.K. was likely to be described as the military wing of the A.N.C.?—No, it wouldn't be correct, unless by saying that it was the military wing of the A.N.C. one means that the African National Congress, allowed it's members to become members of M.K. and that it allowed it's machinery abroad to be used for M.K. purposes, and that it allowed ... and that the Secretariat undertook to do correspondence between the National High Command and the offices abroad. If the phrase "the military wing of the A.N.C." is used, in that context, well I suppose, we would say it is the military wing. 20 30

BY THE COURT TO ACCUSED NO. 4: Well, doesn't it go further?

Doesn't it encourage it's members to join the Umkonto?
I mean for instance, it's volunteers - many of it's volunteers were recruited into the Umkonto?—I wouldn't say my lord, that it encouraged it's members. What it did was to inform it's loyal organ that if any of the members of the A.N.C. were approached with a view to recruiting them to be members of Umkonto, then the A.N.C. would not stand in their way.

Well, didn't it go further and approve it?
I mean, weren't these volunteers that were recruited into 10 the Umkonto, told that there is now this thing, and you must now join the Umkonto? Suggesting to them any how, that that's done with the approval of the Head Committee of the A.N.C.?—I don't know my lord, if we understand the same thing about the word "volunteer".

Yes?—Because....

I mean we know from the evidence, I don't know if you dispute that, but before 1961 the volunteers were doing A.N.C. work, they were doing propaganda work?—Yes.

But many of them were recruited into the 20 Umkonto. Are you denying that?—I wouldn't deny my lord, except that proverb, I don't think it would be correct to say many of them, because Umkonto it was really a small organisation.

Well, I mean, never mind how many, some of them at any rate?—Some of the members of the A.N.C. yes.

Some of the volunteers of the A.N.C. In the Eastern Province the people that were recruited into the Umkonto were the volunteers, not so? Mainly?—It may be my lord, I don't know. 30

Well, that is judging from the evidence here, I don't know if you're disputing it yes?—Yes.

EXAMINATION BY MR. FISCHER (CONTINUED):

Mr. Mbeki, I'm presently going to ask you to deal in detail with the structure of the A.N.C. and compare it with the structure of the M.K.?—Yes.

To assist his lordship in this matter, but for the moment, I want to ask you precisely what were your reasons, what were the reasons of the African National Congress for keeping M.K. as a distinct organisation? Were there valid reasons for that?—Yes, there were valid reasons. In the first place, I think it would have been political dishonesty on the part of the National Executive 10 Committee to have transformed the A.N.C. into a violent organisation, or an organisation that was bent on carrying out acts of violence. For a simple reason that when its membership joined the A.N.C. it was on a non-violent ticket, and secondly....

Could you possibly have consulted the membership in the second half of 1961?—It would have been very difficult. We could have consulted them but very difficult, and secondly, the membership ...the ages of the membership of the A.N.C. ranged from 18 upwards 20 and there were old people, for instance in their seventies or so, who were members of the A.N.C., and during the course of the years, the A.N.C. had what I may call external symbols of loyalty. You know that the people wore, like pins, brooches, the thumb salute, colours, and if we were to call, if we were to transform the A.N.C. into an organisation bent on violence, then it would have meant that we would have exposed these people to being charged with sabotage.

Merely for instance, to use another symbol, 30 the lighting of bonfires?—They lit a bonfire or lit a candle instead of electricity in their house.

Yes, now his lordship asked you whether M.K.

was a big group or a small group, there were a large number of members. What is the essence of an illegal organisation, in a method of sabotage?—You mean of the nature of - essentially it must be small. It's got to be small because it has to be specially trained, unlike for instance like the A.N.C., it has got to be specially trained, it's got to be disciplined.

Well now, what about as far as keeping them separate is concerned, what about the ^{ability or} willingness of the members of a political organisation? To undertake this sort of work?—What about the? 10

The ability or willingness of 100,000 people to undertake this sort of work? —Well normally, most people or a good part of the membership would never have been willing to undertake acts of sabotage.

After all it's something which carries the death sentence!—Yes, it carries a very serious sentence indeed!

Now Mr. Mbeki, at a later stage I'm going to take you through some of the correspondence to indicate various aspects of the work, including the effort to keep the organisations separate. At the moment, I want to pass to another matter. You at first, were not associated with Unkonto at all?—No, I was not. 20

But subsequently, as you have explained, you became associated with it?—Yes.

And where was it established? Where were M.K. regions established?—There were four M.K. regions, Johannesburg, Durban, Port Elizabeth and Cape Town.

In those cities only?—Yes, and all the surroundings. 30

Was there ever any M.K. used in East London?
—Not that I know of.

You see it's been referred to as a nation-wide organisation. Is that the correct description?—No, that's not correct, I mean in the sense that it was confined to these four cities.

Well now I think Accused No. 1, and No. 2, have described the various organisations and the names used, like National Liberation Movement, Congress Alliance, the M.C.C. and the Joint Executives, we don't want to cover that ground again.—Yes.

Do you agree with what they have said?—Yes, 10
I agree with what they have said.

And also with regard to the fact that M.K. placed itself under the political guidance, in the first instance, of the African National Congress?—That was correct.

And would you say also of the National Liberation Movement generally?—Yes, that's correct.

Meaning thereby what?—Well, I think in the sense in which Umkonto used the term, I think it was in the narrower term, which meant the Congress Alliance, 20 that is the various components that formed the Congress Alliance and the Communist Party.

Well now, I want to ask you just one question in regard to the formation of the Congress of Democrats. We've heard from Mr. Bernstein, how that came to be formed by invitations sent out by the African and Indian Congresses. As far as the African National Congress is concerned, was the formation of the Congress of Democrats based on any particular principle which it accepts, any basic idea?—I would say on the acceptance of the fact 30 that South Africa consists of so many main racial groups, it was felt therefore, that it was necessary that there should be a political group consisting of Europeans, and

that would concentrate on work amongst Europeans.

In order to demonstrate what?---In order to demonstrate the principles for which we stood, that South Africa belonged to all the people who live in it.

Mr. Mbeki, after that ~~has~~ the evidence has been, there was always an endeavour on the part of all the congresses to obtain a unity of outlook and of action. Did that form the basis for the step which the African National Congress took when M.K. was formed, namely to inform leading members of the other congresses? 10
---Yes, the M.K. undertook to do that, for the simple reason that we have often and always regarded the unity of the racial groups in this country, with a great deal of concern indeed, and we have jealously guarded this unity.

So that when the step of going over to sabotage by an organisation, at any rate not disapproved of by the A.N.C. was taken, those ...that precaution was taken, to inform others?---Yes.

You see what I'm coming to is that if a 20
far more serious step were to be taken, namely to go over to actual guerilla warfare, what would the African National Congress have done?---It would have had the fullest consultation with the other congresses. We certainly could not have allowed a situation to develop whereby wedges would be pushed in between the racial groups. I mean already we have had a threat to this effect in the statement of the Minister of Finance. When he thought to bring the coloureds and the Indians over to the Europeans' side, and thus gaining the 30
house between races, and a situation like that would never have been allowed, as much as it was in our hearts to prevent it.

Now just one other matter in this regard Mr. Mbeki, did you after you had become part of M.K., did you find out about an organisation called the National Committee of Liberation?---Yes.

I think in this regard we might deal with Exhibit 'BG'. (Discussion about what Exhibit looks like).
104(E)))) (Exhibit is handed to witness).

Mr. Mbeki, you say you found out about the existence of the National Committee of Liberation?---Yes.

Did someone tell you about it?---Yes, someone 10 told me about it.

And how had he come across this?---He came from the township and he brought along with him, what purported to be an oath for some organisation, and then he explained the circumstances in which he got hold of that oath.

He had tried to recruit an individual?---He had tried to recruit an individual in the township into one of the Umkonto Units, and the man said "look I already belong to an organisation such as you are talking about", and then he pulled out of his pocket an oath. 20

Did he give that to you?---He gave that to that man and then that man....

I see that individual gave it to your man, and your man gave it to you?---Yes.

And do you know what happened to that? Has it been produced in Court?---It has been produced in Court here.

Where was it found?---According to the evidence led in Court, it was found in the pocket of an overall which Mr. Mhlaba wore, while he was working. 30

So that is R.183?---I don't know the number.

It is R.183, I can tell you that.---Yes.

So that purports then to be, as far as you

know, an oath of the National Committee of Liberation?

---Yes.

Did Umkonto have an oath?---Yes, it did have an oath of it's own.

Do you know the oath?---Yes.

Do you know it by heart, or do you...?---Oh no, I don't know it off by heart.

Well now does that indicate what the oath was? Do you think you could make it out from that?---I'll try.

10

I think it's I.A.A.S.?---"I am a soldier of Umkonto. I promise to obey without question ..."

Might it be "to keep"?---"To...and as a soldier I swear to serve our people even with...our people and my country..."

Alright, I think that's sufficient. You're just using apparently the first letters of each word?---Yes.

It's quite different from Exhibit R.183?---No, completely different from that.

20

Let's just finish it off if you can?---Is it "with my life...held with my life"?

Yes.---So badly done.

Can I help you "To uphold the policies"?---Yes, "To uphold the policies of the National Liberation Movement", I can't see.

"Led by..."?---"Led by the African National Congress to safeguard the rights and dignities of the people from all attacks".

And do you know by whom that was taken?---How do you mean?

30

Was it used extensively, what particular people used it, or don't you know?---No, from what I got

when I came to the National High Command, it was not used extensively, but was used as from the time that the organisation was started.

Well, so much for the National Committee of Liberation, and I turn now to consider the question of how guerilla warfare came to be discussed at all. When Umkonto was formed, it seems clear from all the evidence that it was formed to commit a particular kind of sabotage only?---Yes.

And certainly, on the evidence that has been 10 before the Court, the Umkonto would not have turned to some entirely different kind of activity without guidance and without the sanctions of the Congress?---No, it could never have done that.

Now at the stage when it was formed, was there at that stage, any talk of guerilla warfare?---Not in the A.N.C. There might have been talk of guerilla warfare by individuals.

Now I'm talking about in the A.N.C.?---No, not in the A.N.C. 20

As far as you are concerned, and as far as the A.N.C. was concerned, when was there first talk of the possibility of guerilla warfare?---The first talk of the possibility of guerilla warfare, arose after Mr. Mandela had been abroad.

BY THE COURT TO WITNESS: Is this now in the M.K. or in the A.N.C.?---In the M.K.

EXAMINATION BY MR. FISCHER (CONTINUED):

That was when he had ascertained the possibilities of having people trained?---Yes. 30

On what sort of circumstances would have depended any decision to go in for guerilla warfare?--- Well a number of circumstances would have, I supposed to

be fulfilled, before ever going over to guerilla warfare. There would first be the question of the masses of the people in the country.

Wanting such a thing?—Yes, would they want such a thing, and had any work been done amongst the people to convince them of the need for such a stand. Other factors would also have had to be taken into consideration. What was the position for instance, of pressures that were being brought to bear on South Africa. United Nations and organisations throughout the world. 10 Weren't these enough to move the Government of South Africa to change it's policy, and if there was still a chance that such changes could come about by exercise of such pressure, then there would hardly have been any point in anybody wanting to go over to guerilla warfare.

I want to ask you two questions in that connection. First of all, did you know of your own personal knowledge in 1962, that there was this talk in M.K. Were you associated with M.K. in any way at that stage?—No, of my personal knowledge I did not know about it. 20

You in fact, did not become a member of the M.K. until when Mr. Mbeki?—I only became a member of M.K. towards the end of April 1963.

We'll explain precisely in what circumstances. We'll do that presently. That's the one question I want to ask you. The second question Mr. Mbeki is this, do you think that in your view, that any of these conditions had been fulfilled which would retire to the responsible leadership of the African National Congress to proceed with guerilla warfare?—No, I don't think at the time 30 there would have been any justification for the leadership of the African National Congress to change over to guerilla warfare.

Of course, you don't perport to be an expert in guerilla warfare?---I hardly know anything about military work.

Have you done any reading?---I have not done any.

So in your opinion lengthy preparation would be necessary, and circumstances would have had to change?---Yes, there would have to be very lengthy preparations indeed.

Now just whil we 're dealing with those circumstances, you mentioned previously, what you in your opinion thought had been the effect of the Defiance Campaign, were there any important political consequences as far as the African National Congress was concerned? Of the 1960 events, I mean apart from the banning of the African National Congress?---I'm not quite with you. 10

I'm trying not to lead you you see. We have heard talk og the Granite police of the white man. The 1960 events of Sharpeville and Llanga emergency, did it have any effect in your opinion on that?---No, I think the whole talk about the Government being granite, is over played. I don't think that the Government is so granite. 20

I mean during that period, was there any contact made between the African National Congress and the Afrikaans intellectuals for instance?---Yes, that's what I'm trying to get at. I say I do not think it is so granive, and even if it is granite, then the granite must be having a lot of fissures, because the very fact that the Govern-
ment itself ^{passed} asked the Bantu Authorities Act, was in fact, a retrievalment from a stand which it had taken before. It was passing the Bantu Authorities Act precisely as a 30
result of the pressure that had been brought to bear upon it, and it realised and it did recognise the fact that Africans had political aspirations, and whatever

method it used, that is insofar as the Bantu Authorities Act is concerned, it might have been dishonest, but that was yielding to show that it is not so granite, but then to refer to these other points since the late fifties and early fifties.

Early sixties?---Early sixties, we have seen for instance, how even sections of the Afrikaner intellectuals have come to realise this fact and have sought to have meetings with some of our leaders.

That actually occurred?---It did occur, I know during the Treason Trial for instance. Meetings 10 were arranged at Potchefstroom for Chief A.J. Luthuli, Officer Matthews and Mr. Joe Matthews to meet some of the....

I think that was also then the period of the book called "Delayed Action"?---Yes.

With a number of very leading Afrikaans church intellectuals, questioning?---Yes.

Now Mr. Mbeki, let me turn now to the different problem. You've described the relationship between the African National Congress and the Umkonto. 20 You've told us you joined the Communist Party in 1951... I'm sorry November, 1961?---Yes.

Did you know what the relationship was between the Communist Party and Umkonto?---The relationship between the Communist Party and Umkonto was no different from the relationship between the A.N.C. and Umkonto.

It was the same type of relationship?---It was the same type of relationship.

And as far as the A.N.C. and the Communist Party was concerned, what was the relationship there?--- 30 It is the old-timed relationship that has always existed between the two organisations, merely that of allies. They acted in concert over certain issues.

In the Communist Party, what position did you occupy?---I was a member of a group.

You were not a member of any Committee?---No.

Now I want to put just one or two questions about the documents on which I asked Mr. Bernstein questions yesterday. Do you remember there was a document called R.40. You've seen that haven't you?---Yes.

That is the document you will remember, interleaved with pages 6a, and 6b and so forth.---Yes, I've seen it. 10

Now as a member, did you ever see this document? ---No.

Was this document ever issued so as to come to your notice?---No.

You were of course, a member at the time when Exhibit 39 was issued, that is the Programme?---Yes.

And presumably that is the document which should guide members?---Yes.

Now I want to go into this detail, but you'll remember there has been a considerable amount of debate 20 as to the formulation contained in R.40 and the formulation contained in R.121(b), that is the document called "The Revolutionary way out".---Yes.

Incidentally, do you know whether this was distributed or not?---"The revolutionary way out", yes it was.

Court asks for Exhibit Number). Mr. Mbeki, I wonder if you could have a copy of this? I want to deal just with one or two passages Mr. Mbeki. You see Mr. Mbeki I just want to, you've emphasised the 30 shape of the document, because of certain happenings to which you will testify a bit later. The document first of all deals with the P.A.C. and the speech made by

Recalle, and expresses disapproval of that. Then on page 2, if you'll just have a look at that, you'll see in the second paragraph, that there is this warning about heading for civil war. Now in your opinion Mr. Mbeki, does this document allow for the possibility of there being peaceful changes?—What paragraph are you..?

I was referring simply first of all to the second paragraph on page 2.—The paragraph beginning with "but the great masses are..."

10

No, then I'm afraid we have different copies. You see the capitals in the fourth line? "Verwoerd and Vorster are steadily turning..."?—Yes.

"They are heading for civil war", and then in the next paragraph, on the third line "They have greatly narrowed any hope of a peaceful chnage"?—Yes, I've got it.

The fourt paragraph speaks about the fact that the minority Government cannot last, when you look at the rest of Africa and long termed forces". Now I just want to turn Mr. Mbeki, to the essentials. Then you'll see that what is discussed after that, on pages 4 and the pages subsequent to that, are the pass laws and the fight for wages. Pass laws at page 4 and the fight for wages at page 6.—Yes.

20

Then at page 7 there is a heading or chapter "Rural areas and Bantustans".---Yes.

And I think I'm correct in saying the suggestion is that the fight should be carried on on all these fronts, that is to say the pass laws, the wage problem in the towns and the rural areas?—Yes.

30

I want you next thing to look at page 9, because it seems that you could probably speak authoritatively on this. Do you see the heading "Consolidation of the..."

everything"?---Yes.

It says "it is the usual practical Fascists and other reactionaries to present a terrifying and completely distorted picture of Communism and then to label and spear off ...(quotes)...Nationalist Party are expert students ...(quotes)... The African National Congress in particular has been made the victim of these smearing methods", and then it goes on "In expressed radio propaganda the Nationalist Party, paints an absurd picture that the Communist Party has captured the 10 African National Congress and other Liberation organisations. That it controls these movements and decides their policy for them. This propaganda which is aided by people like the P.A.C. and certain leaders of...(quotes) ...fact in the face of truth and commonsense. The Communist Party had no desire to control or dominate, the other organisation, and it's ridiculous to imagine that the leaders of the A.N.C. (...quotes)...it's allies who daily face persecution ...(quotes)...in the independence of their organisation, ...(quotes)...from 20 our Party or anyone else." Then the next paragraph deals with the areas of agreement and what you have described as did you say the lines of co-operation. Now as far as the first two paragraphs are concerned Mr. Mbeki, what is ...what have you to say about that?--- It's incorrect to say so. In the first place I think it's an insult to the leadership of the African National Congress. I cannot imagine that anybody who knows, I'm referring to now to the people on the African-National Congress, when it operated legally. I cannot imagine that anybody who knew the calibre of the leadership of the African National Congress, would ever dare say that men such as Chief Luthuli, men such as

Professor Matthews, men such as Mr. Sisulu and Mr. Mandela, were not members of the Communist Party, would have been pulled about by their noses by the Communist Party. Secondly, it would never have been in the interest of the Communist Party itself, in terms of its own Programme to have sought to control the African National Congress, because in effect what would that have meant. It would have meant that there might have been differences within the A.N.C. itself resulting in splits and the programme of the Communist Party makes it plain that it supports the policy of the African National Congress.

CONTINUED ON PAGE 47....

In other words, it might well have been gravely disadvantageous to the African National Congress?---Oh yes, it would have paid neither the African National Congress or the Communist Party to have had a thing like that.

Now I want you to turn lastly to page 11. You see, it has been suggested, Mr. Mbeki, that this is a document which advocated guerilla warfare.--What paragraph?

You see there is a chapter headed "Forward to Victory. Events in South Africa are moving towards a crisis culminating in a direct clash between the forces of reaction to apartheid and barbarism...and the forces of liberation." You have that place?---No I have not got it yet.

Just under the heading "Forward to Victory."---
Yes.

"As the struggle grows more acute, the bravest and most resolute men and women ^{will} ~~who have~~ come forward to lead the people in a path of struggle to victory. People will organise and fight back on every front against pass laws, Bantustans and Group Areas, against starvation,..... against police state terrorism. They will take bold local initiative against grievances, merging every local and partial struggle into a mighty river of peoples insurrection that will sweep away minority baasskap and win the people rule in a free South Africa." It proceeds "The Nationalist Government cannot succeed in its attempts to check the awakened people of our country, the irresistible drive to freedom. They can only succeed in making the struggle more bitter, and bloody. Should they persist in this course the only effect can be that the present outbreaks of sabotage and violence will develop into a full-scale civil war, beginning with guerilla operations in various parts of the country-side, and culminating in an armed insurrection."

Mr. Mbeki, did you read in this, as either a member of the Communist Party, or as a member of the African National Party..Congress, did you regard this as an incitement to people to take up arms?---Not by any stretch of imagination could you interpret it to mean that, because it is clear. Plain, simple straightforward English. It analyses the situation, and it says 'If so-and-so does not take place, then so-and-so will happen'. It does not incite anybody to anything.

Can you imagine a decision to go over to guerilla warfare being conveyed to members in this fashion?---I cannot imagine it, unless a man was off his senses.

Now Mr. Mbeki, perhaps we should deal briefly with some of the matters. First of all, you know now, you did not know at the time I think, that No. 1 accused made arrangements for Umkonto's recruits to undergo military training?---Yes.

Now was it possible to carry that out without using some organisation?---No it could not have been carried out.

In fact, during the year 1962 was the African National Congress busy establishing offices in different parts of the world?--Yes, it had a number of offices in different parts of the world.

Where were they being established?---During 1962 there were offices in Cairo, Egypt, offices in Morrocco, offices in Dar-es-Salaam, offices in Ghana, and there was an office in Cuba also, as well as offices in London.

In London as well?--Yes.

And did the A.N.C. have men to staff these offices to work there?---Yes.

To carry out what sort of work?---To carry out the work of the A.N.C., such as their seeking support for the cause for which the A.N.C. stood, as well as to find funds, to find money for the A.N.C. to carry on its work.

Now when No. 1 accused returned to South Africa, he reported on that?---Yes.

And were you present at a meeting where he reported? ---Yes I was.

What was that meeting?--It was the meeting of the National Executive.

Now we have had a reference to Exhibit R.14. which you will remember are notes in the handwriting of accused No. 1?--Yes.

According to...recording in a very sketchy fashion, some of the discussion that took place?--Yes.

I want rather to turn to Exhibit R.13 because there is something which I want to ask you about there. Now that, you remember, those are notes containing some of the ideas which were used in reporting.---Yes.

Would you - I think Mr, Mbeki you now know that these X notes related to two different meetings?---Yes.

And you have seen that in one the A.N.C. agrees to something, that was to change its ...agreed to make adjustments in tactics, but not in policy?--Yes.

That is a note at the foot of the fifth page in my bundle. (At the bottom of page 170). Have you got that?---Kenneth Kaunda?

No.

BY THE COURT (to Mr. Fischer)

What note are you reading, Mr. Fischer?---On my copy, my lord, at the foot of that page "Agreed that we

need to make adjustments in tactics".

MR. FISCHER (to the witness)

You have that?--Yes I have.

Now Mr. Mbeki, I want you to turn over to a page which contains in the middle of it the heading "Position of the P.A.C. in Africa and London." It is a page with the typed No. 4 at the top of it.--Yes I have got it.

Now will you just follow this briefly. You will see the notes here refer, under a number of headings, to the following: "The P.A.C. has started off with tremendous advantages ideologically and has skilfully exploited opposition to whites and partnership. Sharpeville boosted them up...during the trial and imprisonment of Sobukwe, etc. In the Pafmecsca area the Nobel Peace award to Chief Luthuli has created the impression that Luthuli has been bought by the West. The P.A.C. has had at its disposal the Voice of Africa. Luthuli's book and some of his statements have been extremely unfortunate. Congress Alliance itself unfortunately does not allay this impression. On the contrary it perpetuates it. All these things have made it appear that the P.A.C. is the only hope for the African people." Those were points on this list - were they discussed at the meeting at which you were present? ---Yes. These were points that were raised there by Mr. Mandela at the meeting.

Now briefly, what was the situation that was being referred to? Was it a handicap that the A.N.C. was suffering from?--Yes, it was referring to the handicap which the A.N.C. suffered from on the Continent of Africa. The policies of the African National Congress always made accommodation for all the racial groups in South Africa, - I mean accommodation in the sense that

they accepted the concept that South Africa was occ. by a number of racial groups, and that therefore, what its future development might be, it would have to take into consideration that if people were here to say, then they were entitled to equal rights. Now this point of view was not being appreciated in the rest of the Continent, which is what PAC exploited.

Now despite that handicap to the A.N.C. did it in any way change its policy?---No the A.N.C. have never swerved from its policy.

BY THE COURT:

Tell me something about this ~~xx~~ Pan African Congress - how long has that been in existence?---My lord, the Pan African Congress I think came into being in 1958.

Oh quite recently?--Yes.

And I have understood that its policy is this country for the blacks only, for the Africans only, and the whites must get out - that is their policy is it?--- That is what we understood it to be also. I think that they are making some sort of a shift now.

EXAMINATION BY MR. FISCHER (CONTINUED):

Just on that point Mr. Mbeki, it might be of considerable interest if you would just tell the Court what happened in 1957 when the Freedom Charter was placed before the African National Congress conference?--- It was..first the question of the Freedom Charter was raised, not in 1957, but at a conference in 1955. There was some very strong opposition to certain sections of it, by certain members of the A.N.C. who at a later stage broke away from the A.N.C. to form PAC. They objected, for instance, to items such as the preamble to the Freedom Charter, which has words to this effect, that South Africa belongs

to all who live in it. And secondly they objected to a clause relating to the distribution of land, that land shall be shared amongst those who work it. The argument was that then opened opportunities for Europeans also to share in the ownership of land, which they should not. And then, in 1957, the A.N.C. had a revised Constitution which it had to pass, and again this element objected to the certain portions of the Constitution. They felt that the tendency of the A.N.C. was getting to lean very much to co-operation with other racial groups.

And was it on that ground that they broke away?

---Finally they broke away yes.

And formed the P.A.C?---And formed the Pan Africanist Congress.

I have come now to the question of your association with the National High Command, Mr. Mbeki. You were living in Port Elizabeth, during 1962. Were you then approached by the A.N.C. to take up any particular position? ---Yes towards the end of 1962 the National Executive took a decision that I should leave Port Elizabeth, and come and settle in Johannesburg.

In order to do what?---In order to reinforce the Secretariat, since at the time Mr. Nokwe and Mr. Sisulu were facing charges under the Unlawful Organisations Act for furthering the aims of the A.N.C. and then about the same time also they were placed under house arrest.

BY THE COURT:

And were you not a member of the National Executive up to this time?---No I was.

I understood you were.

EXAMINATION BY MR. FISCHER (CONTINUED).

But you had not been on the Secretariat?---No I had not been on the Secretariat.

And that is what you were asked to do?--Yes.

Were you able to do that immediately?---Well fi. I had to make arrangements with my employers to find a suitable substitute, but when this was done, then I came.

Then you came to Johannesburg, and when was that?
---That was the end of November, 1962.

As from December you became a member of the Secretariat?--Yes.

And I think some months later you were served with a house arrest order?---Yes I was served with house arrest orders in April 1963.

Now did you consult your National Executive Secretariat ABOUT what you should do?--I consulted the National Secretariat and they decided that I should not go back to P.E. My services were required on the National Secretariat, I should therefore go underground.

And was it then suggested that you should go to Rivonia?---I was taken to Rivonia, yes.

And when was that?---It was early April..I think precisely on the 10th April.

When you arrived there was there anyone living there except the Goldreich family?---No.

There was no-one. It was at this period when the National Secretariat was carrying on the correspondence not only of the African National Congress, but of Umkonto as well?---Yes.

How was that done? How was Umkonto's information conveyed to the National Secretariat?---When I came on the National Secretariat, Mr. Nokwe was doing..was handling the correspondence between our office and the offices abroad, and if the National High Command wanted to convey any messages to our offices abroad, then it

used a contact to go and deliver that message to Mr. 'Nokwe, who in turn wrote to our offices abroad. And if any reply came, he in turn conveyed it to the contact, and the contact in turn passed it on.

Now when you took over..when did you take over the function of correspondence for the Secretariat?--- Sometime in January.

And was that system then in use?---Yes that system was continued.

I think you used pseudonyms such as Thunder and James. They had been in use?---They had been in use by the Secretariat, and I also used them.

In fact, there seems to have been some confusion because at one stage Thunder appears to have turned up in London or somewhere else! However, arising out of this situation was any suggestion later made to you with regard to Umkonto?---Yes, towards the end of April the suggestion was made to me that I should become a member of the National High Command.

And did you become a member?---I did.

Now Mr. Mbeki, during April 1963, we have heard from Mr. Sisulu that he was convicted of taking part in the affairs of the A.N.C.--Yes.

And his 12 hour house arrest order was made a 24 hour house arrest order.--Yes.

I think the National Executive, he told us, decided that he was not to go to jail, but to go into hiding, which he then did.--Yes.

When did he come out to Rivonia, can you remember? ---The first occasion, I mean after I had been there myself, was I think in...

No I mean, when did he come to stay?---To stay at

Rivonia?

Yes.--It was about middle of June or about the third week of June.

He was in hiding elsewhere?---Yes.

And when he came, had Kathrada already arrived?---
You mean when he came to stay?

Yes.---Yes, Mr. Kathrada had already arrived.

I want you to give the Court an impression, before I turn to the correspondence, of what the A.N.C. plans were for 1962, at the time when you joined its Secretariat.. 1963 I am sorry.---The plans of the A.N.C. were to carry out an anti-pass campaign which would culminate in a general strike.

And when was that general strike to take place?---

..

Had the date been fixed?--When the original plans were made, it had been intended that it should be..it should coincide with June 26th.

And where was this campaign to take place?--It was to have been a national campaign.

Culminating throughout the country with a stay-at-home on June 26th?---Yes.

And how was there any particular reason why the African National Congress chose this campaign for the year 1963?---Yes. The idea ~~of~~ I would say emanated from a report which we got at the Lobatsi Conference.

I want you to turn briefly to the Lobetsi Conference. You were present, were you not?---Yes I was.

And you acted as Chairman?--Yes I was Chairman.

You introduced Oliver Tambo as the main speaker?---
Yes.

What occupied the conference, just briefly, † two days?---The conference had a fairly long programme. The Secretarial Report, which covered all the activities of the organisation, more particularly during the period since 1960, because there had not been any conferences. The last conference of the A.N.C. had taken place in 1959. It was necessary, therefore, that the report of the Secretariat cover the whole of that period. And questions relating to organisations also were discussed at the conference, as well as a report by our external mission of their activities abroad. Those are some of the items that were...

And were Resolutions taken?---Yes.

It was the usual sort of political conference of the African National Congress?---Yes.

BY THE COURT:

You said that some report led to this decision to call a general strike. What report were you referring to? ---The delegates, my lord, from the Western Cape reported that feelings were running high in that area, as a result of a decision of the Government which it was carrying out, to move people away from Cape Town.

That was really what you say was the cause of your activities?---I say the plan which was subsequently prepared emanated from the report.

From that report you got there.

EXAMINATION BY MR. FISCHER (CONTINUED):

Now did you personally investigate the position in the WesternCape? ---Yes I did. After...

AT THIS STAGE THE COURT ADJOURNS UNTIL
2. p.m.

ON RESUMING AT 2.p.m.

GOVAN MBEKI, still under former oath:

EXAMINATION BY MR. FISCHER (CONTINUED):

Mr. Mbeki, I just want to deal briefly with the other aspects of the Lobatsi Conference before you tell us what you actually found in Cape Town. You described it you remember as a two day conference, Secretarial Report, and so forth?--Yes.

And you know that certain allegations were made in this Court about what was said there.---Yes.

Now prior to the conference, were there discussions with the Security Police of Bechuanaland?--Yes.

And as a result of that, what happened at the Conference?---The Bechuanaland Security Police insisted on the fact that there should be two of their men at the Conference, and we carried on ~~esses~~ negotiations with them for some time on this issue, but finally they put it this way that either we would have to have the Conference with the Security Police of Bechuanaland present, or no Conference.

Or no Conference at all, and you therefore agreed that they be present?--So we therefore agreed that they should be present.

And were they present throughout?---They were present at every session of the Conference.

Was that known by the delegates?---It was one of the first things I announced to the delegates, and they were sitting there, they also knew.

So was there any discussion at the Conference about recruiting?--The recruiting of..?

Members of Umkonxto?---No.

None at all. Oh yes, you know there was the question raised whether accused No 2 was present at that conference.---No he was not present. I had gone along together with accused No. 2 a few days before the conference, but he returned during the course of the week when ultimately he was served with house arrest orders.

That prevented him from coming?--Yes.

You say that at this conference a report was made about what was happening in the Western Cape?--Yes.

And did you go down to the Western Cape at any time to examine the position first-hand?---Yes, early in January the Secretariat instructed me to go to the Western Cape to find out what was happening.

And I think you first went to the Regional Command?--Committee. The first people I met were the members of the Regional Committee of the A.N.C.

And what did they say?--In Cape Town.

And how did they describe it?---They said that the position had deteriorated since they had made their report at the National Conference, and that a large number of women were being endorsed out of the Western Cape, and the men being thrown into the barrack(?), and that as a result of this the position was becoming worse, and there was developing a talk, and in fact preparations were at an advanced stage of ..arrangements were at an advanced stage of preparation to embark upon a plan which then they explained to me.

Yes. What was that?--You mean the Plan?

Yes.---The plan briefly was since the Government has decided to embark on a mass removal of the Africans from the Western Cape, and that the people were not willing

that they must firstly start an anti-pass campaign. reason for this was due to the fact that there was a large number of Africans in the Cape who had been endorsed out but had not gone to the Reserves, and who had remained in Cape Town. Then some of them argued, that is the report as I got it at the Regional Command, 'So we will continue with the anti-pass campaign, and on a certain date we will collect the passes from the people, and burn them.' And then others argued 'so what useful purpose is that going to serve, because if we burn the passes, in any case the bosses will require them at the end of the month to sign and anybody who is not able to produce his pass for signature by the bosses will be told to go and get a temporary special pass,' and then others argued, 'then we don't go and get the temporary pass.' And other section argued 'if you don't get temporary passes then you will be fired.' And yet another section argued 'Then if we are fired, we declare a general strike, and we remain at home.' Then others argued still 'Then if you remain at home, the police will do what they did in 1958. They will surround the township, beat up the people, and tell them to go to work. What solution shall we have for this?' Then yet another section said 'This time they will not have it as easy as they had it in 1958. If they beat us to work, then we will march into town and hit back the same way that they were hitting us indiscriminately. For instance there was quite often the case of a woman whose child was shot and died as a result during the 1960 emergency, while she was on her way to go and see a doctor.' They said 'Well, we will do the same thing. We will get into the residential areas, and hit indiscriminately any whites we find there.'

When you say 'hit'?---That is hit, or kill if came to the push, any whites they came across.

What did the Regional Committee tell you about their ability to control this?---They said they had attempted to resist this, but finally they were overwhelmed. They were unable to control it.

Well then did they ask you to take a hand?---Yes. Then I pointed out to them that it was the wrong way of doing things. And they said Well, we accept that it is the wrong way of doing things. No doubt the last portion of this plan would result in a lot of bloodshed, but you must go and convince the representatives of the branches that this is a wrong step to take.

Did you do that?---A meeting of representatives of branches from the Western Cape was organised. Then one evening I went out to talk to them.

Did you succeed with them? what occurred there? these meetings, of course, were all illegal, as far as you were concerned?---They were all illegal, yes.

Yes?---I talked to the representatives of the branches. It was a very heated discussion, a crowded meeting at the place where we met. And although I succeeded to persuade the majority of them, the younger people were just not convinced that my explanation was correct, or the fact that I was dissuading them from taking this step was correct. And they just stormed out of the meeting, a good number of them stormed out of the meeting.

Were you informed what these young men had been doing?---Yes it was some sort of little pandemonium after these young chaps had stormed out of the meeting, and

the members of the original committee suggested to me that it would be wise for me to go and meet some of the people who lived in the bush, because these young chaps had been organising the people who lived in the bush, and if I did not go out to convince them, the likelihood would have been that they would have precipitated the very situation we were trying to save.

You talk about men living in the bush - did you go to meet them?--Yes I did. One evening a meeting was organised for me to go and talk to them.

What do you mean by people living in the bush?

Who are these people?---A number of people, a lot of people who had been endorsed out of Cape Town. But they did not go back to the Reserves. They remained in Cape Town, but because they could not remain in the townships they settled in the bush. You know the surroundings of Cape Town are very bushy. They remained in the bush and hoped, in my opinion, against hope that somehow they would manage to get passes, get documents, to enable them to work in Cape Town.

Did you address these people?---Yes I did. One evening, as I have said, I was taken out to one of these meetings in the bush. There I found a number of people, and we got down again to the discussion of this plan. And after a long discussion during which a good number of them were very, very impatient, I managed to succeed to persuade them to defer the execution of their plan until I had reported back to the National Executive. And then I promised that at a later stage the National Executive would send someone to Cape Town to convey their views on

their suggestion, that is the views of the National Executive on their suggestion.

Is it out of that, then, that the idea, or rather partly as a result of that that plans were then made for a general anti-pass campaign?---Yes, after I had reported to the National Executive, a decision was taken that it is not going to serve any useful purpose merely to tell these people that the course they were following was wrong. We will have to put something in its place, because that was one of the questions I was confronted with: if you say we should not hit back, go into the residential areas and hit back against the whites, what alternative suggestions have you got?

Did you put then an alternative suggestions?---Well every time my alternative suggestions, I did not have it myself, I could not, without getting the authority of the National Executive - that is why I had to buy time by saying that I was going to report to the National Executive.

You came back then, and reported to the National Executive?---Yes.

And I think you were sent on further journeys?---
Yes. After reporting to the National Executive, the National Executive decided, alright, we are going to embark on an anti-pass campaign, which will also culminate in a general strike, as I have already indicated. It was then planned that it should take place to coincide with June 26th. Then I was sent down to Durban during the same month, that is January, before the end of January to find out what the organisation thought about embarking on an anti-pass campaign during 1963.

And whom did you see?---In Durban?

In Durban,---In Durban I met the members of the Ad Hoc Committee, but they also arranged that I should meet the representatives of the branches.

Now was this plan confined to the towns only?---..
Was this plan to be confined to the towns only?---No. It was felt that if the plan was to be successful at all, it should also cover the rural areas, that is the reserves, and we therefore, accordingly, the National Executive took steps for the setting up of machinery for the organisation of the reserves or the rural areas.

Now in Natal, did you suggest any steps there, or were any steps taken?---When I met the Ad Hoc Committee special departments were allotted to each member of the Ad Hoc Committee, and one member was allotted the duty of organising the rural areas.

Who was?---It was Sojly Mbanjwa.

That is as far as Natal is concerned. What happened as far as the Eastern Province is concerned?---When these discussions took place, there happened fortunately to be somebody from the Eastern Province, that is when they took place in Johannesburg in January.

There was someone ~~at~~ there..?---There was somebody from the Eastern Province, and a message was conveyed by him to the Ad Hoc Committee in Port Elizabeth.

Perhaps this is the right stage at which, very briefly, just to tell the Court how this Ad Hoc Committee fitted into the scheme of things? Just briefly give us the structure of the legal A.N.C. There there was an annual conference?---Yes, before the A.N.C. was banned, the highest controlling body I would say would be the National Conference.

Constituted out of delegates?—Constituted of delegates from the various branches throughout the country.

That annual conference elected a National Executive? ---Yes it elected a National Executive.

Of how many people?---Altogether the National Executive consisted of 22 people.

And it also elected the office-bearers, the President, secretary etc?---Yes.

Treasurer, etc?---Yes.

Now below that, at the Provincial level did one have provincial executives?---Yes. We had four provincial executives, corresponding to the Provinces, that we had in the country.

And those were elected by members of the branches? ---That is right. Those were elected by members of the branches in each Province.

At provincial conferences, yes. Below that I think there were Regional Committees?---Below that were Regional Committees which also were elected at annual conferences of the branches that constituted that particular region.

Add some illustration of those regions were, for instance, the Western Cape?---Yes, the Western Cape was a region, the Eastern Cape, that is Port Elizabeth and district was a region. South Western Areas of Johannesburg a Region, Pretoria a region, and so on.

Yes I just wanted illustrations of that. And then finally below the regions there were the branches?---Yes.

Branches for different townships or areas or whatever it might be?---Yes.

So that there were four levels?---There were four levels before the A.N.C. was banned.

Now when it was banned, what arrangement was made? ---When it was banned it was felt that the machinery which we used while the organisation was legal was a bit cumbersome, because each one of these levels had a certain amount of autonomy. For instance, if a directive (that is before the organisation was banned) if a directive was issued by the National Executive, it would only go to the Provincial Executive, and then the Provincial Executive in turn would look at it and send it to the Regional Committee, and the Regional Committee to the branches. After the organisation was banned, the Provincial level was done away with.

And you intended then having simply a National Executive with regional committees under it?---Yes.

Direct contact between the centre and the regions? ---Yes.

In fact, did that work?--In practice it did not work. We found in practice that people did not lend themselves easily to the changes that were taking place from conditions of legality to conditions of illegality. It became necessary again to decentralise, and as a result the National Executive decided that there should be set up a temporary committee which would help to tide the organisation over the period that the people were getting used to the underground methods of working, and this temporary committee was called the Ad Hoc Committee.

Was that to label it as a temporary institution?--- To label it as a temporary organ.

So there was then a temporary Ad Hoc Committee for each of the Provincial areas?---Yes.

Now very briefly - just one further aspect - how were the Ad Hoc Committees constituted? Were they elected or appointed?---No, the whole elective machinery was done away with after the organisation was banned. Ad Hoc committees, Regional committees and branch committees were all appointed.

Belt 107E.

Now I want you just to mention how you found out.. when you found out, what the structure of Umkonto was. Here we have heard now of the National High Command in Johannesburg.---The structure of Umkonto, or the little pyramid next to this big A.N.C. pyramid: at the top was the National High Command, and below the National High Command there was the Regional Command; as distinct from the A.N.C. which had a Regional Committee. And below the Regional Command were the units of Umkonto. So Umkonto operated at three levels.

In Umkonto did one unit know another unit, know the persons who formed that unit?---^{No}No. Men who belonged to Unit A did not know the members of Unit B.

And what was the contact between the unit and any other organ?---The contact between the unit - there was no contact between unit and unit. There was contact between unit and Regional Command through a contact appointed by the Regional Command.

In other words, each unit was a secret body, a ^{small?} secret body?---Completely secret.

And they did not know each other, nor did they know who was on the Regional Command?---The only person that each unit knew, outside itself, was the contact. No

know the members of the Regional Command.

Now was there then any link, apart from the National High Command, was there any link between any part of the Umkonto organisation, and any part of the African National Congress organisation?---No link at all.

And would, or should, any African National Congress unit, branch, that is to say, have been aware of who was in any unit of Umkonto?---No it could not be. It was not allowed - whoever was recruited to any unit of Umkonto was approached as an individual, whether he was a member of the A.N.C. or not. He was approached as an individual, and when his approval had been obtained to become a member of a unit of Umkonto, he would not refer that to his branch executive - that is the A.N.C. branch executive. So that the A.N.C. leaders even, whether at branch or regional or provincial level, did not know who of its members were in Umkonto.

And that, of course, was done deliberately?---Yes.

Well now, you then started organising this campaign from the National Executive, from the Secretariat, in Johannesburg, the anti-pass campaign.---Yes.

Now I think it would save time if I went through some of the correspondence/^{I could try}and pick out just the matters relating to the campaign, but then I would have to come back to it to explain other matters. So if you will bear with me, I will just quickly run through a few of these letters to indicate both what was done in regard to the campaign, and in regard to other political activities? ---Yes.

Mr. Mbeki, I am reminded from my learned junior that I assume this correspondence is only that taken from Trevallyn? That is the only correspondence before the Court?--Yes..

There was other correspondence as well?---Oh yes, there was.

Well now, if you would start with I.14. I.14 to 28 deal amongst other things with both students, who would be sent overseas, and with recruits? Is it clear that both types of people were to be sent out?---Yes, both types were sent out, students and recruits from Umkonto.

Alright, well now we have a letter of the 25th April, I.14 which is addressed to your Secretariat, is it? ---Yes, addressed to our Secretariat from London.

One of the topics which has come into discussion here is the journal "Assegai" and this is one of the letters in which enquiries are made about this journal. In paragraph 3.---Yes.

Your London office was complaining "We have been greatly disturbed by the appearance of this pamphlet, because of the manner in which the British paper held it out as 'the spokesman of the Spear'.---Yes.

That, of course, it was not?---No, it was not.

Then paragraph 4 talks about M booklet which is now coming out before the 7th May. Is that anything sinister, Mr. Mbeki?---No, there is nothing sinister about that. The M. booklet just refers to the Mandela booklet. You know after his case there was an illegal booklet of his trial, and then it was to be reproduced for use abroad.

Now then paragraph 5 refers to "Dar inform us that they will be in a position to charter for 25 stud-

insist that the students you intend sending should be qualified for entry into overseas universities." That refers clearly to actual students?---Yes that refers to recruits for academic work.

The next one I want to look at is I.16. There is again a reference to students. There is a reference to the booklet you talked about 'Transkei in the Making'. I notice you say "We have contacted the author.." this I take it is a letter from you?--Yes it is a letter from me.

You say "We have contacted the author of "The Transkei in the Making."---Yes.

I take it you had a reason for it?---Well yes, I mean the author of "The Transkei in the Making" IS Myself.

Yes, if you talked about it as that you would have been identified?---Yes I would have been identified.

Now in the last paragraph there Mr. Mbeki, there is, in this sentence "In the last few days we have sent a lot of material about our proposed plans." "We shall be glad if you will expedite the sending out of the invitation letters to political parties." What was the proposed plan?---We had invited the political organisations from the Protectorates, the Rhodesias, and Tanganyika, and Mozambique to a special conference to consider the implications of the Aliens Control Bill.

That was a bill that was intended to control the ...---the entry of Africans, usually referred to I think as 'foreign natives'.

Then you hardly need look at I.17. There is a discussion again about 'Assegai'. And you ask the London office to 'circularise all our offices' this is in the third paragraph. "Further we would like you to circularise all our offices, and draw their attention to..."

that we do not favour the practice of inviting individuals from here without consulting us. In fact, this can easily result in a misunderstanding. If any office requires additional staff, we should be advised." Now, that of course refers to African National Congress offices? ---Yes, A.N.C. offices yes.

And from time to time, as you have told the Court, you did send people to staff those offices?---Yes we did.

In I.18 there is once again a reference to students. I will just read it to you: "The fears you entertain about fellows being landed at Dar would not apply in this case, because everything has already been tied up as to their destination." That is the second paragraph.---Yes.

What was it there that had been 'tied up'?---Now in the first place, this letter is addressed to a representative of the students in South Africa. And we had received a letter from him to say that they had received reports that some of the students who had gone before this stage had been landed at Dar, that is they had not been sent to the various universities where scholarships had been arranged for them. So I am here assuring him that this position has now been straightened out with Dar, that they should not keep the students at Dar for very long. They must arrange for the scholarships in advance.

Yes. I want you to look at I.19. You see in the first paragraph "It would appear that we did not grasp the import of your communication that ..when you advised us to get ready a group of 28 matriculated students." This is where you discover that in this case you were at cross

purposes?---Yes.

With Dar-es-Salaam. Paragraph 2, just to save my learned friend from asking you the question, you say "Two days ago we sent Percy to Palapye where he found a letter from you, in which you state that we should prepare groups. Do you know who Percy is?---Yes I do.

Are you prepared to tell the Court who he is?---No, no, I am not.

Is he accused No. 9...10?---No he is not.

And then of course the recruits were disguised as parcels?---Yes.

Yes I don't think we need to refer to I.20. These still refer to recruits, and so does I.21. Would you look at Exhibit I.22? Look at the third paragraph "We have now heard from the local representatives of Uno" do you see that?---Yes.

This is a letter from London to the Secretariat here?---Yes.

And this refers then to 'our letter of invitation' which had been discussed, apparently, with Dr. Kaunda?---Yes.

So that was the plan which was referred to in an earlier letter?---Yes, this refers to that.

And there some doubt was cast on its usefulness, because it might undermine the authority of Pafmecsca?---Yes.

For the rest I think there is a discussion about June 26th, and what was being done overseas about that.

Apparently your offices had done some work in that regard in other countries?---Yes in other countries they had.

Was it a day that was going to be celebrated in some fashion or other elsewhere as well as here?---Yes.

Then I.23 again refers to the two types of students. I want you to look more especially at I.25. Paragraph 3 of this letter of the 30th May, which is a letter from Thunder to U.R. deals at some length with actual scholarships. In (b) you speak of 27 scholarships for the year 1963 to 1964?---Yes

Were there actual scholarships? Were there scholarships available?---Yes, no this refers to students for academic work.

But I mean there were scholarships available for students to be sent over?---Yes.

Then again in paragraph 5 there is a reference to the Aliens Control Bill. Paragraph 6 deals with a proposed journal. Where was that journal to be published?--It was to have been published in London.

In paragraph 8 you appear to depart there from African National Congress business, and you discuss.. "There are a number of Africans abroad, and we think facilities should be made available to them to join M.K. and train if they wish."---Yes.

"Please study this matter, but we should not give the impression that students should abandon their academic work. May we make some more direct call at a later stage." Sorry, "We may make some direct call at a later stage." Is that in line with what you were telling his lordship this morning about the attitude of the A.N.C. towards its members joining M.K?---Yes.

Turn over for a moment to page 2. You speak in paragraph 10 about the possibility of opening a new office in Lusaka.---Yes.

And possibly an office in Indonesia in paragraph (c).

--Yes.

So was the work of the A.N.C. outside of South Africa at this stage expanding or contracting or remaining the same?--It was expanding, in fact expanding so fast that we could not keep pace with it.

Now I would like to come to one or two of the directives. Would you go to I.29. This is addressed to all regional branches, and it is dated the 25th April 1963. The first page really speaks for itself. At the foot of the page you deal with what is called "Government Terror" and at the top of page 2 there is contained a description I think of the sort of thing which you found in the Western Cape. Your pages seem to be quite different from mine - if you will look at the heading "Government Terror".--Oh yes Government Terror, the first page.

And that speaks of the Government having sworn to throw out our people from the Western Cape,--Yes.

'In fact it has already started to do so.' And the next paragraph speaks about thousands of women who are now carrying passes, and the men being herded into barracks. And then comes a plan in brief. Have you found that?---Yes.

To what does that refer? I just want to know what that plan is?---The plan I referred to which was adopted by the N.E.C. after discussion.

So this is the N.E.C. plan?---This is the N.E.C. plan.

The campaign against the passes, which is divided into,---three stages.

and then there is a general strike?---Yes.

Then you speak in paragraph 3 of 'intervening activities.' And the African National Congress members are asked to engage in all forms of non-co-operation *if* as mentioned in the first leaflet?--Yes.

So that was then also part of the plan, was it?--
Yes. As the sub-heading suggests, it is 'intervening activities.'

I am merely asking you these things, Mr. Mbeki, because I want to ask you whether..put the question to you now whether the A.N.C. ever went over itself to anything other than the same methods that it had been using for 10 years before this?--No. This plan, it confines its activities purely to the non-violent methods of struggle that it had engaged in over so many years.

Non-violent, although illegal?--Yes, although illegal, yes.

Now I will come back to some of these others later on. May I just refer you for the moment to another directive of the same kind, which is ..the first one was April, and the next one was the 10th July, or rather, the next available one is the 10th July. It is Exhibit I.42. This is again a directive to all regions and branches. "The following directive must be passed down to all our membership and should be reproduced at regional level so that every branch should get a copy." Paragraph A deals with the Transkei Elections. Had the N.E.C. taken a decision on what was to be done in regard to Transkei elections? --The N.E.C. was carrying out a decional conference, a conference at Lobatsi.

And that was a plan to boycott the elections?--To

boycott the elections.

But in paragraph 2 there is an indication as to how the campaign was to be carried on?---Yes.

Namely by using the opportunity to put forward the African National Congress policies?---Yes.

Now then paragraph 3 and 4 describe how this campaign should be conducted, by getting together people from the Transkei?---Yes.

Belt 108E.

And if you look at paragraph 4 you will in addition to meetings see 'try and get meetings in single mens barracks and issue leaflets.' That is correct?---Yes.

Can you remember whether you drafted this circular? ---Yes I think I did.

Just below paragraph 4(d), the paragraph just after that, the instruction reads as follows: "appoint and assign special volunteers to tackle the hostels or single mens barracks. Get regular reports from them of the progress in these barracks." So is this an occasion where the volunteers would go into action?---Yes, where the volunteers were assigned a special task of organising people at the barracks.

Mbeki, let us try once and for all to say precisely what a volunteer is. Is the ordinary member of the African National Congress, or any particular organisation always willing to do all the donkey work?---No, no. It is not so.

And so how does one get the donkey work done?--- You can only get a few people, that is in comparison with the total membership, so dedicated that after hours of work, for instance, instead of resting at home in the evening, they go about the township recruiting members ..

Going to the hostels.---Going to the hostels and so on, and even over weekends, instead of resting over weekends they have to be doing all this organisational work.

Now leaving that, then the last..then there was a boycott of Nationalist newspapers was stressed in paragraph B? and finally I think it is in paragraph C a direction as to what to do about the situation created by 90 day detention?---Yes.

Mr. Mbeki, is this the way in which the A.N.C. members received their instructions, through documents?--- Yes, if we intend to give instructions, we issue directives.

Mr. Mbeki, did I put it to you generally that these documents, for instance like I.46, without going through it again, which is also headed "Directive to all Regions and Branches" would indicate the activity of the A.N.C. during this period?---Yes.

Actually I.46 has references again to volunteers, and also to Ad Hoc committees which are required to give a monthly report. Pausing there for a moment Mr. Mbeki, what happened about the plan for an alleged Stay-at-home on June 26th?---When..I will say firstly in March the National Secretariat again sent me down to Cape Town to explain now the new plan, and to tell them that it was going to be on a nation-wide scale, and that they would not embark on any campaign of their own outside that provided for by the National Executive, and that therefore their original plan, which included marching into town, had not been approved of that is, that portion of their plan, had not been approved of by the National Executive. Then, when the question of the 90 day law came up, we had to review the position. We realised that a good number of our leadership at

branch, regional, provincial and at national level might be picked up during ..under the provisions of the 90 day law. We therefore decided to reorganise with a view to creating shadow committees, so that in the event of the known people being arrested, there would be others who would be able to continue the work. It sort of acted as a setback, and gradually by the time when the anti-pass campaign should have been in full swing, culminating in the general strike, this whole proposition was deferred and sort of receded to the background in a way.

Now I would like you just to complete the picture by referring to Exhibits T.47 and T.55. If you look at T.47 first you will see that that is dated 6th June 1963 and it is directed to the Board of Directors.---Yes.

Now who was the Board of Directors?---The Board of Directors is a section of the National Secretariat.

I understand you could not always be together?--- Yes that is the position. Although Mr. Sisulu and myself were members of the National Secretariat, when we went underground we found it very difficult to meet, the whole group to meet, so that as senior members of the National Secretariat we received reports from the other sections of the Secretariat, and then we were able to comment on those reports. But when the National Secretariat met as a whole occasionally, that is after he and I had gone underground.

Now if I might just run through some of the passages in this, just to explain to the Court what they mean. So that is what is meant by the Board of Directors - that is the Secretariat?--It means that portion of the Secretariat which was situated in the townships.

Or which operated from the townships.

This deals with joint meetings, persistent weaknesses, irregular attendance. Then it deals with propaganda. Those items seem to relate first of all to the issuing of more propaganda and suggest what the propaganda should deal with. And there is a circular letter, the T.T.A. That is the Transkei and Territories Authority?--Yes.

A circular letter which might be sent to the chiefs.

Then paragraph 4 Mr. Mbeki starts with the heading "R.A.C." What does that refer to?--Rural Area Committee.

Is that the committee which was, what was that committee organising?--Its function was to organise the persons in the rural area, as well as migrant labour at the barracks.

Then the next heading is 'Education', 'The failure to set up study groups is disturbing.' Earlier in the year a list of people who were to be in charge of such classes was drawn up, and you ask why they have not STARTED. I just want to draw the Court's attention to the items, The history of man up to the period of slavery, the feudal system, and the formation of classes and political economy. Then you refer to the volunteers again and in 7(e) 'How much work is being done about the plan of activity that went out on the 1st May'. What plan of activity was that?--It is referring to the anti-pass plan.

Then you refer to finance "Please let us know is this committee now functioning, how much has it raised up to now, are the branches in the South-western areas paying subscriptions."--Yes.

The evidence has been to his lordship that money was collected both inside and outside the country.--Ye

Finally the last paragraph but one there is a general.--on the second page?

Yes, there is a general stimulant - 'this means you have to be enterprising, full of initiative and hardworking within the framework of our policies and directives.'---Yes.

Mr. Mbeki then, activity carried on in that way?
---Yes.

Now you say this represents comments by you and possibly Mr. Sisulu?--By me and Mr. Sisulu on a report we had received from..

Now if you will look at Exhibit I.55 which in the top right hand corner is dated the 15th June, would you tell the Court from whom this comes?--- This report came from the Secretary of the Secretariat, who was in that Section of the Secretariat that operated in the townships.

And you find, I think we can put it generally, you find that some of this deals with the items which have been set out in I.46?--Yes.

BY THE COURT.

Whose handwriting is this? ---It is the handwriting of the Secretary, my lord.

Whose name you are not prepared to disclose?---Whose name I...

Yes.

EXAMINATION BY MR. FISCHER (CONTINUED):

It might be of considerable interest just to see how the Secretariat dealt with the problem raised by the region! Right at the beginning it says "The Region has postponed the demonstrations that were scheduled for the 15th May and proposes that these should take place on the 26th June. It had been ~~proposed~~ that there should be a placard demonstration after 5 p.m. It was proposed

that should anything happen we should answer in kind. The aim was to have thousands take part." I don't know if you know what is meant by "It is proposed that should anything happen we should answer in kind"?---This is the Secretary of the Secretariat as I say reporting what the Region intended to do, some regions.

And then he proceeds in the second paragraph to say what the Secretariat had done about this. "We have felt that these proposals required modification. We think that the demonstration at 5 p.m. would not have maximum effect as many people would be rushing to trams and buses and it might pass unnoticed. It is also felt that though our new policy would be demonstrated in the proposed plans, the region lost sight of the fact that the struggle was protracted and a permanent state of crisis was the desired effect. The plans seem suicidal and would plunge all our resources in a futile gesture." Do you know what that refers to?---Yes.

Is that the "answering in kind" by any chance?--- This is the comment of the Secretariat because where it reports to 'answer in kind' the region, or the regional committee had planned that on that day they would hold a big demonstration involving thousands of people, and that if the police interfered, or started resorting to tough methods, then the people would answer in kind, that is, they would hit back. Then the Secretariat says this is suicidal. We would not allow it, and it then pointed out to the region that such a step would not be correct.

And then it actually made a different proposal in the next sentence. "We propose demonstrations to local authorities highlighting local grievances should be under-

taken on that day."---Yes.

That is demonstrations presumably?---That is demonstrations making representations to local authorities about things like rent, and so on.

Well if you turn over we will just have one brief glance at the type of activity taking place. In the second paragraph a second leaflet was discussed.---Yes.

The shadow committees were discussed.---Yes.

And a membership drive was contemplated to be undertaken. And in that very paragraph the writer says "Some.---How does it start the paragraph? I have not got it.

Our page is different, I am sorry. "On branch activity a membership drive is contemplated."

(DR. YUTAR: Page 122 your lordship).

"On branch activity a membership drive is contemplated to be undertaken under the responsibility of various regional contacts. A new branch has been created. Some youth is coming forward though not to the desired extent" and then here the writer says "No volunteer units have been created on the basis of branch."---Yes.

So apparently, I don't know what branch he is referring to here, but in this branch, or in these branches, they did not have any volunteers.

BY THE COURT:

What is meant by this "In one branch the members of such a unit was disorganised by the members being called away for duty with other departments." Does that refer to the M.K?---No my lord. It might have, or it might not have been, but I take it it might have referred for instance to a member being assigned some other duties within the branch.

And then the next sentence too "No classes exist, except in one area but these may be disorganised by the existence of new calls to duty."---It could possibly mean that, but I am not positive.

EXAMINATION BY MR. FISCHER (CONTINUED):

Well that I put before the Court just to give an indication of the activities that were being carried on, and the efforts to keep a political organisation going. Would you have a look now at I.47...sorry, I.74. Wait a minute, I think that is the wrong number. A letter to Booth dated 15th May 1963.

DR. YUTAR: That has not been put in.

MR. FISCHER: Oh well may I just read you one or two portions of this, and then I shall put it in. It is a letter of the 15th May from M.T.B. to Booth; the first paragraph has a good deal of coding. It refers to drafts for New Zealand, Italy, United Nations special committee and memo. Then it proceeds 'United Nations special committee. We thank you for the memo on defence. This committee has now decided to grant us a hearing and asked us to furnish them with a date.' Now what do you know about the memo on defence?---Our external mission had asked us to furnish them with information relating to the extent to which the South African Government was arming, in conditions of peace. Now we had a sub-committee that dealt with the collection of material for this purpose.

And is that memo one of the..?---It is one of the Exhibits which is..

It is either I.33 or I.34?---I don't know, yes.

Well then this letter deals with scholarships and students and the qualifications required for these students

which are in general the level of General Certificate of Education - that is the English qualification for University entrance, isn't it?---Yes.

And then it deals with Solidarity Day the 26th June and says "Our appeal is being taken up with great interest. France, the Netherlands and Sweden have indicated that they will be holding meetings and demonstrations. Algerians is planning a rally, and London is also planning a big meeting. They have invited President Nyerere to come and address and Dr. Martin Luther was suggested as an alternative speaker." That is an American negro is it?---Yes.

I think he is the head of the Anti-segregation movement?--Yes in the United States.

My lord, may I put in this tomorrow?

BY THE COURT: Is there any relevance in it? What is the relevance?--MR. FISCHER: Actually I have read in all that is necessary.

DR. YUTAR: That explains why we did not put it in my lord!

EXAMINATION BY MR. FISCHER (CONTINUED):

I think lastly Mr. Mbeki I want you to look at Exhibit Y.77. Do you know what this is?---Yes it is a syllabus for political education for A.N.C. study groups.

And whose is this? I mean, who drafted this, have you any idea?--I did.

--You did. Is this the sort of thing that was referred to in that earlier circular?---Yes.

Now Mr. Mbeki I want to go back to the events of 1963. You have given the Court now an idea of the political work that was being carried on, and you were aware that Umkonto was also carrying on with its campaign of sabotage?---Yes.

It has been suggested Mr. Mbeki that the campaign of sabotage was stepped up in 1963. What do you say about that?--No on the contrary I would say it was slowed up more particularly from about March onwards.

Well then you have told us that by about the end of April you took stock about the campaign, and the reasons. Now I want to deal with Operation Mayabuye itself, the document which was found at Rivonia. Mr. Mbeki had there been a growth within Umkonto, a school of thought, which did not think that sabotage was sufficient?---Yes, there had been.

Did you encounter that when you were put onto the High Command?---Probably a little before that I got to know of it, before I got onto the High Command.

What was this school of thought?---This school of thought argued that sabotage by itself was not going to achieve the purposes of the National Liberation Movement, and it felt that more particularly in the light of the 9th Ninety Day Law, the small units of Umkonto could easily be disorganised by such detention. And therefore they argued that Umkonto should go over to guerilla warfare.

Was this a matter that you heard was being discussed in other circles as well as Umkonto? ---Not in a formal trend in other circles. Informally, yes.

Was it being discussed informally?---Informally, yes.

By other people as well?---By other people as well, individuals.

By African National Congress?--I should imagine so? I mean general talk, individually. I would not say African National Congress, but I mean people in the African National Congress, as individuals.

I mean it was not put on the Agenda?--No, no.

That is how people were talking?--Yes.

You now know that Goldreich had returned, I don't know quite when, from his journey overseas which had been extended to areas where he had not been sent?---I was informed yes he had returned early in the year.

When you got to Rivonia in early April, did you find out what his views were?---He was..

Did you discuss his views with him?--Yes he did discuss his views with me. He was very enthusiastic about going over to guerilla warfare.

Well now during April you say this was going on, and I want you to tell the Court what view you took of this matter. You were then living at Rivonia? --- Before I actually came on to the National High Command, I must admit that I hardly heard any views, because I knew very little about this thing. I had not read about it, and I will say Mr. Goldreich was doing most of the talking. I was listening.

He was enthusiastic?--He was.

Did you do something about this? Did you go and see anybody about it?---Yes, when he advised me that he had, after discussion with some groups in Umkonto, been instructed to draw up a document on guerilla warfare for submission to the National High Command, then I reported to Mr. Sisulu.

He was not living at Rivonia at that time?---No, no, no, but I know where he was staying.

And what occurred^{at}/that discussion between you and Sisulu?---Mr. Sisulu's immediate reaction was that he was taken aback, and he asked me to arrange for a meeting of

the members of the National High Command to take place and to tell them that he would like to be present.

Well now, did that meeting take place?---Yes, the meeting did take place.

And was accused No. 2 present?--Yes he was present.

Was any plan presented?---No, not at that meeting. It was merely outlined by some of the people who supported the idea, and..

And what was accused No. 2's attitude?---His reaction was rather sharp at the time, and reminded them that he was one of the National High Command, and that it had undertaken, when it was first formed, or at least, it had announced in its Manifesto that it would place itself under the political guidance of the National Liberation Movement, and therefore he would never expect that they would go over to guerilla warfare, that is departing from their original policy, without referring this to the National Liberation Movement.

Did you hear anything about the formulation of the Plan at that stage, or at some other stage?---Not at that stage. It was at a subsequent meeting.

At a subsequent meeting you say there was discussion? ---The first meeting?

Discussion that people were wanting to put forward this plan?---Yes there was a discussion that there were some people who wanted to put forward this plan, and then Mr. Sisulu put the point of view which I have just expressed, and then it was decided that Mr. Goldreich would bring the plan at a subsequent meeting and then Sisulu would also attend.

In other words, it was to be put into writing?---
Yes.

Not just...---Yes not just talked about.

And was it then decided that Goldreich should attend the meeting at which this was presented?---Yes it was decided that he should be asked to attend the meeting to place this plan before the National High Command.

Did accused No. 2 say anything about future meetings? ---He did indicate that he would attend all future meetings of the National High Command where this plan on guerilla warfare was to be discussed.

Now did you have any further discussions with Goldreich, for instance about the strength of the A.N.C?--- Yes..

And where it had membership?---Yes he did seek to find out from me the strength of the A.N.C. how it stood organisationally in the rural areas, as well as in the urban areas. Then I told him our plans about rural areas organisation.

And the rural areas committees which you have spoken about?---And rural areas committees as well as demarcation committees.

Well now I want to go to the next meeting, of the High Command. Approximately when did that take place, and what happened there?---The next meeting took place about the second week of May, or probably end of the first week, I am not quite sure about that.

I dont think it is of importance precisely when it was. What occurred there?---Then Mr. Goldreich presented the Plan in the form in which it appears here as an exhibit.

Yes?---He spoke strongly in support of the adoption of the Plan, and tried to convince the National High Command that it could be implemented in a reasonably short time.

And then went on to explain the Plan and firstly to deal in fair detail with the first portion of it as well as the Plan itself.

So was there a fairly lengthy discussion?---Yes there was a lengthy discussion indeed.

Can you give the Court any idea what else was discussed?---Other than the Plan, he indicated that he had gone a long way towards the preparation of the lectures he apparently had been asked at an earlier period to prepare.

Now what was the attitude of you and Mr. Sisulu? ---My attitude was in the first place that I hardly knew about the subject of guerilla warfare, but I felt that since we had plans for mass action underway, rather than think of bringing forward new plans, new ideas which would divert the attention of the movement, we should suspend even the discussion of this Plan which Mr. Goldreich was bringing forward until this campaign..until we are through with the campaign. Mr. Sisulu, on the other hand, in addition to expressing also the view that I expressed, expressed the view that the thing was unrealistic and that it was terribly lacking in a number of details, and that therefore in the form in which it was presented it made it very difficult even to consider its merits.

AT THIS STAGE THE COURT ADJOURNS
UNTIL THE 8th MAY 1964.

THE STATE vs. MANDELA AND OTHERS.

ON RESUMING AT 10 a.m. on the 8th MAR 1964.

GOVAN MBEKI, still under oath:

EXAMINATION BY MR. FISCHER (CONTINUED):

I just want to clear up one or two points that arose from your evidence on Wednesday. What were the people called in Umkonto, the people who were got together and sent over the border?---They were called trainees, or recruits.

Were they ever referred to as volunteers?---No.

I want you to say one word about the length of time which it has taken in the past to prepare for a major campaign. Will you just give his lordship, how long it took, for instance, to prepare for the Defiance Campaign, from the time when the resolution was taken, preparations commenced, until the start of the campaign,?---It took a fairly long time, in the case of the Defiance Campaign it took practically a year from about June 1951 to June 1952.

It takes quite a time?---Yes, with all the consultations taking place between the various organisations in the Congress Alliance.

And the Congress of the People for instance?---The Congress of the People took longer still. The Congress of the People, the idea first arose in 1953, and it was not until 1955 that the Congress of the People was held.

And lastly Mr. Mbeki - do you remember when you spoke of the fact that you did not think that the Communist Party sought to dominate the African National Congress?
---Yes.

Or vice versa. How were Communist members asked to..how were they supposed to work in the National movement,

in any of the Congresses?---They worked as..any other member of the African National Congress as individuals.

And if their party had decided on a certain policy or a certain conduct, how would they carry that out?--- They could only exercise their influence as individuals, as members of the African National Congress. I mean, they could not bring it across as something that came from the Communist Party.

And is that what is meant by a note which appears for instance in Exhibit R.51 where a certain proposal is made has been discussed at some length in this Court, of the foot of that and the note/says "We ask members in the A.N.C. to do their best to persuade the leaders to bring the policy of this organisation to the masses."---Yes.

Now I want to go as quickly as I can over the events - you have dealt with a meeting of the National High Command where Goldreich had put forward this idea of geurilla warfare, and another meeting early in May, where the document was actually placed before the meeting. I think you made it clear that what was clearly understood was that no recommendation could possibly be put before the National Liberation movement until some plans had been concretely presented and decided upon?---Yes.

Now was anything done for that purpose, in order to get the details?--It was decided to set up a logistics committee of which Mr. Goldreich became Chairman.

And what was the task of that Committee?--It had to investigate the feasibility of the plan itself.

That is the O.M?---That is the Operation Mayebuye. And as well the cost that would be involved, the expense that would be involved in implementing a plan of that nature. And about the length of time that was required

to carry it out.

By feasibility do you mean all the details?---
All the details as to whether the Plan could be feasible at all, the Logistics Committee had therefore to furnish information as to certain aspects of the Plan which are enumerated in the Plan.

Well now following on that meeting of the National High Command, what occurred next? As far as this Plan is concerned, as far as Operation Mayebuye was concerned? ---Then I think it was the following week or so that Mr. Sisulu and myself attended a meeting of the National Secretariat, and explained to the National Secretariat what had taken place at the meeting of the National High Command.

Did you have the document then?---No we did not.

So it was just a general discussion on what had occurred at the High Command meeting?---Yes.

And how were..what views were expressed there?

---There were divers views. There were some people in the National Secretariat who felt that it was correct to go over to guerilla warfare, and yet others were of a different opinion. They argued that means of protest there were still available means of protest other than resorting to guerilla warfare, and in addition they expressed the view that they doubted if the thing was possible at all, was feasible at all.

Yes I don't want all the details. I think accused No. 2 has given most of the details. At any rate, there seemed to be unanimity about nothing been done until.---
Yes and more...

..until one could judge what the thing was all about?---Yes.

And so did the National Executive demand those details?---The National Secretariat.

I am sorry, the National Secretariat?--Yes.

It certainly could not have presented anything to the National Executive without those details?---No, it could not even begin to call a meeting of the National Executive without having anything to place before it.

Mbeki then, as far as the African National Congress work is concerned, what happened to that?---The National Secretariat decided that the organisational work of the A.N.C. should be stepped up in order to ensure that the plans which had been launched as from the beginning of the year, could be carried out. I am referring to the anti-pass plan.

And what was done in that regard in relation to the Ad Hoc Committees elsewhere?---It was decided that somebody should be sent to the Eastern Cape to advise the Ad Hoc Committees to step up its organisational activity. And in addition we should write to Natal to call up Solomon Mbanjwa to come.

For the same purpose?---For the same purpose.

And was that done?---Yes.

And did Mbanjwa turn up?---No Mbanjwa did not turn up, Bruno Mtolo turned up.

We will deal with his evidence a little later.

I want to ask you what happened at the next meeting of the National High Command?---At the next meeting of the National high Command there should have been presented reports which the Logistics Department had been called upon to prepare, but it was not ready with that, and I had had information that the Logistics Committee would not have been ready with this information, so I told Mr.

Sisulu that he need not turn up, and he did not.

But Mr. Goldreich did present one report which was the production I think...no, no, what he called the Housing Report. And this report was turned down by the National High Command on the grounds that he had recommended that a house or a place had been found where local manufacture for Umkonto could be done, but then the National High Command said 'you were never given the instructions to seek for a place for that purpose' because it was evident that was already related to Operation Mayebuye, but instructions were given to him to proceed with the purchase of the property - I am referring to Travallyn. Secondly I think a few days before this meeting of the National High Command Mr. Goldreich brought to me a roneod copy of what was referred to here as Speakers Notes, as well as a syllabus, or a guide for lecturers.

Just give them their numbers, they are R.54 the Speakers Notes, and I think R. 58 the Syllabus. Yes you say he brought them to you?--Yes he brought them to me. And after going through both the guide and the letters I realised the letters were terribly biased towards Operation Mayebuye, and I therefore raised this matter with the National High Command which decided that the lectures should not be distributed at all.

Should not be used?---Should not be used yes.

I just want you to give his lordship a brief account of how these things came into existence? I think at an earlier stage the question of lecture notes for M.K. had been discussed.---I was informed that earlier on in the year there had been a need for lectures for the units of

Umkonto, that is internally. And they had..there had also been a need for similar political education for the trainees outside the country. Then Mr. Goldreich was instructed to prepare lectures for internal use. When I got to Rivonia in April, he also told me that he had had these instructions from the National High Command to prepare such lectures, and he asked me to help him with information relating to the historical aspect of the lectures. Then I jotted down some notes for him to use in the preparation of the historical background in the lectures. And then when he was reprimanded at the meeting of the National High Command where I reported about the fact that he had produced this copy of roneo-ed lectures, it was stated that he had exceeded his instructions, because he had been told to amongst other things include in the lectures a historical background; and secondly that he should give also the history of M.K., why it was necessary to embark on sabotage. And that he should give an explanation of the relationship between sabotage and guerilla warfare, and why it was necessary to start with sabotage as distinct from guerilla warfare, but then he had gone much further than that.

Well now in fact the historical notes which you gave to him, are they embodied in this Exhibit, Speakers Notes, R-54?---Yes some of the historical notes they are embodied in it.

In I think it is Sections A, B and C, which include the Freedom Charter as well?---Yes.

Yes well then these were shelved - I just want you to finish this off. At a subsequent stage you remember that you wrote Exhibit T.28 of the 28th June. You remember a letter in which you said "We have drawn up a syllabus

and guide to lecturers for our M.K. men. We have also compiled Speakers Notes running into about 20 pages. We would like to send you a copy" (This is to O.R.).--Yes I remember the letter.

Why was that sent to O.R? Why was it to be sent to O.R?---Some time during June, as I have already indicated, we received a letter from our London office, that is from Mr. Tambo's office, to the effect that they had for a long time they had asked us to provide this material, that is educational matter for the trainees of a political nature, and he was very insistent on *g* this being done. And it was decided that these lectures should be sent to Mr. Tambo because even though they did not..they were not suitable for our purposes internally, to ~~xxxx~~ a point though they would be suitable to people who were already undergoing training. I was, however, instructed, to tell him that, that is when I would have sent the lectures, that I should have written a covering letter to tell him that the lectures, it was not intended to give the impression that we were going over to guerilla warfare.

Incidentally, Mr. Mbeki, there is a reference to ..Exhibit R.58, right at the end, Section C, Organisational Machinery. "Standing Instructors for the Organizers" was there ever any such thing to your knowledge?---Is that the syllabus?

The syllabus?---No.

And you now know that large portions of the Speakers Notes from page 9 onwards are simply extracts from a very lengthy notes which are exhibits in this case, notes in Mr. Goldreich's handwriting?---Yes.

Some of them obviously made elsewhere than in South Africa. Also there is a reference here to, in R.54. to this note, right at the end, page 16: "Note: Training Manuals in all techniques in the use of arms, tactics, etc. are being prepared." Do you know anything about that?
---No.

Would you have known if such things were in the course of preparation?---Yes. As a member of the National High Command, normally I would have known.

Well then Mr. Mbeki, this work proceeded you told us. Mtolo arrived at the beginning of June?---Yes.

Was there some surprise expressed at his arrival?
---Yes there was.

Why was that?---Because we had expected Solomon Mbanjwa to come up.

Let us just finish off the course of events: after that meeting that you have described, there was another meeting at the beginning of July. What had you heard before you went to that meeting?--- ...

No I am sorry, at the beginning of July Goldreich made some sort of report to you?---Yes, at a meeting of the National High Command.

And what did he tell you?---He submitted a report on production requirements, and the National High Command said that the report was very inaccurate, and that the National High Command could not go only by that report to arrive at a decision on Operation Mayibuye.

And so what happened then?---And the Logistics Department decided that it would still carry on further investigations and compile a report relating to all the other

departments that are referred to in the document for submission at a later stage.

Now I think you have a note in your handwriting relating to this meeting?---Yes.

Is that Exhibit R.53? I wonder if you would look at this - this you made at the time?---Yes I made the notes at this meeting.

Now these are very cryptic notes and I want you to tell his lordship to what extent they can enable you to recall what happened.

BY THE COURT:

Do these notes refer to this meeting you are talking about?---Yes that is right.

EXAMINATION BY MR. FISCHER (CONTINUED):

Well now can you remember what R and D stand for? ---Yes I know.

Perhaps if you would just explain what they mean - they are very difficult to understand.---You mean the notes, or R and D?

You give us just the notes first. The first says "Incorrect to say liberatory movement given itself to military methods." Does that record what argument was taking place?---Yes, there was an argument in the National High Command. The people who were supporting the idea of going over to guerilla warfare were saying that the whole liberatory movement should be thrown behind this effort, and then there was argument by othersto say it would be incorrect to say that the liberatory movement should be given over to military ~~metters~~.methods. We still had a lot of political work to do.

Then there follows A and B and there is a note against A only, 'cross border of protectorate'.---Yes I

think that should be read in relation to paragraph 4 of the notes, because during the course of the discussion, when questions were put to the people who were supporting the idea of guerilla warfare, 'How? Where? We have no friendly borders' they thought that we would get a place to enable the chaps who were involved ^{guerilla warfare?} ~~to~~ in our affair to have rest and so on.

Across the borders?--Yes they said well, cross the border into the Protectorates, and then the argument of those of us who were opposed to this was that that was unrealistic. The British Government would never allow people who were involved in guerilla warfare in South Africa to cross the borders and to seek ~~xxx~~ refuge in the Protectorates.

Go up again to No. 1 "Liberation movement not ignored." Does that recall anything?---Yes. We were pointing out to the supporters of Operation Mayibuye that it would be incorrect to embark on a plan of this nature without taking into consideration the other components of the Congress Alliance, and that therefore it would be ignoring the Congress Alliance if we went over without consulting them with only the approval of the A.N.C.

Then there is No. 2. which reads "Government not resorting to arms out of strength. It is not a happy choice. Compelled by nature of struggle."---Then again this argument came from those who were opposed to Operation Mayibuye, when the supporters of Operation Mayibuye were saying that the Government is arming, and the only way of meeting this was that we should also arm and get into.. and go over to guerilla warfare, then those who were

opposing this argued that the Government was not arming out of strength, it was because it was feeling the pressure of the mass political organisations, what was necessary therefore was to step up this method of pressure..

That is political pressure?---Political pressure.

No. 3 "Negotiated settlement not before people had shown their strength. Cite Pretorius." ---Some of the people argued that it could still be possible to arrange for a settlement by negotiation between the Government and ourselves, or at least if not the Government, to bring about pressure % so that the white electorate would itself exercise pressure on the Government. And then the Pretorius, in fact I did not intend to write Pretorius, it was Pistorius, Professor Pistorius.

Can you remember why his name was mentioned?---
We had been running a series of articles in "The Star" in which he suggested that if Africans insisted on one man one vote, then that would mean almost a settlement by arms in this country, because the Whites would never accept it. Then the argument was if even people like Professor Pistorius and the Progressive Party, who had already gone so far to accommodate, or at least to recognise our claims, were still of this opinion, if we went over to guerilla warfare it is likely that we would have antagonised large sections of the population of South Africa which at the time were leaning more towards our point of view. So that it would have been necessary to convince these first.

I don't know if there is anything else of importance there. Did someone suggest calling on the Protectorates?

calling on the Protectorates to rise, 4, sub-paragraph 3?

--Yes, somebody suggested that, and of course it was just dismissed with hardly any long discussion.

I don't know whether South-West Africa/^{re-}calls anything?---Some people argued that the South African Government would even be brought down on the issue of South-West Africa, so that there was no need to hurry so much, because it was evident that the question that the difficulties that the Government was having over South-West Africa alone might bring it down.

And then lastly there is the note about P.A.C./A.N.C. unity.---Yes there was a suggestion about bringing ..making an effort to bring about unity between the PAC and the A.N.C. and I made here the point that I had been to Cape Town, during the 1951 strike for instance, I went to Cape Town to try to persuade the PAC people to support the 1951 strike, but I was hardly able to find any of their leaders. So it was just pointing out that it was also unrealistic to talk of the unity of PAC and A.N.C. And then an additional point by someone else was to the effect 'If you got PAC do you intend to put them on the High Command?' and it was just laughed out.

Right. Well then, that is some sort of record of what occurred at that meeting of the High Command. So what happened after that? Was the High Command in a position to make any sort of report?---Other than what I have already referred to, it was unable to make any report.

Well then when was the next meeting of the A.N.C. Secretariat held?---We had already arranged for the meeting of the A.N.C. Secretariat to take place on the 11th, that was in anticipation of a report from the High Command at

this meeting early in June.

On the assumption that a report.---Would have been tabled by that time.

I am sorry, my learned friend points out that I have been using the word June, and I should have been using the word July.

BY THE COURT:

It has been clear to me that this is all in July, and the reference is to the 11th July.

EXAMINATION BY MR. FISCHER (CONTINUED):

And that was the meeting then that was going to be held on the evening, on the afternoon of which you were arrested?---Yes.

The Secretariat had not yet seen this document, Operation Mayibuye?--No.

Had some arrangements been made by which they were to see it that night?---Yes because we were expecting that night ~~at~~ that we would go fully into the discussion of this Plan, I had arranged with Mr. Goldreich, in whose possession the document was, that he should make it available to me on the 11th.

Now I just want to deal with one or two matters before we proceed to the end of this evidence: did you know what accused No. 3 was doing, Mr. Goldberg?---Yes I did.

Did you know that he had come from Cape Town?--- I knew he had come from Cape Town yes.

Had you met him previously?--Yes I had met him on several occasions, both in Cape Town and at Port Elizabeth.

And as what had you known him?---I knew him as a member of the Congress of Democrats.

Well when you heard of his coming to Johannesburg,

did you also hear what his plans were?--Yes I got to know that he intended to emigrate. He intended to go to England, together with his family.

With his family?---Yes.

And did Mr. Goldreich tell you anything about his relationship with Accused No. 3?---Yes Mr. Goldreich said since Mr. Goldberg was in Johannesburg on his way out, he was asking him to do some work for his Department, and that is in relation to his department, Logistics Department and the Technical Department, to which Mr. Goldreich belonged.

The investigations?---To make investigations, yes.

Was that to be a lengthy job or a short job or a permanent job, or a temporary job? How did you understand it?---No it was not to be a permanent job. It was only for a certain period, a limited period.

Just until..--until his investigations had been done.

And then the idea was that he would leave?---Yes.

I think..we have heard the evidence, that he entered into a Deed of Sale in respect of the property known as Travallyn?--Yes.

How did that come about?--Earlier in May, the National High Command had taken a decision to buy a property where..which they would use for hiding some of their people, as well as a depot for trainees in transit.

And do you know who persuaded Mr. Goldberg to enter into that?--It was Mr. Goldreich, because Mr. Goldreich had been instructed to investigate it.

Then I want you to explain something which is reflected in your handwriting in Exhibit T.35. These are notes in your handwriting, Mr Mbeki, and I understand that there is a good deal of the material here which you are not prepared to discuss?---Yes.

Would you tell the Court when this was made, and on what occasion? Approximately when?---I made these notes during June. Someone who had attended the Addis Ababa conference towards the end of May had returned to the country, and as he was speaking, I made these notes with a view to reporting to the National Executive.

BY THE COURT:

Was that the 1963 Addis Ababa Conference?---It was towards the end of May 1963 my lord.

EXAMINATION BY MR. FISCHER (CONTINUED):

There had been one in 1962 as well?---There had been one in 1962.

And there was another one in 1963. Now I just want you to turn to the top of page 2. There are two things I want you to deal with. The first is the sentence at the beginning of page 2: "Felt too many missions, some of which seemed to have exceeded their mission; this more particularly as in.."---More particularly so.

More particularly so, in what?---In China. Ch stands for China.

Is that what the person returning to South Africa reported?---Yes, this is what the person who returned from abroad reported.

To what did that refer?---It referred in particular to Mr. Goldreich's mission, earlier in the year, that whereas he had been instructed to go to Czechoslovakia, on his own he passed on from Czechoslovakia to the Soviet Union.

Yes you told us that - that is what it refers to?

---That is what it refers to.

To the Soviet Union and to China?--And to China.

Then one other matter I want to raise with you, MR. Mbeki- you see a little Roman (iii) somewhat below that, on the same page, "Military supplies any amount."---The person who was ^{re} ~~re~~porting said if military supplies were required, they would be available, any quantities, anywhere, as long as you have money.

Is that in any way in conflict with what you have told the Court about there having been no arrangement, any arrangement at all with regard to transport, or military supplies, or arms or anything of that kind?---
No there is no conflict. ^{It} ~~He~~ is merely stating, as a matter of fact, that if they were required, then they will be available.

Yes, well then, that is where the Plan then remained. It was never reported upon in any detail, and it was in fact never presented even to the Secretariat?--No it was not.

How did you come to be at Rivonia at 3 o'clock?---
A meeting had been arranged by Mr. Sisulu to take place that afternoon, to discuss with Messrs. Bob Hepple and Rusty Bernstein, the question of the 90 days detainees. But then we had to be there a little earlier, because Mr. Sisulu had also an arrangement to consult a dentist at Rivonia. We were supposed, in fact, to have been there at half past 2. We came a little bit late.

I think you have heard the evidence given by Mr. Sisulu about what problems relating to 90 days detainees were to be discussed.---Yes.

Do you agree with that?--Yes that is correct.

I think you were driven there by accused No. 3. He had taken charge of Travallyn in the sense that you people were in hiding, he was doing the housekeeping and the driving?--Yes.

He was buying the groceries, or whatever was needed? ---Yes.

Was that a permanent arrangement or a temporary arrangement?---No it was a temporary arrangement, both for him in fact and ourselves, because Mr. Sisulu would also have gone back to the place where he had been living.

Now when did accused No. 7 arrive at Rivonia?--- He arrived at the end of June.

And did he then move with you people to Travallyn? ---Yes he did.

Now you have worked with him for many years?---Yes.

In the Eastern Province?---Yes.

Did you tell him about Operation Mayibuye?---Yes, when he came I told him, and what it was all about.

Then after you had arrived at Rivonia on that afternoon, what did you and accused No. 7 do?--- When we arrived at Rivonia, Mr. Mhlaba and I stepped off the Kombi and went into room No. 1. And I immediately went to the stove, where it had been arranged between Mr. Goldreich and myself that I would find Operation Mayibuye. And in the meantime he was fitting himself out with some overalls, a pair of overalls. And then I sat at the table perusing, reading Operation Mayibuye, and he came over to read it.

Incidentally, did you have overalls on or can't you remember?---Yes I had been wearing overalls all along.

Did you also put them on when you got there?---No I had been wearing overalls from Travallyn.

Oh you had worn them from Travallyn?--Yes.

Were you then joined by others, or were they there, or what happened, just briefly.---While we were still reading, then came in Mr. Kathrada and Mr. Goldreich,.. not Mr. Goldreich, Mr. Kathrada and Mr. Siâulu, and later joined by Mr. Hepple. And as soon as these people came in we stood up and started chatting.

And then we know that Hepple apparently saw the van arrive and called out "Here are the Police."---Yes, after Mr. Bernstein had already also arrived, Mr. Hepple advised us that the Police had come.

And I think you were one of those who tried to get away?--I was the first.

Now ~~Mr. Beza~~ Mbeki, some specific matters arising from the evidence of the State I must deal with. With regard to the radio poles, is it correct that you dug a furrow?---No it is not true.

Had you anything to do with the digging of the furrow?--Nothing at all.

Because you do know that preparations were being made for a broadcast, and you do know that you in fact had a speech, your speech, put on to a tape and that of Mr. Sisulu?--Yes.

And that was the broadcast that did take place from some place other than Rivonia?---Yes.

What were the poles being put up for?---The poles was put up for aerials - I don't know if I know the technicalities of broadcasting, but there were wires attached to the poles which I took to be an aerial.

For what purpose ?---To test transmitters..to test broadcast machine.

I think they were tested with music were +

And then they were taken down?---They were taken down after some time.

I want next to deal with Mtembu's evidence. He says that you gave him instructions to go and meet the people coming from Durban.---Trainees?

Trainees.---No it is not true.

Is that not correct?---It is not correct.

Now let us turn to the evidence of Bruno Mtolo, of Mr. X. Take some of the points which he made - I don't want to go through all of them, Mbeki. First of all, was he ever asked by the High Command to come up?---Not that I know of.

Was he ever asked by the Secretariat of the A.N.C. to come up?---No.

When he arrived, what did he tell you was the purpose of his mission?---He told me that he had been sent by the ^{Regional} ~~original~~ command of Durban to come and press on the National High Command to refund the sum of £80 which had long been outstanding.

Now in fact, instructions had been given to Mtembu to watch out for somebody and to bring him, to arrange a meeting. What were those instructions?---Instructions had been given to Mtembu to watch out for Solomon Mbanjwa, and that when he did come, that is Solomon Mbanjwa, he should come and report, and then a meeting place would be arranged with Solomon Mbanjwa.

Mtembu should come out and report, and a meeting place would be arranged?---Yes.

Instead of that Mtembu brought out Mtolo?---That is right.

Now did you ever tell "X" that the Ad Hoc Committee together with the M.K. Regional Command would appear

M.K. Commander for the whole of Natal?---No.

Could that have been possible, having regard to the two structures?---No it just could not have taken place. The A.N.C. had its own structure, Umkonto had its own structure, and what would have been the point in having this done jointly by the two organisations.

He also says that you told him that the various provinces should find money for the airfares for trainees. What do you say about that?---That is ridiculous. I mean, they could never find the money to pay for air fares., that is the Provinces.

In fact the correspondence refers to some certain students who were asked to make a contribution, if they could. Tell the Court what that related to?---Yes, students who were going out for academic work were required to find some money to pay ~~to~~ towards their transport expenses, that is between Johannesburg and Bechuanaland.

There I think you asked them to pay R20 or something of that kind?--It varied, R20, R30, and if a student could not raise it, he was told to come along even.

So it could not have been possible for you to have said to "X" that the trainees were to raise money, the Provinces were to raise money for the air fares of the trainees?---No I just could not.

That of course was being paid for externally?--- Yes the fares of the trainees was being paid for by Dar.

Then he says you told him that the 26th June leaflet was to be sent to the Regional Command to be translated and distributed by the Regional Command.---It is false. I mean, in the first place, the Regional Command just did not have the personnel to handle leaflets of this nature.

elt 112E.

And to whom could it have distributed it?---And secondly the Regional Command is a mixed bag and the people on the Regional Command could never have been expected to make really suitable emphatic translations from English into Zulu. The Ad Hoc Committee had the people qualified for this sort of thing and were the people to do this sort of thing.

So that was clearly intended for the A.N.C. organisation in Natal, the Ad Hoc Committee?---The Ad Hoc Committee.

For a mass distribution amongst the public, the African public?---Yes.

He said further that you gave him instructions, or asked him how they were getting on with burning the sugar plantations.---I could not have asked him to do that. Because what would it have meant in fact? How would we have distinguished between the sugar plantations belonging to sympathisers, both European, Indian and even African for that matter. Chief Luthuli himself has got a sugar plantation.

Had it ever been part of M.K's plan to burn sugar plantations?---No.

Now there is another important matter which I think you want to criticise his evidence - he referred to Barney Desai and said he was seeking assistance in Durban, after escaping from Cape Town, seeking it from apparently the Regional Command.---No, it could not make sense. Mr. Desai was a member of the Coloured People's Congress, and if he was on the run, as I understand he was on the run at some time. He is out of the country now. If he was on the run, and was in difficulties, he would certainly have sought the assistance of either the Natal Ir

Congress, or the African National Congress in Durban, not Umkonto.

He would not know how to go to a secret organisation to get assistance?---I don't see how he would have been able to find members of Umkonto.

Then he spoke about New Age, and M.K. News. What do you say about that?---I never said that.

And you know one part of his evidence says that when, you said that when the volunteers, he called them the volunteers had been organised, 2000 of them, they must.. 'then we must take them over and divide them up into groups of Umkonto, the Umkonto We Sizwe - what do you say about that? ---No that is incorrect. The volunteers were intended for A.N.C. work.

And is it thinkable that you could turn over 2000 volunteers to the secret M.K.?---No we just could not do that.

You know he spoke about lectures - perhaps it would be better if you would tell the Court just briefly, what did you discuss with "X"?---When he came I told him that since he had arrived, and as Solomon Mbanjwa had not come, I would convey the message which I would have given to.. I would ask him to convey the message which I would otherwise have given to Solomon Mbanjwa, and it was to this effect, "that in preparation for our anti-pass campaign, we had decided to step up organisation, not only in the urban areas but in the rural areas as well. It was felt, therefore, that the A.N.C. regions which had been in existence over a number of years, and some of which had become defunct after the organisation was banned, should be

revived. And then I referred to the four Regions that had been the Regions in Natal for years, that is the Durban Region, the Maritzburg Region, the Ladismith/North Natal Region, and the Region embracing the area from Stanger to Zululand; that the Ad Hoc Committee should revive all these regions, and set up proper A.N.C. machinery, that is appoint Regional Committees; and secondly, earlier in the year, in January, when I was in Durban, the Ad Hoc Committee had been given instructions to employ three organisers in Zululand, and we now felt that in order to step up the work we should increase the number of organisers for Natal from three to seven. And that the whole area should be sub-divided into smaller organisational areas.

Now which areas are you talking about?---The whole of Natal. These 4 regions should be sub-divided into smaller organisational areas, in which we would employ a full-time organiser.

In each of them?--In each of the yes we would employ a full-time organiser.

And what did you say about 2000 people or 200 or 300? ---And that the work of these organisers would be to raise, in the rural areas, 2000 volunteers who in turn would carry the message of the A.N.C. to the million-odd Africans in Natal. And we were not satisfied with the report from the Durban area about their membership, and we therefore suggested that they should step up their numbers by anything between 2 and 300.

What was the report? How many volunteers did they purport to have?---The report that we had been given was that all the branches in the Durban area could only boast of 1000 volunteers.

In fact, after this visit, did you write to Natal

again?--- Yes we did write to Natal again, because after Bruno had left, still we did not get any satisfactory reports from Natal, and again wrote to Natal that Solomon should come along.

That letter is an Exhibit - I am not sure what the number is,---I should think so, it should have been in the file in any case.

AT THIS STAGE THE COURT ADJOURNS FOR THE
TEA INTERVAL.

ON RESUMING AT 11.30 a.m.

EXAMINATION IN CHIEF OF ACCUSED NO. 4 BY MR. FISCHER (CTD):

I want to return for just a few minutes to your discussions with "X". Did you discuss Operation Mayibuye with him?--No I did not.

Not at all?--No.

Had you a reason for that?---Yes.

What was it?---Operation Mayibuye had not been decided upon. I could not raise it with him.

You could not discuss it. ~~X~~^{He} said that you gave him an address, the S.K. Building address, and its box number. Had you ever seen or known of the S.K. Building?--No I had not known of the S.K. address.

Nor of a box number?---Nor of a box number?

Was there any necessity to establish an address?--- No there should not have been. There was no necessity at all, because the National High Command already had tied that up with the Regional Command.

He also said that you discussed with him the question of lectures. You will remember his evidence was that you asked "X" what type of lectures they were giving. "I said

trade union and Marxist classes. He said that was not enough, people required to be taught history, the background of the history" and you said such lectures were in the course of preparation.---I did discuss the question of lectures, yes.

What was there in the course of preparation which you intended to send?---I was referring to lectures for A.N.C. groups, and in fact I think there is..

Were they in draft form in your own hand?---Yes.

That is Exhibit 77 ?---Yes that is correct.

Which starts off 'The Story of Man' there is a little bit about the production of commodities and the formation of classes - you seem to have allowed your Marxism to encroach a bit on the introduction..

BY THE COURT (to Mr. Fischer)

R.77 ---I.77.

EXAMINATION BY MR. FISCHER (CONTINUED):

And then after that you deal with the history of South Africa over a large number of pages, 12 - 13 pages? ---Yes.

And there is particular reference, in the later portion, to the part played by the A.N.C?---Yes.

And lastly, on this aspect, you did discuss some matters relating to Umkonto with X?---Yes I did.

What were they? Just enumerate.---I told him that he should organise a ~~new~~ group of recruits, their Natal Regional Command should organise a group of recruits which should arrive in Johannesburg in time for an aircraft which was scheduled for about the 18th June.

Did you tell him anything about the £80 which he had come to ask about?--Yes I told him that the £80 would be sent along as soon as it available.

What else did you discuss?---I also told him that they should look for a hiding place around Durban, where some of their men on the run could hide, and where those who returned to the country may be kept.

Now we have dealt sufficiently I think with the Lobatsi Conference, but just to remind you, the witness Piet Coetzee said that he saw you at two conferences at Lobatsi. Were there two conferences?---No it is not true, there was only one conference.

That was in October?---That was in October 1962.

Let me deal then briefly with the witness Bennett Mashiane. You know he talked about the term High Command in East London was it?--Yes.

Or High Command in Port Elizabeth. He said there was a High Command in Port Elizabeth. ---He went further and said there was a High Command also at East London.

Yes he even talked about the West Bank High Command, which was the branch to which he belonged.--Yes.

Is that correct?---No it is not correct.

There was no such thing in Port Elizabeth or in East London?---If he was referring to the High Command of the African National Congress, then there was no such thing at all.

And you say that as far as you are aware, there was no unit of Umkonto in East London at all?---No.

Now he also said that you attended a meeting of the A.N.C. at East London in April 1962. Could you have attended a meeting in April 1962?---It would have been physically impossible for me to attend a meeting.

Why was that?--I was in gaol.

When had you been arrested?---I was arrested early in

January, I think about the 4th January, and I was not released until towards the end of May.

That was when you were discharged on the charge on which you had been arrested?---Yes.

So you were in gaol actually from early January until the end of May?---Yes.

Now in fact, Mr. Mbeki, did you make any enquiries about attacks that took place first of all in East London and afterwards in P.E. on the houses of persons who were said to be Government supporters?---Yes I did.

Where did you make them?---

This was when you were still..?---Yes, while I was still in P.E. First there occurred attacks on farmhouses in P..E. and I approached the members of the Ad Hoc Committee.

You knew who they were?---I knew the members of the Ad Hoc Committee yes.

To ask them to investigate into these attacks, and at a later stage they told me that they had made investigations, they had approached ^{some} ~~xxx~~ people who they thought were connected with Umkonto, and they had received an assurance that Umkonto was not responsible for those attacks.

You of course were not a member of Umkonto at that stage?---No I was not.

And what about East London?---The Ad Hoc Committee also, when similar attacks took place at East London I think it must have been about October /November, thereabouts, when similar attacks took place at East London the Ad Hoc Committee again made investigations, and from what I got them them, they were assured by the Regional Committee of the A.N.C. at East London that the A.N.C.

was not responsible for these attacks.

Now I want to turn briefly to the evidence of John Tshingane - that was the taxi driver from Port Elizabeth. He said that he carried you around, you remember, I think it was Ferguson Street in New Brighton, and Court Chambers, and you picked up something there, and there was a whole long story. You remember that?--Yes.

What do you say about that?--No it is not correct at all.

I am not quite sure how he dated that - in case it falls within the dates, I would like you to tell the Court what you were doing between the end of March and the end of April, towards the end of April? The Conference at Maritzburg in 1961 was the 25th and 26th March?--Yes it took place on the 25th and 26th March.

Now just before that were the police looking for you? ---Yes a Warrant of Arrest was issued about a week before the 25th March, and I went into hiding.

And you went into hiding.--Yes.

And you did not come out of hiding until about 4 weeks later?---Yes I emerged about 4 weeks later.

I am turning to the evidence of Sikumbuzo Ntikelane, who says that he took you in the company of Fihla and Joseph Jack on the 25th December 1961.--Yes.

Do you remember he then drove you out into the country to a certain point on the Uitenhage road and you mentioned pylons, then he drove you back.--Yes.

What do you say about that evidence?--It is not correct, not true.

Then during the afternoon he says he came to report to you that Joseph Jack had put bombs in his car, that you had knowledge of this, and that subsequently you he was paid

by Jack, who came to fetch the money from you - what do you say about that?---That is not true either.

Is there any truth in it at all?--No truth at all.

Mr. Mbeki, you will no doubt be asked why these people might have told lies about you. While you were in detention, were you offered any rewards?--Yes, by the investigating officer.

Were any threats made to you?--Yes.

What sort of threats, what sort of reward?---I was told if I gave information it would be made worthwhile for me, that the Government would..I would get the protection of the Police, ~~but~~ that the Government would pay me for the service, and that whatever information I gave would not be used against me, but would be used against others, and that it would not be disclosed that the information came from me. Then when I persistently refused to reply, I was told that the Pretoria Jail was evidently very comfortable, and that I would be transferred by the Special Branch, who had also chosen the Pretoria Gaol for me. I would be transferred to some other place where the climate would be more suitable for me to speak.

Mr. Mbeki, I have been asked to make clear, it is not any one of the people sitting here?---No, he is not here.

I want to go to the evidence of Caesar Dekato(?). He said certain names were given by you to him.--Yes.

For what purpose did you give him those names?---It was A.N.C. work.

Had it any connection with sabotage?---Nothing.

Just one or two words about one of your co-accused and that is accused No. 7. You knew him well, as you have told us, in the Eastern Province?---Yes.

Did you take him a message from the National

Executive?---Yes I did.

That was in 1961---That was in 1961.

Subsequently did you know that he had got a letter from the National Executive?---Yes.

Belt 113E

Then upon did he leave Port Elizabeth?--Yes he left Port Elizabeth during October 1961.

And when did you see him again? --I saw him again at the end of June 1963.

Now you were in fact in Port Elizabeth until November 1962.--Until end of November 1962.

Was he in Port Elizabeth during the period November 1961 to November 1962?---No.

Incidentally he is generally known as Ray isn't he?---Yes.

Before this trial did you know anything about the accused Andrew Mlangeni?--No I did not know him until this trial.

And the accused Elias Motsoaledi?---Not personally until this trial.

You had heard of him?--Yes.

There is one thing I may have omitted to do, Mr. Mbeki - you remember this Exhibit T.35 which is a sort of Minute in your own handwriting?--Yes.

Can you give an approximate date for this? When was this report made to the National Executive, or to the Secretariat - I am not sure which it was.---It was made to me.

Oh it was made to you personally?--Yes.

When was that?---It was about the middle of June.

BY THE COURT : 1963?---1963 yes.

EXAMINATION BY MR. FISCHER (CONTINUED):

Oh yes, Mr. Mbeki, I am sorry there is just one thing that you can explain to the Court, and that is the objection that was taken by the A.N.C. to the use, in the Eastern Province of the word High Command for A.N.C. units or organisations.---The word came to be used during the Emergency in 1960, while we were in Jail. We set up a Jail Committee.

Yes, that has been explained. The Court does not want to hear that again, but why were objections taken to the description of A.N.C. committees as High Commands?---They objected to it because the word High Command seemed to have a military connotation.

MR. FISCHER: No further questions.

CROSS-EXAMINATION BY DR. YUTAR:

Mr. Mbeki, who was the gentleman that threatened you and offered you a reward?--Do you want his name?

That is what I asked.---Sergeant van Zyl.

Sergeant van Zyl?---Yes,

Did he give evidence in this case?---No.

From where? Where did he come from?---

All I know is that he is a member of the Police Force.

Whereabouts?---Johannesburg he told me.

He told me he came from Johannesburg.

Accompanied by Lieutenant Swanepoel?---No⁺ on that occasion.

Alone?---No, no he was accompanied by Mr. van Tonder.

You were then known as a gentleman who had a triple capacity, a member of the A.N.C., member of the

Umkonto we Sizwe and a member of the Communist Party. Are you seriously suggesting that the police would try and bargain with you, of all people?----They didn't know - did they know?,

If we knew it today we knew it in 1963?---Why wouldn't they bargain with me? Am I not a human being because I am a Communist, or a member of M.K?

And I want to suggest to you that your allegation now, after all the police witnesses who gave evidence, is nothing else but a tissue of lies from beginning to end.---That I deny. I deny it very vehemently.

It is strange, you see, that we hear for the first time about these threats and promises of reward when you are examined in chief, and when Mr. Bernstein is re-examined. And that is the first time we hear of such magnanimous approaches by the Government's Secret Police. You can't account for that, can you?---No I can't account for it but they did.

I want to remind you that this Court is trying issues of sabotage and other offences, and it is not a court of enquiry into grievances of the bantu. So I hope you will forgive me if I don't even attempt to challenge the correctness of some of your complaints - do you understand?---I do.

In passing I would like to ask you just one or two things: if the lot of the bantu in this country is as black as you have ~~exp~~ painted it, why is it that we have in this country over a million foreign bantu who try by all manner of means, including illegal means, to want to stay in this country?---Well, it is a question of comparisons I suppose in wages. However low wages may be in South Africa, they are still something better than

the wages they were getting, and in any case there are no opportunities of employment in those areas. That does not mean that the conditions, they are good - it does not mean that. The economy of this country is on a higher level than the Protectorates.

Can you say why it be that so many foreign bantu from the so-called freedom democratic African States are seen to enter this country, even by trying to swim the Limpopo, the shark-infested Limpopo.---The explanation to all that is that the economy there comparatively is poorer than the economy of this country.

And although we have not yet reached Mr. Bernstein's Communistic Utopia, we have got in this country free medical services for the bantu, haven't we?---Free medical services for the Africans?

Yes.--In South Africa?

Yes.---where?

Have you heard about Baragwanath?---Are they free?

Do bantus pay?---As far as I know, the hospital, you have to pay a certain amount. There may be a means test, yes.

Will you concede that Baragwanath is one of the largest hospitals in the Southern Hemisphere?--That I agree.

Will you admit that it is one of the finest equipped hospitals in the Southern Hemisphere?--That I admit.

Will you not admit that the bantu there receives medical treatment free of charge, except for an entrance fee of half a crown?---That doesn't make it free.

Oh - so you can get medical attention of the best, operations for half a crown, and it is still not free.
---That is not free.

Not free!---That is not free.

Have you been to Coronation Hospital?---No.

Do you know that is likewise free, for the bantus and the Coloureds in Particular.---Well I would not deny it.

Have you been for example, let us take one more, to this magnificent hospital in Zebediela Area run by the Dutch Reformed Church where bantu in large numbers are attended medically free of charge - completely so?--I have not been there. That is a missionary institution in any case, you are not going to be treated there through the goodheartedness of the Government are you?

By the way, have you ever been a patient at Baragwanath?--I have never been a patient at any hospital.

Did you ever use the name of John Dhlamini?

---John?

John Dhlamini?---Yes I do, many people use the name Dhlamini to call me.

Were you not in the Baragwanath Hospital?---
Never.

Never?---Never.

Not even under the name of John Dhlamini?---
As a patient?

Yes.---Never.

Never. And if I bring a card to show that you were there?---It will be incorrect, if it says I was there.

I think you will also agree that despite the evil influences of the South African Government, we have

got in this country ritual murders?--What does that explain in any case?

Is it a fact that we have not got ritual murders in this country?--I don't know. I think I read the other day that there was some sort of ritual murder somewhere in the Northern Transvaal.

How often have you read that?--I would not say often. It all depends how often it comes into the columns of press.

I see. Is it prevalent in any of the other countries across the border?--I would not use the word prevalent. I would say, yes, I have heard of cases across the border.

And do you know that the South African Medical Research officials, apart from helping the bantu in this country, even send some of their serums to help the non-Europeans in other countries - do you know about that - serums and vaccines? Do you know about that?--I have heard about that.

Do you know, you have quoted the saying of Dr. Aggri - is that the name?---Yes.

That one can only produce real harmony on a piano if you play on both the black and the white notes.---Yes.

You know it is equally true if you present a balance sheet you should present a true and fair account. Have you, when you have fulminated against the South African Government and its people, ever presented to the other side the benefit which the bantu have in this country ---What benefits? What benefits are they getting?

None at all?---What benefits are they gett

Don't ask me - are they not in any way getting benefits?--I am not aware of any benefits that the Africans are getting from the South African Government.

Not aware at all, and yet millions try to remain here in the country!--That does not explain that.

No. By the way, you are married, aren't you?---
I am.

Your wife, where is she?---She is in the Franskei
And your family, if I may ask, without being inquisitive?--You mean my children?

Yes.---Four children.

Boys or girls?--one daughter and three boys.
What are their names please?--The daughter is
Linda..

No, no the boys - I mean the boys.---Thabo..

Spelt T.H.A.B.O?---Thabo.

Yes?--Moeletsi, Jama.

I am only interested in the first one of those boys - where is Thabo today?--Thabo is in England.

When did he go to England?--1962 I think it was.

How did he leave?---Illegally.

By the way you have given your evidence here in a very calm, quiet voice. To make quite certain that I was listening to the same person I had your tape played back, Exhibit R.153 - you don't always speak that way, do you? You can ~~xxx~~ raise your voice?---If I must raise it.

Yes, and you have done it!--If I must raise it I do.

And you speak a little faster than you have spoken here.---If I must speak faster, I do.

And not so sanctimoniously as you have tried speak here.---That is your own affairs.

That is my affair! You see, let me just a

to you, apart from listening to the tape, which is before the Court, let me quote to you from Exhibit R. 209. This is the issue of "Spark" of the 28th March 1963. You wrote an article in there, or at least, an article was written about you in that. Not so? Not seen it before?--Yes.

You know - you have seen it. Let us see what they say about Govan Mbeki. "Beneath his quiet charm and gentle smile, a ruthless determination to reach his goal, the emancipation of his people." Is that a fair description of you?--I think so.

"A ruthless determination" - and in some of your speeches you could be ruthless, not so? And in fact, you were?--What speeches?

In some of your speeches.--Which speeches.

That you addressed when you attended meetings throughout the country. Do you deny that?--I exposed the truth, and exposed what was the hardships of the African. If you call that ruthless, speaking the truth, then I was ruthless.

No, I am just trying to convey - not the subject matter, but the way you put it across. You were not the gentle, quiet, sanctimonious human being that you are now showing in this witnessbox up to now.--Well that would be the opinion of whoever was listening to me.

I don't want to come back to these exhibits again, so it may be a little out of turn, just to raise a few points appearing in Exhibit R.209. They say here that you were the Manager of the Port Elizabeth Office of "Spark" 'One of the outstanding African leaders of our day.' By the way you admit you are one of the outstanding African leaders of the day?--Yes.

And were you the Manager of the Port Elizabeth

office of "Spark".)))Yes.

On the 28th March 1963,?---No I was already in Johannesburg.

Of course you were - you left Port Elizabeth in November 1962?--Yes.

So is this wrong?--It is not wrong in the sense that when I left Port Elizabeth, I was seconded by way of leave, I was allowed to be out of Port Elizabeth for a limited period of 3 months or so, so that I was still on the staff of "Spark".

Although you were now working full-time in Johannesburg, on behalf of M.K.- sabotage!--Not on behalf of M.K. On behalf of the A.N.C. during that period.

On the 28th March were you not interested in the activities of M.K?--I was not a member of M.K. on the 28th March 1962.

But you were the Manager then of the Port Elizabeth office of "Spark."--That position I still occupied.

By the way on the front page we have a photograph of yourself, and also of N.P. Naicker - that is the gentleman we have named in our indictment as a co-conspirator.--Yes this is Mr. Naicker.

You better check on everything I say to you now - on the same page is Ruth First, the wife of advocate Joe Slovo?--That is correct.

Member of the Communist Party---As you say.

What do you mean by that, as you say?---You say she is a member of the Communist Party - I am not saying it.

I am talking now of Ruth Slovo - was she not a Communist?---You are saying she is a member of the Communist Party.

Is she not a Communist?--In her beliefs I would say she is.

You don't know that she is a member of the Communist Party?--That I don't know.

You don't know! There is also, on this page, or rather, this issue, N.P. Naicker.--You have already referred to him.

A photograph of him and there is an article on him.--Yes that is correct.

There is an article on Ruth First: "In a movement rich in outstanding woman leaders Ruth stands out as one of the greatest of them all."---Yes I see the article about Ruth First.

And the description of her.--Where?

Under her photograph.---Yes.

Finally on the last page there is a photograph of another of our co-conspirators, Duma Nokwe addressing a meeting at Trafalgar Square in London, and on the platform we have Mrs. Barbara Castle, Mr. A. Abdul, Mr. Harold Wilson, The Bishop of ? and the Rev. Nicholas Stacy. That is Duma Nokwe, not so?---Correct.

Now you joined the A.N.C. in 1935?--I did.

You became a member of the National Executive in 1955?--Yes. 1956 I think I said.

We will change it to 1956. And in June..in November 1962 you left Port Elizabeth and you came to Johannesburg.--Yes.

By the way, when did you first commence your association with the "New Age"?---"New Age" in 1955.

In what capacity?---When I went to Port Elizabeth as Manager of Real Printing and Publishing Company.

And what was your position on the "New Age"?---
I was reporter and the local editor, that is for material
that was delivered there.

Reporter and local editor for New Age. And
your office was in Port Elizabeth?---Port Elizabeth.

Court Chambers?---Court Chambers.

Yes. And you were reporter and Editor of
New Age from 195..?---1955 until "New Age" was banned at
the end of November.

1962?---1962.

Let me just make a note of it, because those
dates are rather important - 1955 to 1962. And, of course,
as reporter and editor of New Age you would know what the
New Age reports from time to time?---Yes.

And you would not allow it to report anything
that was untrue?--Let me make the position clear. As
local editor of material that was submitted into the Port
Elizabeth office of New Age - not for all the branches.

Yes, I am prepared to make that concession,
I do it happily. As far as the events of the eastern
Province are concerned, New Age would not report anything
that was untrue, because you were on the spot?--Yes,
normally no paper would go out of its way to report anything
untrue.

No, of course not! Tell me, when did you join
the Communist Party?---1961, November.

November 1961?--Yes.

Where?---I was still in Port Elizabeth.

You belonged to a group?--Yes.

Which group?---A Communist Party group.

But how many groups were there in Port Elizabeth?--I don't know. I was only concerned with my group.

That is the group I want - what was its name?

---A Communist Party group has no name. It is not like a football club.

No name at all - but there were other groups?

--I should imagine there were.

You are not certain, of course?---No.

And who were the members of your group? ---That I am not prepared to say.

You are not prepared to tell us who were the members of your group - why not?---Why should I do so? I am not prepared to incriminate anybody.

You are not - but you are prepared, of course, to exculpate anybody?---I cannot exculpate anybody whose name has not been mentioned if I understand..

But if you are not prepared to incriminate anybody, why do you mention Goldreich's name so often, doing this, preparing Operation Mayibuye, going overseas, got arms and explosives, going to the Soviet Union and China, the poor man's shoulders must be weighted with the burdens you have placed upon him.---It was necessary to mention Mr. Goldreich's name in order to explain.

To explain yes - and in doing so, you have inculpated him not so?---Well it may be so.

But you are not prepared to tell us the names of your Communistic group? in Port Elizabeth?---No.

When ~~was~~ you went to Johannesburg in 1960 where did you stay?---I stayed at Orlando.

Whereabouts in Orlando?---I stayed in Orlando

With whom?---I stayed with Mr. Tloome.

A named Communist?---He is.

A member of the Communist Party?--I am not prepared to say.

And then you were served with restriction orders, banning orders?---Yes.

When?---At the Greys.

When I said, not where?--It was early in April, I think it was on the 10th April.

And did you tell the officer who served you with those orders that you would return to Port Elizabeth?---I did.

You did not mean it, of course - it was not true? --I did tell him that I would return to Port Elizabeth, on condition that he provided me with money for train fare.

Did you tell him that you had no money to go? ---Yes, he said so too here, when he gave evidence.

That was detective sergeant de Klerk, he said he told you to go to Port Elizabeth forthwith, and you said you did not have the money to go.---Yes.

I want to put it to you, Mbeki, that even if you did have the money to go, you would not have gone.---I would not have gone of course.

of course not! Because you had far more important work to do here in Johannesburg.--Yes.

To direct the M.K. in its programme of sabotage!--It is not correct. At the time I was not a member of M.K.

You had nothing to do with M.K.?--Not at all at the time.

Because you said in your evidence in chief you did not know of M.K. even in 1962.--I did not say I did not know, I said I was not a member of M.K.

Did you not say "I did not know of the M.K. in 1962?"---No.

What did you say then?--I said I was not a member of M.K. then.

In 1962.---In 1962.

Well I have made that quotation from the evidence in chief. I shall check with the official transcript, but I will come to that presently. This was in April 1963 you say when you were served with banning orders?--Yes.

You went into hiding straight away?---The same day yes.

Where?---At Rivonia.

1963. Did you know of the existence of Rivonia before that date?--No.

Never heard of it?))---No I had not before that date.

Who told you about it?--I was..I only knew when I was taken to the place, the man who took me to the place said he was taking me to Rivonia.

Let us get this quite straight - you got the banning orders in April 1963?--Yes.

Although you asked detective sergeant de Klerk for money for train fare you knew perfectly well you were not going there?--Not at the time.

You consulted with your colleagues, didn't you? --Yes.

And they told you "Go into hiding."---Yes.

Who did you consult with?---I consulted members of the A.N.C.

Who?--I am not going to mention their names.

They told you to go into hiding?--Yes.

Can you tell his lordship who exactly told you to go into hiding?--I am not going to mention.

Did they tell you where to go into hiding?--I was told in the vicinity of Johannesburg.

But Rivonia was still not mentioned to you?---
No I did not get to know the name until I was there.

And who took you to Rivonia?---I am not going to indicate.

How were you taken there?---By car.

Who drove it?--I am not going to mention that.

Right - carry on that way, and the score will soon get a century? At that time, you knew of course No. 2?---Yes I knew Mr. Sisulu.

He was in hiding?--Not when I went into hiding. I don't think he was then in hiding.

Where was he staying?---At his home.

But when he got bail, after counsel said he would attend his appeal, he went into hiding?---Yes.

Straight away to Rivonia?--No.

Where did he go and hide?---Somewhere in Johannesburg.

You are not prepared to tell us where?--No.

Or with whom?--No.

No. 5. He was also in hiding?--Yes.

Where?--He joined me in Rivonia about the middle or so of May 1953.

And until then where was he?--He had been hiding elsewhere before then.

Where?---Somewhere in Johannesburg.

You are not prepared to tell us where?---No.

Now you were known as Dhlamini at Rivonia?--

What made you assume that name?--It is my clan name.

Is that you the only reason why you assumed that? ---That is about the only explanation.

The only explanation! And Pedro Kathrada - is that his clan name too?---No.

Why did he assume that?---It was a pseudoc name.

Why did he assume it, do you know?---I suppose he did not want people to know him as Kathrada.

And do you think the same reason might apply in your case?---Oh it might.

Of course it might! And No, 2 accused did the very same?--Yes.

For the same reason?--Yes.

It was not his clan name?--No.

Now you also said in your evidence in chief that in your view sabotage was justified?--Yes.

On your version you joined the National High Command of the M.K. when?---Towards the end of April 1963.

And just let us assume that for the moment to be correct, the M.K. was still continuing to commit acts of sabotage?--Yes.

To your knowledge?---Yes.

And to your knowledge, too, M.K. had planned further acts of sabotage, or were determined to carry on with further acts of sabotage?--Yes.

Right - you of course were a member of the Communist Party, and you were propagating its aims and objects?--Yes.

And you of course will admit that money was being solicited both from within South Africa and outside South Africa in order to further the campaign of sabotage and the A.M.C. and the Communist Party? Solicited by

By yourself and your colleagues?--Yes Umkonto did solicit funds.

Yes, and got money both within South Africa and outside South Africa?--Yes Umkonto did.

Well Mbeki I have now put to you , in very brief form, the four charges against you, and you have replied yes to all. Can you tell his lordship why you pleaded not guilty to the four counts?---Yes.

Why?---I did not plead guilty to the four counts for the simple reason that firstly I felt I should come and explain from here, under oath, some of the reasons that led to my joining Umkonto. And secondly for the simple reason that to plead guilty would, in my mind, indicate that there was a sense of moral guilt attached to it, and I do not accept that there is any moral guilt attached to my actions.

Well, we are not talking about moral guilt now, we are talking about legal guilt.---Yes, but as far as I am concerned, to plead guilty would be tantamount also to accepting to moral guilt, and I feel in these circumstances there is no moral guilt attaching to my actions at all.

Don't you feel morally responsible for that poor bantu girl in Port Elizabeth who was burned to death? --I am not feeling morally guilty for the death of that girl because I did not give instructions that that should take place.

But you gave instructions that the symbols of apartheid should be blasted with bombs.---Then that house was not a symbol of apartheid.

No but it was a symbol of a person who support the Government of apartheid.---And no instructions had been given to anybody to do so.

And do you feel morally guilty for your comrade in arms, Peter Molefe, who attempted to blow up another symbol of apartheid - do you feel morally guilty for his death?--I should not feel any more morally guilty than a driver of a car would feel morally guilty for being involved in an accident and a person died.

An accident, yes! Do you feel morally guilty for at least 2 people who were mortally stabbed because they were named in an A.N.C. pamphlet that they should be liquidated, on the grounds that they supported the Government of the day?---Where is this leaflet - can I see it?

I have not got it, don't try and be funny with me - it was referred to by detective warrant officer Card. ---How can I be answerable for a leaflet that is not even in Court?

Well he was not cross-examined with a view ~~to~~ to elicit that that was not in fact a leaflet of the A.N.C. --I am not questioning the fact that he was not cross-examined.

In fact did the A.N.C. not embark on a policy of liquidation of those people that it regarded as traitors? --Never.

Never? Even although ^{one of} the A.N.C. documents say if it takes 100 years we will track you down?---If it says so it should be incorrect.

And you know the document I am referring to?--- Yes.

I don't want to repeat it - I put it to Sisulu Is that document incorrect?--If it says so.

Yes - don't you believe me?--No I am not saying I do not believe you. If it appears there it is ~~not~~ incorrect.

Alright let us forget about moral guilt.

Having now admitted, after you have made some political speeches now and then, that you were on the National High Command that had committed sabotage, that further acts of sabotage had been conspired to be committed, that you had furthered the aims of Communism and that you and your colleagues solicited money both here and abroad in order to advance those campaigns, do you now plead guilty?---
I am not pleading guilty.

No you don't? So you don't even admit you are legally guilty?--I have explained my position.

You know, there are at least 13 documents that directly implicate you, and 24 witnesses who testify against you. Let us take each in turn - are you suggesting that those documents are lying?---Which documents?

I will deal with each one in turn. Take I.35 you are not prepared to explain every detail in that document, are you?--No.

Why not?---All this was intended for the National Executive of the African National Congress.

So why should you not be prepared to divulge and explain every single item in that document?--I am not prepared to divulge that.

You are not! And 24 witnesses, I shall name them in the course of my cross-examination - are you suggesting that they all entered into an unholy alliance to testify falsely against you?---I can only answer that when you deal with each witness in turn.

And if they do place you in Port Elizabeth, and they do associate you with acts of sabotage in Port Elizabeth, that of course would be false?--I would also answer that when you deal with them.

You will answer that one now. If they suggest that you were associated with acts of sabotage in Port Elizabeth?--It is false.

Now let us get a few details about this Arthur Goldreich on whom you place such a heavy burden. You once in your evidence-in-chief referred to him as Arthur - was he a friend of yours?---I would say a friend in the sense that I got used to him after I got there.

Did you call him Arthur?---I did.

And what did he call you?---He called me Goven.

Very friendly?--I would say friendly.

He did not call you by your clannish name of Dhlamini?---No.

When did you first meet your friend Arthur?-- It was not until I got to Rivonia that I met him.

When?--That is April.

April of 1963?---1963.

Had he already been overseas?--Yes.

And returned.---And returned.

So you knew nothing about this Arthur until he returned and made a report about his visit overseas?--- Until I met him at Rivonia.

And in the space of April to July you became as the Americans would say 'buddies' and you called each other by your first names?--We did.

Now what was his political affiliation? --- From my discussions with him I would say his outlook was Marxist - what the affiliations were I don't know.

Well you have heard accused No. 6, who is also a disciple of Marx and that is, in plainer language, an out-and-out Communist? Not so?--I have heard him yes.

Is he a Communist, Goldreich?--I say, from my

discussions with him, my impression was that his outlook was Marxist.

And therefore Communist?--It is not correct to tie up Communism with Marxism.

Not at all?---And Socialists in England, for instance, the Labour Party call themselves Marxist Socialists, but they are not Communists.

What are they? Conservatives?---They are Socialists of a type.

Well if you won't admit that he was a Communist, was he in any way associated with the A.N.C?--He was not.

We are still speaking about Goldreich - and he of course would not know of the internal workings of the A.N.C?--No.

And was he associated, as far as you know, with the M.K.?---He was yes.

In what way?---He was a member of a technical committee of M.K.

BY THE COURT:

Which means he is a member of the High Command, not so?---No my lord. He was a member of the technical committee.

Oh the members of the technical committee are not necessarily all members of the High Command?---No.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Well who were the members of the High Command? ---I am not going to give the names.

Come, come, come! We have had a couple of names bandied about in this Court already. Let us start with your good self - you were?--I was.

We know No. 2 not only attended meetings, but he was asked to attend meetings of the National High Comr

That is right! You have heard the evidence - not the evidence, the statement of No. 1 - he was a member of the National High Command.--He has said so.

May we go along the line then? And what about No. 3?---He was not.

BY THE COURT:

Wasn't he a member of the technical committee?

---No. 3?

Yes.---No my lord.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

He did not assist Mr. Goldreich?--He did.

He did not serve on the logistics committee?

---Not in a formal sense. Insofar as he carried out instructions given to him by Mr. Goldreich, then I suppose you will say so, but not in a formal sense.

By the way, do you know what logistics means?

---I don't..

Funny you know - both Sisulu and you speak of logistics committee, and you don't know what it means. I)))) Except that I have been told it is something to do with supplies and all that, but the thorough appreciation of the meaning of the word, I don't know. It does not seem to be associated with logic at all!

No, I can assure you, it has nothing to do with logic!

And what about No. 6 - was he in any way associated with the M.K. First let me help you - you call him Rusty.---Yes I call him Rusty.

M.K?---No he is not.

And yet look at Exhibit R94. Now that is Mr. Bernstein - he wrote that "Have made a few notes on the first copy. Will be back by 1.20 approximately." Do

I will wait.---(witness examines Exhibit).

Don't read the whole thing.--Yes? You have not addressed any cross-examination..?

I am going to. Look at the covering note. Is that Mr. Bernstein's handwriting?--I don't know if it is.

Well he said it is.---I suppose it is, if he says it is.

Now look at the last page of that document page 6 - that deals with M.K. He is asked "Please run over this re-draft in the meantime" and that deals with M.K.--- Which part of it?

The whole of it - even before. The very first line speaks of Umkonto's aim - 'is the aim of the liberation movement - the overthrow of the state of white supremacy.' The whole thing deals with M.K.

And by the way, when you come to the passage "It is thus necessary for Umkonto to advance speedily with its preparations for full-time armed military operations against the government" don't read it fast, read it slowly - the way you speak, slowly! Have you got that part?--I am coming to it just now.

Alright, I will wait.---Yes I have got up to "political campaigns."

Yes. And to sum up: We are approaching a period filled with revolutionary possibilities, in which new militant and violent forms of peoples struggles become possible and likely." Well Mbeki, I don't want to waste his lordships' time - does this page for example not deal with M.K? Its policy, and its aim and object?---It does.

And Mr. Bernstein is asked to check it - if he had nothing to do with M.K. what was he checking a document

referring to a movement of which he knew nothing and was not a member?--It happens so often - the newspaper which are you associated with may ask you to check up on information which it has.

I don't want to argue with you - you remember of course what he said, he did not want to know too much so that he should not^{be} asked too many questions. Who is Eddy? Do you know who Eddy was?---No.

You don't even know today?--From what he said.

Yes, and who is Tony?--I don't know.

You have never heard of Tony?--No.

Never heard of Ethel?---Ethel?

Yes, it is in this document.---No.

There it is on the front page. Never heard of it, and you are on the National High Command! And you don't know who in that organisation asked accused No. 6 to check the redraft of this document?---This is not an Umkonto document - it does not seem to purport to be an Umkonto document.

It does not?---Somebody is writing it.

Yes, but writing about M.K. ?--Yes, writing about M.K.

And has a lot of knowledge about M.K.---
That I am not denying.

I am coming to the final document "The Revolutionary Way out." You told us that that was distributed?--Yes.

By whom?--By the Communist Party.

To whom?---To..

It is 121(b). To whom?---To the public generally.

For what purpose?--To read.

I know. For what purpose?---To acquaint them with the point of view of the Communist Party on the issues raised in the Revolutionary Way Out.

And what was the ultimate purpose of that document?---Let me see the document so that I know..

Yes, 121(b). That is the document that you in your evidence -in-chief said by no stretch of the imagination can it be regarded as a document inciting people to violence.---Of course it does not.

Remember?--It does not.

You know the document I am referring to?---

Yes I do.

You say it does not.

BY THE COURT:

Doesn't it attempt to recruit people into the Communist Party or into the National Liberation Movement, or whatever it may be?---No my lord, I don't remember any topic in the document that purports to do that.

If you issue a manifesto of a company you may not expressly invite people to subscribe for shares in that company, but it is implicit in that that you ask them to, not so?---Well I should imagine normally when an organisation does issue a document of this nature, it expects its readers to accept its point of view, but I don't think it would be tantamount to saying 'Come and join my organisation'. It would not do it that way.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Belt 115E.

Now this document is headed "The Revolutionary Way out" - it is a statement by the Central Committee of the South African Communist Party, and you admitted it was distributed in this country?---Yes.

And you are not prepared to admit for what purpose it was distributed, apart from reading?--It is to put across to the reader the point of view of the Communist Party on the issues raised.

And to invite them to subscribe to that point of view?---Yes.

And to invite them to swell the ranks and help the execution of that point of view, not so?--Yes, the point of view of the Communist Party.

I will give you a chance to read that document. And the whole idea of that document is to obtain assistance in order to achieve the aims and objects of this revolution? ---What nature of assistance?

Now let us read. I am going to read one passage on page 11 of that document; and you say that by no stretch of the imagination can this be regarded as an invitation, or an incitement to violence. Now have you got that, "Forward to Victory"?---Yes I have.

(My lord at page 661). "Events in South Africa are moving towards a crisis, culminating in a direct clash between the forces of reaction, apartheid and barbarism organised by the state and the forces of liberation." Have you got that?---Yes.

Is that in fact so.---Yes.

Well we can leave out the next paragraph, which deals with 'as the struggle grows more acute' and you say the 'bravest and most resolute men and women will come forward.'--Where are you reading.

The second paragraph - I don't want you to think I am leaving anything important out.--No you said I should skip the second paragraph.

Yes, which began, I said, "as the struggle

grows more acute" - do you follow? The beginning of the 2nd paragraph?---Yes.

Now let us go to the third paragraph. "The Nationalist government cannot succeed in its attempts to check the awakened people of our country in their irresistible drive to freedom. They can only succeed in making that struggle more bitter and bloody. Should they persist in this course, the only affect can be that the present outbreaks of sabotage and violence will develop into full-scale civil war, beginning with guerilla operations in various parts of the countryside and culminating in an armed insurrection of the whole oppressed people throughout the country." Mbeki - that is a summary of the State's case! Why did you want the people of the public of South Africa to read this, if not to incite them?--- That is not incitement.

No? Oh no!---This is not incitement - it merely states the position. If this is like this, then you are likely to get so-and-so as a result of this. It does not incite anybody to do anything.

Not at all! Perhaps it is fairer to read the whole thing before I argue with you by way of question and answer. "It is not the Communists and it is not the oppressed non-White majority who have chosen this path: it is the ruling classes, the Nationalist Party, backed up and encouraged by the United Party, and the big capitalistic interests. They are out to keep big profits, stolen land and white privileges." What stolen land are you there referring to?---The more than 87% of the land that is owned by Whites only.

You don't say so! You don't say 87% you say 'the stolen land'.))--Yes, but I am answering your question.

You don't state in this document 87%.---You are asking me what it is and I am giving you particulars.

You are giving me the answer!--Yes.

But it does not suggest, of course, to the readers of this document that the Whites have stolen South Africa from the blacks - it does not mean that of course?---The document says here 'the stolen land.'

'And even at the cost of a continuous reign of terror that turns out whole country into one big concentration camp, even at the cost of many innocent lives, both non-White and White.' That of course is not incitement?---No.

No, not incitement?---It is merely stating the truth.

The truth! Now one last paragraph: "There is only one way out of the misery and bloodshed of Nationalist rule and white domination - the revolutionary way out. Our people will never submit to terror and intimidation; they will unite, organise and prepare to fight back. Death and sacrifices cannot deter patriots who are determined to win freedom; who have decided that it is no longer possible to live like slaves and be treated worse than dogs." That is also not incitement?---That is not incitement.

That is just put over there for some light reading?---It is not incitement. It is again a statement of fact - it is not incitement.

A statement of what facts?---Our people will never submit to terror, and they won't.

Yes, raise your voice as you normally speak. ---And intimidation.

And intimidation?--Yes.

Is it not a fact that you here tell your readers that if the Government does not submit, the only end is a bloody civil war?---No it is again a statement of fact.

Of fact?---That if the Government does not give ground, you can only expect a head-on collision.

And is it not a fact that up to now the Government has not yielded any ground? Literally and metaphorically?---Yes along the lines that..

And is it not a fact now that an impasse had been reached?---I don't know if it is correct to use the word 'impasse'.

I am quoting from a document - and is it not a fact that an impasse had been reached prior to 1963?--- If impasse in the sense in which it is used means that there is no other alternative, then I would say it is incorrectly used.

AT THIS STAGE THE COURT ADJOURNS
FOR THE LUNCH INTERVAL.

ON RESUMING AT 2. p.m.

(DISCUSSION BETWEEN THE COURT AND DR. YUTAR ABOUT THE RELEVANCE OF CERTAIN QUESTIONS PUT IN CROSS-EXAMINATION REGARDING WITNESS' INTERPRETATION OF DOCUMENTS BEFORE THE COURT).

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Now Mr. Mbeki we have reached the stage and I was asking you who were members of the High Command of M.K. and I diverted to 121(b) a document which Bernstein was asked to..

BY THE COURT (to the witness):

I take it you are not even prepared to tell the Court how many people were members of the High Command?---
No my lord.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Well, we have dealt with accused No. 1 we have dealt with accused No. 2, accused No. 3, by the way, Goldberg - we have dealt with him too. I just want to ask you by the way - you met him in Cape Town you say, and in Port Elizabeth?---Yes.

Cape Town when?---I could not be very sure, but in the sixties, ...'61...

Where?---At his own home I was. I have been to his house.

By the way, how do you address each other?--- I call him Dennis.

And officially how do you address each other? As members of the Communist Party how do you address each other? Comrade?---I don't know him to be a member of the Communist Party.

He is a member of the Congress of Democrats, Congress of Democrats.

And for what purpose did you meet him in Cape Town?--It was just a social visit.

And in Port Elizabeth?--He came to the New Age offices, and there was no specific purpose. It was just to say hullo when he was in P.e.

When was that?--Even as far back as 1958 I saw him in Port Elizabeth.

You told his lordship that he came up here, and he was employed, if I can put it this way, in a temporary capacity?--He was..?

In a temporary capacity? Goldberg?--What was the word you used before? That he was employed?

Employed, yes.---No I did not say employed.

BY THE COURT: Well, employed does not mean that he was

paid for it - I mean, if I ask a man to work for me, then I employ him to do that work.---If it is in that sense, my lord, yes.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

You understood, of course, that he was leaving the country?---Yes I understood that.

When did you first learn that he was a member of the Congress of Democrats?---As I say from about the first time I knew him, round about 1958.

You heard the evidence about the running of the Mamre Camp?---Yes I did.

When did you hear about the running of the Mamre Camp for the first time?---I think it was in January 1963.

From whom did you hear it?--I heard it in Cape Town.

From whom?--I would not say specifically from whom, but there was talk about it when I was in Cape Town in 1963 January.

Talk about it amongst whom?---Amongst the people who were there. It was a party in fact.

Where?---In Cape Town.

Marney's

Where?---At Mr. ~~Mxxxxx~~ home.

Marney?

Cardiff ~~Mxxxxx~~---Yes.

And what was the purpose of that camp?---I really didnot go into details as to the purpose of the camp, but there was talk about the camp. Some of the people who had been there were bidden to just speak about what transpired at the Camp, but it did not strike me as anything out of the way really to investigate into.

What ..wasn't it a camp to teach young guerrillas? ---Well I can only speak from the evidence I have heard here.

Not there.

You did not know about it at all?---No.

You have heard the evidence that Comrade Goldberg was in charge of the camp?--I heard that.

He was not doing that in a temporary capacity was he?---Well I suppose insofar as the camp itself was temporary, I would say it was in a temporary capacity. The Camp was supposed to last a few days.

Did you meet Looksmart?--In Cape Town?

Yes.---Yes I did.

Where?---At the A.N.C. meeting I referred to in my evidence-in-chief.

You referred to the meeting, but you never mentioned once the name of Looksmart - not once.---No, but there was no question of names of people who attended these meetings coming in.

Now where exactly did you meet Looksmart for the first time? We talk of course of Looksmart Solwandle Gunda, or to give him his correct name, Comrade Looksmart Solwandle Gundla.---I would not say where for the first time I met him, because ..it might have been at the New Age offices, because he was working for the New Age.

He was a member of the A.N.C. ---I knew him to be that.

And did you know of his relationship with the trainees, that were recruited in Cape Town, and sent to Johannesburg?---No.

You never knew that he was doing that at all?---No.

At no stage? What did you think he was doing there?--Where?

Cape Town?--I knew him, as I say to be employed by New Age and to be an active member of the A.N.C.

Who was in charge of the Regional Command of the M.K. for Cape Town, the Cape area?--I am not prepared to tell.

Of course there was a Regional Command of the M.K. at Cape Town?---Yes.

Acts of sabotage were committed under the direction of the Regional Command in Cape Town?---From the evidence in Court, acts of sabotage were committed.

Don't you know it, apart from the evidence?---No because I mean at the time I was not on the M.K. at all.

Even when you came to Johannesburg, and joined the M.K...the National High Command, did you not hear of the acts of sabotage committed in Cape Town, under the direction of the Cape Regional Command of the M.K?---You mean the acts of sabotage that took place before I got onto..

Before you got on whilst you got on, during the time you were there?---Well yes it was generally said.

And who was in charge?---I have already indicated I am not going to say.

You are not prepared to tell - we will come back to it later. Oh yes I am reminded ~~about~~ by my learned colleague - you don't have to worry about incriminating Looksmart, because he is dead. ---Yes I know that.

Committed suicide, or don't you know that?---Alleged, yes. Alleged to have committed suicide.

You see Looksmart preached, according to some of the witnesses, 'Don't talk if the police arrest you. Rather die than talk.'---You get the instructions. I think one of the documents here says 'don't talk to the police' but the latter portion of it I don't remember.

So you are not prepared to say if Looksmart was on the Regional Command of the M.K?---No.

You are not prepared. We have dealt with yourself No. 4. We have dealt with the position of No. 6. and we are going to deal now with Raymond Mhlaba, your friend from the Eastern Province. He is your friend---Yes.

You worked together?--Yes.

You attended meetings together, spoke together - a member of the M.K?---No.

No?---No.

Not at all?---No.

Why did he go overseas on this secret mission? Why did he leave this country on a secret mission for 14 months?--Did he leave the country?

Didn't he?--Not to my knowledge.

Well where did he go then for 14 months?--He went on an A.N.C. mission.

Where?--I am not going to say where.

Why not?--Why should I?

I am asking you?--It may incriminate him in some other charge that is not before the Court.

You see he refused to answer that question because his counsel suggested that he might incriminate himself if he left South Africa without a permit. You are now saying the opposite - he did not leave South Africa.--- I am not saying he did not leave South Africa. I say I am refusing to say where he went to.

Or what he went for?---What he went for beyond saying that it was on A.N.C. work.

But the A.N.C. had followed a policy and was still following a policy of non-violence - the whole world knew it, according to you, so what is secretive about a

mission of 14 months for the A.N.C. if it is as innocent as all that?---Why should I say? The secrets of the A.N.C. are for the A.N.C. They are not intended for everybody to know.

Although it is the ..the policy of the A.N.C. was known to the whole world?--Yes.

Now he went on another secret mission shortly thereafter?---Shortly thereafter, when?

After the 14 months, mission?---From when are you counting to where.

You ~~do~~ know that he went on a mission for 14 months?---I know that he left Port Elizabeth in October 1961 and I say I first met him thereafter at the end of June 1963.

You don't know of his two secret missions, that he himself has testified to?---Well I have heard the evidence here.

And you did not know of it before?--Not of my own knowledge - I was informed. I mean the second one.

Although you were one of the leading lights of the A.N.C?--Yes but then I was not in Johannesburg.

No but you came to Johannesburg in November 1962. You did not know about it?--Yes.

To this day? Do you know about it?--No I know now, the evidence that has been given.

And do you know why he went on that second mission?--I know yes.

Where did he go?--I am not going to say.

And why did he go?--I am not going to say.

Let me complete the list - Goldreich was he on the National High Command?---No.

But he was on the technical committee?--Yes.

And you are drawing that technical distinction?

---Yes.

And Wolpe, was he?---No he was not.

Then why did Mr. Harold Wolpe draw up a code for the M.K? You know what I am referring to, Exhibit R.1.

---Yes.

Yes you know - why did he do that?--My only explanation would be that Wolpe belonged to the intelligence committee, and was a friend of Mr. Goldreich.

That is right - he belonged to the intelligence committee, one of the committees set up to investigate this plan of Operation Mayibuye?--He belonged to it long before Operation Mayibuye was ever thought of.

But he still got a lot of information by reason of his membership of the intelligence committee which was called for by Operation Mayibuye?---I could not say that without looking at what he has written.

Well we will show you Exhibit R.1. You are entitled to look at it. You say Wolpe was on the intelligence committee?---Yes.

Look at R.1. You want the Court to believe that Operation Mayibuye was a pipe dream - look what he says here "Carrying out Orders." Can you explain to the Court how Wolpe came to draw up a Code of Discipline, a Disciplinary Code for the M.K. if he had nothing to do with M.K?---As I say, Mr. Wolpe was a friend of Mr. Goldreich. And I would not have been surprised that he did a thing like this on the instructions possibly of Mr. Goldreich, who already had it in his mind that Operation Mayibuye would be accepted.

He had it in his mind?--Yes.

You see Wolpe says here, just to quote the one sentence !"The High Command of the Umkonto Wesizwe, the

fighting...struggle for the liberation of the African people, orders that:" (You will find it on page 3). Have you got that?---Yes.

Belt 116E

How did Wolpe come to draw up a disciplinary code for the Umkonto Wesizwe?---As I say, I can only explain it on the basis of his association with Mr. Goldreich.

In the same way as you have explained the association of accused No. 3, Goldberg?---Yes.

Right. Now you know M.K. of course drew its members from the A.N.C.?---Partly.

Partly from the Congress of Democrats?--Partly.

Partly from the South African Indian Congress?

---Yes.

And partly from the South African Congress of trade Unions?---Yes, it might have drawn from the individual trade unions.

And the South African Coloured Peoples Congress?

---Yes

That constituted the Congress Alliance?--Yes.

And the Congress Alliance was on the side fighting the Nationalist Party and the supporters of white supremacy?--Yes.

Who represented the South African Indian Congress on M.K.?---The M.K. was not an organisation representative of the components of the Congress Alliance, so it would be incorrect to say that anyone of the components of the Congress Alliance were represented on M.K.

Well let's see. Accused Nos. 1 and 2 are members of the A.N.C.?--Yes.

Accused No. 7 is a member of the A.N.C.

Accused No. 6 is a Communist, Bernstein---Yes.

Accused No. 3 is a Congress of Democrats?--Yes.

Who spoke on behalf of the Indians then on the High Command of M.K?--I have already indicated that M.K. was not composed of the various organisations.

BY THE COURT: (to the witness)

That is not an answer Meki. You can say either there was an Indian representative, or there was not an Indian representative, or you are not prepared to answer the question - don't try and evade the question.---No my lord, it is not my intention. If then the question is intended to say is there a n Indian or not on that, then I am not prepared to answer.

DR. YUTAR: (continued)

That is all I ask you are not prepared to answer?
---No.

Of course we know that Slovo was a member of the National High Command?---Yes evidence has been given here to that effect.

Your own colleague, accused No. 2 said so?--Yes.

Who else?---I am not going to say.

By the way, you come of a very religious family.

--Yes.

You said so.---Yes.

I noticed that you did not take the oath, but affirmed. Why? Because you are a member of the Communist Party; or because you are not bound then by the effect of the oath?---Not because I am a member of the communist Paty nor because I am not bound by the oath, but because in the course of time I did not accept the existence of a deity, that is all there is about it.

So you have become an atheist? Was that after you joined the Communist PaRty or before?---No, no.

Before. Alright. Now when did you first hear about the Operation Mayibuye?---Towards the end of April 1963.

That is after Goldreich had returned?--Yes he had been back to the country a couple of months or so.

When did you first set eyes on that document, Operation Mayibuye, R.71?---It was early in May.

Of 1963?---1963.

And you say it was prepared by Goldreich?--Yes.

And Goldreich alone?---As far as I know.

And no-one else?---There might have been but..

Well why do you say now 'as far as I know'

'there might have been someone else' - why do you say that?

---When he told me, he told me he was preparing the document.

Did you help him prepare it?---No.

Did Siáulu help him to prepared it?--No.

Did any other member of the A.N.C. help him to prepare it?---No.

And you saw it for the first time about April 1963?---May.

May 1963?---Yes.

In the form in which we have it in Court today?

---Yes.

Right. Keep that document in front of you - how did Goldreich come to the name 'Operation Mayibuye'?--- Why he called it that?

How did he come to call it that?--I suppose he must have taken it from an old slogan of the A.N.C. Mayibuye.

Yes, the slogan of the A.N.C. "Africa Mayibuye9 Mayibuye Africa"?---Yes.

It means Africa comes back to the black people?-- Yes.

That was not the policy of the A.N.C?--That was a slogan of the A.N.C.

And you say Goldreich then must have used the slogan of the A.N.C. and called it Operation Mayibuye---Yes.

You better keep this document in front of you - you see, we have got another document T.74 which we found at Travallyn. That is not called Operation Mayibuye, that is called "Some Thoughts on the Situation confronting the National Liberation Movement." What I want to know is this: if the author of the document found at Travallyn called it Some Thoughts on the Situation Confronting the National Liberation Movement, how did Goldreich come to call it Operation Mayibuye? or why?---Some Thoughts is different from this.

"Some Thoughts on the Situation Confronting the National Liberation Movement" - Bernstein was constrained to admit has a lot of similarity to Operation Mayibuye?--That I am not denying.

Why did the author of T.74 call it "Some Thoughts" - why did Goldreich, the author, as you say, call it "Operation Mayibuye"?---I don't ~~xxx~~ suppose there is a suggestion that the two documents were prepared by one and the same person?

I am not suggesting that.---Then as the title of that document suggests, it is some thoughts by the person-who drafted the document.

I want to suggest to you that this document T4 was the forerunner of Operation Mayibuye.---No I don't accept that.

How can you deny it---Because I have read the document.

Yes - who wrote T74.--I don't know.

It might have been Goldreich?---Possibly, but I would not say it was Goldreich - I don't know of my own.

So how can you deny - it might have been the forerunner of R.71?---Yes but all I am saying is there is no suggestion which we have also accepted that Operation Mayibuye was drawn by the same person as the one who drew up that document.

Look at Operation Mayibuye please, will you?---
Yes.

By the way, before we go further, you told us earlier that the intelligence committee had existed some time before?---Yes.

How did Goldreich know about it?---As I said, Goldreich was a close friend of...

I am asking you how did Goldreich know of the existence, within the A.N.C. of an intelligence committee.---
No, no, not an intelligence committee of the A.N.C. intelligence committee of Umkonto.

How did he know that?--He would know intelligence committee and technical committee ~~xxx~~ naturally they would work very closely together.

Now will you look at the last page: by the way was Goldreich on the technical committee?---Technical committee, yes.

Was he on the intelligence committee?---No.

Now look on the last page - you see under Personnel?--Yes.

Where did Goldreich get, under Intelligence, Alex Secundus Otto.

Who is Alex?--I am not going to say.

Who is Otto?--I am not going to say.

How would Goldreich be able to name those two people if he had no connection with the A.N.C. and knows

nothing about the internal workings of the A.N.C?---But is there a suggestion here that these are members of the A.N.C? There is none.

Well what are they members of?--I am not going to say.

Take "External Planning Committee" and now you will know why I asked you about your family. "Johnson" - who is Johnson?--I am not going to say.

Who is Thabo?--I am not going to say.

Isn't that the name of your son?---It is the name of my son.

That is why I asked you that this morning.--Yes.

How did Goldreich know the names of these people if he was the sole framer of Operation Mayibuye?--- There is no difficulty in Goldreich knowing the names of these people. He was merely here making a recommendation that the personell for these departments should be so and so and so and so. I mean, after all, he is a member of the movement.

Of what movement?---The Liberatory movement.

We are dealing here with an H.K. document.--Yes.

How did he know, without ~~any~~ assistance - he had just come from overseas - he is drawing up a document to convince you that guerilla warfare is feasible - how did he come to place these people in their right places?

Alex and Otto alternatively, for intelligence?--He had only been overseas for a month or so.

Yes.--That does not mean that he did not know the people who were members of the organisation.

And he went so far not only to convince the National High Command of the feasibility of this document,

he now names people, and Thabo is included as the External Planning Committee - and Thabo this morning is your son, and he is in London!--He...

Yes?--He did not convince. It is incorrect to say so, that he convinced either M.K. or the A.N.C.

But he has got Thabo to serve on the External Planning Committee, by name.--I should not imagine that if he intended that Thabo to be the Thabo we are referring to, he would have put his name like that. That must be a pseudo name like any of the others.

Well do you know of any other Thabo?--Oh yes, it is a very common name that amongst the Africans.

What other Thabo do you know within the movement of the National Liberation Movement?--Thabo Motsonyana.

Yes, is that the one referred to here?--I am not saying.

I am asking you.--I don't know.

And this Thabo you are referring to now, is he here, or in London?--The sub-heading there is "External Planning Committee."

That is right. Now I am asking, the Thabo you have just mentioned, is he here or overseas?--The Thabo I have just mentioned is in Basutoland.

What other Thabo do you know?--There is.... Mr. Modise's son is Thabo.

Where is he?--He is in Orlando West.

Well that is still in Johannesburg. A Thabo who is outside this country?--I know of no other.

Who is Joseph?--I am not going to say.

"Together with a senior A.N.C. representative as well as co-opted personnel seconded to us by friendly Governments."--Yes.

It is going pretty far to say that if A.N.C. HAD nothing to do with the preparation of this document. ---This is a proposal. It does not say it is an accomplished fact, and therefore the A.N.C. is doing this.

Let us go to the Transport Committee - who is Percy?--I am not going to say.

Let me remind you the evidence..you know, of course who Percy is---I know what Percy is referred to there.

Well you know what Mr. X said - he was introduced to accused No. 10, as Percy, alias Robot, who was in charge of Transport. Is he right or is he wrong?--He might have been so introduced. All I am saying is I am not going to indicate who Percy is.

And what is more, secundus, that I take it is alternatively, Mbata. Mbata has been mentioned by a number of witnesses as accompanying the recruits across the border to Lobaŋsi. Also in charge of transport. Are you prepared to admit that?---Well the evidence is to that effect.

How did Mr. Goldreich then know that the two people named here for the transport committee are in fact two people who have been ~~wax~~ named in this Court as members of the A.N.C. and dealing with the transport of recruits?---No I am not quite grasping your question.

I am asking how did Goldreich know, when he drew up this document, as you say he did, that the two persons he puts down to serve on the Transport Committee are in fact the two persons mentioned in the evidence in this case as being connected with the transport of recruits across the border?---When he drew up the document he assigns duties, or proposes to assign duties to those people. That does not necessarily mean that he knew that those people would have been mentioned in this case.

BY THE COURT:

But Goldreich must have known all about the workings of the Umkonto if he knew that these people were in fact doing transport, wouldn't he? That wasn't his committee, that was quite another branch?---It was not his committee, but I would not exclude the possibility of his saying for instance going to the High Command and saying "I want personnel for this department, and personnel for that department, to put in a document".

But what has he got to do with transport, if he is only being asked to work out logistics?---No he is drawing up the whole document my lord. He is drawing up a document, and he is fitting in certain departments which are necessary for his plan to be effective.

But the point is that that plan has already been put into operation - that part of the plan was already operating, not so?--M.K. was operating..

No, I say this part of Operation Mayibuye, or whatever you call it,..---That is transport my lord.

Transport, that part of the plan was already operating.--Yes transport was already operating.

And recruits were being trained so that part of the plan was operating.---Correct my lord.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

And what is more, not only does he know now the people who are doing it, but he even knows their pseudonyms. He speaks of 'Percy'.---Yes I am not denying the fact that he has got these names down.

He has got it down correctly too. Isn't that so Mbeki?--I am not saying correctly. All I am saying he has got these names down, and that he might probably have known that these people were responsible for transport.

That is why I was very cheerful this morning when I put to you a few preliminary questions - I was very careful to get it out of you, and it is clear from your evidence-in-chief that the only information which you say was given to him (and that I am going to dispute later) but the only information that was given to him was the organizational ~~w~~set up of the A.N.C. in the rural areas - nothing else. I ask you again, where did he get these names, and where did he get their pseudonyms from, if he drew this document up?---Well I say he might have found out from the National High Command, or somebody on the National High Command.

Now let us come to the Logistics Department. Bri-bri. Yes, you know him very well, don't you?--I know him yes.

Yes, he is a friend of yours from Port Elizabeth, isn't that so?--I know what the pseudonym Bri-Bri stands for but I am not going to say who it is.

But I am not asking you that just yet - I am just saying he is a friend of yours?--I am not answering that.

And a very good friend of yours?---I am not going to say.

From Port Elizabeth?--That I am not going to say.

Who was at Rivonia when Mr. X say you there, together with No. 2---That I am not going to say.

And secundus Frank. Who is Frank?--I am not going to say.

You see Goldreich must know an awful lot about the A.N.C. if he is able not only to give the names, but also the nick-names. Now look at the last line of that document.

BY THE COURT:

Before you leave the Personnel, what appears to me to be even more surprising about this, why, if Goldreich was simply the head of a sub-committee, why is his name not here?--It could possibly be among those pseudonyms my lord. It might possibly be amongst them.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

In fact, your last answer has caused so much consternation that I am being fired with suggestions on both sides! What was his pseudonym, Goldreich?--I am not going to say.

Did he have a pseudonym? You are not answering that? Mbeki, I am putting it to you that you know perfectly well that the answer that you have given to his lordship's question is not true.--I deny that.

Then what was his pseudonym?--I am not going to say.

Did he have a pseudonym?--I should imagine he had.

You see, everybody has implicated Goldreich already, as I said to you earlier this morning. The poor man must be labouring under the heavy burden on his shoulders placed upon him by you and No. 2. So why be afraid now to answer that question. You say he prepared this - what was his pseudonym?--I am not giving it.

Another thing too, he was merely asked to try and convince the National High Command of the feasibility of guerilla warfare, not so?--Yes.

What I can't understand is this: why then go to the extent, then, not only of appointing these committees, but even suggesting names?--He was drawing up a whole plan which would have committees, and in his mind

he was satisfied that this plan would be acceptable.
He therefore proceeded.

I am sorry, what was your last reply?--He was satisfied in his mind that this plan would be accepted, and he therefore proceeded to not only name the departments, but to indicate who would be in charge of each particular department.

He was assuming to himself an awful lot of authority! wasn't he?--It was not authority - he was assuming that he would have been able to convince the National High Command about the plan.

Incidentally you spoke of the Technical Committee.

---Yes.

That is not mentioned here.--No the technical committee had a different function. The technical committee had a different function. It was, if we may use the word, a research department of Umkonto, while it confined its activity to the sabotage. And it would carry on research work with a view to advising the technical committee of the Regional Command.

BY THE COURT:

Yes but I find that difficult to follow Mbeki, because the technical committees of the various regional commands, according to the evidence which is not disputed, had a definite meaning. They were the people that worked with arms and bombs and things.---Correct.

And with teaching people how to make the explosives.---Yes.

And getting material for that purpose?--Yes.

Now why would the technical committee of the High Command have a different meaning?--It is also a technical committee, my lord, except that its function

was to teach the technical committess of the regional command how to do these things. As I say, I think it probably would be more correct to say it is a research committee, because it undertook...

If there is ever to be guerilla warfare, the technical committee is probably the most important committee that you need on the High Command, not so? If you were going to go to guerilla warfare, the technical committee would be indispensable.---No I am not denying that.

Then it is surprising that there is not a technical committee listed here - why not?--I don't know if it is probably not one of the sub-committees of the logistics.

It should not be, not if you give logistics its correct meaning.---I don't know my lord - let us look up logistics.

Oh I see yes it says 'Logistics department, technical and supply committee'---That is right.

So they lump the two together.---As I say I don't know the..

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

You see Mbeki, as his lordship pointed out to you, earlier, look at the functions of the logistics, technical and supply committee - just look at the functions. "To manufacture and build up a stock of arms, ammunition and ~~explosives~~.explosives. (Under No. 5). Not a word about research; "To manufacture and build up a stock of arms, ammunition and explosives from interdal sources. To organise reception, distribution and storage of supplies from external sources. To organise the training of personnel ~~in~~ in the use of equipment referred to in (a) and (b) above. Obtaining all other relevant supplies necessary to

prosecute an armed struggle, to wit, inter alia, medical supplies, clothing food etc. and the storage of those at strategic points. Acquiring equipment to facilitate communications. To undertake all duties and functions that fall under the Department of Logistics." Nothing about research there at all.---No I think somewhere..

Somewhere what?---I was under the impression that somewhere..

BY THE COURT:

No I think you are thinking of the Intelligence Department - that was to do the research into suitable areas and what policy and what military controls there are and so on. ---Its functions to manufacture and build up a stock of arms - manufacture would involve, of course

Continued on Page 169.

ACCUSED NO. 4: It's functions to manufacture and build up a stock of stuff, manufacture would be involved of course. The technical committee.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Mbeki let me put it to you this way - the most important function of "Operation Mayibuye" was not only to continue with acts of sabotage but to go over to guerilla warfare and eventually civil war, armed insurrection! That was the most important objects of "Operation Mayibuye"?---Yes.

10

And I want to put it to you the Technical Committee would play the most important part, because you can't commit sabotage and guerilla warfare without a compliance with the functions under the Logistics Department!---Yes, but I mean the manufacture itself would have been done by the Technical Committee.

And yet this important Committee we have over there, just briefly Bri-Bri and Frank and they are not the pseudonyms of Goldreich and Goldberg?---No, I have already indicated.

20

Yes, and yet their names are not there - Goldreich and Goldberg?---No, I say definitely Goldberg was not there.

And Goldreich neither! Now we come a little lower down. "Organisation of areas....setting up proper M.K. machinery. Ratau and James for the...." ~~Who is Ratau?~~---I'm not going to say.

But you know who he is?---Yes.

How would Goldreich know about him?---He would know. He was a member of the organisation.

30

Which organisation?---Both Umkonto and the Liberatory....

And James?---James might refer to me.

James might refer to you?---Yes.

Why do you say that?---Because I wrote under that name for the National Secretariat, under James.

You know I'm reminded that the units of the M.K. were kept secret, the one from the other!---Yes.

And yet Goldreich knew these names and allocated them to the various Committees!---Yes, but Goldreich was not belonging to a unit of M.K. he was above that.

He was one of the arch?---Yes.

10

And obviously, in that capacity, a member of the National High Command! You can't dispute!---It could be correct.

Now do you remember you said in your evidence in chief, by the way, I'm coming back to "Operation Mayibuye"...Oh yes, I did ask you the meaning of the name, it does mean "Come Back"?---Yes.

Land come back to the Natives?---It means come back.

And the whole idea of "Operation Mayibuye", was to indulge in an operation which can bring the land of South Africa back to the natives?---Partlyyes, if I may say so.

20

Don't say it, because in this document I read out to you this morning, it speaks of the land stolen!---Yes, it did.

And now you of course, add 87%. Now I'm coming back to "Operation Mayibuye"with some other facts, but I'll keep that for Monday morning, but I want to ask you this right now - when did you first hear of the M.K.?---Do you mean it's formation?

30

Yes!---Shortly before the end of 1961.

From whom?---Somebody came along to Port Elizabeth.

Who?---I'm not going to say who it is.

And who did this person come from?---He came from Johannesburg.

In what capacity did he come?---He was one of the sponsors of Umkonto.

When was that you say - some time in 1961?---Before the end of 1961.

Yes, what month please?---It must have been about November/October.

As late as all that. Would you satisfy my curiosity and tell me whether he was European or not? ---No, I'm not going to say that. 10

You won't incriminate anybody by answering that question!---I'm not saying.

And on what ground are you not prepared to answer that question?---This is going to lead onto another.

No, I promise you I'll stop there! Yes, if I do ask you another, then you can refuse to answer the next one! You're not prepared to answer that?---No, I think let's have it settled that's a fact I know about South Africa. 20

You're not prepared to answer?---Yes.

And what was reported to you about M.K.?---He said that as from the 16th of December, 1961, the organisation M.K. would embark on sabotage activities,

And this was October/November 1961?---Yes.

And they would embark on sabotage activities? ---Yes.

Where?---In the main centres. 30

Namely?---Durban, Johannesburg, Port Elizabeth and Cape Town.

Why do you leave out East London?---He never mentioned East London.

Were there no acts of sabotage committed in East London?---Do you mean on the 16th?

No, any time?---There were acts of sabotage at East London, but as far as I know, there were no Umkonto units at East London.

Perhaps they all operated from Port Elizabeth?
---It could be possible.

And did he tell you what targets?---Yes.

What targets did he indicate to you?---He said it would be symbols of apartheid. 10

Such as?---Such as Pass offices.

Yes?---And pylons.

Yes?---Sub-stations. That's about all I remember.

What about irredeemable Government stooges?
---No he never said that.

Now in what way is a pylon a symbol of apartheid?---I suppose insofar as it helps the economy of the country to run smoothly.

Well, in that case railway lines would be also symbols of apartheid! The trains run on it!---No. 20

No?---Not railway lines. If you mean by railway lines, the track. Not the track, no.

The signal boxes?---Yes.

And did you query this courier from Johannesburg as to why this was to be done?---Yes, he explained without being queried.

What did he explain?---He explained that it was necessary to do this, because in order to shock the white electorate into a realisation of our demands, that in turn if the white electorate was so shocked, it would have emphasised pressure on the Government to change its policies, and secondly that such acts of sabotage 30

would help to boost the morale of the people.

And put fear and terror into the hearts of the white people?---Yes.

That's what the document says. Did he tell you who was to do this dirty work?---He said the Umkonto was setting up the machinery for people to do that.

Now how was this machinery to be set up?--- It was that in every Regional area, there would be a Regional Command set up and that under the Regional Command, there would be units of Umkonto set up to be 10 directed by that Regional Command, and the overall control of these would be done by a Committee at the top, known as the National High Command.

Who were to constitute the Regional Command? ---They were to be people appointed by the National High Command.

From whose ranks?---From the ranks of the people in that area. From the ranks of the Congress Alliance I would say.

Why don't you say the A.N.C. and let's get 20 done with it?---Well, because it would not be correct to say the A.N.C., because Umkonto had other people other than African people.

Yes, let's start there now. Take Port Elizabeth, we'll forget about East London for the time being.

Who committed the acts of sabotage there?---Some acts of sabotage were committed by Umkonto.

Yes, I know that. Who were the members of Umkonto who committed those acts of sabotage?---No, I'm not going to say. 30

You're not going to say?---No.

Members of the African National Congress?--- Members of the African National Congress, would have been recruited into units of Umkonto.

Including yourself?---I deny that.

Oh, you just let the acts of sabotage be committed by the ranken file, and you stay out of it. Is that your answer?---It's not correct is it, to say that sort of thing?

Well, then you can't have it both ways! You either committed acts of sabotage, or you didn't!---I can have it both ways.

You can have it both ways?---Yes, when a Government, for instance, defies this policy with regard 10 to certain things, it does not necessarily mean that the Government has got to go and do the pick and shovel work. That doesn't necessarily mean that.

So in other words, the National High Command did not do the acts ...perform the acts of sabotage, but left it to the ranken file!---No, it didn't do so. It did not commit the acts of sabotage.

But it left it to the ranks of the ranken file!---Yes.

To the ranken file of the A.N.C.?---The ranken 20 file of Umkonto units.

Now can you name me a single European, who committed acts of sabotage in Port Elizabeth apart from Strachan?---No.

Can you name me a single Communist, a European Communist who had the courage to go and commit acts of sabotage in Port Elizabeth?---No.

So were the acts of sabotage committed by members of the A.N.C.?---They were committed by members of the units of Umkonto, who might have included members 30 of the A.N.C.

Not who might, who did in fact, draw it's membership from the A.N.C.!---I'm not going to deny that.

You're not going to deny that?---No.

And acts of sabotage commenced in Port Elizabeth from the 16th of December, 1961?---Yes.

And did continue thereafter until you left in November 1962?---And continued, according to the document here on the acts of violence, it continued even after I had left.

I'm just confining myself to the time you were there. Now what acts of violence in Port Elizabeth did you cause to be investigated to find out who committed them? 10
---Only those that related to attacks on people's houses.

And in Port Elizabeth?---That is in Port Elizabeth.

And East London, I mean?---And also in East London.

Now which attacks did you have in mind in particular?---There are some attacks that took place in Port Elizabeth, I think mostly during September 1962.

Yes?---And they took place at East London, 20
if I remember very well, about the same period or shortly thereafter.

Yes, and as a result of those attacks there, what made you cause enquiries?---Because they were not in accordance with the policy of Umkonto itself, which had been set out in it's own manifestives.

In what way was it not in accordance with the policy of the M.K.?---The manifesto of M.K. had made it clear that it's targets would be symbols, it had defined the targets, the nature of the targets. 30

Yes?---And there was never any indication that human beings would be such targets.

So what acts have you in mind in Port Elizabeth

firstly, in East London secondly, which caused you to make enquiries as to whether M.K. committed them or somebody else? What were those acts?---As I say it was attacks on people's houses.

Attacks on the houses of people who supported the Government?---Some of them did.

Attacks on the houses of people who were in the employ of the Government, like policemen?---Yes.

Or Bantu officials?---Yes.

But if you throw a bomb at a Bantu office, 10
how are you going to prevent the killing or the injuring of officials within that building?---Do you mean offices like Labour Bureaus?

Yes!---There's nobody at a Labour Bureau at night.

Well, there might be some industrials civil servants, who work at night. I can think of somebody working every night for the last ten months almost?--- I have not often known civil servants to be very industrious, to go out of their way to do work after hours. 20

What about if you throw a bomb into a shop, with a house attached to the back, in a thickly populated area?---Yes....

What guarantee have you got that people would not be injured?---That's one of the things I say, we condemned.

And what about this instance at Dube, where Peter Molefe was killed, and Ramotse was injured? Were there not others on duty there?---Do you mean at Dube?

Yes!---I don't know. 30

But that was definitely done now by M.K. officials, weren't they?---Yes, but I don't know if there were people in that building.

We've had witnesses to this effect. This is Item No. 19, a Municipal Bantu Control Office at Dube, on the night of the 16th of December where a chemical bomb was exploded. One Bantu was killed, another injured and there were others there!---Others?

Yes!---I was under the impression that the bomb exploded not in the building, but away from the building, and then killed Molefe.

Yes!---Now when you say there were others there, I don't know whether you mean that there were 10 other people around the building when the bomb exploded.

In the office! Policemen on duty in uniform!
---No, I'm not denying that.

And Peter Molefe was a member of the A.N.C.?---
From my information, he was.

And so was Benjamin Ramotse!---From my information, yes.

And both of them were members of the M.K. units?
---Yes.

Now you caused enquiries to be made, you say 20 as to whether these attacks in East London, similar attacks in East London and Port Elizabeth, whether they were committed by M.K. units or not?---No, wait a bit, let's get the record straight. At East London, the Ad Hoc Committee made enquiries from the Regional Committee of the A.N.C. and then they were given the assurance that the A.N.C. had nothing to do with it, and in Port Elizabeth, I approached the Ad Hoc Committee, with a view that they should investigate, then their report was to the effect that the person they had appoa- 30 ched, who in their opinion, were members of M.K. had denied that M.K. was responsible for that.

Now who were the people who reported that to you?

---The members of the Ad Hoc Committee.

Who were they?---I'm not going to say who they were.

In Port Elizabeth, who were they?---I'm not going to say who they were.

Who were the members of the East London Committee who reported that to you?---Who reported to the Ad Hoc Committee.

Who were they?---It would be the Regional members of the Committee of the A.N.C. of East London. 10

Who were they?---I'm not going to say.

Well, let's deal with each of those places in turn. You heard the evidence of Detective-Sergeant du Preez?---Yes.

Who detailed the number of acts of sabotage, committed in the Port Elizabeth area?---Yes.

And he told his lordship with regard thereto a number of people were arrested. Some were convicted and they were members either of the A.N.C. or the M.K. or both. Do you accept that evidence or don't you?--- 20
Well, I take the evidence on it's face value.

And then we had Detective Warrant Officer Card of East London, who detailed a number of acts of sabotage committed in East London and who said that they were committed by members of the M.K. who were also members of the A.N.C. to his knowledge!---If I remember his evidence well, he did not attribute of his own personal knowledge these acts of sabotage to members of the A.N.C. He said he had heard that some of these people were members of the A.N.C. 30

I won't argue with you Mbeki, and what is more, he referred to some of them as being volunteers, and one or two as the chief volunteers! Were they not the men who

did these acts of sabotage?---No, I'm not denying that these people didn't do ...didn't commit those acts of sabotage.

And were known as volunteers!---There might have been some. Some of them might have been members of the volunteer code. That I wouldn't deny.

Yes, now let me refer you to one of your own documents.

BY THE COURT TO WITNESS: Just before you leave this subject, there are two questions I'd like to ask. First of all, I 10 understood that you were on the National Executive Committee, weren't you?---Yes my lord.

Even in 1961?---Yes my lord.

Now I also understood that the formation of the Umkonto was allowed by the National Executive Committee?---Yes.

Using your word allowed?---Yes.

Weren't you consulted at that stage?---Yes, I was present at the meeting of the National Executive, where some members suggested that they wanted this de- 20 parture, that is to go on to sabotage, but then the question my lord, was when did you know when M.K. was formed, then I was answering to that.

Well, that wasn't a correct answer then, because then you knew when you had this meeting at the National Executive that this was going to happen not so? ---No, I knew it would happen, yes, but when first I knew when it was actually formed and when it was going to start the acts of sabotage, was at the time that I gave to him. 30

Yes, but then all the information which you say that this person gave you, was information which you already had! Surely!---As a member of the National

Executive.

Yes, then all that you needed to be told was who were the members of your local Regional Command and when they were going to start! That's the only information you would have needed?—Yes, if that's the impression that my reply implied to them, I would like to correct it my lord.

And then the other question I want to ask, is if you are correct that the Umkonto and the A.N.C. were kept quite separate, why did you have to enquire into 10 irregular acts of sabotage?—It's because my lord, we've become involved in a township....

I agree that it was wrong and somebody ought to enquire into it, but why did you as a member of the A.N.C. that had nothing to do with the Umkonto, why did you have to enquire into this?—We knew that acts of sabotage were supposed to be committed by the Umkonto, and to the extent that the Umkonto had given an undertaking that it would place itself under the political guidance of the Congress Alliance and the A.N.C. 20 we would naturally be interested to know if they seem to go outside of the scope of their activities.

Isn't it more than a question of interest, isn't # a question of control, that if you reported back to the National Executive that these people were exceeding the authority which the National Executive has given them, insofar as sabotage, they will be told now they must stop this! Not so, by the National Executive?—Not the National Executive my lord, but the National Executive would have got in touch with the National High Command to pull 30 up these people.

Exactly, the National Executive would then instruct the Umkonto the High Command has stopped this type

of sabotage?---Yes, it would have drawn their attention to it.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

You see Mbeki, you say that, as others have said before you, that the A.N.C. was an organisation that preached non-violence now for over fifty years, and that this now presented a tremendous departure from that policy! Not so?---Yes, insofar as it allowed some of it's members to take part if they wished to in the Umkonto activities.

10

And you're a member of the National Executive mark you! The first you hear about it is when a courier comes to you from Johannesburg and tells you in October/November, the M.K.

BY THE COURT TO DR. YUTAR: Well, the witness said he corrected that. He corrected himself, he said he heard about that at a meeting of the National Executive!--- Oh I see.

He knew about it, but he only heard further details from the courier.

20

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

What meeting are you referring to?---I'm referring to the meeting of the National Executive.

When?---Which took place about June 1961.

Oh so you heard it then?---Yes, I heard then that there people who formed an organisation.

That's why I asked you when did you first hear about the M.K. and that's when you said October/November and I asked you are you sure you didn't hear earlier?---No, no, I must have misunderstood your question to referring to the actual acts of sabotage. The details 30 of it.

And of course, you raised no objection to it personally because in your view the acts of sabotage

118E were justified?—Yes.

Let me turn now to Exhibit R.135. That is a copy of the New Age dated the 21st of December 1961.

Is that right?—Yes, I see this.

I'll read it out to you?—It's the 21st of December, 1961.

That's right, and you were then not only the reporter, but you were also on the Editorial Board of the New Age?—Not Editorial Board.

What were you then?—I was doing Editorial 10 work for articles that were submitted into our office in Port Elizabeth.

And under a big heading of "Bomb Attacks open new phase in South Africa. Secret organisation declares it's aim...Ten explosions, five in Johannesburg and five in Port Elizabeth plus an attempted explosion in Durban after the close....The day of the Covenant, on December the 16th, in Dr. Verwoerd's speech appealed for National unity, to white nations. Explosions coincided the announce- 20 ment of the new organisation Umkonto We Sizwe...the Spear of the Nation. Posters carrying the announcement of the formation of the new body appeared on walls in Johannesburg, some near newspaper offices which were telephoned to look out for the announcement. The attacks made with what appeared to be home-made bombs ... against Government installations, particularly those connected with policies of apartheid and racial discrimination." And then it refers to Johannesburg targets, the Government Pass Office, the Bantu Commissioner's Office, Settlement Board in Meadowlands, "And in Dube the police found the 30 body of Mr. Peter Molefe, rubber gloves lying near by, and they also found badly injured Mr. Benjamin Ramotse, a member of the Dube Advisory Board, whose arm had

been blown off, and they say how he was removed, and then the police reaction and then they go into further details about the posters on the walls, and warrants were issued. Is that correct?---I think it's correct.

And then you have a special page, a paragraph for Port Elizabeth. "Silence....in Port Elizabeth. Explosions occurred ... in Port Elizabeth and New Brighton on Saturday night between 9 and 10 o'clock...and the two big electric sub-stations in town. Shortly after the explosions were heard for miles around, traffic police with wailing sirens crawled through the streets", and 10
over the week-end it goes on certain arrests were made. Mbeki, where did you get this information from?---It's information that's open to the press, sure.

Where did you get it?---There were explosions in the first place, some I heard myself.

Some you heard yourself! Which did you hear yourself?---Two I heard, at the Administration Offices at New Brighton.

Yes, and what was the other one?---And another that came from the direction of the Labour Bureau. 20

The one was the Bantu Administration Office you say, the Bantu Labour Office?---Yes.

New Brighton, Port Elizabeth?---Yes.

And the other?---The Administration Offices. It's also at New Brighton.

That's Items 16 and 17, and the electric sub-stations at Framsbey, you referred to it?---The morning paper was out with the news.

Do you know why I ask you?---Yes.

Because witnesses say that you personally knew 30 of the two attacks referred Items 14 and 16?---What are those?

One electric sub-station at Framsbey Port

Elizabeth, and the other is the Bantu Labour Office, New Brighton, Port Elizabeth. Both on the night of the 16th of December!---I don't remember any witness saying so. I don't remember.

Did you ever say to John Shingana, when you paid him the next day for taxi fares, that the boys worked well last night?---No.

You deny that?---I deny that.

Now you know John Shingana?---I know him.

He's a member of the A.N.C.?---He was. 10

Have you ever had any trouble with him before?
---No.

Why should he come and implicate you, if it's not true?---I suppose he wanted to get out of trouble.

What trouble was he in?---When he was detained he had to buy his way out.

But he admitted that he had conveyed people! He admitted it!---Yes, then that's why he implicates me, in order that he has to give something.

No, he implicated Strachan, he implicated 20 Joseph Jack, he implicated these two boys from the Transkei, why should he bring you into it?---He's also implicating me here.

Yes, why should he bring you in if it's not true?---To get himself out of trouble, that's the only explanation I can give.

---But he's mentioned four already! A European, that's a big enough haul!---Oh well, it's a question as to what price is sufficient!

Oh I see. In fact, you yourself with...were 30 charged in connection with those two items, and others!
---No, it's in connection with the lot.

And the three others, yes, the five?---Yes.

And a preparatory examination was held!---Yes.

And at the trial one disappeared completely off the face of the earth!---Yes, I wouldn't go so far as to say off the face of the earth.

Well, will you tell me where he is then?---I don't know.

And the other one of course, committed perjury? ---Yes.

Now before I just pass away from this exhibit, I don't want to come back to it again and again. Do you see the front page - there's a photograph?---Yes.

It's headed?---"South Africa represented at Tanganyika Celebrations". 10

And the second person from the left is?---Dr. Lethelc.

That's right. The Treasurer-General of the African National Congress!---He used to be.

Now in Maseru?---Yes.

He was representing who in Tanganyika?---The African National Congress.

That's right, and you were on the National Secretariat, and is it not a fact, that money was collected in Africa and sent to Oliver Tambo in London?---There is evidence here to that effect. 20

Is that not a fact?---Yes.

Of course! And that some of the money was remitted from London to Lethelc in Maseru!---There is evidence to that effect.

Is that not a fact?---I wouldn't say.

Have you not had correspondence in that respect? ---With?

With Tambo?---Yes. 30

And is it not a fact that Lethelc remitted some of that money to within the borders of South Africa? ---That I'm not going to say.

Why not?---Shy should I? I'm not going to inform.

But you do know and you don't want to answer that question! Is that the position?---I do know.

You do know that money was received from Dr. Lethale?---I do know that money was sent from London to Dr. Lethale.

Yes?---Yes.

And what did he do with the money? Did he not send it to South Africa?---That I'm not going to say. 10

And I put it to you not only was it sent to South Africa, but it was also used to further campaign of sabotage!---I've already indicated my reply.

You're not prepared to answer that question! Is that right?---Yes. /

And by the way, let's get this also clear, the first person on the left is J.J. Radebe, who we have also named as a co-conspirator, and who represented the A.N.C.?---Yes.

And now Exhibit R.135, and the second part 20 of R.135, is another copy of the New Age dated the 3rd of August 1961. Got that?---Yes.

Now bear in mind the date, the 3rd of August, 1961!---Yes.

Right now I'm going to quote here from an article which you wrote. Under the heading "An Unholy Alliance." Is that right?---Yes, I did write it.

You wrote it?---Yes, I did.

It's complete with your photograph!---Yes.

Is that right?---Yes. 30

And this is what you've got over here "The line up". What did you mean by the line up?---The line up of forces one against the other.

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Who did you put on the one side, can you recall?---The Nationalist Government and it's supporters.

That's right, well we'll just read it out! Under the heading "Nationalist Government and it's allies." You've got the Nationalist Government, the United Party, Industry and Commerce, ... for African Nationalists, Unity Movement, the Sons of Zululand. Is that right? ---Yes.

And look who you've got on the other side, The National Action Council and it's allies. The National 10 Action Council, often abbreviated N.A.C. as we come across it in some of the documents!---Yes.

Look who you've got there. "The N.A.C. led by it's spokesman Nelson Mandela stood at the head of the vast masses of the suppressed people of the country, who openly defied Government pressure. They conducted their campaign by way of leaflets and words of mouth." Then you've got the Congress Alliance, the Coloureds and the Moslems, you've got the Students and...pupils, you've got Traders and Professional men, you've got 20 school pupils in African and Coloured and Indian schools, you've got contact and nothing else! Have I read it correctly?---Yes, the Umkonto.

Yes, but you have not mentioned that independant organisation the U.K.!---In August 1961?

That's right, because you had a discussion about it in June 1961!---Yes, but it hadn't come into existence at the time. The discussion took place in June 1961, but the actual formation of it was only at the end of 1961.

Now you've got another sub-heading here 30 "What lies ahead". Is that right?---Yes.

What lies ahead for whom?---Let me see. What lies ahead here is evidently referring to non co-operation.

Is that all?---Yes.

Let me just read out two little bits here.

"If a ... resolution is carried to it's logical conclusion, as Nelson Mandela has already announced, it will be, there can be no doubt about the path of the struggle which lies ahead for the masses of the oppressed people".
 ---Yes, and the paragraph before it says to non co-operation.

That's right, yes, and then you finish up here "There is yet time for them to take a stand on the correct side, because naturally they belong to the forces that fight oppression", and you end it in these terms 10
 "FO" those sections of the white population that support the Nationalist Government, because temporarily it appears to be protecting their racially privileged position, we ask how long do you think you'll be able to maintain such a position. You had better think twice about what lies ahead for you". What had you in mind lies ahead for the white population if they did not accede to the requests of you and your colleagues?---Yes, but in the long run the Nationalist Government will lose the battle to hold the rights of the people away from them, and if the 20
 white electorate continued to support the policies of the Nationalist Party, then they will find when the Nationalist Party is no longer in Government, that they have been creating conditions in which they will be regarded as having been hostile!

And they would therefore, be liquidated!---
 There is no suggestion to that extent.

No! Let me just read to you what Bennet says. You know William Bennet, Bennet Mashiani?---Yes, he gave evidence here.

Yes you know him! A member of the A.N.C.?---
 Well I wouldn't say personally I know him, he was here to give evidence.

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He said he was a member of the A.N.C.?—He said so, yes.

You have no reason to deny that?—No, I'm not denying that.

He said "I know Govan Mbeki, he was a contact between the Port Elizabeth and the Eastern London Regional Command". Correct?—It's not correct.

"I regard Mbeki as a person of authority of both the East London and Port Elizabeth Regional Command, as he brought directives from Johannesburg when he came from that town". Is that correct?—Not correct. 10

In fact, for that reason, he regarded him as a contact between the National High Command the headquarters in the Transvaal on the one hand, Port Elizabeth and the East London Regional Command on the other. That's not correct?—That's not correct.

"Mbeki together with Mhlaba often came and addressed meetings at East London". Is that correct?—Yes, we did go to East London.

Together with Mhlaba, No. 7?—Yes. 20

"Where Mbeki together with Mhlaba and Mini were introduced by Magabela as members of the National High Command". Were you and Mhlaba, No. 7, introduced as members of the National High Command?—No, not correct.

Of course, you know who the Mini here, is referred to?—I know.

Member of the M.K.?—Well,....

Mini is a member of the M.K. Isn't that right?—Yes, I mean he was convicted as a member of the M.K.

That's right! And Mozizi Mgongo? Member of the M.K.?—There has been...Nothing has been established to that effect. 30

A member of the M.K.?—Not that I know. I don't know.

And Vuyisele Mini, we've dealt with him.---

Yes.

And Funyaani?---How do you spell it?

F.U.Y.A.N.I.?---I don't know him.

Member of the A.N.C.?---He was.

He goes on, he says "A discussion took place", he's not quite certain of the date, it might have been April 1962, that they were to enroll more freedom fighters to fight against the laws of the country and to defy the Government, in fact to cripple the Government militarily 10 and economically, and to destroy the property of the Government.---It's not correct.

Anyone who squealed had to be reported to the Regional High Command?---That's not correct.

I've referred to John Shingana?---Yes.

He's a taxi driver, I'm not going to read his evidence. He said that on the evening of the 15th December 1961, acting on the instructions of Mbeki, he took Silaga to Court Chambers.---That's not correct.

He went to the building, he came back with 20 cartons, he then proceeded to your house, and the following day he speaks about the conveyance of these six passengers where they picked up Strachan or rather some goods to put in the boot, and he said Mbeki paid me for the transport and remarked that the work had been well done?--- That's not correct.

That's John Shingana. Another witness, this is Zizi, do you know him Tshigalana?---Tshigalana.

He said during December 1960 he attended a meeting at the house of Mhlaba where Mbeki was present. 30 Is that correct?---Yes, that's correct, although I'm not sure of the date, but I did attend a meeting at his house.

Mbeki informed the meeting that he was from the

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National Executive and told us about a new plan under which officers were to be appointed and not elected as hitherto, and that the affairs of the organisation was now under the control of the National Executive at Johannesburg? Correct?—That would be correct.

Is it Kombozi?—Kombozi, yes.

Brother?—A brother Sozezi(?).

That's right, and he's also a taxi driver?—

Yes.

He said during December 1961, his car was hired and I'm not going into the details, but Accused No. 6 had a lot to say about that evidence in that letter he wrote from gaol. He said any how, that he conveyed you and one Joseph Jack. You know Joseph Jack? —I know him. 10

Member of the M.K.?—He was charged at the end of the year.

Together with you?—Together with me.

That's after one of the Umfaans had disappeared and the other had committed perjury?—Yes. 20

And he says that and he says that on the road out to Uitenhage, he heard the word "pylons" mentioned.—That's not correct.

Although in fact, pylons, were one of the targets that you yourself enumerated, was mentioned by the courier from Johannesburg?—Yes, although that was enumerated, but it was not correct, what he said.

And then Lilian Nade, do you remember Lilian Nade?—Yes.

She said during 1961, you came to stay with her, you were working for the "New Age".—Yes. 30

And that you then suddenly left about the 30th of November 1962, without saying a word.—Yes.

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Is that correct?—Yes.

And finally Mr. Jordaan. He said he also knew you connected with the newspaper, and then suddenly you disappeared?—Yes.

That is correct. By the way, this evidence of Sikombozi, di you in fact, travel on the Uitenhage road in that car d/riven by Sikombozi?—No.

Never?—No, I didn't.

Were you never in his taxi?—Once I was, in his car.

10

Where were you going?—I didn't know him. Let's have this corrected, he was not a taximan. He was driving a private car.

That's right! Yes?—Once yes I was in his car, and that was on an occasion where we had come from a big rugby match.

Yes?—Which took place at the showgrounds in P.E.

But you were not on the Uitenhage road with him together with Joseph Jack?—No, to get off from the rugby 20 grounds you ^{don't} have to go via the Uitenhage road.

And now I'll read you another portion of his evidence. He said that that afternoon, he was hired... taxis were hired by others, and when he realised that there bombs in the carriers, he refused to drive further, he allowed the car to remain where he stopped. He walked to your house, told you about these bombs, and you asked who told the others to use his car, and Mbeki added that they should have conveyed the bombs on foot.—That's not correct.

30

Now I've mentioned here four witness^{es}/who implicate you, I'm cutting out Lilian Nade, and Jordaan. Four witnesses who implicate you with acts of sabotage

in Port Elizabeth, can you advance one single reason why any of them should be testifying falsely against you? —They were all in a similar situation, they had been detained under the 90 days law, and to get out they had to find this excuse, and they knew, all of them, that I had been charged together with Strachan. I suppose then I was the nearest, in their opinion. It would have been most likely that they would have been believed if they said I was responsible for those.

By the way, Strachan was convicted?—He was. 10

And Strachan was a member of the Congress of Democrats?—Yes.

A Communist!—I don't know him to be a Communist.

On whose behalf was he committing acts of sabotage?—According to the case, I suppose for Umkonto.

Don't you know?—I wouldn't say definitely that I know.

AT THIS STAGE THE COURT ADJOURNS UNTIL
10 A.M. ON MONDAY 11TH MAY, 1964.

ON RESUMING ON THE 8TH MAY, 1964:

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Mr. Mbeki, you have already told us that you and Accused No. 7 often addressed meetings in the Eastern Province, under the auspices of the African National Congress?---Yes.

Were there any general meetings there apart from Executive Meetings?---After the banning of the organisation it is difficult to talk of general meetings, but we did attend meetings which were attended by other 10 people than those who were members of the Executive.

What I want to know is this - were you able to put across the aims and objects of the A.N.C. to members of the A.N.C. who were not necessarily office bearers of the Executive?---Yes.

And very briefly, could you tell to his lordship the subject matters that you put across? Just the headings. What did you tell them?---....

I take it you told them for example the hardships they were suffering?---Well, there was hardly any 20 occasion really to keep on repeating the question of their hardships they suffered. They probably know that even better than we do. I mean we should accept the fact that as much as Africans suffer from hardships the better educated probably are not suffering as much as the less educated. I mean they can get away with some of the things which the uneducated men won't, but generally I would say that the discussion involved matters of an organisational nature.

I take it of course, that you never put to 30 them any of the advantages which the Bantu in this country enjoy?---I've already indicated that I'm not aware of any advantages which would warrant Mr. Mhlaba

or myself going out of our way to sing songs about this.

Not even the free medical attention they get at these hospitals I mentioned on Friday?—I don't think they get free medical attention.

You deny it?—No, I don't think so.

You know I met it over the week end, and I just want to put it to you briefly, there is one eye hospital in the whole of this country. Did you know that?—Pardon.

There is one eye hospital, properly so-called 10 in this country?—Yes, I've heard of an optalmic hospital.

Where is that situated?—Somewhere on the Reef.

On the Reef?—Yes, in Johannesburg.

Well, it's next to the Baragwanath.—Not far from Baragwanath.

It's the only hospital of it's kind in South Africa. Do you know that?—I wouldn't deny that.

And whilst Europeans may go there for spe- 20
cialised treatment, there are no wards or beds available for them to stay there for hospitalisations, but Africans can not only get treatment there, but can be accommodated in this beautiful hospital consisting of 100 beds! Free of charge!—I won't deny it.

I want to put you another interesting fact that I got from the Head of the hospital, the only other one of it's kind is situated in Jerusalem which can only boast 75 beds as against the 100 in this country! —Jerusalem in Palestine?

30

In Israel!—Then what's the comparison of that?

I beg your pardon?—What's the comparison now?

I'm just trying to show that the the one is larger, and what is more, whereas a European nurse has qualified as such, if she wants to specialise in ophthalmic work, has to go overseas for post-graduate study. Nevertheless, Bantu nurses who are qualified as nurses can further their post-graduate study at this hospital and it's recognised by the authorities! You didn't know that?---I would not refute it, but there are a lot of other departments of study where Africans may not specialise. I'm not refuting it.

10

You accept that?---I'm not refuting it. I accept it as it is.

We've heard your evidence in chief about the others. Now before I continue where I left off, a document has just come to hand which I want to put to you, as that it is consonant, it is in absolute agreement with documents which we have put in as exhibits already, particularly Exhibit 121B. You know that's "The revolutionary way out". I'm not going to enter into any question of interpretation, but I just want to tell you a few things. You have already admitted that the African Communist is a Journal published by the South African Communist Party?---Yes.

20

Quarterly?---Quarterly, yes.

And it's printed in England?---Yes.

And it expresses the views of the South African Communist Party?---Yes.

And it gets it's reading material from members of the Communist Party of South Africa?---It is fair to assume so.

30

Do you remember Accused No. 6 was at great pains when I showed him that passage in Exhibit R.84 And Exhibit R.121B "The Revolutionary way out". "The

Court procedure...practice is thrown to the winds, and Judges are under the influence of the Government". Do you remember how he explained this? He said that it's a bit far fetched to say what they do about the Judges, but as far as the other things are concerned he was referring to Court procedure as they're done in some of the recent enactments.---Yes, I remember that.

By the way you studied the exhibits in this case, hadn't you?---Well, in a general way O.K. I have.

For the safety amongst all the accused, you've 10 studied all the exhibits from the first to the last!--- I wouldn't go that far. I wouldn't say I studied all of them.

I mean all the accused together, collectively, had studied all the exhibits?---I should presume I wouldn't say jointly.

No, not jointly, but collectively! Were you personally able to find a single document that had been faked falsified or fabricated in any way?---Are you referring to any particular document. 20

Yes, all the exhibits in this case. The Rivonia exhibits, the Trevallyn exhibits, the alphabetic, every single exhibit the State has put in? Can you lay your hand on a single document which you can truthfully say has been fabricated, faked or falsified by the State, that's including the police?---It would be incorrect to say faked, fabricated, but I could express what my personal opinion is, I think about one.

Which document?---That document purported to have been a leaflet distributed in Port Elizabeth. I'm 30 not saying it was faked, but my impression of it was that it could not have been drawn up by the A.N.C.

You of course, are referring to the leaflet

that Warrant Officer Card spoke about which he said was issued by the A.N.C. and where certain people who were...?---No, no, I'm not referring to that one, because that one has not yet been presented in Court. I'm not referring to that one.

Which one are you referring?---That one the names of people I know to have been good and loyal members of the A.N.C. as traitors. I don't remember it sir, it was in Xhosa.

The one in Xhosa which was translated?---It was translated, yes. 10

And you say that that one - what do you say about that one, your personal views?---My personal view was it was not drawn up by a person who knew the leadership of the A.N.C. in that area.

Are you suggesting that document was faked by the police?---No, I'm not. That's why I first went into the trouble of saying I wouldn't say it was faked. BY THE COURT TO WITNESS: I think you say that you don't think it was issued officially by the A.N.C.?---Yes. 20

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Or issued by somebody who knew what he was talking about?---Yes.

But for the rest of course, you have no complaint?---No, I wouldn't say I have any complaints about any documents.

I want to put it to you quite bluntly! You're a member of the A.N.C.?---Yes.

And a member of the Communist Party!---Yes.

I want to put it to you that the A.N.C. has deliberately misled the majority of the Bantu who are members of the A.N.C.!---In what respect? I deny that. 30

You deny it?—Yes.

And I want to put it to you that the Communist Party of South Africa, is nothing else but a gigantic fraud on the people of this country, particularly members of your own race!—I deny that.

And that these unfortunate people are being misled by the Communist Party with false propaganda!—That I deny.

And that not only they in this country, but the whole world is being poisoned by false propaganda on the part of the South African Communist Party!—That I deny. 10

Well, I'm going to read to you a document which is a statement by the Editorial Board of the African Communist. It says "Stand by our leaders", and this is what it says! And I'm going to quote three short passages. They refer to you in this document, together with Raymond Mhlaba. "Govan Mbeki and Raymond Mhlaba who until unlauded were known as outstanding leaders of the A.N.C. in Port Elizabeth". You accept that?—Were known as? 20

As outstanding leaders of the A.N.C.?—Yes.

I won't tell you what they say about the others, because they're not in the box at the moment. Just three short passages. It refers to the arrest of the accused on the 11th of July, 1963, and then it says "We may now expect the biggest frame-up in South African history, not excluding even the ... Treason Trial of 1955 to 1961, and let there be no mistake, such a "trial", would take place in conditions infinitely worse than was then the case". Do you agree with that?—I think we have got to distinguish between a political organisation and an institute for scientific research. 30

No, no, you're not going to divulge me...?---
I'm coming to that.

My question is, do you think that this trial is the biggest frame-up in South African history, including even the Treason Trial of 1956 to 1961?---No, I'm not saying it was framed.

So this is false? What I've read out to you? ---To the extent that it would refer to the trial as it is now, as being a frame-up, then I would say the statement is incorrect. 10

You don't like the word false. I'm satisfied with incorrect.

Second passage "with..." and I beg attention to the following words "a cowed and subserviant judiciary". Is that true to say about judiciary that it is a cowed and subserviant judiciary?---That's again as I say, the opinion that may be expressed by a political organisation, but it's not my impression.

And it's not true?---I think the statement is not correct, insofar as it refers to this case. 20

Now just look at this! "The lurid imaginations of the Special Branch of the police will be given certainly they are already hard at work fabricating evidence of fantastic plots...of those incivilised countries". Is that not a wickedly false statement?---Will you read the passage again?

Surely! "The lurid imaginations of the Special Branch of the police will be given free reign, certainly they are already hard at work fabricating evidence", and the word "evidence" is in inverted commas, "of fantastic plots in Court proceedings which will be nothing but a travesty of those in civilised countries". Is that a false statement or a true one, or would you say just incorrect?---Well they have given their evidence 30

and I think it would not be correct for me to assess the strength of the evidence that the Special Branch have given in the Court. That should be a matter for the Court.

Yes, but do you know of the lurid imaginations of the Special Branch? That they have been hard at work fabricating evidence of fantastic plots? Can you pinpoint, lay your finger on any document which has been fabricated on any plot which the State alleges took place or was conspired? Can you put your finger on it and say that that is false?---As I listened to the passage which you have just read, it refers not to documents but to evidence that they have given in Court, and as I say, that is a matter which should be weighed by the Court and not by me. 10

You will not try and get out of this Mbeki! The evidence which the Special Branch detectives gave in this case, includes the documents they've handed in! Every single document is part of the evidence of this case! Is it false or true to say that any part of this evidence including the documents, is a fabrication of fantastic plots?---As I say, I'm not in a position to press my finger on any aspect of the evidence that the Special Branch have given which I would say is incorrect. That's why I don't want to place myself in a position where I have to pass judgment on the evidence of the Special Branch. That's for the Court to decide. 20

I'm not yet so senile as to ask you to pass judgment Mbeki! I'm asking you can you place your finger on any document, any portion of the evidence which has been fabricated?---I've already indicated my position as far as the documents are concerned, that I 30

didn't think any document was false.

You didn't think so! Is it not false to say then?---Of the documents that I'm aware of it would be incorrect.

Yes, and tell me do you know of any fantastic plot alleged in this case which has been fabricated by the State?---I don't understand even the phraseology. Fantastic plot, I mean the case is on, how can, while the case is under way, a plot be planned. I don't understand that.

10

That's what the document says, and I'll leave this document with you and let's put it in as an exhibit. So when they speak of fantastic plots, you don't know of any fantastic plot which we have alleged in this Court, which has been fabricated by the State?---I can't imagine it.

BY THE COURT: What exhibit number is that?---My lord this is Exhibit "DP".

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

And it's only fair to let you have the whole document, and if you want to come back to it after tea, well and good, but I don't want to detain the Court too long on this. I repeat, this document Mbeki, will you just listen to my question?---Yes, I am.

20

This document is not only for home consumption in South Africa, but for consumption abroad!---I should suppose so, yes.

And isn't it a fraud to make these allegations which you admit are incorrect? Isn't it so?---I wouldn't say a fraud. I've indicated that those portions which you have read out, are in my opinion, not correct.

30

I won't argue with you any more, and by the way, don't you think's a fraud even to say to your own

people that under a Communistic Regime there would be free bread and free transport, no rents?—That's no more a fraud, if that is a fraud, which I do not regard as a fraud, than that the Government is practising on millions of Africans in the Bantustans telling them that they're giving them independence.

I'm not charging the Government, I'm charging you! And you know your people very well, don't you?—
Yes.

How would your people understand a document 10
they see, what a wonderful state under the Communist Party, free bread, free transport, free houses! Wouldn't they fall for that?—Why shouldn't they fall for something that will ^{happen} ~~help them~~ in any case! I mean there's no doubt about that! That is going to happen!

That is going to happen!—Under a Communist Regime.

You really believe that?—I do.

You're a very staunch Communist aren't you?

—I'm a Communist.

20

A very staunch one I said!—A Communist.

You believe in fairy tales! Now I want to deal with three correlated matters. Transport firstly. Is Mr. 'X' correct that a Taunus van was made available to the Natal Regional Command for use by the Natal Regional Command?—I'll put it this way - when I got to the National High Command, I got to know that the Durban Regional Command had asked to be assisted to obtain transport. I've never investigated whether the transport ...that assistance was provided either by way 30
of finance or a van.

But you heard the evidence of Mr. 'X'?—

Yes, I did.

Who said that on his return from Rivonia, he found there a Taunus van ... on his return from Johannesburg, he found a Taunus van which had been provided for the use by the Natal Regional Command by the National High Command. Have you any reason to doubt that?---I wouldn't say I have any reason to doubt that.

That's all I want, and of course, the Natal Regional Command needed transport in order to convey the men from place to place!---No, that I've already accepted 10 that the National High Command did provide....

BY THE COURT TO DR. YUTAR: Well the witness says, I mean, he doesn't know whether the money to buy it was given, or whether the van itself was given.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Yes, but be that as it may....

BY THE COURT TO DR. YUTAR: He said he had no reason to doubt it.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

And that was used by the Natal Regional Com- 20 mand to hold meetings in it as Mr. 'X' said?---I don't think I have any reason to doubt that.

And of course to convey the saboteurs from target to target?---I won't deny that.

And to convey explosives from place to place? ---That I won't deny.

And for the same reason of course, here in Johannesburg, the National High Command through its agents, used a Peugeot car! We're coming nearer home! You know that some of the trainees said that they were 30 accompanied by men...?---Yes, I heard that.

Travelling in a Peugeot car. They mentioned Mbata. They mentioned him and Mlangeni!---I heard that.

Have you any reason to doubt that?---No.

And then there's a third car mentioned, and that was the Zephyr. Some of the recruits, you remember, spoke about a Zephyr which accompanied them to the border. Any reason to doubt that?---Yes, I would doubt that.

Why?---Because I don't know ... I know the A.N.C. had a Zephyr and it was in such a dilapidated state that it could never have been used for this purpose.

Did they ever replace it?---Unless then the referring to witnesses were/some other Zephyr, I have no knowledge of. 10

Yes, you're quite right, there was a Zephyr which was very badly treated, but it was replaced, and would be used also by the M.K.?---No, I have no knowledge of that.

But the A.N.C. did have a Zephyr?---As I say yes, it had an old dilapidated one.

And for what purpose did it use the Zephyr? ---Organisational work in the A.N.C.

Was it never placed at the disposal of the M.K.?---Never. 20

Never?---Never. It could never have been of any use in any case.

Of course, you know we've got members of the A.N.C. who were also members of the M.K.!---Yes.

And according to the evidence Nos. 9 and 10 Accused, were mainly concerned with transport of recruits!---Yes, according to the evidence.

And they say he used a Zephyr! For the transport of recruits!---I say... 30

It's false!---Well, it is possible, but I think it would have been a very unwise man to have used that Zephyr.

Now let's turn to a few exhibits then, on the subject of that Zephyr. For example, I refer to P.47 my lord, page 105. Now this is a document which my learned friend dealt with, addressed to the Board of Executives, and it's dated the 6th of June 1963. You've tried to explain who the Board of Executives are?---Yes, I did.

I still don't know...understand. You say it's part of the National Secretariat?---Yes.

Well, I know you don't want to tell us the names of the National Secretariat. How many comprised the National Secretariat?---Before the work of the National Secretariat was disrupted as a result of Mr. Sisulu and myself going underground. 10

Yes?---The National Secretariat consisted of five, and then after he and I went underground, our positions were filled and it was brought up to strength. That is that section in the townships, was brought up to strength of five, but he and I operated as a section of the National Secretariat, and therefore, and at this stage the National Secretariat, if and when it did meet was seven. 20

So you and Sisulu were members of the Secretariat, and you're not prepared to tell us who the other three or the other five were?---No, I'm not.

Look at this document please, P.47. Now at the bottom paragraph 10, under "Transport. The Zephyr has been allocated to your Board of Directors, so that you may be in a position to visit the various regions and branches in the Transvaal, as well as make week-end trips to the C.F.S. You are therefore, fully in charge of it". By the way, who composed this directive?---Mr. Sisulu and myself, but I suppose the 30

final writing, I did.

And to whom was it addressed?---It was addressed to the section of the Secretariat that operated in the townships.

It goes on "You shall arrange for a trustworthy, responsible custodian to garage it or keep it when you are not using it. The same custodian should only release it for the work of the Board. You should also make it available to the region to undertake work in the area. Your Board will be responsible for running and maintaining the vehicle by making use of the subs collected in the branches of the Transvaal. We trust you will exercise a high sense of responsibility in looking after this machine which has already cost so much to repair and is now in good condition", and this is the 6th of June 1963! Is that the Zephyr you had in mind just now?---Yes, that's the Zephyr I had in mind.

10

That was being used for M.K. work also?---No, I mean the instruction here makes it very plain that it is intended for A.N.C. work only. The instruction goes out to the National Secretariat to say that they are fully in charge of it, and that they should arrange for it's proper garaging, and that they should make it available to the regions to undertake work in the areas, and that should serve to the Regional Committee of the African National Congress.

20

And if a member of the African National Congress wanted to pick up some recruits at the Marabi Hotel and take those recruits to the S.K. building, would that not be allowed?---A member of M.K. could not have access to this vehicle, because he would have had first not only to go to the custodian to get the

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permission of the custodian to use it, but the custodian in turn, would have had to get the permission of the National Secretariat to release it for him to use.

But if the official in question was not only a member M.K. but also a member of the A.N.C. will he use it for transferring recruits from the Karabi Hotel to S.K. building?---If he was not on the National Secretariat he couldn't use it.

And if this Zephyr was used to accompany recruits to the border, would that be outside the jurisdiction of the particular person using the Zephyr? 10

---Yes.

Now let me turn to Exhibit T.55. Your lordship will find that at page 21. Whose handwriting is this document?---No, I'm not going to say.

You're not prepared to say?---No.

Why not?---I don't want to incriminate the person who wrote this.

But you know of course, who it is?---I do.

Look at, my lord it's on page 121. Yes, it's 20 marked on the third page, under the heading of "Transport. We feel that we have not been taken in trust and confidence...proposed that the region looks after the Zephyr without further notice the Zephyr was given to the people about whom doubts were raised in the Board. It served the region for less than a week. It was smashed in the service of private interests, neither the region or us will take the responsibility. We are pleased to learn that the Zephyr would be placed at our service and the Volkswagen will be available to the 30 region". Was that Zephyr not used in the service of the M.K.?---It says served to the Regional Committee of the African National Congress, not to the Regional

Command of the M.K.

And the Volkswagen?—The Volkswagen also, that should serve to the Regional Committee of the A.N.C. and not to the Regional Command of the M.K.

Now in the light of that, let's read that sentence carefully "We are pleased to learn that the Zephyr will be placed at our service and the Volkswagen will be available to the region".---Yes.

Obviously two different sources!---How do you mean two different sources? 10

The one is to be placed our service, and the Volkswagen to be available to the region!---Yes, "we therefore, would be pleased at the disposal of the National Secretariat, and the Volkswagen at the disposal of the Regional Committee of the A.N.C."

Completely in the service of the A.N.C.?---
Completely in the service of the A.N.C.

And if anybody used it for the M.K. he would have exceeded his authority?---Yes.

Although the Regional Command in Natal had a Taunus?---So? 20

And the Regional Command in Johannesburg didn't have any transport at all?---Are you telling me or are you...?

I'm telling you that. What comment have you to make on that?---Well, I don't know. They might have had their own way of arranging for their own transport.

Here in Johannesburg?---Yes.

Don't you know whether the M.K. had it's own transport here in Johannesburg?---I do. 30

Did M.K. have it's own transport in Johannesburg?---It did.

Was it the Zephyr?---It was not the Zephyr.

What was it then?---It was not a Zephyr either.

What was it?---It was a car I'm not prepared to indicate.

Tell you're not worried about implicating the car! I can't charge the car you know!---No, I'm not saying...

You're not prepared to tell us the car!---No.

Tell, I'm not going to argue with you, because I must finish this cross-examination as soon as possible, 10 but you're not prepared to tell us?---No.

Look at this document Exhibit T.54, your lordship will find it at page 117. Do you see that document?---Yes.

Whose handwriting?---Mine.

Now before I cross-examine ^{you} in detail about that, would you tell his lordship what it's all about? ---My lord T.54 is an exhibit in which ... on which is entered four items, 1, 2, 3, 4. Marked CT, TS, Durban, Secretariat, and we've figured against each of those, 20 and further to the right, there's figure £300, below it £900, £600, £300, £2,100, and then £3,000 below that and it adds up to £5,100. Pay Alfred £17, Pay Bayobai, Pay R.A. propaganda, Pay travelling. Then (1) Propaganda for rural areas. Thirdly travelling.

What does it all mean?---It's all about money.

Yes, that's obvious! What does it mean I asked!---on the face of it, it is allocations for the various places mentioned here.

By whom?---That would be by the A.S.C. 30

For what?---It's indicated there.

Cape Town..is this monthly, by the way?---

It's indicated there.

Is it monthly?—The final figure I think is...according to the arithmetic of it it would appear to be six-monthly.

Now what was £50 paid for to Cape Town for six months?—Organisational work.

And likewise PE?—For all the areas.

Can I just have that document please, because it's not the only page here?—...

Who is Alfred?—I'm not going to say who Alfred is.

10

You're not going to say?—No.

And what's N.A. propaganda?—rural areas propaganda.

And Travelling?—Yes.

Only for A.N.C. work?—Only for A.N.C. work.

How did the A.N.C. manage before then?—About.

How did the A.N.C. manage before then without making this allowance for rural area propaganda?—It did make the allowances even before that.

For travelling?—Yes, it did.

20

For travelling?—Yes.

Can you produce any document to support that? —None here.

Where is it?—Oh they are all in big files of the A.N.C. The A.N.C. archives.

We found none at Trevallyn and none at Rivonia! —That's not the archives of the A.N.C.

You're not prepared to tell us where the archives are?—Never!

And the Secretariat, what travelling was it doing?—Travelling about in the Transvaal and so on.

30

Now Mbeki I want to put it to you, that this was provision made for organisation of guerilla warfare

units in the rural areas, in terms of "Operation Mayebuye"!

---No, it's not correct.

Then look lower down, that same document.

What has China got to do with rural area propaganda?

---That's a pseudonym.

Pseudonym?---Yes.

For who?---For somebody.

And Dan?---Also.

And the next one?---Also.

And the last one?---Also.

10

Pseudonyms?---Yes.

You're of course not prepared to tell us who China is?---No, I won't.

Of course, it might refer to the country of China too through whom you were getting a lot of propaganda and...?---On this occasion it just doesn't refer to it.

A lot of arms?---On this occasion it doesn't.

Now we go across the page. This is an A.N.C. document you said?---Yes.

20

Let's go across the page now. "Correspondence Xola?---Xola.

Who is that?---Xola.

That does that mean?---Xola Makawane.

I beg your pardon?---Makawane.

Who is he?---Tennison Makawane.

"And related negotiations".---Yes.

Now Tennison Makawane was a member of the external commission!---Commission?

30

Mission?---Yes.

He is the man who from time to time received the recruits that had been sent across the border!---Yes.

He is the man who assisted the overseas mission to arrange for military training!---Yes.

This is an A.R.C. document! The next word? ---London.

"R's to chief and his to London". Now we don't require much imagination to interpret that, but will you tell us?---Just as it stands "R's to chief and his to London".

Yes now what went to the Chief?---I should imagine it's a letter.

10

And the Chief here refers to?---To Chief. I'm not going to say who.

Now come, come!---No, I won't.

Chief Luthali!---I'm not going to say who he is.

Do you know of any other person who is referred to as the Chief?---Oh there are lots of Chiefs in South Africa.

Yes, I know. In the Transkei!---As well as in the Transkei, yes.

And you think that this refers to one of those?---It refers to Chief.

20

And of course, this is your document?---It's my handwriting.

You know who the Chief is?---I do.

I want to put it to you that the Chief that you have in mind is not these other chiefs, but only Chief Luthali!---Well, you may make your own inference, but...

"And his to London". That means you got a letter from the Chief and you sent it to London. Is that right?---I'm not saying any more about this.

30

What did that letter contain which Chief wrote and which you sent to London? I'm not saying

to say.

Now we go further. "June the 26th. Script any reports on June 26th from the regions" and under "General car". What does that refer to?---I can't recall.

Yet you only joined the Secretariat in December 1962, and you can't recall what this refers to? ---Yes, that is just a word car, I can't.

Let's go further now "Burban", and then we've this "Tennisson Mwakawa acknowledge his. Refer to money, 10 scholarships, report on mission to .." France is it? Please help me read?---It's Fr. but I can't....

"(a) acknowledge...(B) Refer money".---Wait a bit, where are you?

Under 2.---Yes, I've got it.

Well "acknowledge his" we know. You must probably got that letter from Tennisson Mwakawa you had to acknowledge his. What is the reference to money? ---I'm not going to say.

"(A) Acknowledge Chief's letters". Same Chief?---Will you find it for me please? (Dr. Yatur points out place to witness). 20

It may of course refer to London and it probably does. Well then...of course London, do have Oliver Tamba there?---Yes.

"Acknowledge Chief's letters".---Yes, I see that.

What letters?---I suppose it might have been letters he wrote.

The same Chief, even though you're not going to tell us. It's the same Chief, we're referring to isn't it?---(No reply). 30

Mbeki, it's the same Chief!---It might be.

"Report on mission". How does it read?---
To Fr.

"On mission to Fr. on results".

BY THE COURT TO WITNESS: France is it?---I don't know
my lord, I can't remember.

CROSS-EXAMINATION BY DR. NEAR (CONTINUED):

Come, come, this is not a car! You can have
your choice! France, Francistown!---Yes, it might have
been France.

and it might have been Francistown!---Wait 10
a bit, let me read it - yes, it's ...it refers to France.
You'll find a document amongst these, that refers to a
visit by someone to France. It refers to that.

Who was that person?---...

Who went to France?---It was one person from
our London office.

Who was it?---It's not indicated. I don't
know who personally it was.

And the purpose?---Well, to solicit support
for the A.N.C. in France as well as in other parts of 20
Europe.

And of course, we know that at one stage
the "Assegai" was also published in France!---Where?

Was it not published in France?---I'm not
denying that.

In point of fact, I don't know whether the
two are related, but is it not a fact that the A.N.C.
solicited and got in the assistance of those people
Lionel Morris, Basil Stein(?) and others, who were
writing "Assegai", roping them in to help the U.K.! Is 30
that not true?---That's not correct.

And if I produce a document to that effect?
---I'll be happy if you do.

Now I'd never let you down, when I told you I'd produce a document I've always done so, and I'm going to do it at it's proper time, when I deal with correspondence, and now let's look...what are the results referred to, by the way?---I suppose the results of the visit.

Can you tell me what it's all about?---I've already indicated that it might have been to solicit support for the A.N.C.

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

What kind of support?---Moral, financial. 10

And military?---Not military.

Not military. Oh no, you stop at moral and financial. Now "(c) Syllabus and Lectures". What syllabus and lectures are here referred to?---That refers to the A.N.C. syllabus.

And lectures?---Lectures that were to be drawn up based on that syllabus.

Is it not Exhibit R.54 and R.46 here referred to?---No.

Are these the same two documents referred to in T.26 and T.28, which we've dealt with already! Yes, 20 I'll read to you T.28! Your lordship will find it at page 45. This is a letter which Thunder wrote to O.R. on the 28th of June 1963. "We have drawn up a syllabus as a guide to lectures for our M.K. men. We have also compiled Speaker's Notes running to about twenty pages, single-spaced...foolscap size. We would like you to send a copy of each to reproduce and transmit to Dar for use amongst our boys. Should you send these to this address, please let us know per return".---I thought we've dealt with that one. 30

Yes. Are these not the same syllabus and lectures referred to in this letter?---The way I read it,

it refers to A.N.C.

To A.N.C.?—Yes, not M.K.

And now look at this letter that I've just referred to! Just look what you've said! That's a letter written by Thander!—No, I'm not denying the... author of the letter.

Yes! Written by Thander, and Thander you say is the National Secretariat!—Yes.

At the time when you were a member of the National Secretariat, not so? And this is what you say! National Secretariat was in the A.N.C. Department not so?—Yes.

10

And look what you said here. "We have drawn up a syllabus as a guide to lectures for our M.K. men". "Our M.K. men. We would like you to send a copy for use amongst our boys"!—Yes, I think there should be no difficulty in clarifying the position there. In fact Mr. Sisulu already did when he was here to give evidence, that the Secretariat did handle the correspondence between the National High Command and our external mission. References there to our, the possessive tense there is not being used to indicate that it is our of the African National Congress. It is our of the National High Command, but because of probably my dual capacity, it would be normal that I would write our.

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BY THE COURT TO THE PRESS: Yes, well that may be the writer intended Mbeki, but in none of those letters is any distinction made between the A.N.C. and the National High Command. There's not one letter that says, this letter is now being written on behalf of the A.N.C., this letter is now being written on behalf of the M.K.?—No my lord, that couldn't be done, because each letter contained matters relating to the A.N.C. and other letters relating

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to Mankonto.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

You see Mbeki, the three topics that I was going to deal with, one is transport, second is finance, the third correspondence. I'm going to refer to the exhibits, and of the exhibits that I'm going to refer to under those years, there's not a single exhibit that draws a distinction to which his lordship has now drawn.

BY THE COURT TO DR. YUTAR: The witness has already answered that. He said that those letters concerned the affairs of both. The M.K. and the A.N.C.

10

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Although you claim that the M.K. was an independent body!—At that point we made the admission, I mean both Mr. Sisulu and myself have made the admission that at the point where the National Secretariat handled correspondence between the National High Command and the ...our mission abroad, then the activities of the two matched to an extent that it would not have been possible to draw a line.

20

So that when the external mission abroad got a letter, they never knew whether it came from the M.K. or from the A.N.C.?—Well, they had to make a distinction. They knew it came from the A.N.C. but they had to make a distinction themselves.

You know, not only am I not going to argue with you about documents drawn up by others, I'm not going to argue about documents in your own handwriting. We'll make our submissions. What does CT refer to?—I think Cape Town.

30

Jack?—// I don't know to which Jack...

Which Jack could it refer to?—No, I'm not going to implicate any of the Jacks.

Well we know a Jack Hodgson?---I don't know to which Jack...

Do you know of any other Jack, apart from Jack Hodgson?---It might have been a pseudonym this.

And we also know a Joseph Jack?---I know of him yes.

Do you know of any other Jacks?---Oh Jack is a common name.

A very common name?---A common name in English.

Yes, I know, you don't have to tell me that, 10 but in the A.N.C. regime, who is the Jack you had in mind here?---I'm not going to say.

You do know?---Yes.

That's alright, and now we come "Welkom", and then after that, what follows there M.S.N...?---G.I.S.I.

And?---S.A.C.O.N.A.

of?---S.T.A.

What does S.T.A. stand for?---I'm not going to say.

You're not going to say?---No. 20

Who is Mengisi?---I'm not going to say.

Who is Mugoma?---I'm not going to say.

Who is Welkom?---Welkom is a new city that has sprung up in the veld in the Free State.

I see. That's not a pseudonym like China?---No.

Now we come to "S. Durban N.K." What have you to say about that? "Send men, money coming".---Yes, it refers to what it means.

Yes, and this is an A.N.C. document!---Yes, but I was writing to them as Secretary. 30

Writing to them as secretary?---Not of the A.N.C. but of Umkonto.

So you were writing to Durban please send men?

---And money coming.

121(E)

Does that not corroborate Mr. 'E' completely when he said he got instructions from the National High Command at Rivonia to arrange for certain three parties of recruits on the 4th, the 11th and 18th of June 1963!

---In my evidence in chief, I did not deny that I gave Bruno instructions to send. I didn't deny that.

And the money coming, is the money that he said Durban was complaining about. They had been promised about £80 a month, and they weren't getting it!---Also 10 in my evidence in chief, I did say that the £80 about which they had been complaining, would be sent to them.

Now these two pages exhaust this particular exhibit. T.54, just the two pages. Is that right?--- I don't understand when you say exhausted?

This document only consists of two pages? This exhibit?---Yes, there's no other page.

Under what circumstances did you come to prepare this document? Where and when?---The second page is clear that it's notes probably to remind me about which 20 people I should write and what about.

Yes, and the first page?---The first page as I have said, is figures. It was probably allocations.

Wasn't it notes made at a meeting?---No.

Meeting of the National High Command?---No.

Or the A.N.C.?---No.

Not at all?---No.

Let's deal with finance. The Communist Party was short of funds?---Well, I wouldn't be in a position to know whether the Communist Party was short of funds 30 or it had funds. I would not be in a position to say.

The A.N.C. then was short of funds!---The A.N.C., yes.

And so was the S.K.!---(No reply).

So was the S.K.!---Yes.

And that position obtained, as far as the A.N.C. was concerned, up till 1961, they were short of funds! The A.N.C.!---I don't understand. I mean it's always been short of money.

Tell me where did the S.K. get money to purchase explosives?---S.K. had it's own sources of finance.

Their own sources?---Yes.

By the way, of course, not all the explosives were bought! Some were stolen! In fact more was stolen, not so!---I don't know that.

You don't know that?---No.

You don't know that explosives were stolen?---I'm not saying that I do not know that explosives were stolen, but when you say most were stolen, I say I don't know that.

Oh I see. Tell you know explosives were stolen!---From the evidence that was given here. 20

Who gave instructions for explosives to be stolen?---From evidence that was given here, I think they arose in Bruno's evidence only!

Only in Bruno's evidence.---Yes.

You forget of course, the herbalist. He also gave evidence that No. 9 said to him they must ... he must introduce people from the mines, Scotch Party, was the name mentioned. He was to steal the explosives from the mine where he worked and then sell it to No. 9!---
all, that was a business deal! 30

A business deal?---Yes.

Nice business deal! To steal explosives!

Did the National High Command issue instructions

for explosives to be stolen?---Not of my own personal knowledge, I wouldn't say.

Where did Bruno get his instructions from?---
He might have had the instructions, but as I say as from the time that I was on the National High Command, there were no such instructions.

You know you can't buy explosives, can you, normally? Legitimately?---I shouldn't think so.

When the M.K. had embarked on a policy of sabotage by means of explosives?---Yes. 10

Not all could be made!---Yes,

Is it not obvious then that the M.K. gave directions for explosives to be stolen?---...

The National High Command?---I wouldn't say it's obvious, but at the same time I wouldn't deny it, that explosives had been stolen.

BY THE COURT TO WITNESS: I think that's obvious. I mean we've heard about a lot of dynamite, fuses and so on being used. That must have been stolen, it couldn't have been bought?---No my lord, I didn't deny that. 20

No, no, but that's not the question. The question is whether the instructions were issued by the High Command that they should steal dynamite and things like that?---And there my lord, I say I could not of my own personal knowledge...

But you can't deny it?---I can't deny it.

So you can't deny that such instructions were issued?---Yes.

CROSS-EXAMINATION BY DR. YUTAK (CONTINUED):

In fact, one of your arch saboteurs in preparing for sabotage saying he didn't have the courage to do any himself, was Arthur Goldreich!---(No reply).

Arthur Goldreich!---Yes.

He was co-opted in the National High Command, wasn't he? On your evidence!---I don't feel happy about this word co-opt.

Well, what was his position in the National High Command?---He was asked to come and table a document.

And nothing more?---Yes, he was asked to come and table the document and to present the document.

BY THE COURT IN WITNESS: Well, I think counsel is right legally. That's co-opting. If a Committee is doing a pertinent work and they ask somebody to help that Committee, well they co-opt him!---My lord I accept your.... 10

CROSS-EXAMINATION BY DE. YOTAR (CONTINUED):

Let me read to you from Exhibit R.2, and that is Goldreich's own document: Yes, you have already told us that Goldreich got back from overseas about April 1963?---No.

No?---I said I got back to Rivonia about in April 1963.

And Goldreich?---And that as far as I knew he had been back from overseas about two months. 20

I see, then he got back January/February. When was he asked to present this document to the M.K.? To the High Command?---He presented it the first or second week of May, thereabout.

Was he asked to present this document?---Yes.

And only that document?---Yes.

And nothing more?---Like what?

Like he was not to present anything else?--- Not at that meeting. 30

At any other meeting?---He had been asked again, not of my own personal knowledge to draw up lectures.

Yes, in Rivonia?---And he was not to have

presented this at that meeting. He merely reported that he was preparing this.

And when was he asked to prepare these lectures?—When I got to Rivonia early in April, that was on the 10th of April, some time thereafter he informed me that he had been asked to prepare lectures of this nature.

By whom?—He said by the National High Command.

So he had been asked to present this document, which we know is N.71, these lectures, anything else?— 10
And the syllabus, the guide.

The guide. Yes I know, the syllabus and the guide. Anything else?—Not that I can think of.

AT THIS STAGE THE COURT ADJOURNS FOR THE DAY.

ON RESUMING:

CROSS-EXAMINATION BY MR. YOFAR (CONTINUED):

Aboki I must get a few dates correct. You arrived in Johannesburg in December 1962?—Yes.

And that's when you joined the National Secretariat?—Yes. 20

On your evidence you joined the National High Command in April 1963?—Yes, it was thereabout.

And you say it was then that Goldreich was very enthusiastic about guerrilla warfare?—Yes.

He had a discussion with you and then you spoke to Accused No. 2?—Yes.

Now was that in April 1963, or May?—In April.

In April 1963?—Yes.

Well then, as I've said to you before the adjournment - it was in April 1963, that Goldreich was 30
asked to submit the document which we now know to be Exhibit N.71, "Operation Mayibuye"?—Yes.

You also told his lordship that he told you,

Goldreich did, that he had been asked by the National High Command to prepare a syllabus or lectures?---Both.

Both?---Yes.

When was he asked by the National High Command?

---Well, I wouldn't say definitely when, but when I got to Livonia, he told me so, and towards that, he asked me to help him with facts of the historical background.

And that then, on your evidence, is his only connection with the A.K., that he had been asked to put his plan in writing, A.71, and to prepare the syllabus 10 and lectures?---Except that he presented it personally, at the meeting in May.

Well, I want to put it to you that your evidence cannot be correct, and that Goldreich must have been a member of the A.K., not only co-optive, but must have been a member of the A.K. a long time before!---That I'm not denying. He was a member of the A.K.

He was a member of the A.K.?---Yes, insofar as he was a member of the Technical Committee.

And I want to put it to you too, not only 20 was Goldreich a member of the A.K., but a long time before April 1963, he was in fact, on the National High Command!---No, that's not correct.

That's not correct?---No.

You can definitely deny that?---Not of my own knowledge before April, but as from April upwards, he was not.

Not a member of the National High Command?---No.

And we know of course, that he came back January or February 1963!---Yes. 30

Right. Tell me when did he go overseas?---I was informed he went overseas about December. I'm not sure. OF 1962?---OF 1962.

Who sent him overseas?—The National High Command.

For what purpose did they send him overseas?
—To go and establish the techniques of making explosives.

What else?—That's all. I was informed.

And you say the National High Command sent him over. Who exactly, or was it the whole High Command?
—No exactly?

Who gave him the instructions?—The National High Command.

10

Yes, but who in particular?—That I couldn't know.

Now I want to tell you again, that not only was he a member of the U.K., but he was a member of the National High Command, and that he knew the internal workings of the National High Command!—It wouldn't be correct to say he was a member of the National High Command.

And I want to put to you not only did he know of the internal workings of the National High Command, but he was fully alive to the difficulties of the National High Command!—Such as?

20

In connection with the plan of sabotage to start off with!—Well, I wouldn't exclude it as a possibility.

You see, because if you look at this document Exhibit A.2, if I may trouble your lordship just to turn to page 18 of the first volume. Look what he says there on the page you've got there, it's page 2 of the first part. (Dr. Goldreich explains to Defence how the first part starts). I'm not going to read it all, I'm just going to read some of the sentences.—Which paragraph?

30

Take the first paragraph. "We are using a

material called Thermitite." When he says "WE" he's referring to the M.K.F.—I should suppose so.

Yes. "The next is Amalia Mica?" which he says is a fertilizer,"but it is under strict control. It is our intention to use Amalium". Paragraph 2. Have you got that?—Yes, I've got that.

"No. 3. It is is our intention to mix" and he gives you the details.—Yes.

Look at 4. "Petrol bombs. We are using a mixture of benzine and one tablespoon of sulphuric acid. 10 We are detonating". Speaking on behalf of the M.K.F.—Yes.

"5. We have used a mixture of Glycerine and Permanganate of Potage? We find this unsatisfactory". Right?—Yes.

It's not speaking here of the units of the M.K. He's speaking now of the difficulties which the whole organisation is experiencing throughout the country! Now look at the next paragraph "Our main charges have been dynamite or gelignite which we have 20 primed with Aluminium. Our detonators contain pulsenate of Mercury which is inserted in a cartridge of cordax. We've also used a fuse which has a core of black powder which burns at the rate of 40 seconds to the foot. We have obtained all these by raids on mines and quarry magazines or purchased from workers there"! I then put to you he knows what was done in Natal. The theft of dynamite from magazines! He knows what was done in Johannesburg according to the evidence of the Herbalist, that dynamite was obtained from workers who work on mines! 30 And you want to tell his lordship that when he went overseas in December 1962, he was not on the National High Command!—Yes, last week I made an attempt to explain

tain. Goldreich belonged, he was a member of the Technical Committee, and I used a word here, I said the function of the Technical Committee, that is now at the top level, the function of the Technical Committee was to carry out some research work with a view to advising the Technical Committees of the Regional Commands, and when he says "we" here, he naturally is speaking of the whole organization. He's associating himself with the whole organization, the A.K. organization, and I don't think....

19

That's what I'm putting to you!—But that does not mean that he was on the National High Command,

But you say he was a member of the Technical Committee on the highest level?—That's right.

And your own counsel, through you, spoke that about the A.K. had three levels. The National High Command, the Regional Command and the units of the A.K. —No, no, no, I think you misunderstood it, insofar as leading my evidence related to sub-committees, such as Technical Committees. For instance, we did not, in the structures of A.K. indicate that a Technical Committee at the regional level was one of the levels of the A.K.C. It's merely an arm of the Regional Command. Similarly, Technical Committee at the highest level is a sub-committee and would therefore, not feature in the description of the structure of A.K.

20

Then did you say in your evidence in chief, that the A.K. operated at three levels?—Correct, I said so, yes.

The highest was the National High Command?—The National High Command.

30

The second was the Regional Command?—The Regional Command.

And the third was the units of the M.K.?—
That's right, but then the sub-committees which were
adjuncts of either the Regional Command or the National
High Command, are not in themselves constituting a level.
It would not be correct to say so.

Was he a member of the Technical Committee of
the Regional Command or the National High Command?—
I beg your pardon?

Was he a member of the Technical Committee of
the Region I High Command...?—Of the Technical Committee 10
at the highest level.

That's the National High Command?—Yes.

That's all I'm putting to you. I want to put
it to you, that not only was he a member of the National
High Command, but he was asked by the High Command to
undertake, what I can only describe, as a mission of
treason abroad!—I deny that he was a member of the
High Command.

Not only to learn how to manufacture explosives,
but also how to get military assistance from countries 20
unfriendly to South Africa?—He had no instructions to
do that.

But he did of course, go as far as that?—
According to documents.

And he did it all on his own?—It's already
indicated in a document which came up in my self evidence.
There was a paragraph to the effect that some missions
had gone beyond the scope of their instructions, and one
of these was v. Solareich's mission.

Did not accused No. 1, also similarly undertake 30
a mission of treason abroad?—He undertook a mission
to make arrangements for the training of recruits.

Yes, and not only that, did he not seek and

got promise of military assistance from various African states, to assist the Lantu in this country in its struggle against the Government of this country?— Assistance of...?

Military assistance?—I don't know. Are you suggesting that they got promises of arms from those places, or what? I'm not clear.

He got promises of military assistance from African states to assist the Lantu in this country to overthrow white supremacy?—I understood that the promises he got from those countries were firstly of a financial nature. 10

Yes?—And secondly, the training of recruits from here.

Yes?—That's way I say, beyond that, then I don't know what you are referring to when you say "of military assistance".

For what reason did Mandela, according to Exhibit K.1 visit military camps and frontlines in Algeria? For what purpose did he do that? Do you know what I'm referring to? Let's look at Exhibit K.1.—Yes, I see that. With a view of seeing for himself what was happening at those military camps. 20

And nothing more?—Where recruits from this country were to be trained.

And nothing more?—I've not heard of any evidence to the effect that there was anything more.

Well, I'm going to go into his trip overseas in detail presently, so... but you deny that he got military assistance? Do you deny that?—Beyond what I have said, I'm not aware of 30

He reported to the National Executive when he got back?—May be. I'm not aware of any assistance in

addition to what I have said.

And although he attended a meeting in Dr. Patha's house in Fort Elizabeth at Sitenhage, and you were there? You remember that meeting?--That meeting had nothing to do with N.K. work.

Yes, but he did report. He did attend that meeting didn't he?--He did, yes,

And you were there?--I was there, yes.

And that was after his return from this mission? --that was.... 10

Or was it before? I may be mistaken, perhaps it was before?--I think you are mistaken.

Yes, it was before. Now we've dealt with the purchase of materials and the theft of materials. Where did N.K. get to buy transport? Get finance?--N.K. had it's own sources of finance.

Within the country?--Both within and outside.

The airlift of recruits, that was an awful lot of expense involved there, wasn't there?--Some expense. 20

What's it \$1,500 per air lift was it? More? --I couldn't be able to quote a figure.

Well, you do in your documents!--I don't know.

Well, if I do then I do, but I don't remember.

Now from whom did N.K. get the money here in this country?--No, I would not give that.

You're not prepared to?--No.

But you know?--I do.

122(B) From whom did N.K. get it's money outside the country?--I'm not prepared to say that. 30

But you know the answer?--I do.

Did N.K. keep separate books of account, or will we find that in the archives of the A.N.C.?--Well,

an illegal organisation keeping books of account!
Never heard of it.

Never heard of it?---No!

Well, you kept correspondence you know! And
was careless enough to leave it lying about at Rivonia
and Trevallyn!---Yes.

Not so?---Well, probably it was a good job
to have had them left at Trevallyn, because they are
able to explain some of the things, which might not
have been explained otherwise!

10

Yes. I'll come to some of those things presently,
but the banned organisation did keep correspondence?
Copies of correspondence?---Yes.

Banned organisation - N.K.!---Yes.

Did keep correspondence. Now my question is..?
---No, no, no, not N.K. that file is A.N.C.

Sorry A.N.C.! Did N.K. or A.N.C. keep separate
books of account?---No reply.

Yes or no!---Yes, they kept their accounts
separately.

20

Where?---I'm not going to say where.

How?---They kept money, solid money.

Pounds?---Pounds.

In the concealed safe in Goldreich's house?
That was one place wasn't it?---It might have been one
of the places.

Yes, and in the pocket of No. 3?---It might
have been one of the places.

And in the pocket of No. 6?---It might have
been one of the places.

30

And in the pocket of No. 5?---It might have
been one of the places.

Now Mbeki, was there any books of account kept?

---I've already indicated no books of account were kept.

Now did you differentiate then, money received or collected by A.N.C., and money received or collected by the A.S.C.?---A.S. and it's own machinery, it had it's own treasurer to keep it's own money.

Who was the treasurer of the A.N.C.?---I'm not going to say.

Did you know?---I do.

Who was the treasurer of the A.S.C.?---I'm not going to say.

10

Did you know?---I do.

Let me just ask you one general question - you told us already, you're not prepared to tell us how the money collected overseas was transmitted to this country?---No.

Did you know how?---Yes.

When money was collected as the documents tell us, from America, Great Britain, the African States, were the people there ever told that the money was going to be used in effect, to help Communists in this country? ---To help Communists in this country? 20

Yes!---Communists don't come into it! When the African National Congress collects money, it's not collecting it for the Communist Party.

No, and the A.S.C.?---No, it's the A.S.C. collecting for the Communist Party.

Now is it. Was it not a fact that the A.N.C. was not only controlled by, but in fact, dominated by the Communist Party?---So many efforts to explain this have been made.

30

Yes, and that's not true?---It is not true.

Well, let's take them in turn. No. 1 Accused, was he not a Communist?---He gave his evidence here...