

ON RESUMING ON THE 28TH APRIL, 1964:

AHMED MAHOMED KATHRADA, still under oath

EXAMINATION BY MR. BERRANGE (CONTINUED):

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

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

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

EXAMINATION BY MR. BERRANGE (CONTINUED):

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

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

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

male or female?---A male.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes?—There are many such occasions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Was it October of?—It was October 1962.

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

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

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

MR. BERRANGE: No further questions.

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

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

BY THE COURT TO MR. BERRANGE: Well, they should have done it at this stage. I take it they don't want to.

—It won't be the case with this witness my lord, I'm just mentioning other witnesses. I may say if it is done my lord, it will be done on the basis of as if the evidence was being led in chief by way of cross-examination.

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BY DR. YUTAR TO COURT: My lord before I commence the cross-examination of this witness, I'd like to make two matters perfectly clear for the purpose of the record. I never at any stage used the words "so-called grievances". In fact my lord, the passage in question, appears on the very last page of my opening address.

...(quotes)...from the so-called yoke of the white man's domination", and secondly my lord, in the light thereof and in the light of the conduct of the State case and the cross-examination of the one accused so far, I

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

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

CROSS-EXAMINATION BY DR. YUTAR:

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

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

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

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

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

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

You've called them amongst other things criminals!—That's what they are.

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

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

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

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

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

And you typed it out?—I did.

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

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

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

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

It was drafted At Rivonia?—Yes.

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

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

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

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

Why not?—I had left it at Rivonia.

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

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

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

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

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

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

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

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

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

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

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

The 8th of July?—That's right.

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

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

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

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

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

But not Wolpe?—No, not Wolpe.

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

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

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

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

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

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

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

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

Goldreich?—Yes.

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

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

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

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

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

Easy to carry!—Yes.

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

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

For the purpose of now making the recording

of your speech?—Yes.

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

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

And you'd been taken there by Hepple?—No.

How were you taken?—I was driven out by a friend.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

He came there on the Thursday?—Yes.

Did you ask him for it?—I did not.

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

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

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

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

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

No one at all?—No.

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

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

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

Do you know where it was found Kathrada?—

I don't know where it was found.

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

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

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

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

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

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

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

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

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

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

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

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

A bit more yes!---Eight days.

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

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

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

Your clothes?—My clothes.

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

You heard my question!—Yes.

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

Yes?—I left behind a corduroy pants.

Yes?—I left behind an overcoat.

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

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

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

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

The one with the heel raised 2"?—No.

se are those?—I don't know whose those are.

You don't know?—I don't know.

They're not yours?—They're not mine.

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

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

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

couple of nights.

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

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

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

You took it all back?—What?

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

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

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

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

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

But you are kind enough to admit that the

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

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

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

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

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

That was the main way of testing his state-
ment?—Correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

That's obvious?—Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Have you ever been required by the Communist

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Country-wide organisation?---Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

You were an activist, weren't you?—I

consider myself to be so.

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

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

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

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

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

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

Not surprising?---Nothing surprising at all! It did not mean that nobody else was not consulted.

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

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

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

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

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

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

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

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

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

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

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

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

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

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

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

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

Yes!—But I was forced to do so.

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

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

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

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

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

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

Yes?—My two brothers have shops.

And their shops are patronized by Europeans

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

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

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

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

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

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

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

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

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

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

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

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

right.

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

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

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

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

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

And this Ahmea Kajes to your knowledge, was the owner of the newspaper called "The Spark"!—That would be so, I think.

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

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

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

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

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

And he is also a Communist?—I don't know.

What do you mean by that.

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

prepared to dispute that.

You can't deny it?—I deny it.

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

You deny it?—I deny it.

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

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

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

Any truth in it?—I don't know.

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

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

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

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

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

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

The last issue appeared in August 1963.— I really don't know when the last issue appeared.

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

You did?---Oh yes.

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

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

10

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

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

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

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

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

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

30

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

Cuba was brought out in South Africa.

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

Where?—I saw one before I went underground.

58E

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

Where?—I saw it at a friend's house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By the way who is Dreyer?—Dreyer? 20

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

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

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

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

order my lord.

Was that the source of your income - printing?

—Yes.

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

You used to collect orders and get commission?

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

Mr. Kathrada, you had to live?—Yes. 10

And you needed money to live?—Yes.

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

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

How much?—£25 sometimes, sometimes £50, it all depends on the orders. I did for instance, get a mail order catalogue, which got quite a considerable sum of money, and the commission is naturally higher. 20
It all depends.

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

Yes.—That would not be correct.

Not true?—In fact, after the second refusal of permission, I went up to the Greys and saw Lt. Coetzee of the Special Branch. He assured me that there would be no difficulty in getting this permission, provided I gave him further details of my work. I supplied 30
those details to him in the form of a memoranda, and a few weeks thereafter, that the Government had turned down that as well, but other than that, the police have

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

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

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

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

You know him?—Yes.

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

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

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

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

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

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

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

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

Tell me their business?—I think I have made

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

You've proved it very well that you are!

Already! I want to know the addresses of the two Suliman Saloojee's that you know! The one stays where, the other stays where?—I have already answered that.

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

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

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

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

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

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

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

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

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

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

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

—Well, I mean you want to know what other business.

That is such a general question I don't know how to answer you. 30

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

business dealings with them.

Yes?—In connection with printing.

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

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

ARE they both in the printing business?—

Neither of them are I believe in the printing business.

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

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

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

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

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

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

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

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

Which one was that?—Suliman Saloojee.

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

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

Did you have any business deals with him?—
Yes.

What?—Printing.

Well let's be a bit more specific! Print
what?—Publication. 10

To form a company?—Yes.

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

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

And what was to be the name of that company?
—Africa Publications. 20

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

Publishing what?—Pamphlets.

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

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

What was the box number?—I don't remember it off-hand. 30

Post Office Box 10120?—That's right.

And who did the printing of these booklets?
—Do you mean which printers?

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

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

And Suliman Saloojee also?—Possibly.

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

That's right, yes?—Algeria.

Yes?—The Treason Trial.

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

What about Angola?—Angola.

Congo?—Congo.

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

Exhibit R.214.—Correct.

And Algeria R.215?—Correct.

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

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

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

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

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

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

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

Of course!—Yes.

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

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

10

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

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

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

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

20

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

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

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

30

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

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

Is it Huberman?—Huberman.

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

Did you not read it?—No, I did not read the Huberman. 10

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

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

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

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

I beg your pardon, New Age sold the booklets on your behalf.—The New Age offices were in existence in various centres in the country, and these booklets were distributed through their offices. 20

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

That's right?—Yes.

You say that you were very careful not to show it to anybody, particularly Mr. 'X' whom you didn't know?—I did not say I was particularly careful not to show it to Mr. 'X'. I said that was my practice, 30

That was your practice?—Yes.

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

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

By whom?—I think it was Bruno.

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

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

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

So he's true there?—Yes.

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

Is that true?—That is true.

Do you know what else he said?—Yes.

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

20

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

He was there?—He was at Rivonia.

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

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

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

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

30

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

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

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

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

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

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

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

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

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

Yes sure, you're entitled to it. Look at my copy for the time being until I get you many more. Look at it:—(Witness reads document). 30

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

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

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

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

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

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

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

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

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

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

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

Yes, but not in chief!—No.

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

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

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

Wasn't that the object of it?—Yes.

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

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

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

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

And you never took the trouble to find out?
—I did not.

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

They do?—They certainly do.

10

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

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

59(E) What I've just read to you!—Well, it can mean what it says here, and that is freedom fighters, soldiers, it can mean boycotts, it can mean anything. 20

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

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

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

30

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Freedom in our...2 By the way, that's very inciting language, isn't it?—You may think so. I don't.

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

1963.—It could be.

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

So he says.

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

You don't think so?—I don't think so.

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

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

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

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

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

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

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

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

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

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

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

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

30

and many others were scared to leave because of threats?

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

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

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

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

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

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

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

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

"Declare June the 26th the National Freedom

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

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

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

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

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

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

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

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

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

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