

struggle, and you approve of it?—I'm not prepared to condemn them.

Now you remember you mentioned the office of the Minister of Lands, Economy, that was done dynamite thrown through the office window in a very busy area in Pretoria! Extensive damage was done, and there could have been serious loss of life! Approve of that?—I think I have already mentioned.

I put it to you specifically now, did you approve of that?—If the people doing it thought that this was going to take them forward in their march to freedom, I don't disapprove of that. 10

I'm referring to Item 84 my lord. And although this was done in a busy area where it might have resulted in innocent ...loss of innocent lives?—That could have been the effect of it.

Let's take another one! You mentioned the Power Station at Broomfontein, that's Item 82. "Sub-Power Plant, Railway bridge, Broomfontein, Johannesburg". Now there an explosion took place, that could have resulted in loss of life?—Possibly. 20

And you would have raised no objection?—I would not condemn any of these...

No, no!—I have made that clear!

Now the Old Synagogue, Item 184?—That's right.

An attempt was made to blow that up!—So, I've heard.

Do you approve of that?—I give the same answer.

Why should that be blown up? Why?—If ^{it's} in line with the Umkonto policy to blow up Government buildings...what was your question again I'm sorry. Why do I approve of...? 30

Yes, the Synagogue?—My lord, I am in the

general sense that if those people believed that this will take the struggle further, I am not prepared to disapprove of it.

Did you regard that act of sabotage as a symbol of Apartheid?—Well, to the extent that it's a Government owned building.

As a symbol of oppression?—To the same extent.

I want to suggest to you that the reason why that place was blow, is because the Treason Trial was 10 hold there!—I don't know my lord, it might have been.

And because Nelson Mandela was tried there!—Quite likely. I don't know.

And that building is situated in the midst of a number of houses! One is some home for unfortunate people, and that explosion there could have blown all those houses to smithereens and killed all those people in the vicinity!—That could have been it's effect.

But you never took any precautions against that?—I did not take any...I was not responsible for that.

Or counselled any precautions?—I was not responsible for this at all!

AT THIS STAGE THE COURT ADJOURNS UNTIL
10.15 A.M. ON THE 30TH APRIL, 1964.

ON RESUMING ON THE 30TH APRIL, 1964:

ABDUL MAHOMED KATHRADA still under oath

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

65(E)

Kathrada, I'd like to round off the point that I was discussing with you yesterday lunchtime when we adjourned. Just to refresh your memory, I was dealing with your conversation with Mandela at Rivonia in December 1961, when he mentioned to you that the Umkonto We Sizwe, had been formed throughout the country, and that he wanted you and other leading members of the National Liberation Movement to know about it, and not be taken by surprise. —That is so.

And I also reached the stage, where I suggested to you that he regarded you as one of the leaders who could be so apprised?—That is likely.

I'd like to round it off as briefly as I can. He did indicate to you also that the M.K. had been set up by leading members of the African National Congress?—That is so.

In whom he was sure you had the fullest confidence?—That is so.

20

else
Whoever/led the M.K. amongst them were leading members of the A.N.C.?—That is how I understood it.

And when those members of the A.N.C. joined the M.K. they did not forego their allegiance or loyalty to the A.N.C.?—As I understood it, it was made quite clear that the Umkonto We Sizwe would work within the political guidance of the National Liberation Movement, headed by the African National Congress.

So when a man like Accused No. 4, Govan Mbeki, became one of the leaders of the M.K. he did not cease to be one of the leaders of the A.N.C.?—That would be so.

30

And is it not fair therefore, to suggest to you as I do, that the A.N.C. was at the very least,

supporting the M.K. by reason of the leading members it made available to the M.K. to carry out the policy of the M.K.?—That might be the case my lord, I'm not prepared to go further than that.

Well, I'm going to go further, and I'm going to say that in fact, the A.N.C. regarded the M.K. as it's military wing, but you don't accept that?—I don't accept that.

You deny it?—That was not my understanding.

And you deny that was, in fact, so?—My lord, 10 I am not in a position to categorically deny that. My understanding was that it was not so.

Who gave you so to understand?—Well it was nobody in particular, that was as the result of the months after the formation of the M.K. The conversations I've had with various people. The propaganda of the M.K. itself.

And you of course, assisted the A.N.C. from time to time?—I did.

Amongst other things, you typed on stencil, 20 R.10?—That is so.

The one dealing with the Blood Bank?—That is so.

An A.N.C. document?—That is so.

You also likewise, stencilled R.55 an A.N.C. circular calling upon the Indians to stand together?—That is so.

And my learned friend mentioned a third document, a similar circular addressed to the Coloured?—That is so. 30

His lordship asked the exhibit number, and my learned friend and I were both wrong and his lordship with respect, was perfectly correct, in fact, that document is

before the Court, it's Exhibit T.44.—I don't know the exhibit number.

We were wrong in arguing with his lordship, when we said it wasn't handed in, and his lordship, as I say is right, this is in fact, the document. T.44. (Document handed to witness).—This appears to be the document.

In other words, you were actively assisting the A.N.C. in 1962 and 1963, long after you had been officially apprised of the fact that the M.K. had now embarked on a policy of sabotage?—I have given evidence about assistance which I rendered in 1963. I haven't said anything about 1962. 10

Were you not assisting in 1962?—Some of my work might have amounted to assistance, but I have given evidence about what I did in 1963 at Rivonia.

You didn't go into political cold storage during 1962?—I did not.

You remained very, very active politically! In 1962!—Well, I remained active. 1962 was rather a different year for me, I have been confined to the Magisterial District of Johannesburg for five years, and in 1962, in January the ban expired and I moved around out of Johannesburg quite a bit. 20

All I'm saying is that in 1962, even though you were confined to Johannesburg, you were still politically active?—Oh yes, I was.

Kathrada, I want to put two suggestions to you pointedly. Firstly, you did know and the documents say so, that the M.K. was the military wing of the A.N.C.! —That was not my understanding. 30

The second proposition I want to put to you is this - that when you declared to Mandela and to your colleagues that sabotage, isolated acts of sabotage was

in effect, that what you really had in mind was not mass political action by way of pamphlets and strikes, but something much more serious - guerilla warfare, armed revolution!—I deny that.

I want to put to you whilst I'm on it, a third proposition, and let us come to documents immediately. You knew too that the A.N.C. had now gone over from a non-violent policy to a violent policy!—My understanding was that the African National Congress would not disapprove of violence any longer.

10

What exactly do you mean thereby?—Well, prior to 1961, the African National Congress, carried on a policy, as I understood it, of positive non-violence, and non-violence only, as a method of struggle. In 1961, they came to realise that violence had become inevitable, and my understanding was that they would not thereafter disapprove of violence.

BY THE COURT TO WITNESS: Well, really to put it in a more simple way, is that the A.N.C. judging from it's pamphlets, informed it's members that it approved of the sabotage campaign that was going on! Isn't that quite clear from the A.N.C. pamphlets, not the M.K. pamphlets, that putting it at it's very mildest, they approved of this? This conduct of the Umkonto?—My lord, I don't know which pamphlet your lordship is referring to.

20

I'm reading them as a whole!—There is Exhibit 'Y' I think, that is the Lebello.....

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

His lordship, if I may, is not referring to Exhibit Y, that's not a pamphlet, that's an address by Mandela. His lordship is referring to pamphlets issued by the A.N.C.?—I might be wrong in the exhibit number,

30

I'm referring to this Lobell pamphlet.

Well, that's Exhibit 'WW'---Exhibit 'WW'.

My lord, the propaganda of the African National Congress which I saw did not give me that impression, that is before 1963.

Now let's come down to documents, and I want to carry on as quickly as possible, and conclude. I'm going to show you now Exhibit R.40. His lordship will find that in volume No. 2, at page 392. If you will just look at this document meantime?---(Document handed 10 to witness).

Now Kathrada, before you go further, it is a fact, as I put it to you in preliminary questions, that you were an ardent Communist almost from infancy?---I was a member of the Communist.

And that almost from infancy you were fed on the bottle of Communistic doctrine and literature?---Well, I wouldn't put it that way. I have read and been in touch with Communist propaganda.

And you have subscribed thereto as a loyal 20 member of the Communist Party?---To the best of my ability, yes.

In fact, only the other day, you lauded the part that the Communist Party had fled in this country up till now?---That is so.

Now we can turn to Exhibit R.40, and that is a statement issued by the Communist Central Committee in the South African Communist Party to it's members at the end of February 1963, and his lordship will turn kindly to page 399, I'll find it for you here, I'm not 30 sure if the places are marked. Now just let's read that last paragraph there "No desperation, no adventurous-
em but...and revolutionary action planned on local initiative

the coordination with the national leadership of the Liberation Movement headed by the African National Congress and it's fighting wing Umkonto We Sizwe. This must be the watchword of the Western Cape and all other parts of the country. This is the policy of the Communist Party". Kathrada, could you wish for anything more explicit than that statement there in a Communist document, saying expressly that the M.K. was the military wing of the African National Congress?—Even though it is obvious that this seems to be a draft document, even if these words appear in a document which was issued to it's 10 membership, I would say that this was an over statement. According to my understanding my lord.

Kathrada, why did you call this a draft document?—It's very obvious my lord.

Is it?—It's obvious, there are errors, there are corrections, right on the first page.

I'm going to show you...?—And I'm saying that even if this was issued as a document to the Communist Party membership or to the public as a whole, if this is contained in any such document, I'm saying that that 20 is an over statement, as that was not my understanding that the Umkonto We Sizwe was.

I'm going to show you the draft of this, now that you force me to. Exhibit R.83, and your lordship will find that in the third volume at page 577. This is the draft I'm now showing you!—Are you suggesting this is the issued document?

I'm going to show you R.83, the handwritten document which is the draft of this. Whose handwriting is this Kathrada?—I don't know this handwriting. 30

Is it not in fact, the draft of Exhibit 40? Compare the two. The following statement was issued to members by the Central Committee of the Communist

Party at the end of February 1963, and then follows.

BY THE COURT: Whose handwriting is this?---The witness says he doesn't know.

There's no proof before the Court?---If I remember right, no.

WITNESS: On the draft, there is a heading, I mean on what Dr. Yutar says is the draft, there is a heading "The Revolutionary way out". I don't see it in this typed copy, but I do remember a document, "The revolutionary way out", an issued document, or rather.... 10

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

We'll take the next line, from the draft.
"A statement by the Central Committee..."?---Oh there are words that are similar.

What word Kathrada? The whole thing is similar! Look how it starts!---My lord, this document is exactly one paragraph.

Yes!---The other is nine pages typed.

Yes, it's the beginning of it! Unfortunately we haven't got the end! It might have been burnt, I don't know! Take the first paragraph!---It might have been that the person continued the typed and the draft copy. 20

But you will agree that this draft over here on the unfortunately, three pages only that we've got, and by the way, look at the third page of that draft.--- Which draft now?

I'm only talking of the proper draft R.83! Look at the third page, there you get the words "The Revolutionary Way out"! "Statement by the Central Committee of the South African Communist Party"!---In that on the first page as well? 30

Yes!---The "Revolutionary way out", but it's not on this typed copy.

I know, the wording of the first paragraph, is it identical?—I'm not disputing that. I haven't read it, but I'm prepared to take Dr. Yutar's word for it.

Don't take my word for anything! Now we go on!—Thank you for telling me.

Now we go on! Your lordship will find it on page 405. I'm dealing with M.40. Under the heading "The organisation decides everything. Our political policy is correct, it can be understood and accepted by the National Liberation Movement and the masses of the people, but it is not enough for the leaders to have a correct policy. It is necessary that an adequate machinery must exist to convey this policy to the people and to enable them to carry it out effectively." Have you got that?—I've got that. 10

How was the policy of the MK conveyed to the masses of the people?—I don't know. I have seen an M.K. poster which I think is an exhibit in this Court. I have seen references to the Umkonto We Sizwe in documents of the Communist Party, and I have read other articles as well, that deals with Umkonto We Sizwe. 20

"Our political policy is correct, and can be understood and accepted by the National Liberation Movement and the masses of the people". By the way, was the policy of the M.K. accepted by the National Liberation Movement?—I don't know if the policy of the M.K. was accepted by the National Liberation Movement.

You don't know?—My understanding was that the National Liberation Movement realised that the work of the Umkonto We Sizwe and similar organisations had become inevitable, in this country. 30

I'm not going to argue with you. How did the Communist Party convey this new policy to its members?—I've said that the Communist Party, I have

seen documents of the Communist Party where the Umkonto We Sizwe is dealt with.

And was it conveyed to them?—I have seen it, as a member of the Communist Party.

Through the members?—Yes, I have seen it. I have also seen a public statement of the Communist Party which was contained in an African Communist headed the "Revolutionary Way out".

That's right?—Which also deals with Umkonto We Sizwe.

10

That's right, and did the Communist Party also not rely on the A.N.C. to distribute this new policy and convey it to the masses?—I don't understand that.

More simple language, in conveying this new policy to the masses, did the Communist Party not ride on the backs of the African National Congress?—That might be your interpretation, I don't understand.

You don't understand it, or you don't agree? —I don't agree.

Do you understand perfectly what I'm saying? —I meant to say I don't understand it that way.

20

Now we come to another passage, and your lordship will find it on page 408. The third paragraph on page 8. "The A.N.C. should go all out through the spoken and especially through the written words to place it's militant policy before the people in ... and in the languages which they shall understand". Does that not support a proposition which I have just put to you? This is a Communist document now saying that the A.N.C. should go out through the spoken words, especially through the written words to place it's militant policy before the people in turn, and in the language which they can understand. Correct or not?—I don't know if it supports your proposition completely. It's nothing new

30

this type of sentence in this document.

Let's examine it. It speaks of it's militant policy!—Yes.

The militant policy of the A.N.C. Is that correct or not?—Yes.

By militant policy is meant the violent policy! —Not necessarily, I have been referring to and the National Liberation Movement as a whole has been talking about it's militant policy for many, many years during the Defiance Campaign and even before that. I have never understood militant policy to mean...to be surrounded with violence.

And is it not a fact, I'm dealing with the Communist document now?—My lord, before the Doctor continues may I have "The Revolutionary Way out", which is the issued document which I have seen. This I have never seen before.

Never seen before?—No, this particular one I have never seen before.

BY THE COURT TO DR. YUTAR: Has that been put in?— 20
That's Exhibit 121. It has been put in.

Well, let the witness see that and compare them.—Yes. (Document handed to witness).

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

R.121B, your lordship will find it on page 651, part 3. You are suggesting that this document "The revolutionary way out", is the same document as the one I'm now showing you Exhibit R.40?—Where is R.40?

R.40 is the one....?—Oh I see it.

BY THE COURT TO DR. YUTAR: I think the witness is suggest- 30
ing that the draft is a draft not of the document you're reading, but a draft of the "Revolutionary Way out". That is what I think the witness suggests. The wording of

the first paragraph is not the same, is it?—Right.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Now here is Exhibit E.121(b) and tell his lordship whether there is anything in common between the two documents, except for the heading?—(Witness is examining document). My lord, it's a lengthy document may I have a bit of time to go through it. (Permission granted-). My lord, there are with very much examination, there are paragraphs that are similar. If during the tea adjournment I could go through it much more carefully, I'm sure I will...

10

Surely!—Be able to find many more.

Right, well then, you can keep that, you can take it with you. I'll give you a copy of it, but let's return to E.40. Conceding for a moment that as you say, it's a draft, it was drawn up by somebody in the Communist movement?—Obviously my lord.

And therefore, this person, whoever he was, and you can't tell us who it is, has over stated the position when he wrote what I have read to you?—That's my view of it.

20

And as I'm told, it's not only just an ordinary member of the Communist Party, but it's obviously one of so-called responsible leaders! Because it's a document signed and drawn up on behalf of the Central of the South African Communist Party?—Even leaders make mistakes my lord.

Now let's return then to E.40. Page 409 turn and this development cannot take place according

table worked out in advance by the

of. It will take place according

30

ent of the struggle as a whole,

determined by the course of our

onrush of the people's

struggle, as they spread from one part of the country to involve the people as a whole. The unkonto's ... therefore, should link itself closely with the actual struggles of the people wherever they may be, and whenever they may require the intervention and leadership of this type of organisation. They should be ready seize unexpected unforeseen opportunities to enter every struggle and to raise the levels...resistance, and enter upon a period of a direct fight for power". Do you agree with the author of this document, either the draft or the 10 ficial document?—Let me just read it again. My lord, insofar as it refers to unkonto as part of the people's struggles of the massed struggle, I agree with it. When it refers to, I don't know if that is what it tries to convey, but when it refers to just sporadic outbursts, then it's certainly sporadic outbursts unrelated to the massed struggle of the people. I don't agree with it. I have already stated my view on that.

Let's just read one more paragraph. There's two words missing from your lordship's copy on page 409. 20 The last paragraph on page 409 when it says "In this tremendous responsibility", and the original says "In this situation". "(A) Tremendous responsibility rests upon the shoulders of the South African Communist Party. In the strengthening and the leadership of our organisation, rests the key to the victory. Our Party is the most experienced and...in underground work. This is guided by and imbued with the scientific theory of Marxism and Leninism which has been proved time and again to be the only correct revolutionary ideology". Do you approve 30 of that?—I agree with that.

Now let me turn to Exhibit R.51, your lordship will find it on page 446. Now this is not a draft is it?—This appears to be an issued document.

Issued by whom?—It appears to be a Communist Party document.

It not only appears to be, let's be more definite?—...

It is in fact so!—I'll take your word for it.

I told you before...!—I'll have to read it through to satisfy myself.

Let me just glance at some of the subscriptions there. "We ask all our members to discuss and submit their views on this matter now. We ask all our members 10 concerned in the various organisations to give their unqualified support to this ruling". It is a Communist document is it not? That's how you people worked! I don't want to waste time Kathrada, can we go on?—I want to satisfy myself that this is a Communist Party document.

Do that! Do that! You can have your choice - Communist Party document, or L.E., or A.N.C., or the South African Indian Congress. It makes no difference to me.—(Witness is looking through document). My 20 lord I'm not going to dispute that this is one, but I'm trying to find something to satisfy me that this is a Communist Party document.

BY THE COURT TO WITNESS: If you look at page 6, at the bottom there, there's "We ask all our members concerned in the various organisations, to give their unqualified support to this ruling". What would be meant by the various organisations? (Dr. Yutar points out place to witness).—I've seen that my lord, I'll accept that.

That's the only thing that suggests that it 30 was distributed, not only to the Communist Party members, but possibly to other people too. —It's quite likely my lord.

ON RE-EXAMINATION BY MR. ZUTAR (CONTINUED):

From the passages I'll read to you, I think I'll be able to help you there. Now let's turn to this document. Look at paragraph 2. Have you got it?—Yes.

Paragraph 2, "The new line of Congress". Your lordship will find it on page 447. The heading "The new line of Congress". Have you got that?—Yes.

"All of us are probably by now well aware that the A.N.C. has finally discarded the line of non-violence which characterized this organisation for many years. 10
That it has adopted the attitude that force must be met by force, that the African people must learn to defend themselves and hit back, an eye for an eye and a tooth for a tooth". Do you agree with that?—I think again here's an over statement.

Now just read the second paragraph and no more. "But the fact remains that the masses of the African people are not aware of this new line of the A.N.C. In many years of non-violence propaganda, which continued right to the Treason Trial, and even persisted 20
after the emergency, cannot be dispelled merely by one or two rather ambiguous statements. It has now become a matter of great importance, that the Congress should announce a campaign for it's new line among the masses". Do you agree with that?—Well, it all depends on what is meant here. If it is trying to convey that the new line is that it would no longer disapprove of violence, I'd agree with that.

BY THE COURT TO WITNESS: What is meant by "Congress"?—

I think it's referring to the African National Congress. 30
My lord, at this stage I might indicate, I don't know if I made it clear yesterday, that the reservations that I had about Unkento, I also expressed within the Communist

Party group itself.

CROSS-EXAMINATION BY DR. YURAN (CONTINUED):

I'm very pleased you said that, because I'm going to show you a Communist document and an A.N.C. document to indicate exactly what was understood by reservations. I'm very pleased you said it, but let's go on. What I am concerned about in this second paragraph is not the new policy of violence, but that the masses were not aware of it, and it had to be conveyed to the masses by the Congress. Is that correct or not? 10
---I wouldn't disagree with that.

You would not disagree with that?---I would not disagree with that.

Well, I'm pleased you said that too, because Sisulu when giving evidence on this very paragraph, said this is a mistake!---He might have said so. I don't disagree with that.

Now we just turn my lord to page 448. We've marked the two short paragraphs, I'm going to read there. The fourth paragraph to the bottom my lord. "Serious 20
and harmful consequences have flowed from these departures. Since the A.N.C. is a senior partner representing the majority of the population who of necessity carry the brunt of the struggle, the C.O.D. and to some extent the S.A.I.C. have tended to adopt the role of auxiliaries and assistants to the senior partner, neglecting their essential and primary function of working among their own population groups." The C.O.D., the Congress of Democrats, and the S.A.I.C., the South African Indian Congress?---That is so. 30

This is a correct statement?---Well, I don't know what preceded this particular paragraph.

Well let's take them, I want to be fair to

you!—But my lord these types of complaints, if they're to be complaints, do come up from time to time, that in the struggle in which we are all engaged we must not neglect the particular roles we have to play in our own communities. I'm not surprised at such a statement.

Well, seeing that it says ..speaks about "from the departure"?—But I'm making a point of what preceded this.

I'm going to read it now. The paragraph immediately before that "The people at home and abroad, hardly hear any more of the Indian Congress, nor the U.C.D. or even the A.N.C. but what is said and done by some Memphis(?) called the Congress Alliance. This term really meant merely to describe the nature of the united front, as more and more come into general use, under whose name meetings and demonstrations are called statements issued, etc., giving the impression that it is in itself an organisation".—Perfectly clear now. 10

Do you agree with that?—I agree with that. 2

And then one more paragraph, and I'll read it slowly. The bottom one that's marked. "We in the movement know very well that the A.N.C. is the senior and leading partner in the alliance. Not only because it is numerically stronger than its partners, but ^{and} also/mainly because it represents the course of National Liberation which is the core and the essence of the democratic struggles in this Country. Because of this, the question of numerical representation and voting has never arisen at meetings of the Joint Executives, etc." 30

Do you agree with that?—That's how I understood it always.

What movement are they there referring to?—
I take it they're referring to the National Liberation

Movement.

And who constitutes the Joint Executives?—
In this context here, I think they're referring to the
South African Indian Congress, the African National Con-
gress, the South African coloured people's Congress
and the Congress of Democrats.

That's right!—And the Congress of Trade
Unions I should think.

And this...these joint executives held meetings?
— h yes. 10

And these joint executives held meetings to
give political guidance?—Well, they discussed political
problems as they arose.

I said political guidance?—Yes, wherever
the necessity arose, they gave political guidance.

And the M.K. worked under the political
guidance of the Joint executives?—That I am not aware
of my lord.

You're not aware of that?—I'm not aware of
that. 20

Although the document says so?—Where does
it say so? I am not aware of the joint executives having
discussed the "M.K. I might be quite wrong, but....

Kathrada, are you suggesting that the M.K.
did not place itself under the political guidance of the
National Liberation Movement?—Yes. Well the policy
of the National Liberation Movement is public property.
Everybody knows what it is.

And the National Liberation Movement acted
through the Joint executives?—From time to time when 30
political problems arose, the Joint Executives met.

That's all I'm saying!—I understood you to
say that the M.K. itself was discussed at the Joint
Executives, you might be quite right, but I am not aware

of it.

Alright, then the M.K. placed itself under the political guidance of the Joint Executives?—No, I'm saying of the National Liberation Movement.

Functioning through the Joint Executives?—The Joint Executives is one level at which the affairs of the National Liberation Movement are discussed.

I don't know if that is the reason why his lordship^X asked you the other day and also Sisulu, when ...that with the new departures in policy, wasn't the Joint Executive, the Executive of each of these subsidiary bodies, were they not consulted, and they must have been consulted?—I don't know of that. 10

You don't know of that?—I wouldn't be surprised if they were, but I am not personally aware of it my lord.

I want to show you now Exhibit '000', your lordship will find that, there's two short passages I want to read there, your lordship will find that on page 10, and the passage I want to read appears on page 11. Do you remember that you said acts of sabotage, you thought it was not sufficient in itself, it was ineffective?—On their own yes. 20

Now I want to show you this. It's the third last paragraph. "We do not believe that the acts of sabotage which we have carried out in the past year will in themselves crush white supremacy. We see this activity as only the beginning of a movement which will grow in size and scope, and which will confront the State with the people able to resist it's force and ultimately to crush it". Was that the reservation you had in mind, when you spoke to Mandela, that it is ineffective. Isolated acts of sabotage are ineffective?—Well, I don't 30

know if this satisfies....

I'm just telling you what the National High Command of the M.K. is saying here! They also say it's ineffective! But that it's only the beginning of a movement which will grow in size and scope, and I want to put to you...?—That might have been from their point of view.

I want to put to you what his lordship put to you yesterday. In fact, is there any difference between guerilla warfare and armed revolution?—I replied 10 that to my knowledge, the little understanding I have of guerilla warfare, guerilla warfare could be also referred to as armed revolution.

And is it not in fact, that reservation which this document now expresses "Sabotage on it's own is not effective. It's only a beginning a means to an end". Is that not the reservation you had in mind when you spoke to Mandela?—I have made my reservation quite clear, I have not departed from that, and I'm prepared to state it again if you want me to. 20

No, you don't have to.—I don't know what the author of this document had in mind,

Now I want to put to you this proposition — I want to put this to you as bluntly as I can, that you as a Communist agitator, from time to time, participated in a dissemination of literature which was absolutely false, in order to mislead the masses and to incite them!—I deny that most categorically.

Now I turn back for the last time to Exhibit E.40. My lord, I'm sorry to have to return to this, 30 some page 406. Now this was a draft on your version, a document on the State version, issued to members on February 1963, and let me find the passage for you. My lord it's the 9th line from the top of page 406.

You'll find it on your page 7, towards the end of the 2nd paragraph. Do you see that part marked in pencil?

—I do.

"The freedom movement has been forced into the position where illegal work is the major side of it's activity. All ideas and organisation must now be re-considered. The main job of the movement is to make it's illegal work more effective and more efficient and more successful in reaching the masses of the people and evading the repressive actions by the authorities", 10
and now I come to the part I want to stress. "What does this mean - In the first place it means that...more care and vigilance must be exercised by every leader and ranken file member of underground organisations.... The struggle rises in it's intensity. The most vicious punishments are being meted out to everybody who is known or even suspected to be involved in underground activities. Points of law and....are thrown to the winds, as the State and the Judges put the preservation of white supremacy before every consideration of justice, 20
fairplay and the legal tradition". Is that false or true?—If I had to draft this, I would not put it that way, but what I would say is that the most impartial Court in the world, if they have to implement the type of laws that they are forced to implement today, there can be no justice in this country. That's what I'd say.

Do you...this statement which is printed here, is that false or true?—I would not say it that way.

You wouldn't say it in this way?—I would not say it this way. 30

Do you know in this country we have not yet reached the stage, and I'm certain we'll never reach the stage where Chief Justices are sacked as happens in

Ghana!—I have nothing to do with that.

From whom you have been getting financial and other assistance!—I have not been getting any financial assistance from Ghana.

When I speak of you, you know who I mean, the movement. Nor have we reached the stage where Judges are sacked or even Magistrates are sacked, and are you suggesting...and are you not inciting the people over here by telling them you can't trust the white Judges, you can't trust the white Magistrates?—I am prepared to say that we will reach a stage when Judges will be sacked.

10

You say that?—I won't be surprised at all, when the Nationalists interfere with the Courts.

Yes! I trust his lordship will forgive me, if I cause any embarrassment, in this ^{very} case were not points of law taken by learned counsel in the very beginning as a result of which the State's indictment was thrown out? Completely?—I have said nothing to reflect on his lordship.

20

Yes!—Nothing at all!

But that points of law were raised in this very case, and upheld against the State, not so?—Yes, I'm aware of that.

Yes!—I have said nothing at all to reflect on his lordship.

And only yesterday, your learned counsel, my learned friend, created a procedure which I followed and his lordship peremptorily said he'd never heard of that, and as a result of which I withdrew the instruction, and you...and this document still says, there is no justice...?—(Dr. Yutar and witness speaking at the same time)...That when I was locked up for a month

30

without bail, his lordship gave me bail.

Yes! Now do you think this is a right thing to convey to members?—I have some knowledge of his lordship's judgment and justice.

Do you think this is not incitement of people to convey such false information?—I don't think so.

You don't think so?—No. I still say that we are going to reach a position where the Nationalists are going to interfere in the Courts of Justice in this country.

10

Do you remember yesterday, you spoke about finance? Now...Yesterday I put to you Mandela's document where he recorded on the receipt of financial assistance from African countries, African States?—I remember a document like that being read in Court.

Large Amounts, and you'll remember too, that fairly large amounts were sent to Oliver Tumbu in London?—I've heard such documents in Court.

And some part of it was remitted to a Dr. Lethole in Maseru?—That's what I've heard here.

20

Did you receive any portion of that money?—I did not, even if I did I wouldn't have told you.

You did not, but even if you did, why wouldn't you have told me?—Because I don't think it's any concern of yours or of the police, for whom you are asking these questions.

But I'm asking these question Kathrada, not for the benefit of the police, but for the benefit of the Court!—I'm saying that I did not receive any portion.

And even if you did, you wouldn't tell us?— I wouldn't tell you.

30

Is it not a fact that of an amount of R8,000 remitted by the firm of Lethole in Johannesburg, you on the 28th of September 1962, received an amount by way of

cheque for R295-00?—That is so. I received a cheque of R295-00.

It was made payable...?—To A.M. Kathrada,
Cash and Bearer, and for what purpose did you
receive that amount of money?—My lord, during that
period, as I have already indicated to the Court, I was
very closely involved in a "Free Mandela Campaign", in
a "Free Mandela Committee", and this committee amongst
other things, issued considerable propaganda material,
lapel badges, etc., and I was asked by Mr. Mokwe who 10
was a member of this committee to collect this sum of
money, or to collect a cheque from the firm of Kantor
and Partners, which I did, and gave the money to Mr.
Mokwe.

67(E) And it was used for the purpose of the campaign?
—For the "Free Mandela Committee"?
Yes.—Yes.

That is in 1962?—That is in 1962. I was not
told where the money was coming from, London via Maseru,
I did not know, but even if I were told that, I would 20
have still received that money.

I'm reminded, this "Free Mandela" movement
was done by a Committee?—By a committee, yes.

Who was on the Committee?—I have mentioned
the name of Mr. Mokwe.

Yes?—I am prepared to mention the name of
Mr. J.B. Marks who was chairman. I'm not prepared to
mention any other names.

You're not prepared to mention any other
names?—I'm not prepared to mention any other names. 30
I said I was on the Committee.

Yes, yes, would you give me the satisfaction
of making the concession that those who served on the

on the committee were all members of the National Liberation Movement?—Naturally.

Thank you. Now you told his lordship, that Lilyleaf Farm was bought by the Communist Party of South Africa?—I said I came to understand that, after I arrived at Rivonia.

Who told you?—I won't tell you who told me.

Bernstein?—Or how I found out.

Oh, you had to find out?—I said or how I found out.

10

You're not prepared to?—I would not tell you.

For what purpose was it bought?—I have said that I understood it was bought for the very purpose for which I was using it, and that was as a hide-out.

Well, you know that the Communist Party was banned in 1950?—That is so.

And it still continued underground?—Yes, well....

Why do you hesitate?—According to a document, well if you are trying to say that they continued, that's what I'm trying to correct, because I think there is a document, on one of the Exhibits which says it was founded in 1953.

Well, I'll take 1953?—I'm just trying to correct that, I'm not making an issue of it my lord.

I'm quite happy with 1953. 1953 to 1961,^{it} was operating underground? You should know that because you were a member?—Yes.

Who asked you to re-join it in 1955?—My lord, I have already indicated that I will not mention him.

30

You won't?—I will not mention his name

Why were you asked to re-join it in 1955?

—Why is anybody asked to join the Communist Party or any other organisation? By the way 1955, you said, no I said 1957 I think.

I beg your pardon.—I think it's 1957, but well I was a member before.

And you're not prepared to tell us who asked you?—No, I'm not prepared to tell you who asked me to join.

And you told his lordship that you were a member not of a cell, but of a group?—A group. 10

You prefer to call it a group?—Well, I've never ever in all my years in the Communist Party, never heard the groups being referred to as cells.

Have you heard of the word cells?—From Mr. Bruno Mtolo.

Only from him?—Well, in reference to Communist Party groups?

Yes?—From him.

You've never heard of cells in any other organisation?—Well, I have. 20

Which organisation?—I have heard of cells..

In which organisation?—I can't really think, it's a commonly used word, but I'm telling you how I referred to Communist Party groups, and how they were referred to, in the years of my association with them.

Were there cells in the African National Congress?—You can call them cells if they satisfy you.

I'm not asking you to satisfy me, I'm asking you were there cells in the African National Congress? —I take it for granted that when the organisation went underground, there must have been cells. 30

And so did the Communist Party go underground?

—Yes, alright I'll call them cells.

I'm trying to get that. Who served in your

particular cell?—I will not tell you.

And where did the cells meet?—I will not tell you.

Where were the headquarters of the Communist Party?—I don't know.

And if you knew you wouldn't tell me?—If I knew I wouldn't tell you.

But the Communist Party managed to function underground from 1953 to 1961, wherever it was without any difficulty?—Well, I wouldn't say without any difficulty. 10

But it managed to function?—And I hope it still manages to function, and will manage to function.

What was the necessity for acquiring Lilyleaf Farm in 1961?—I don't know, I have told you how I understood ...what I understood why this farm was acquired.

To serve as a hide-out?—Yes.

For members of the National Liberation Movement?—For members of the National Liberation Movement.

What is members of the A.N.C.?—Members 20 of the A.N.C. included.

The South African Indian Congress?—Included.

Why did you go to Mountain View then?—Because it was more convenient for me.

In what way?—From every way. I'm not going to tell you how I was going to function.

No, but I want to know in what way it was more convenient?—I'm telling you it was convenient!

If Rivonia was only bought as a hide-out for those people who were escaping from the network of the police, why go to Mountain View?—I found it convenient, 30 to operate from Mountain View.

Are you suggesting it was inconvenient to operate

straight from Nivonia?—From my personal point of view, I preferred not to be at Nivonia.

Why? Give me one good reason why?—It was more convenient for me, it was much nearer town for me.

Yes, and it was only to serve as a purpose of a hide-out, why such a huge estate - 25 acres?— I'm unable to help you there I'm afraid.

You're not prepared to help me?—I'm unable to.

Why such a mansion with such large outbuildings? 10
—I'm unable to help you.

Who bought Trevallyn?—I've heard the evidence here who bought Trevallyn.

You heard the evidence in this case that Ezra bought Nivonia?—Yes.

You've now admitted the Communist Party caught it. Who in fact, bought Trevallyn?—My lord, about Trevallyn I cannot say any more than what I've heard in this case. I was aware when I was at Nivonia, that some of my colleagues were going to move away to some 20 place, that's as much as I know.

Just repeat that last, I'm sorry?—My colleagues Mr. Mbeki and others.

What did they say?—They were going to move away to some other place.

Oh, why?—I don't know why - to carry on their work naturally!

What work?—Whatever work they were engaged in!

Well listen you moved away to Mountain View? 20
—Yes.

Mbeki moves away to Trevallyn?—Yes,

Sisulu also moved away to Trevallyn not so?—

Goldberg moved away to Trevallyn?—Yes.

Who was left at Rivonia? Who was in hiding at Rivonia?—When I left Rivonia, I left the others there, but I understood that they were going to move away.

Yes! But here the Communist Party spends R25,000 to serve as a hide-out for escapees for the National Liberation Movement, and we find the escapees coming over there and all of a sudden they run away!

—My lord, it was by no means envisaged that they were the only five people underground.

10

Well, let's get down to tin tacks - how many people, fugitives from the law, stayed at Rivonia to your knowledge? We've got you?—Yes.

Who else?—Mr. Mbeki stayed there.

Two?—Mr. Sisulu stayed there.

Three.—Mr. Mandela stayed there.

Four.—Mr. Mhlaba stayed there.

Five.—That's as much as I can tell you.

And at R25,000 mansion situated in 25 acres of wooded territory is bought for five people!—I'm saying again that it was by no means envisaged that those are the only five people underground.

20

And it was occupied on close for three years! Certainly two years, occupied for two years by the time the police took action! And those are the only five you can mention!—I don't know who stayed there before then.

Right, and of the five let's see what happened to them. One Katarada went to Mountain View?—Yes.

Mbeki and Sisulu went to Trevallyn?—Yes.

Mhlaba?—Went to Trevallyn, I believe.

30

That's four, and Goldberg to Trevallyn?—Yes.

And the place was left like Mother Hubbard's cupboard, absolutely bare!—Are you expecting a comment

from me.

I'm expecting an answer from you!—What is the question?

What purpose was it bought for?—I'm unable to help you!

You're unable to help me.—I'm unable to help you! I told you what I understood, and further than that I'm unable to help you. I can only surmise.

I want to suggest to you that Rivonia was the headquarters of the Communist Party?—I have not 10
denied that.

It was also the...?—It could be.

You agree that it was?—I don't agree that it was. I was not aware! I wouldn't be surprised if it was!

It was also the underground headquarters of the A.N.C.!—I did indicate, we may argue on what one means by headquarters.

Yes, well your counsel suggested base of operations, but you didn't like that!—I didn't agree, and I don't agree that I understood it as the head- 20
quarters of the African National Congress. I knew that African National work was being done there. I don't agree.

What do you understand by headquarters?—
Headquarters is a place where work is being done, where meetings are being held.

From which directives are issued?—Yes,
amongst other things.

Where circulars are printed?—Also.

To which reports are sent?—Well, it depends 30
on the personnel who is there at the time.

And where certain ^{information and} ~~people-mentioned~~ data re-
quired, in order to wage a campaign are collected and

sorted out?—That also would be in the headquarters.

Where poles are erected in order to carry out radio tests?—It also can take place at headquarters. It could.

That's what you understand by headquarters?—

Yes.

Did not all these things take place at Rivonia?—To my knowledge, yes.

And I want to suggest to you that Rivonia was also the headquarters of the A.K.C.!—My lord, I don't want to keep on deaying that. If you insist that that is the only definition of headquarters, I'll agree with you.

And it was also the headquarters of the Inkomo to Sizwe!—I did not understand it that way, but I'm prepared to concede that as well.

Because you told his Lordship in reply to my learned friend who has introduced the question in this way "It doesn't require much for a trained politician to realise that work was being done over there"...?—I have not denied that. I have not denied that at all! 20

Now what work did the Communist Party do at Rivonia?—My lord, I have seen a document being done by someone at Rivonia.

One document?—I have seen one document.

By whom?—I won't say whom.

You won't say?—That I won't say.

And you won't say what the document was about?—I'll tell you what the document was about.

What was it about?—I think it was dealing with the Sign of Soviet Dispute. 30

By the way, as a matter of interest, as a Communist, which brand of Communism do you follow now?—

MR. REEHRANCE TO DR. YUTAR: Is this relevant?—Yes please!

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Kroestehof or China?—I follow my own brand of Communism.

Oh!—And that is freedom in South Africa.

Yes!—That is my brand of Communism.

No, because according to the writings in the books, in the exhibits, you follow China?—I follow South Africa.

And you follow Russia! I want to know in view of the pending dispute, which brand do you now follow?—I follow South Africa, for freedom in my country, from oppression. That is what I follow. 10

Yes, but when you inculcate in the members, the readings of certain books, as the organization has done in many of the exhibits, which brand do you tell them to accept - the Russian brand of Communism or the Chinese brand of Communism?—We are also capable of discussing and deciding what to follow, from time to time. 20

You've not discussed that yet?—I believe discussions have taken place.

And had you come to a decision?—I don't know.

Now apart from this one document, who drew it up by the way? This Soviet/China Dispute?—I don't know, but even if I knew I wouldn't tell you.

Well, just now you told me you weren't prepared to tell me!—I wasn't prepared to tell you who did the roneeing.

Oh!—I'm sorry I'm getting myself at cross-purposes. 30

What other work did you see the Communist Party do there?—Well my lord, specifically that was

the one document I saw.

So in two years the Communist Party, buys a \$25,000 property to serve as a hide-out and you only know one document they drew up in those two years?—That's right.

What work did the A.N.C. do there?—I have indicated that the Court has got ample evidence of what the A.N.C. had done there.

Three documents?—What I have done, four documents. 10

What else?—I have done four documents. I have seen others doing A.N.C. work.

Who?—I'm not going to tell you.

And now most important of all, what work did the M.K. do at Rivonia?—I have heard the discussions about M.K. I have seen one document about the M.K. at Rivonia.

And because of discussions and the one document you realised as a trained politician that the work for M.K. was being done at Rivonia?—Oh yes. Why not?

Discussions with whom?—I'm not prepared to 20 tell you who discussed or what they discussed.

What document of M.K. did you see?—I saw, I don't know the exhibit number.

You tell me and I'll try and tell you?—I saw I think it is my lord, the notes for the syllabus of the....

That's the one drawn up by Mbeki?—I don't know.

Oh the notes for the syllabus. That's R.46. And the speaker's notes R.54.—Those I saw. 30

That's two.—Yes.

Is that all you saw?—That's correct.

You didn't see the big stack of 200 or those,

did you?—Which?

Of the Speaker's notes?—Yes, that's what I saw.

Who drew that up?—I don't know who drew it up.

I heard here who drew it up.

Who drew it up?—I heard here who drew it up.

Who?—Goldreich!

And only Goldreich?—Well, I don't know if it was that document that there was a suggestion that Mr. Mbeki helped with part of it, or was it another one?

That is the one?—But I've heard that Gold- 10
reich drew it up.

And that's the only document?—That's the only document.

AT THIS STAGE THE COURT ADJOURNS FOR TEA.

ON RESUMING:

ATTORNEY MAHOMED KATHARADA, still under oath

ACCUSED NO. 5 TO COURT: My lord, I believe the Prosecutor did not require me to compare these documents any longer, so I did not do them. —I don't think it's of very much importance. 20

MR. KATHARADA TO COURT: My lord, may I mention that evidence will be given with regard thereto, for the purposes of indicating that A.40 is a draft of the other document A.141.

CROSS-EXAMINATION BY MR. YOUNG (CONTINUED):

Katharada, you have conceded the evidence of some of the South employees at Rivonia, that you assisted with the erecting of the radio mast?—I have not.

You have not conceded that?—No. My lord, I have said that I was aware that these poles were being 30
put up, I saw them being put up, but I did not take part in it.

So you deny the evidence then of Solomon Seping,

who apart from saying what else you did, said that he saw you even assisting in burying the earth attached to the radio!—In the first place, I don't think Solomon Soping said that. I think the witness who said that I was helping to put up one pole was the witness Thomas, and I think that he said that in cross-examination.

Are you trying to correct me are you?—I am.

Well, I tell you definitely that, Solomon Soping did say that! You assisted in burying the earth attached to the radio!—I deny that. 10

You deny that!—I deny that.

Thomas Mashifane the next witness, said you assisted with the erection of the mast for the radio! —I deny that.

Can you advance a reason why these two witnesses should say that, Solomon Soping and Thomas Mashifane, if it's not true?—I cannot advance any reasons.

Now you installed yourself at Mountain View? —I did.

And you were going to work there, continuing 20 with your political activities?—That is so.

As a political worker for the benefit of the Indians?—Amongst others, yes.

Amongst the Communist Party?—If and when it became necessary, yes.

And the A.B.C.?—If and when it became necessary also.

And you wanted to work there in the privacy of that cottage even in the absence of Goldberg?—That is so my lord. 30

And you installed yourself with a certain degree of permanency, because you even arranged for a refrigerator to be kept there, installed there?—That is so.

And where did you keep all your documents?

—I did not have any documents.

None at all!—Is that strange? I took with me to Mountain View one Government Year Book, the Jubilee Edition of the Year Book. That is all I took there.

How long did you stay at Mountain View, all told?—For eight days.

And you want to tell his lordship that the only document you had was one document?—The only book I had ... of course, I did some work there.

10

Yes!—Which I posted off.

Yes!—Oh yes, that I did.

You had no documents?—I had no documents.

No papers?—No papers.

No copies of letters that you wrote?—No.

Of reports that you wrote?—No.

You didn't even have exhibit 39, this little booklet?—I did not have that.

You didn't?—I did not have it.

You heard the evidence of the witnesses?—Yes.

20

Who said that following a raid at Mountain View, certain cartons were taken out of the cottage at Mountain View and burnt on the compost heap!—I've heard that evidence here.

Is that true?—How do I know? I was arrested.

Were there documents in the cottage that could have been taken out?—I did not take any documents.

And what is more, Lt. Swanepoel told his lordship he examined some of the documents and he saw some Communistic literature, portion of which coincided with some of the pages of Exhibit 39?—I've heard that evidence.

30

Is that true or false?—I don't know.

And what is more, he said he saw other documents

there which to him, proved to be Communistic literature, and he also saw African National Congress?—I heard him say so.

And that's untrue?—I don't know.

Where did the documents come from?—I heard him say that the word Duma Nkomo appeared as the result of some word Duma in the Russian...referring to the Russian Duma, and he said that that was the African National Congress. I don't know if I am to believe that.

Yes, but that was a clever bit of cross-¹⁰ examination by my learned friend, but you deny that there were any documents in cartons in Mountain View which could have been taken out?—Look I'm saying I did not take anything to Mountain View besides this.

Didn't you see the cartons over there, when you arrived there? You were going to stay there, you were going to play Portagues there!—Yes. My lord, I ...when I arrived there, there was one carton being used as a dustbin, which I then got rid off and got a proper dustbin.

I won't argue with you. Now on the afternoon ²⁰ of the 11th of July 1963, you were in the thatched room? —Yes.

You were there, Mbeki was there, Sisulu was there?—That is so.

Mhlaba was there?—That is so.

Hepple was there?—That is so.

Bornstein?—That is so.

The six of you?—That is so.

What did the six of you discuss in that room? That afternoon?—My lord, I have indicated that we were ³⁰ exchanging pleasantries when the police arrived.

What document was burnt?—I don't know what was burnt.

You didn't see any document burnt?—I did not

burn any document. It's quite likely that somebody burnt it.

Who was the person who burnt the document?

—I did not see the document being burnt, any document being burnt.

And the police are right when they say they could see footprints outside the windows, as if somebody had jumped out?—I jumped out.

I say the police were right when they told his lordship that!—They happen to be right.

10

They happen to be right! And in fact, three of you jumped out of the window?—That is so.

Leaving three behind?—That is so.

And on the table lying open was "Operation Mayibuye", Exhibit R.711?—That is what I heard in Court.

Is it true or not?—That is what I've heard here.

Is it true or not?—I cannot tell. I was not aware of it until I heard it here.

You never saw that document on the table at Rivonia?—I did not see that document.

20

It wasn't discussed?—No.

I suppose the flight of you out the window caused this stir in the atmosphere and opened the document! —I suppose so.

You are a member of the Communist Party?—I am.

A loyal follower of the Communist Party?—I am.

Whose aim and object is to secure freedom for what you call the oppressed peoples in this country?— For what are the oppressed people in this country.

30

For what are the oppressed people in this country!—That is so.

And to that doctrine you subscribe!—I do.
Fully and unequivocally!—Fully and unequivocally.

And you were determined to see the fulfilment of the policy, the aims and objects of the Communist Party!—I still am.

Which involved the overthrow of the Government of South Africa!—That is so.

By force and violence if necessary?—When and if necessary.

10

DR. YUTAR: No further questions.

RE-EXAMINATION BY MR. BERRANGE:

Mr. Kathrada, I want to refer you to the Exhibit R.40, which appears to you to be a draft document, and you have told his lordship that one of the reasons that makes you think so, because of numbers of corrections and alterations in the document.—That is so.

And I think you have also told his lordship that on a cursory examination of R.40, and comparing it with R.121, which was the document headed the "Revolutionary Way out", that you are of opinion that R.40 is probably a draft in respect of R.121?—Yes, I was only able to see about one paragraph which seemed similar.

Well, we'll lead evidence about that at a later stage Mr. Kathrada, but what I'm interested in is this — my learned friend did not draw his lordship's or your attention to this rather striking fact. He referred you to the paragraph in R.40 which you think is a draft, which reads "No desperation, no adventurism but firm and revolutionary action planned on local initiative in co-ordination with the National leadership of the Liberation Movement headed by the African National Congress and its fighting wing Umkonto We Sizwe. This must be the watchword of the Western Cape and all other

20

parts of the country. This is the policy of the Communist Party", and you will recollect that you told his lordship that you did not agree with that, and I think you said this was an over statement?—That is so.

Now then if you will have regard to R.121, which you think is the completed draft, and I'm referring my lord to page 6 of the duplicated document. Page 651 in the third volume my lord. In my copy the type is in capitals, it's the third paragraph. (Discussion about finding of document). "Today in many parts of the country Govern- 10
ment policy is driving people...resistance, to a stage where they are clamouring for action. Local leaders cannot lag behind the people or they will cease to be leaders and the blind forces of destruction then shall take over, but local action must always be principled in accordance with the established policy and general direction of the National leadership". Now we come to the words "No desperation, no adventarism, but firm resolute and revolutionary action". The same words that appear in R.40. Is that so Mr. Kathrada?—That is so my lord. 20

"That should be the watchword of the oppressed people and their leaders in the difficult days ahead. That is the policy of the Communist Party". The same words as appeared in R.40. You will notice Mr. Kathrada, there is no reference there whatsoever to the words that the Liberation Movement is headed by the African National Congress and it's fighting wing the Uukonto We Sizwe? That has been deliberately left out in the finished article! Correct?—Correct.

And as far as I am aware my lord, that phrase 30 about it being the fighting wing appears nowhere in this document Exhibit R.121(b). So it would appear perhaps Mr. Kathrada, that you were obviously not the

only person who thought that is if this was a draft, who thought this was an over statement and an incorrect statement?—That appears so.

But now I'll take the matter a little bit further! And I refer you to R.51 which you have told his lordship appears to be a completed document and not a draft?—That is so.

And I'm referring my lord, to page 6 thereof, under the heading "An unreasonable proposal". This reads as follows "We have indicated above the undesirability that mixing up legal and illegal activities. A particularly harmful suggestion which seriously infringes this principle would be any suggestion that the U.W.C., that is the Umkonto We Sizwe, as the military wing of the movement, should place them under the direction and control of the N.C.T." Now that is the National Consultative Committee?—That is so.

"Or even local and provincial consultative committees. U.W.C. has already indicated it's willingness to accept the general political direction of the movement. To demand that this be taken any further, is both incorrect and dangerous". Is that how you understood it?—That is so.

And just to make it clear, you were referred to the words "Militant policy" appearing in R.40. What you to say about those words, the interpretation which my learned friend appeared to give to the words "Militant policy"...?—My lord I think I did indicate that at that stage, that as far as I personally am concerned, and throughout the years in the Congress movement, the word "militant" has been used as I said even during the Defiance Campaign, and even before that when referring to those non-violent movements of the non-European people.

Repeatedly?—Repeatedly, yes.

They used it in the sense of militant policy, militant action?—Yes.

And Mr. Kathrada, again the words were hurled at you that you were a Communist Party agitator, or a Communist agitator. We won't deal with the word agitator, you've already indicated what the position is in regard thereto, but in that same context my learned friend, referred to R.40, the document which you say is a draft, which would appear that certain criticisms were made about the Courts, and it said that points of law and Court procedures are going to ruins. Do you remember that?—I remember. 10

You of course, had nothing whatsoever to do with the drafting of this document?—I did not.

Have you ever seen this document before it was produced to you in Court?—No.

And you heard what happened when the House of Parliament was set up?—Yes, I remember. I remember that it was set up specially to upset a decision taken by the full bench of the Appeal Court. 20

You wouldn't know of course, whether the author had that sort of thing in mind?—Quite likely. I don't know what the author had in mind.

And you don't take responsibility for this? —I don't.

In regard to this cheque for R295-00, which you say you received for the purpose of, at Mr. Holwe's request, for the purpose of ^{recouping?} recruiting the committee with its disbursement?—That is so.

What position did Mr. Holwe hold on this Committee?—Mr. Holwe was the Treasurer. 30

And did he send you then to collect this money from?—From Mr. Wolpe.

That was at Mr. Kantor's office?—At Mr. Kantor's office.

Did you know at that time, that it was drawn on the, what as known as the Lethale Account?—I did not take any particular notice of that. I did not know.

When did you first hear that?—I heard it in this Court.

And I don't know whether my learned friend for the State is forgetting your evidence, but the way he put it, he said that in two years at Rivonia, you only 10 saw one Communist Party document being prepared at Rivonia. Did you live there for two years?—I did indicate to the Court the times that I went to Rivonia.

And in regard to the documents which are alleged to have been burnt at Mountain View, after the raid at Lilyleaf Farm and in regard to Mr. Swanepoel's evidence that he found some burnt papers and burnt documents there, have you any knowledge of those documents?—No, I did indicate that I know nothing of them.

You've heard the evidence, how long after 20 the raid on Rivonia, was it that Mr. Swanepoel went there?—How long?

After the raid at Rivonia, was it that Mr. Swanepoel went there?—My lord I think the evidence was that the Mountain View cottage was discovered in September.

Long afterwards?—That is so my lord.

And in regard to the assembly of persons in the room No. 1, that is commonly known as that thatched cottage at Lilyleaf Farm on the afternoon of the 11th 30 of July, you have already told his lordship what you had gone there for?—That is so.

My learned friend for the State, asked you

what appeared to be in a tone of great disbelief whether you had seen this document "Operation Mayibaye" lying on the table, and you said you had not seen it. Is that correct?—That is so.

Tell me when you were in this room did you notice whether there was only one document lying on this table, or did you see whether this table was littered with documents?—There were quite a few booklets and papers right through our stay in Rivonia, on the table.

And I think Detective-Sergeant Kennedy, has testified to the fact that the table was covered with documents?—That is so. 10

Now I want to deal with one of the earlier questions put to you by my learned friend for the State, and that is in regard to the clothing which you took with you to Mountain View. You've told his lordship, I take it that you were dressed when you went to Mountain View. What were you dressed in? Did you have a suit?—When I went to Mountain View?

Yes, from Rivonia. A collar, tie, underwear? 20
—Yes, that's right.

Boots?—Yes.

And on top of that you took with you a jacket?
—That is so.

An extra pair of corduroy trousers?—Corduroy trousers.

An overcoat?—That is so.

And you told his lordship a pair of shoes?—
And an extra pair of shoes.

And a couple of shirts you said?—That's right. 30

And you said you may have taken more things perhaps, you don't remember?—That is so.

You had as you have already told his lordship,

asked Mr. Goldreich to buy you some new clothing?—
That is so.

When was it that you asked him this?—I...the
night that he came to see me at the Mountain View cottage.

And when you went to Lilyleaf Farm, when you
returned there on the night of the 10th of July, did you
find this clothing?—Yes.

Besides that clothing, was there other clothing
which was not new, but which was worn?—That is so.

Laundry?—There were two carrier bags. 10

Two carrier bags full of it?—That's right.

Had this been left behind when you went to
Mountain View?—That is so.

692 Why had it been left behind?—Some of it
was being washed at Rivonia, and some of it were just
left behind.

And then you took back with you to Rivonia,
when you went there on the evening of the 10th, I take
it your pyjamas?—That is so.

Underwear?—That is so. 20

Your toilet articles?—Toilet articles.

When you arrived at Rivonia, or the day after
you'd arrived at Rivonia on the morning of the 11th,
what did you do with the clothing that you had left behind
at Rivonia to be washed and also the new clothing which
had been purchased for you by Mr. Goldreich?—I packed
everything together to take it with me to ...back to
Mountain View. That's how the police found my stuff.

Now I don't quite know why the question
was put to you, but as it was put I'd better deal with 30
it. You said in reply to a question by Dr. Yutar that
the Communist Party was not known to you as being an anti-
religious organisation?—That is so.

You also told his Lordship that you are a
Acolan?—That is so.

And you also told his Lordship that you have
never been asked during all the years that you'd been in
the Communist Party to forsake your religion?—That is so.

That is despite the fact, as we well know,
that the Marxism has a philosophy which is based upon
the materialistic concept as opposed to the philosophy of
idealism?—That is so.

And do you know from your reading and studying,
that that position applies in Communist Parties throughout
the world?—Ah...

That they are prepared to accept into their
ranks people who are religious?—That is so.

Do you know what the position is in Italy for
instance, where there is a very large Roman Catholic Com-
munity?—In which Country?

In Italy?—Yes, well my lord I have read about
the position in Italy, but from my personal experience
when I was living in Hungary, which is also a Catholic
country, I encountered Communists who were members of the
Church. 20

Catholics?—Catholics. Vast numbers of them.

And you will also know that some of the most
prominent clerics openly support the aims and objects
of the Party?—That is so.

Such as the Dean of Canterbury?—That is so.

Now with regard to the expressed disbelief
by my learned friend that you had only heard of the
formation of Uukonto We Sizwe in December when Mr.
Mandela told you thereof, I'd like to ask you a few 30
questions. You said that you found nothing surprising
in the fact that you had not been told of this earlier?
—That is so.

Had you met Nelson Mandela earlier before December, that is within the months immediately preceding?—No, that is the first I met him since he went underground my lord.

He was underground during that period?—That is so.

So you had no contact with him?—I had no contact with him.

Now insofar as the Indian Congress is concerned, you have described yourself as being an Activist?— 10
That is so.

And I think you indicated to his lordship what you mean by that?—That is so.

Did you regard yourself in the Indian Congress as being a theoretician or maker of policy or a policy maker?—No my lord.

And I take it that it goes without saying that the formation of an organisation like the Umkonto would be a closely guarded secret?—I would expect so.

Would you expect to be told in advance by 20
the members of the Indian Congress or the leaders of the Indian Congress of the fact that Umkonto We Sizwe. That is if the leaders themselves knew about it?—I wouldn't expect it as a right my lord.

Well, you know as it is stated in evidence, the Umkonto We Sizwe was formed during October/November of 1961?—That's right.

And you were told about it in December by...?
—Mr. Mandela.

And during that time between October/November 30
1961, and the time that you saw Mr. Mandela, did you come into touch or come into contact with any members of the Executive committee of the South African Indian Congress?

—The South African Indian Congress Headquarters are in Durban.

That is why I'm asking you that question.—
I did not meet any of the....

And just for the purpose of record, I'd like you to give his lordship some idea of the membership. How many members are there on the Transvaal Indian Congress Executive?—When I was serving on it, there were 25 members. That's on the Executive Committee.

And in December 1961 of course, you were no longer on this Committee?—I was not on the Executive Committee.

And the South African Indian Congress Executive?—20 members of the South African Indian Congress.

And their Headquarters were in Durban?—
In Durban.

Have you ever represented the South African Indian Congress on any committee or at any Conference?—No, I have never represented the S.A.I.C. at any ...
on any committee. 20

Just in passing talking about Africa Publications, you said that Saliman Saloojee was associated with you in Africa Publications?—That is so.

Anybody else in Court who was associated with Africa Publications?—My lord, I have sought the assistance of Mr. Bernstein in writing up material.

He was a writer wasn't he?—That is so.

Now these two Exhibits A.214 and R.215. My lord one is referred to as Castro's Cuba and the other is referred to as "Algeria". These are publications which were got out by Africa Publications?—That is so. 30

Were these publications perfectly legal?—Yes.

They could be sold openly?—That is so.

Has there ever been any prosecution in regard thereto?—None...not to my knowledge. I do know that the police took statements from the printers.

But that's as far as it went, as far as you know?—That's as far as I'm aware.

Do you think that there's anything, I'll deal with 214, that's Castro's Cuba. Do you think that there's anything contained therein to which even my learned friend Mr. Xatar could take exception?—I hadn't read these pamphlets for a long time now, but my impression was that ...no, I didn't find anything to be objected to. 10

Let's look at the first ten pages, on both sides. First chapter is headed "Fidell Castro leader of Cuban Revolution. This is the story of the life and leadership of the Cuban revolution by....This story of the life and leadership of the Cuban revolution by Fidell Castro, was taken from the book on Cuba by the American writers(?)...and (?)..." That is purely nothing else but an historical account of his life and work?—That's my impression. 20

Now the rest contains excerpts of a speech by Fidell Castro to the General Assembly of the United Nations, September 1960?—That is so.

Is this the sort of book that would teach guerrilla warfare?—I'd be most surprised.

Exhibit H.10 which has been referred to.

I beg your lordship's pardon 121(d). That's the exhibit which refers to Ben Bellah having called for a blood bank. You've already told his lordship that you don't know what the author had in mind, and am not prepared or able to interpret the author's words?—I think I said so my lord. I think I said it's open to various 30

interpretations.

But what I'm interested in is what the document really calls for. I'm reading the last five or six paragraphs. This is what it says "Action! Action! Action!" I haven't given some historical material before that, the document then calls for action, obviously by the people who are...for whom the document was intended, and it says "On this June the 26th, therefore, the African National Congress calls upon the masses of the people, men and women, young and old, workers, businessmen, teachers, doctors, peasants, lawyers, 10 fittingly to observe this day". That is June the 26th, and in this way "On this day we must make it clear that we will no longer read poisonous Nationalist Propaganda. We will boycott apartheid newspaper magazines. We will boycott...and Zonk. We must demonstrate our strength and solidarity by not buying anything from any shops on June the 26th this year. We must only use candlelight and no electricity, we must light bonfires and relate the story of our struggle". Is that violent action Mr. Kathrada?—My lord that is how June the 20 26th has been observed for a number of years.

And Mr. Kathrada, was it in respect of that policy expressed by the A.N.C. that you were prepared to assist the A.N.C.?—That is so, that is how I always understood A.N.C. policy.

Now you have been referred to, I think it was by my lord, to the question of picketing.—That is so.

And it was suggested to you that picketing is a way of imposing your will upon the masses of the 30 people, by trying to prevent them either from going to work and that sort of thing I think you told his lordship,

correct me if I'm wrong, I'm subject to correct, you told his lordship that it was decided because of the fact that picketing so often lead to violent troubles that that is something which would be stopped in the future? —I did indicate that it was my impression that since the shootings of May 1950.

Yes?—The policy of the Congresses then were to call upon the people to stay at home, and not to indulge in actions such as picketing. 10

But now, I don't know whether you remember the date so very well Mr. Khatruda, remember the 1st of May 1950, was that not a stay at home?—That was when the police shot and killed 18 people.

Was that as a result of picketing? Did all these shootings take place at night time when people were coming home?—That shooting took place towards the evening.

as people were coming home?—In the townships, yes. 20

And that day, what did it call upon the people to do?—That was a strike.

You knew you've heard the words "stay at home"? —Yes.

Is that what you mean by strike?—My lord, I was trying to explain that it is as a result of that strike, I don't know in what language it was called.

Yes?—It might have been called as a stay at home, or as a strike, but it is as a result of that experience of May the 1st 1950, that to my mind, if I can remember correctly, that the Congresses thereafter stressed the question of stay at home, in your homes and not go to work. 30

You don't remember whether May the 1st itself was a stay at home?—It was a strike or a stay at home, I don't know how it was called. I don't remember what language was used, but thereafter in all the strikes that were held, the language was stay at home.

That is in order to provide no opportunity for violent intervention?—That is so.

And is it as a result of that that the 26th of June came into being as the day to be observed by the movement?—That is so. The 26th June 1950, was 10 thereafter observed, immediately thereafter observed as a day of mourning and protest.

And what were the people asked to do on that day?—They were asked to stay at home.

And what happened?—There was no violence whatsoever. Throughout South Africa there was a very wide response to the call of the Congresses.

Mr. Mathrada, you have told His Lordship of the doubts and reservations that you had when you were questioned in regard to the policies of sabotage and 20 even more specifically in regard to the question of guerrilla warfare?—That is so.

At the time when these matters were raised with you, did you feel that all other means of a non-violent nature had been exhausted by the people and their struggle to set aside the colour bar?—It was my feeling that we were moving towards the stage where, all other avenues were being closed one after another, but these avenues were by no means closed altogether. 30 There were still opportunities to embark on non-violent mass action.

As far as you were concerned, you were concerned

mainly with trying to get the Government to change it's mind, in regard to the whole policy of apartheid and the colour bar?—That is so.

That is basic?—That is basic.

What are your feelings in regard to pressures being put upon the Government both external and internal? —I'm all in favour of it.

Do you think that they are being put in?—

Yes, I think very effectively at times. I see just yesterday the South African Government was forced to climb 10 down on the question of South West Africa.

And do you feel also that both internal and external pressures might secure a change?—I am still hopeful.

Because you know Mr. Kathrada, you did say to my learned friend, that if guerrilla warfare would secure your ends tomorrow, you would not oppose it. Those were your words?—That is so.

Which would you prefer Mr. Kathrada - the transition being brought about as a result of pressures, 20 non-violent means; or as a result of violent revolutionary actions?—It has always been my preference and the preference of the organisations with which I have been closely connected all the years that changes should be brought about by peaceful means.

Do you notice any changes taking place in white circles amongst the intellectuals?—Yes there have been and we do have a glimmer of hope.

What about the formation of the Progressive Party. What have you got to say about that?—That was 30 on indication, that there were some sections of white South Africans, who are prepared to accept our point of view to a certain extent.

A very significant point it is, that racialism is an evil thing?—That is so.

And not only evil but harmful?—That is so.

And Afrikaner intellectuals?—My lord, I believe that there has been a significant development as far as the Afrikaner intellectuals are concerned.

Yes?—They are beginning to see the light. I have personally met some people over the years, and I think the leaders of the African National Congress and the South African Indian Congress have met many more of Afrikaner intellectuals who are prepared to see our point of view. 10

And I may be wrong, but I understand my learned friend's attitude in regard to the use of the word "responsible leadership", in the movement, as being one of scepticism, but besides the persons who are before the Court at the present moment, I'd like you to tell his lordship something about other person, that is in the leadership. Do you remember Andrew Masinda?—I have met Mr. Masinda. 20

What is he doing at the present moment?—He is serving a sentence of five years for sabotage.

What is he or was he?—He was a lecturer in applied maths.

Applied mathematics?—That is so.

Where?—At the University of Fort Hare.

Do you know that some seven African National Congress men were sentenced the other day in Lady Smith?—I have heard.

Amongst them was Mr. Yenkwa?—I know Mr. Yenkwa well my lord. 30

What is his occupation?—He's a lawyer.

And Mr. Mbali?—Mr. Mbali I know well. He is

also a lawyer.

And Mr. Sellers?—Mr. Sellers is also a lawyer.

And Mr. Dube?—My lord I read the name of Mr. Dube, I think he is the Mr. Dube who is the lecturer at the Natal University.

And the Reverend Mithlabati(?)?—I don't think Mr. Mithlabati was one of those convicted. He was involved in that case.

He was acquitted from that?—He has been given a scholarship to do his training in America. He has 10 left I believe.

He has left the United States?—That is so.

You've also told his lordship that when you went to Rivonia on the 11th of July, you heard that Bernstein and Nopple were coming there and had come there for the purpose of discussing ways and means of assisting people who were affected by 90 day detention?—That is so.

I refer his lordship to Exhibit E.42. My lord it's only the last page that I want to make reference to. Do you remember the last page deals with 90 days 20 and what to do? You've seen this have you not?—Let me have a look at it? (Handed to witness).

You'll see that there are a number of suggestions made?—I see that.

And I'm more particularly concerned with the date of it, the 10th of July, 1963.—That is so.

Can you or can you not say whether the whole question of this 90 day detention at that time was a burning question in your circles?—I'd say that a lot of people were being detained at the time. 30

It has also been suggested that the acts of sabotage which took place before the 16th of December 1961, were the work of the Umkonto We Sizwe. You remember

that?—I remember that.

And you said that so far as you knew they were not the work of Umberto De Sisto, and you referred to the fact that newspapers had made it clear that other organisations had claimed responsibility for this work? —That's my impression.

Is this one of the newspaper cuttings that you had in mind?—(Paper shown to witness). I don't remember this particular item, but this would be one of the things that gave me that impression.

10

And who does it say was responsible for these acts of sabotage?—This appears to be a cutting from the Daily Mail of the 22nd of December 1961. "We bombed two pylons..." and there is a reproduction from what appears to be a circular from the National Committee. It announces that on the 20th December it destroyed....

National Committee of what?—It just says the National Committee, and further on it says The National Committee of Liberation has been responsible for it, and it mentions a few things that they've done.

20

This is the last one?—....

The date?—The last act of theirs?

Yes, the date?—The destruction of a power line on the 9th October. Item 7, I think it says.

I've already directed some cross-examination to this at an earlier stage my lord, to one of the witnesses. I think it's Item 7.

70E

BY THE COURT TO WITNESS: What is the National Committee of Liberation?—My lord, I have no personal knowledge of it, but it is an organisation of which we heard from time to time claiming acts of sabotage that took place. From about 1961 onwards.

30

Has that got nothing to do with the Liberation

Movement that you have been talking about?—Well my lord, insofar as they worked for the same ends I would say that they are part of the National Liberation Movement.

MR. FRANKLIN: BY MR. JOHNSON (CONTINUED):

My learned friend seems to be amazed at that, so I think you had better explain at any rate for his benefit, what you mean by that?—Well my lord, I think I have explained that my definition of National Liberation Movement is anybody who aspires for the freedom of the people of this country.

10

Whether they be organizations or individuals?—Whether they be organizations or individuals, whether they are within the Congress movement or without.

I see you. But are you able to tell his lordship whether there is any difference between Akonto e Sizwe and this organization which called itself the National Liberation Movement?—Well my lord, I have personally met members of the Akonto e Sizwe. I have not met anybody from the National Liberation Committee. To me it appears as if they are two different organizations.20

MR. FRANKLIN: No further questions.

