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-A Mthemby - Cross - Examination
by Mr. Berrange, Dr Yutar

A. Mthembu

Now you remember telling his lordship about the occasion when you went to Rivonia, to a small thatched house there?---Yes.

And you say that you found Govan Mbeki, No. 4 Accused there?---Yes.

Mgwai and Kathrada, No. 5 Accused?---Yes.

And you had a conversation you say, with Mbeki,---
Yes.

Would you mind repeating to his lordship, what passed in that conversation?---Now there were several occasions. Which occasion.

I'm talking about the occasion when you found Mbeki, Mgwai and Kathrada, No. 5 Accused?---On the first occasion that I was there, and when I saw Mbeki and Mgwai.

Yes?---There and Kathrada, was when I went to get the dates on which I had to be at Germiston to meet people who were coming from Durban.

Did you already...?---That was the first occasion.

That's the same occasion I'm talking about. Did you already know that people were coming from Germiston?--- 20
The fact or the knowledge I gained about people coming from Germiston I gained there. I had received a message to come there, to get certain instructions, and those were the instructions I got.

That is the occasion I'm talking about, and will you tell his lordship what passed between you and Mbeki?---
As I've said already Mbeki gave me instructions there then, that on particular dates, the dates were given to me at the time, I had to go to Germiston to go and meet certain people, who came from Durban. 30

Yes, tell us everything that he said to you?---
That is all.

Is that all he said?---That's all I remember.

He just said that you had to go to Germiston on certain dates which he gave you in order to meet people coming from Durban to Germiston?---The instructions I was given, was "you have to go to Germiston on the 4th and on the 11th and on the 18th."

Of?---I think it was the month of May.

Don't you remember?---If I'm not mistaken.

Was it in May?---Yes, the people I had to go and meet on the station had to be on those dates mentioned in the month of May.

10

Are you sure now that it was May?---Yes, the people I had to go and meet, I had to go and meet in May.

You're quite sure of that now?---Yes, I believe that.

Anything else said?---Then there was an explanation, that to enable me to identify them, their leader will hold an umbrella in his hand. He will open it...I've only forgotten the word. After recognition the word I had to use towards the person that was holding the umbrella, I forget the word.

To make yourself known?---Yes.

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And this conversation you say took place in this room in the thatched house at Rivonia?---That is so.

And as you've already told us that when you spoke to Africans or they spoke to you, you used African language. Is that right?---Yes, not always because people like Govan Mbeki for instance, we can speak to each other in other languages, because we are all well educated.

I see, but I take it you use your own language better than any other language?---Yes, that is correct.

The truth of the matter is, I don't suppose you 30 can really remember what language you did use? Not today?---I remember on that day when I spoke to him, I spoke in the European language.

Why?---...

Why do you remember that?---Firstly, because the European language is the language that we use mostly in our work. Secondly, I speak Sesuthu and Mbeki speaks Xhosa and those two languages are different. They are not understood mutually. So we speak to each other in a language which we both will understand, so that we don't waste any time.

And do you remember telling his lordship a little bit earlier, that when you spoke to Mbeki, you sometimes used to speak in the European language and sometimes you used to 10 speak in the African language?

BY THE COURT TO MR. BERRANGE: When did he say that?---Just a few minutes ago my lord.

WITNESS: I don't believe I said that.

Put it to him, that he could speak to him in a.... I don't think he ever said he did, he said he could.---I don't want to waste your lordship's time in having it played back, but if there is any importance to it, I'll have it played back at a later stage in private. 20

BY DR. YUTAR TO COURT: Legally in Court, if my learned friend should know, then it should be played back now, and we'll have it thrashed out now.

14(c)

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

So are you then telling his lordship that on no occasion when you had conversations with Mbeki did you speak to him in any language other than English?---Mostly I spoke to him the European language.

Sometimes in your own language?---I cannot say that, but what I can say is that most of the conversation I 30 had with him was in the European language.

BY THE COURT TO WITNESS: What do you mean by European language - English?---English, yes.

CROSS-EXAMINATION BY MR. BEHRANGE (CONTINUED):

Mostly?---Yes.

Mostly doesn't mean always!---Well, then I will put it this way, as far as I remember, whenever I spoke to Mbeki or he to me, we spoke in English.

Why do you say mostly? You said it several times! ---Because I remember that many times that I've spoken to him, I've spoken in English. I will use the word English now instead of European language.

Do you know that the word mostly doesn't mean 10 always, don't you?---I don't know how it can be defined, when I speak in my language in Sesuthu, when I say many many, many times, and mostly, mostly, mostly, that it conveys that that was the language we spoke.

But you understand every word of what I'm saying to you. You speak English perfectly well! You told us that you're an educated man, not so?---Well, that does not mean that I'm ...

You know what the word mostly means, don't you? You know that it means very often but not always?---I say 20 that when I speak to people of course, then I speak in Sesuthu, but when I speak to people like Mbeki, then most of the time it's in English.

Most of the time not all the time?---...

Not every single time, let me put it to you that way. There may be times in which you speak in another language.---That could happen, it is possible, but not when we are talking about matters that we have to understand each other.

But both you and Govan speak good Zulu don't you? Both of you?---I would not say that I also know Zulu as well 30 as Govan.

So you are able to speak Zulu!---I can speak Zulu, but I'm not fluent in Zulu.

Because you know perfectly well why I'm asking you these questions, don't you?---No, I don't.

Don't you? I'll tell you why - because No. 5 Accused, Mr. Kathrada will say that if you did have such a conversation, he's not prepared to deny it. He didn't take part in it, and he certainly knows nothing about it.---I have not said that Kathrada spoke to me or that I spoke to him. I said that when I entered the room, Kathrada was in the room and I said Mbeki then gave me the instructions.

Kathrada May have gone out? It's possible?---No, 10 I said he was inside. He was in the room.

I'm putting it to you that he didn't participate and he will say that he did not hear...he certainly remembers nothing of what you said. Was he perhaps busy on something else?---This was not a meeting, this was a discussion between Govan and myself.

And Kathrada had nothing to do with it?---Yes, Wilken also had nothing to do with that. I spoke to Govan, and he alone.

And it's quite possible that Kathrada heard no- 20 thing about it, because you say it wasn't a meeting?---I will say, seeing he was present, he could have heard, but I can't say that he heard.

He might not?---I don't know.

And the same applies to your other visits to the room, does it not?---Yes, I also found them there in the room.

Yes, do you remember you went on an occasion there, in which you reported that Bruno wanted to see Govan?---I remember an occasion when I went there to tell them that Bruno wanted to meet the High Command. 30

Yes, he didn't say what for? He didn't mention the purpose of his visit?---No.

You see, because in giving your evidence, this is

what you say you told No. 4 - you said "Bruno said he wanted to come into contact with the High Command. I told him I'd have to investigate this first. The same day I took the bus to Rivonia, there I saw No. 4 Accused, and I told him Bruno is there, then Mbeki said was there anybody else there". Is that what was said between you and Mbeki?---That is correct.

5 You just told him that Bruno was there, and on the last occasion in which you say you went there, you went with Bruno - correct?---The last occasion?

Well, on the occasion that you went with Bruno, 10 at the time that you went to Sumane and you directed him to a Tee-junction...?---That is correct.

And Bruno and you entered?---Yes.

Now before I go on, what happened after you and he entered? Immediately after you entered?---As we entered we found Kathrada there, Wilton was there, and Mr. Sisulu was there and Govan Mbeki was there.

Yes?---Because I had spoke to Govan Mbeki previously about Bruno's arrival, therefore, I addressed Mbeki.

Yes?---I said I've brought Bruno.

20

You said you brought Bruno, or this is Bruno or words to that effect?---Yes, that could be that I said here is he.

Nothing more? What was the next thing that was said?---Then either Mbeki or Sisulu, I'm not certain, said "where is the other man that was supposed to come along with Bruno".

And Bruno replied he knows nothing about it?---Yes.

Now before that was said, were there no introductions all round?---No, there were no introductions at 30 that time.

All you said is "this is Bruno, I've brought Bruno" or words to that effect.

AT THIS STAGE THE COURT ADJOURNS.

ON RESUMING:

WITNESS STANDS DOWN.

ABEL MTHEMBU, still under oath (recalled);

(The Court is cleared and doors closed).

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

Mr. Mthembu, just before the luncheon interval we were dealing with the occasion when you went to Rivonia, and you took this man Bruno Motolo with you?---Yes

And you said that after you had entered you said 10 "this is Bruno" or words to that effect. You said that either No. 2 or No. 4, you're not certain which, asked where is the other man, and that the reply that was received was "I don't know anything about the other man".---That is so, yes.

You didn't stay long there, so you left you told us?---Yes.

Approximately how long were you there? A couple of minutes?---Yes, a few minutes.

And was there any further discussion other than what I had just refer you to?---No, not as far as I'm concerned. 20

And of course, whilst you were there, this also was not a meeting?---It was not a meeting.

And there were how many of you present altogether - 6?---Yes Govan, Sisulu, Kathrada, Wilton, Bruno and I. Six.

Yes, and so far as No. 5, Kathrada is concerned, he didn't participate in the discussions?---Not whilst I was there.

No, I mean whilst you were there?---Yes, he did not say anything.

Now Motolo has told us that when he arrived there, he ascertained that Walter Sisulu was in a hurry and was on the 30 point of leaving - that's what he told his lordship when he gave evidence?---Yes, that I don't know.

Did he indicate whilst you were there, that he was in

a hurry? To leave or was on the point of leaving?---Not whilst I was there.

He didn't talk at all?---Yes, except that I said I'm not sure which of the two accused spoke to Bruno.

Yes, ofcourse I'm sorry, I shouldn't have....I want to go back to the discussion that you say you had with Govan Mbeki, No. 4 Accused, that's when you were told that there was a message that you had to take to Rivonia, and you told his lordship that on that occasion Mbeki told you that you had to meet some people at Germiston and he told you how one 10 of them would have an umbrella to identify them?---That is so.

And you gave the dates upon which you say you had to meet them?---Yes.

Now where were you living at that time?---In Dube.

So then you had to go from Dube to Germiston to meet these so-called recruits?---Yes.

That's quite a long way, isn't it?---Yes.

At what time of the day, approximately, was it when you went to meet the first batch?---I left actually from town, and there are many trains running through to Germiston. I 20 arranged my going there in regard to my knowledge of the train arrival in Germiston from Durban, which is approximately at 5 p.m. and I left at such a time, so that I would be just there in time.

So you arrived there round-about 5 p.m.?---About that time.

On every occasion?---Yes, I think I did.

You think you did?---Yes, well I say that is so.

So you hung around the station and nobody came?---I saw nobody.

30

I take it that you assumed that the meeting of these people was in connection with the work of this organisation?---

It was so, yes.

I see, and this was an order you had received and you expected to meet these people?---

BY THE COURT TO MR. BERRANGE: Will he tell us what he was going to do with these people if he did meet them Mr. Berrange? I don't recall that?---I'll put the question to the witness.

CROSS-EXAMINATION BY MR. BERRANGE (CONTINUED):

What were you going to do with these people had you met them?---I was supposed to take these people when I met them, and take them to Andrew Mlangeni.

Now this is the first time that you've ever told us 10 that, isn't it?---Yes, that is so. It is just an answer now to a question in reply to that.

Yes, you never mentioned Andrew Mlangeni in this connection before!---Except that I mentioned that he was said to be the transport officer.

Yes, somebody had said that he would be the transport officer?---That is so.

And my attention is drawn to the fact that Andrew Mlangeni was present when this was said?---That is so.

And you also went on to say that you, if I remember 20 correctly, that you did not know what the duties of the transport officer were?---That is so.

So all you knew about Andrew Mlangeni, was that you were told in his presence that he was to be the transport officer? but that you had no idea what his duties were?--- That is correct.

Now why do you say that you had to take these recruits to Andrew Mlangeni, if you didn't know what his duties were?---I wasn't told at the time that it was also part of his duties that I should take people to him. It was just an 30 instruction in regard to the people that I fetched. It was just that I must take them to Mlangeni.

Who told you?---Govan.

That's why I'm coming back. When you gave your evidence on the last occasion, and also when I went through your evidence in this respect earlier this morning, I asked you
16(c)- what had been told to you by Govan Mbeki, you at no stage on either occasion did you mention that he had told you that these people were to be taken to Andrew Mlangeni! And I pointed out to ^{you} that a few minutes ago was the first you ever mentioned it!---That is correct. This latter part never entered into this, because I never found the people.

No, no, but what did enter into it, was the instructions that you say that you were given by Mbeki - that's the part I'm interested in. Did Mbeki tell you to take them to Andrew or did he not?--- Yes, he said so, only I forgot to mention that when I gave other evidence on what he said.

You forgot to mention that, on a number of occasions, that I've been taking you through this?---Yes, and the reason for that is, because I never met the people.

Very well, let's get on with this aspect then - you went to the station, you waited, the illicit task which you were performing was part of your duties in connection with this organisation. I take it that you were very surprised when these people didn't turn up on the dates he gave you?---Yes, that is correct.

You thought that something serious had gone wrong?--- No, not that. I just thought well, seeing they didn't arrive, they might arrive the next day.

So did you go the next day?---No, I went on the other day that I was told to go.

I'M talking about the first lot of recruits, after all these were the people who were coming up from Natal?---No, I didn't go there again.

They had to be met, if your evidence is true, they had to be taken to a certain place, you say you thought they