

SAAKNOMMER: CC 482/85

DELMAS

1986-01-27

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

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KONTRAKTEURS:

LUBBE OPNAMES  
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VOLUME 7 IN CAMERA GETUIE

(Bladsye 322 -381)

COURT RESUMES ON 27 JANUARY 1986.

MR BIZOS: My Lord I may indicate to Your Lordship that we will be able to traverse some of the ground deposed to by this witness. There are certain difficulties which we will bring to Your Lordship's attention in the absence of the witness in due course but I shall in the meantime carry on.

COURT: Yes.

IC 6: d.s.s. (Through Interpreter - In Camera)

CROSS-EXAMINATION BY MR BIZOS: Are you a free man? -- Yes.

Does that mean that you are not in custody? -- No I am (10) not.

And are you free to move about anywhere you like within the Republic of South Africa without any hinderance from anybody? -- If I may be permitted I will answer the question and then add to my answer and elaborate on the answer itself.

COURT: Yes please do. -- I do move around all over in South Africa, anywhere I wish to go to but there are certain places which I cannot go to because of my own security.

MR BIZOS: But that is the exercise of your own free will?

-- Yes. (20)

Have you given evidence in any other case? -- No.

I then must assume, if you have not given evidence in any other case, that you have not been given an indemnity either by a Judge of the Supreme Court or Regional Magistrate or any other person? -- That is not so.

Well who has given you an indemnity from prosecution for, to use My Learned Friend's words, being a trained terrorist and moving about in South Africa assisting in the commission of acts of terror? -- With the Court's permission I am going to ask His Lordship to give me this permission that I do not (30) answer that question, the reason being that I undertook that there/.....

there are certain things in my agreement with some people that I will not divulge to anyone and therefore this question is canvassing for such things to be divulged which is an information I feel is for own purpose.

COURT: Well let us just get clarity, do you know what it means to get an indemnity? -- Yes.

What do you understand under it? -- It means you cannot be prosecuted for the crimes you committed during your time until such an agreement is met between you and those people.

I see, yes. Now what aspects do you not want to be (10) asked questions on? Or should we wait until the question crops up? -- I understood the question from the defence that I must divulge who the person is who told me that I am indemnified from any prosecution for the crimes I committed during my time, during my involvement.

I do not think we have got to that stage yet. Yes well let us get the question please.

MR BIZOS: You tell us that you have made an agreement? -- Yes.

In terms of that agreement you have been indemnified from prosecution provided, presumably, you adhere to certain con- (20) ditions? -- I am not going to answer that question because this question to me is exactly the same question, the one I objected to just earlier.

COURT: I thought you had already told me that you have an agreement with somebody that you would be indemnified from prosecution? -- That is so.

Yes, I do not think the question goes further than that. -- If that be the case I will say yes then.

MR BIZOS: I am going to ask the next question My Lord. With whom did you enter into this agreement? -- With the State (30) and the local police.

Now/....

Now I would like to know the name of the person that represented the State in entering into that agreement? -- I was told that I am not going to mention the name of the person with whom we agreed on this to anyone. That is part of the agreement.

Whose insistence was it that that should be part of the deal, that you would not mention the name of the person who made the agreement with you? Who insisted on that condition? -- The two of us agreed on that. There was nobody forcing the other party to agree on certain things. It was an (10) agreement between the two of us.

Now who was the person who represented the police in entering into this agreement? -- We were all there, the police were there. After the agreement it was signed that no one of us is going to divulge that kind of information, either party of the two will not divulge that.

Tell me was this a written agreement then between you and the State and the police? -- When I was released from jail I had to sign that I have been released and we agreed that I am not going to make mention of certain things that we agreed (20) on.

And one of the things was that you would be indemnified from prosecution? -- That is so.

Right. Now you say that the State was represented, I am going to repeat my question. Who represented the State? -- I have already said before and I still repeat I am not going to mention the name of that person.

My Lord I am going to ask Your Lordship to direct the witness to answer all questions and I would draw Your Lordship's attention to the unusual circumstances which pre- (30) vailed upon the calling of this witness. Indemnity for giving evidence/.....

evidence in court is Your Lordship's privilege in terms of the section, which is no doubt well known to Your Lordship. We ourselves were surprised that this witness was not, Your Lordship was not asked by the State to warn him as an accomplice. We can now see the reason why. We submit, with the greatest respect, that to bring a witness into the witness box without disclosing that he has been in custody, without disclosing that he had been given an indemnity in advance is an irregularity and that the prosecution failed in its duty to Your Lordship and to ourselves by failing to disclose (10) these facts. These agreements may be of some assistance to the State in matters not related to court proceedings but I submit that the manner in which witnesses are to be dealt with in court is in complete conflict with such underhand agreements. I use the word "underhand" in the sense of signed agreements and not, I am sorry I have used the word in the sense, such secret agreements, not underhand, secret agreements are completely foreign to the manner in which witnesses are brought to court and I would ask Your Lordship to direct the witness that this agreement does not hold good in Your Lordship's (20) court when he is called to give evidence as an accomplice, that it is Your Lordship's privilege at the end to grant the witness an indemnity or not in terms of the section. Does Your Lordship know the number of the section?

COURT: 204.

MR BIZOS: 204. And we are asking for, at this stage for a directive to the witness to answer all questions that are put to him in regard to this. He may of course have other reasons for not answering other questions that may be put to him afterwards but we do insist, with respect, that his evidence- (30) in-chief has irregularly been placed on record.

COURT: /.....

COURT: Mr Jacobs?

MNR JACOBS: U Edele ek mag eerstens sê dat, dit mag ek vir die Hof sê dat so 'n opdrag het nooit van my kant afgekom dat hy 'n ooreenkoms aangegaan is. Ek mag meld dat die getuie het ....

MR BIZOS: I am sorry to interrupt My Learned Friend My Lord but could the witness be excluded in fairness to everyone concerned?

COURT: Will the witness leave the courtroom please.

MNR JACOBS: Die inligting wat verder aan my gestel was (10) wat waarop hierdie getuie geroep is is dat die getuie op ander basis al vir 'n geruime tyd by die polisie werk en dat hy aansoek gedoen het om by die polisie aan te sluit. Op die basis dat hy dan 'n polisiebeampte is en al 'n geruime tyd saam met die polisie werk het ek gereken dat hy nie meer as 'n medepligtige in hierdie saak beskou word nie en dat hy 'n getuie is.

HOF: Maar hoekom sou hy nie 'n medepligtige wees as hy deel was van die sameswering?

MNR JACOBS: As 'n polisiebeampte het ek gereken dat daar (20) dan nie 'n vrywaring sal nodig wees vir hom en dat hy met die polisie saamwerk en dat...

HOF: Maar nou hoe word hierdie getuie beskerm as hy hierdie soort van ooreenkoms aanhet? Hy kan nou enige vraag gevra word. Hy sal moet antwoord. Daar word gevra of hy sê nou maar deelgeneem het aan die moord van die derde oorledene en hy kom en hy sê ja. Wat nou? As voorbeeld. Wat dan? Is hy beskerm of nie beskerm nie? Hoe beskerm ek die getuie?

MNR JACOBS: Dan sal hy, op die inligting wat ek gehad het was daar nie so 'n moontlikheid nie maar ek aanvaar die (30) Hof se voorbeeld, maar, en daarom het ek, soos ek sê die omstandighede/.....

omstandighede waaronder hy gewerk het het hom as, soos ek sê, is hy in die Mag, nadat hy opgehou het met sy aktiwiteite in die Mag opgeneem.

HOF: Wel laat ons nou terugkom na waar ek nou mee besig is.

Die vraag is of mnr Bizos korrek is om aan te dring daarop dat die getuie die naam openbaar van die persoon wat namens die Staat die ooreenkoms met hom gesluit het. Dit is eintlik al wat ek nou moet beslis. Natuurlik daar is die verdere vraag of ek nie in elk geval nou artikel 204 behoort toe te pas nie om die getuienis makliker te laat vloei nadat ek (10) hom gedwing het om te praat. Maar laat ons nou eers die eerste punt afhandel.

MNR JACOBS: Dan is dit seker wenslik dat artikel 204 dan nou aan hom gestel word. Soos ek sê ek het net probeer verduidelik hoekom ek dit nie gedoen het aan die begin nie en omdat ek aanvaar het, onder die omstandighede, dat hy nie dan as 'n medepligtige ....

HOF: Wel is dit so dat hierdie getuie vrae gaan antwoord wat hom mag inkrimineer? Dis tog seker duidelik. Die hele hoofgetuienis het hom geinkrimineer. (20)

MNR JACOBS: In daardie opsig ja u Edele.

HOF: Maar dan moet u 'n misdad spesifieer in terme van die artikel. Dat ek moet in terme van die artikel hom meedeel dat daar vrae gevra kan word ten aansien van die misdad wat die gevolge aanwys.

MNR JACOBS: Dit kan dan net gaan op die deel van die sameswering, die misdryf waar hy deel gehad het aan die sameswering van die kant van die ANC, dat hy op 'n stadium deel was van die sameswering en aktiwiteite verrig het as 'n lid van die ANC, wat skakeling van sy kant dalk met UDF dan gehad het. (30)

HOF: Maar dis nou een kant van die vraag en dit handel met

inkriminerende/..

inkriminerende vrae wat hy moet beantwoord. Maar hierdie vraag is nie 'n inkriminerende vraag nie. Hierdie vraag wat nou tans tersprake is met wie hy jy 'n ooreenkoms aangegaan, hierdie kwytskeldingsooreenkoms. Is daar beswaar teen daardie vraag of moet hy die vraag beantwoord? Wat is u standpunt?

MNR JACOBS: Kan ek net iets kyk.

HOF: Ja.

MNR JACOBS: Die artikel gaan duidelik daarom dat hy moet alle inkriminerende vrae wat aan hom gestel was moet hy eerlik aan die Hof openbaar. Oor die, sy aandeel in die (10) misdrywe. Die tweede aspek is dan, ek is baie onseker op hierdie tweede aspek of hy, daar is sekere aspekte van sy getuienis van inligting wat hy het wat hy kan weier om te openbaar wat dan nie relevant is tot hierdie saak nie en daardie aspekte kan hy weier om te antwoord. Dit mag wees dat hy ....

HOF: Wat is u submissie, is dit irrelevant tot hierdie saak om te weet met wie hy 'n ooreenkoms aangegaan het of is dit bloot relevant dat hy 'n ooreenkoms aangegaan het?

MNR JACOBS: Met wie hy hom aangegaan het is irrelevant. (20) Die feit dat hy 'n ooreenkoms aangegaan het is ter sprake in hierdie saak.

HOF: Ja goed, ek sal mnr Bizos daarop hoor. How is the answer relevant to what I have to decide?

MR BIZOS: A witness was presented to Your Lordship without this information having been placed before Your Lordship. The relevance is that we want to establish, or at least probe the hope of establishing that this witness is dependent upon his, for his freedom on persons who are not known, not know, we do not know who entered into this agreement, upon whom (30) this witness is dependent on, whom does he have to satisfy.

The/.....



The Legislature, upon whom is dependent and dependency, dependency may bear influences on the witness' mind, on the witness' mind, which may lead him in the Court's view eventually to favour the side that has, that was calling him.

COURT: That is the point you have already made, because you have got it out of the witness that he is here under an agreement and you have further got the information now that he has been working with the police. So it is obviously that he is on one side.

MR BIZOS: Yes but we have reason to believe, we have reason (10) to believe that this witness is dependent upon some person for his future freedom. The identity of this person is relevant to the Court, in our respectful submission, because it may be necessary to try and determine who this person is, what influence he exercises, how he exercises ....

COURT: How will you determine that without asking the witness?

MR BIZOS: Well I am going to ask the witness.

COURT: You are going to ask him in any event whether you get the name or not. At the moment I am concerned with the name.

MR BIZOS: Yes. Once we have the name upon who dependence (20) is, this dependence rests, we may be able to investigate, we may be able to investigate how this person, other than the witness' say so exercises that dependence.

COURT: Yes. Right the witness may return. Kan ons net duidelikheid kry mnr Jacobs, is daar 'n aansoek onder artikel 204 of is daar nie 'n aansoek onder artikel 204 nie.

MNR JACOBS: Ekskuus, ek doen 'n aansoek onder artikel 204 dat die getuie gewaarsku word, dat inkriminerende vrae sal aan hom gestel word en as hy dit tot bevrediging van die Hof, op 'n misdaad dat hy 'n medepligtige \* was in die sin dat hy 'n lid (30) van die ANC was, volgens die klagstaat se bewering dat daar

n/.....

n sameswering tussen die ANC en UDF was vanaf 1983 terwyl  
hy 'n lid was.

JUDGMENT / . . . . .

AWAITING RETURN OF REVISED JUDGMENT

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d.s.s. (Through Interpreter - In Camera)

COURT: During the argument it transpired that the State would like me to warn the witness in terms of Section 204 of the Criminal Procedure Act No. 51 of 1977, that he is obliged to give evidence at these proceedings, that questions may be put to him which may incriminate him with regard to the offence specified by the Prosecutor and that offence is the conspiracy or being part of the ANC, being part of the conspiracy of the ANC and the conspiracy between the ANC and the UDF, and/or furthering that conspiracy, that he is obliged to answer any (10) question put to him by prosecution, by defence and by the Court, notwithstanding that the answer may incriminate him with regard to the offence I have specified or any offence in respect of which a verdict of guilty would be competent upon a charge relating to the offence so specified and that if the witness answers frankly and honestly all questions put to him he shall be discharged from prosecution with regard to the offence so specified and with regard to any offence in respect of which a verdict of guilty would be competent upon a charge relating to the offence so specified. You are (20) hereby warned in terms of this section that you are to give evidence and answer any questions put to you as explained to you and if you, in the opinion of the Court, answer frankly and honestly all questions put to you you will be discharged from prosecution for the offence specified and from prosecution of any offence which would be a competent verdict on the charge. So this means in effect then that if you give your evidence frankly and honestly you will be discharged from prosecution and the provision of this section has much more force and effect than the so-called agreement you entered (30) into with the State. Yes will you proceed Mr Bizos.

MR BIZOS:/.....

MR BIZOS: Are you a member of the South African Police Force?

-- No.

Have you ever applied to become a member of the South African Police Force? -- No.

Are you in any way connected with the South African Police Force? -- Yes.

How are you connected? -- There are certain duties that we do with them together.

Are you paid by the South African Police Force? -- No I am not in fact being paid but they do sometimes give me (10) moneys for the period we have met.

Who gives you the money? -- Whoever I was working with during a certain period then that person will give me money and it will depend where I am with whom am I working there.

Do you not get a monthly salary? -- No.

Oh so your pay is also in the discretion of some police office? -- No it only depends on the kind of work we have done with them.

I want to read to you what the Prosecutor told His Lordship in your absence so that His Lordship may decided upon (20) your reliability. "Al geruime tyd om polisiewerk aansoek ge- doen. Hy is'n polisiebeampte." Now where ....

MNR JACOBS: U Edele ek het nie gesê hy is 'n polisiebeampte nie, ek het gesê hy het aansoek gedoen om by die polisie aan te sluit. Ek het nooit gesê ....

MR BIZOS: Well the record will speak for itself My Lord. It is in My Learned Friend's note and my attorney's note.

COURT: No but that makes no difference whether the record will speak for itself. What has to be put to the witness is to be correct. My note is the following: "Hy werk vir die (30) polisie en het aansoek gedoen om aan te sluit. In daardie

opsig/.....

opsig is hy dus 'n soort polisiebeampte en dus nie 'n mede-pligtige nie."

MR BIZOS: Right, thank you My Lord. You heard His Lordship's note of what the Prosecutor said? -- May I just correct one thing there.

Did you hear what he said? -- Yes I heard him but I would like to correct something.

COURT: Yes you may correct it please. -- The position is this, you stay for some time here and complete some forms. After those forms then you take some time again and then make a (10) written application to the Commissioner of the Police. Up till now I have not written that application to the Commissioner of the Police though I completed my forms.

Yes.

MR BIZOS: Do you agree that with the evidence that you gave to me before His Lordship read the, his note, is in conflict with what the Prosecutor said?

COURT: Well let us now first get clarity. What do you mean by completing forms? -- We are given some forms to complete for your life history. (20)

Yes, curriculum vitae is a very good word. -- They take those forms then with your certificates and keep them and then later you are to write a letter applying for an appointment.

Now when does one apply to join the force? Does one apply when you fill in the first forms or do you apply later on in some other way? -- When completing the forms that is in fact the initiative of the person in charge of you, that is the one who gives you the curriculum vitae forms, and then later it is then that you apply for an appointment in writing, because you have a certain probation period to your applying (30) permanently.

MR BIZOS: /....

MR BIZOS: So let me see if I can summarise what you have now told us. Are you now saying that you are a member of the South African Police on probation? -- If I were to say I am a policeman on probation that means I have taken an oath and I have taken a decision that I am now becoming a member of the police.

Well what is the probation? -- It is a probation to check whether you have rehabilitated, have you changed or what is your behaviour during the certain period.

I see. And you are during this probation period now whilst you are giving evidence before His Lordship? -- Yes. (10)

Right. Now I will come back to this question as to whether you should have disclosed this or not later but what I want to ask you is this you have presumably made a statement in relation to these proceedings to someone? -- That is so.

Was that statement taken on oath? -- That is so.

Now as you are standing there how do you feel your prospects of being admitted to the police force will be affected if you in any way depart from that statement? -- Well in the first place if I were to tell His Lordship here about something which is not contained in my statement then it (20) would mean I am telling lies. In other words that will mean I am not trustworthy and therefore I may not be trusted for any kind of duty.

Thank you for that answer. The question actually was what do you think will happen to your trustworthiness in the mind of those who may have to make a decision about it if you actually say to His Lordship that what you said in that statement was not entirely correct? -- That makes a dent on someone's credibility.

Yes. And your prospects of finally taking the oath (30) as a South African policeman will be substantially reduced?

-- That/.....

-- That is so.

And I assume that you have taken this step to join the South African police freely and voluntarily and that it is something that you particularly want to do and want to happen?

-- In the first place although that is my own decision but we must have a proper look and analysis of this that I left this country to the outside countries and then on my return to this country I had not completed what I had gone out for. I am a human being, that is one thing I must know that one day the people from the ANC will come and look for me. There is (10) no other way in which I can protect myself except to join the police or the army.

Yes. So that there is a double reason I think, judging by the evidence that you have given, that you want to enter the police and for the additional reason that your own safety depends upon your joining the police? -- I took that decision to join the police for my own security.

Yes. -- Which comes first to me.

Right. Would you be prepared to be untruthful in order to secure your own security which comes first to you? -- (20) I have never told lies and I will never tell lies.

I will be able to demonstrate in due course that part of your training was to become a master of deception, was it not? Let me explain it, otherwise you cannot really do underground work, not so? -- That is so.

So when you assured His Lordship that you have never told an untruth you slightly overstated the position? -- That is true but the position is this there I was on duty from the security, while serving as a security officer you have to, it is part of your duty, you cannot just divulge your identity (30) to anyone or you cannot just divulge anything or any information at/.....



at any time. Your taking a cover does not necessarily mean that you are lying, you are just camouflaging the kind of work you are doing.

Yes. Tell me you have mentioned to us the person, but refused to give his name, the subject of His Lordship's further ruling, of the person upon whom you are dependent in this way but you also said that one was from the police and the other was from the State? Now you made that distinction and I would like to know who on behalf of the State gave you the assurance that you would not be prosecuted? -- The position (10) is this there were more than one people there and I was told some of them are from the police and from the State. Now I was not introduced directly to certain people to say for instance this one is from the police, this one is from the State or so and so here is one of the people and he is from the State. What happened is I was given the agreement which I read and signed and then I was let off, knowing that I was talking to people from the police and the State. Because in the first place the police cannot just release you without having agreed with the State. (20)

With the State. Do you know the name of, do you know the name or could you give us a description who on behalf of the State did that? -- I do know some of the names of the people there, especially the police names. Those I know but I am not in a position to tell His Lordship which one was from the State for instance to point the finger at a person and say this one was representing the State there.

Tell me were you given a copy of that agreement? -- No.

Do you remember its contents? -- It was only explained to me what the contents of the agreement was. I did not read (30) it because I knew already what is wanted.

Could/.....

Could you please mention some of its terms to us? But firstly let me ask you about the particularly relevant one in relation to this case. Is it part of the agreement that you will give evidence when called upon to do so? -- No what happened is they would for instance come to me and say "We have this issue here, do you have an idea of it" and then I will say yes. "Now are you in a position to give evidence about this issue". It is for me to decide whether I can give evidence on that issue or not.

Did you realise whilst this was being discussed that (10) the more issues that you could give evidence about the more likely it was that you would gain your freedom and eventually join the police force? -- No.

Did not. We will come back to that. Now tell me when was this agreement entered into? When? -- During last year June when I was released. July, if I am not mistaken it is June-July.

June or July. Very well. Now for how long had you been in custody before you entered into this agreement? -- I would say about three months. (20)

Well could you perhaps give us the date of your arrest? -- 7 June.

Where were you arrested? -- Just before reaching Queenstown.

COURT: Just a moment, it is 7 June 1985? -- Yes.

MR BIZOS: Alone or in the company of any person? -- I was alone.

By whom were you arrested? -- Some C.I.D.'s.

Who was it who arrested you? -- Those C.I.D.'s arrested me.

What were their names? -- I do not know what their (30) names are because what happened is from the scene where I was/.....

was arrested by these people I was taken to the police station where my fingerprints were taken and they said to me I do not have a proper identification and therefore locked me up.

Right. When were you first approached by a security policeman? -- On the Thursday of the same week, because I was arrested by these people on the Monday. The following day I appeared in court. I was imprisoned for a week by that magistrate for not having a pass and the Thursday of the same week the security police came.

Under what name were you convicted by this magistrate?(10)  
-- I just named myself a name there.

Please try and be of assistance, what name did you give?  
-- I cannot quite remember what name I gave there unless I go back to refer, but otherwise on Thursday when they approached me I told them who am I, correct what my particular are because they had my fingerprints and with them they had an album in which album my photo appeared.

Now did you give the magistrate in open court a false name? -- Yes because at that time I did not recognise that court. (20)

Yes. At that time, oh you did not recognise that court and you thought that you were free to tell it a lie? Even about your name? -- That is so.

So again when you assured His Lordship that you never told a lie then you were overstating the position? -- In reply to that question I say to you there are times when a person must take a cover and doing that under those circumstances I do not consider that to be telling lies.

Which magistrate's court was it? -- Queenstown.

Which, are there a number of courts in that building, (30)  
in which court was it?

COURT: /.....

COURT: Where is this leading Mr Bizos? We are way away from this case. Are you going to get the name of the magistrate and of his registrar and his office number? How will that help me?

MR BIZOS: It will help us to demonstrate that the witness may have been prepared to lie under oath if he gave evidence, or if he made statements from the dock in open court.

COURT: Well then why do you not ....

MR BIZOS: When it suited his purposes.

COURT: Well why do you not ask him how far the case got?

MR BIZOS: No well My Lord .... (10)

COURT: But now you are asking him in which court it was.

MR BIZOS: In order to trace, I am not going to be bound by this witness' answers in view of what he has said up to now.

CCURT: Sure Mr Bizos but why do you not get the answer first which is relevant and then when it does not suit you get the material to shoot him down. Why first get the material to shoot him down and then get an answer which pleases you and we will have wasted half an hour in getting the material to shoot him down. Can you not get to the point first and if the point is not to your satisfaction then get the material to trace (20) it?

MR BIZOS: I will try in this aspect. Did you make a statement as to what your name was and what you were doing in that place to the magistrate in open court? -- No I did not.

Were you not asked what you were doing there? -- I was

Did you not answer the question? -- I did.

Did you go into the witness box or did you speak from the dock? -- There was no dock there, a magistrate was seated there and I just got up from where I was seated on a stool and came to the front, in front of this magistrate. (30)

COURT: Was it a court or an office? -- It was a big room there./.....

there. I was not the only person, there were other people as well, some were arrested for public indecency and the like.

MR BIZOS: It may have been a room which was an office but it was certainly used as a court because you told us that you were sentenced? -- That is so.

Did you have any document which you tendered to the magistrate? -- No.

What did you say to the magistrate which the magistrate recorded, or what did you say to the magistrate? -- What I said to the magistrate is that I am on my way attending a (10) funeral, I have forgotten my reference book at home.

Were you known by your proper name in Lesotho? -- No.

The persons that you have identified as having done things in Lesotho with you or in your presence would not have known you by the name that you have give to His Lordship but by some other name? -- That is true I am known to those people in another name and in fact other names.

What was that name or names? -- May I ask from the Court for some clarification on something before answering that question? (20)

COURT: Yes. -- I was told that I am giving my evidence in camera here.

That is so. -- Now if I am going to furnish the name I was using in Lesotho and the people in Lesotho reads newspapers from here by virtue of the fact that I will have mentioned my name then they are going to identify me and know exactly who is that that is saying what is being said in that paper. That is why I am saying now I am putting my people in danger.

I have made an order that you are in no way to be identified, not directly and also not indirectly, and this applies (30) to the press and it applies to all personnel in this court.

And/.....

And this means that they may not use your proper name. But it also means that they may not use any other name by which you were known. -- If that be the case may I answer the question then?

Yes. -- I was using the name of Tabiso Sepamla, S-e-p-a-m-l-a. My other name was Rafik Mahomed. Again from the transit those with whom I was staying there I was known to them in a different name. I was known to them as Tex.

Did you have a travel document and did that have a name in it? -- Yes I did. (10)

What was the name? -- I had two names on travelling documents, those were used in, I did not use one travelling document.

You had two travelling documents. In whose names were those two travelling documents? -- One was using my proper name from the United Nations. It is a blue one from the United Nations High Commissioner for Refugees.

When you say your proper name is that the name that you gave His Lordship? -- That is so.

And the other document? -- It was a green passport (20) issued in Tanzania under the name of Rafik Mahomed.

Yes, which passport, if any, did you use to come in and out of South Africa? -- I never used the passport coming into South Africa, I would cross a river or a wire fence.

I see. Now please tell us before your arrest, which was in June 1985, when last had you been to South Africa before your arrest? -- February.

Had you not been to South Africa between February and June when you were arrested? -- What happened is I entered this country here in May and I was arrested in June before (30) having gone back to Lesotho.

I/.....

I see. Can you recall the day in May on which you came to South Africa? -- No I cannot remember the exact date except to say it was in mid-May. All I can tell His Lordship it was after 1 May because on 1 May I was still in Lesotho.

Yes. And the date of your arrest again 7 June, or is my memory failing me? -- That is correct.

Could you tell us how long before your arrest you came into South Africa in May. -- I would say about two and a half weeks.

Two and a half weeks before 7 June you came to South (10) Africa for the first time in May? -- Not for the first time.

Not for the first time, what do you mean?

COURT: Did you not say for the first time?

MR BIZOS: I thought that that was the question.

COURT: What does it mean? He came, on 7 May he was arrested, he had been here ....

MR BIZOS: 7 June My Lord.

COURT: 7 June he was arrested. He had been here since mid-May.

MR BIZOS: Since two and half weeks before 7 June. (20)

COURT: Yes.

C30 MR BIZOS: Did you only come in May once? -- No that is not so.

Well how many times did you come in May?

COURT: In May of that particular year I take it?

MR BIZOS: Of that particular year, 1985 we are talking about, last year. -- I came twice here in May. For the first time I came in into South Africa I did not stay here or sleep here, I went back the same day.

What part of South Africa? -- If I may just finish?

I am sorry. -- And then I came back, that is after (30) having been back here for the second time that I was arrested

in/.....

in June.

Alright. Let us try and get some clarity about this please. Can you tell us how long after 1 May you came to South Africa.

COURT: That is now on the day trip?

MR BIZOS: On the day trip, yes on the day trip. -- About a week.

After 1 May? What part of South Africa did you go to?

-- I was in the Vaal.

In the Vaal triangle? -- That is so.

Only in the Vaal? -- Yes. (10)

You did not come to Johannesburg on the first occasion?

-- No.

COURT: Could I just get clarity, what do you understand under the Vaal? Where exactly is the Vaal? -- The Vaal triangle is the area before you cross the Vaal River into the Transvaal.

Does that mean then it is part of the Free State? --

I am not too sure, I will say so but I am not well informed about what is happening there. The people in the Vaal triangle, their registration numbers of their vehicles is the Transvaal numbers. (20)

I see. -- Now that is what confuses me.

Could you give us the names of the places you were that you remember? -- Sebokeng.

Yes? -- Vanderbijlpark.

Yes? -- Parys.

Ja? -- Those are the areas I am talking about when I talk about Vaal.

MR BIZOS: Alright. So the first time in May 1985 you came to the Vaal and from the Vaal you went back to Lesotho, that is the day trip? And you told us that that was approximately (30) a week after 1 May? -- That is so.

Then/.....



Then you went back to Lesotho and for how long did you stay in Lesotho when you came for the second time? -- I stayed there for a day and then came back.

What part of South Africa did you go to when you came back? -- I went to Germiston. From Germiston to Johannesburg.

And for how long did you stay in Germiston and Johannesburg? -- About four to three days.

And was that the only time that you came to Johannesburg or did you go away from Johannesburg and come back to Johannesburg? (10)

COURT: Just a moment. Three to four days, is that in Germiston or in Johannesburg or in both? -- In both.

In both. Yes, sorry Mr Bizos.

MR BIZOS: Is that the only trip that you took to Johannesburg? -- Yes to stay otherwise I used to just pass Johannesburg, I would not stay, I was not staying there.

You were not staying there. -- No.

How long before your arrest did you go to Samson Ndou? -- Two and a half weeks.

Two and a half weeks? -- Yes. (20)

So would it be towards the end of May, the last week in May or around 20 May? -- Even earlier than that.

What is the earliest that you would put it? -- I think round about the 11th or so.

Why do you mention the 11th? -- I am giving an estimation according to time.

But the 11th would not be two and a half weeks before your arrest? -- It can be because I was arrested after two and a half weeks, in fact at the time of my arrest it was just early in the week. It was a Monday. (30)

Now for how long did you stay in custody before you entered/.....

entered into this agreement? -- About two months and two weeks.

Where were you kept? -- Different places.

Did you enjoy the company of other prisoners or were you in social isolation? -- I was alone.

And was an interrogator appointed to you? -- At all the different places where I was detained I was being questioned by different people.

But who was the person who did the most questioning, the initial questions? -- Lieutenant du Plooy in Queenstown is the first person. He was accompanied by a sergeant, I cannot (10) remember what the name of that sergeant is.

Right. Did you make a statement to him? -- At all the places where I was I made statements.

How long after your arrest did you make your first statement? -- The security police took me on a Thursday and that very Thursday then they started writing.

Yes. When was your first statement completed? -- About a week because I was kept there for a week, that is in Queenstown.

Yes, so, and did you sign that statement? -- No I (20) cannot quite remember.

I see. Was that just a statement about your background and things? -- Yes I would say it was about my background because it was for instance asked from me where I was born and when.

And when did you make the next statement? -- The following week at the place Elliot.

And did you sign that statement? -- That one I feel I signed it.

Right. So we will call that the first signed statement, that you made in Elliot? Would you like to give us a date (30) on that? -- I cannot quite remember what the date was but I

will/.....

will say it was towards, around towards the end of June.

The first statement was round the end of June. Yes, did you make another statement? -- I made, they made some notes about me at the different places where I was kept, I would not say there was a statement, but all the places where I was kept some notes were taken.

I think we can leave the notes out. I want to deal with signed statements. -- Even with the one at Elliot I am not quite sure, I cannot quite remember whether I signed it or not. I will tell His Lordship why. It is because the kind of ques- (10) tions which were being asked from me were more or less the same; they were asking me about the same thing.

So you say that your Elliot statement may not have been signed? -- Yes.

Let us leave out the notes for a moment and let us leave out Elliot for a moment. When do you say you made your first signed statement? -- Mid-July at John Vorster.

To whom was that statement made? -- A warrant officer and Captain van Wyk.

You are aware are you not that in asking you questions (20) the Prosecutor has been reading from a statement? -- That is so.

Do you know whether that is the statement that you made in July at John Vorster Square? -- I know that is not the one.

That is not the one? -- That is so.

How, that is one signed statement. When did you make another signed statement, if you did, other than the one that the Prosecutor has? -- In Cape Town.

You made another written statement there? -- That is so.

When did you make that written statement?

COURT: Written or signed?

(30)

MR BIZOS: I beg your pardon, signed statement. When did you

sign/.....

sign that statement? -- It was still during July ....

Right so we will call ... -- Just a minute. It was in July or early September.

COURT: July or early September, you forget about August? July or early August? -- July or early August.

MR BIZOS: So we will call the John Vorster statement signed statement no. 1, we will call the Cape Town ....

COURT: Let us refer to it as the Elliot statement, the John Vorster statement and the Cape Town statement, it would be much easier. (10)

MR BIZOS: Much easier, as Your Lordship pleases. So did you make any other signed statement after the Cape Town statement before you made the statement that the Prosecutor has? -- No.

So do I understand the position that you then made the statement which the Prosecutor has? -- That is so.

Where and more or less when was that statement made? -- Mid-August in Cape Town.

COURT: That you can call the second Cape Town statement.

MR BIZOS: Now do I understand that nobody took any statement from you in the Transvaal? -- Before the one in the possession of the Prosecutor, no. (20)

So which statement did the Prosecutor use to lead your evidence and when was that made more or less? -- The statement which the Prosecutor is using here in leading evidence is the one I referred to as the statement in mid-August, Cape Town.

In which of these statements, if any, did you make mention of your visit to Mr Ndou? -- That is the same statement with that one in the possession of the Prosecutor.

So it was written in the statement which was taken in Cape Town in mid-August? -- That is so. (30)

And did you in that statement fully describe your visit to/.....

to Khotso House? -- Yes that is so.

And your meeting with Mr Ndou? -- Yes.

And your meeting with Dr Beyers Naude? -- That is so.

In Cape Town, all this was said by you in Cape Town and it was written down in the statement which you signed? -- That is correct.

Do you remember that well? -- Yes I agree that I did make mention of that in the statement.

Now I want to inform you of a statement made by the Prosecutor to His Lordship during certain proceedings here. (10)

To the effect that this incident was not in your statement and that it only came out during the course of consultation.

MNR JACOBS: Edele, ek het nooit gesê dit is nie in sy verklaring nie. Ek het gesê dit het in konsultasie uitgekom. Ek het daardie konsultasie gedoen lank na die tyd. Ek het dit nie in die verklaring gehad nie, ek het nie, die verklaring op 'n latere stadium eers gekry. Die stadium toe ek gekonsulteer het was op 'n later stadium, baie later stadium met al hierdie ander dinge wat ons gedoen het. Toe het ek gesê dit het in konsultasie uitgekom, bedoelende met konsultasie het (20) ek werklik daarvan, met hom dit deurgegaan en behandel.

MR BIZOS: My Lord what I would want from My Learned Friend, if I could carry on, whether this is in the Cape Town statement or not which was made in August. If My Learned Friends wants to intervene in this he has to tell Your Lordship whether it is in the statement and if it is why did he tell Your Lordship what he did.

COURT: Yes but he did not tell the Court it was or was not in a statement. He told the Court that he only gleaned this information during consultation, if I remember it correctly. (30) So the statement was not mentioned.

MR BIZOS: /....

MR BIZOS: The representation that was made to Your Lordship, with the greatest respect, is that this information was not in the further particulars which were delivered at the end of November because My Learned Friend only got the information recently in consultation which was a clear representation that it was after November.

COURT: Yes, but that does not mean that he had the statement previously. I do not know when he got the statement. You see he may have got the statement with the consultation.

MR BIZOS: Then My Learned Friend would have to explain, (10) with respect, why he put it the way that he did.

MNR JACOBS: Ek het 'n verduideliking gegee Edele. Ek het die verklaring agterna gekry. Ek kon op 'n laat stadium eers met hierdie getuie gekonsulter het, met al die ander pligte wat ons gehad het en toe ek nog gekonsulter het toe het ek hierdie dinge met hom opgeneem. Die verklaring was op daardie stadium nie in my besit gewees nie.

COURT: Yes the position is not that the Prosecutor told the Court that it was not in your statement, your statement was not mentioned at the time. Next question please. (20)

MR BIZOS: At the time that you were consulting with the Prosecutor did he have a statement in front of him? -- That is so.

The statement that he has been leading your evidence from? -- That is so.

During the course of the consultation did it appear to you as to whether the Prosecutor had read your statement or not? -- Well I do not know, I am not in a position to tell that but what I can tell His Lordship is there are certain portions where I used to correct here and there while he was talking (30) or discussing the statement with me. I used to correct him here/.....

here and there.

Thank you. Now when you made the Elliot statement, the John Vorster Square statement, the Cape Town statements, did you incriminate yourself in the commission of offences? -- That is so.

Were you not afraid to do so? -- No I was not.

You were not afraid. Why were you not afraid to admit that you were guilty of serious offences? -- It is because at the time I was still considering myself as a person who is involved in a fight. The reason being that because the day (10) when I agreed to go and train I was prepared and knew that I will one day die.

Why did you not keep quiet and not disclose to your interrogators what you had done? -- It is because of my having been kept alone and people would come at any time to take me out, to talk to me and I did not have a rest. A person does not get enough rest in such a way.

Well please tell His Lordship, you see what I want to suggest to you that it seems to me that your uncle is a very high profile ANC person? -- That is true. (20)

You yourself committed yourself, I will use the expression that you would use, to the struggle from a very early age? -- That is so.

And would you agree that there must have been tremendous pressures put on you to deny the correctness of your beliefs for the whole of your adult life? -- Yes, from the side of the ANC.

Was it from the side of the ANC whilst you were in social isolation that you decided to turn against the ANC? -- Why I say that it is because of the conditions which made me to (30) come back into this country of ours in June, that is what made me, /.....

me, while being detained there, to think proper about what is happening. Now considering of course the directives from the ANC or the missions which were given to me as directives.

Right. You told us that you were tired and that you were alone and they would take you out. Now I would like some details of that please. -- Yes that is what I said.

Right. How long were your interrogation sessions that made you decide that you were wrong for the last ten years?

-- It varied from one hour to three hours, one hour, two hours to three hours. (10)

During the day, during the night? -- At times during the day, at times during the night.

All hours of the night? -- No.

What hours during the night? -- Well for instance if they were taking me out at eight they would take me back to the cell at about ten, half past ten.

Had you been told by the ANC that detainees in your position were ill-treated? -- Were?

Were ill-treated? -- Well I knew that from my own side when I was still a scholar in the Ciskei. (20)

Well you say that, is the answer that the ANC did tell you and that you had personal experience also? -- Yes.

As you have made a decision to join the police, to apply to join the police, would you like to tell us whether you were at all ill-treated by what you hope to be your colleagues in the future during the period of detention? -- In all fairness I was never ill-treated by the police during my time of detention since my arrest, except of course in Germiston. There I had some experiences but that was also attended to and it was put proper. (30)

What were your experiences in Germiston, was it during  
your/.....



your detention? -- Yes.

What were your experiences? -- The police there shook me for a short while, you know doing some touches on me.

Well what was this, an expression of affection that they touched you with or otherwise? -- Physical shaking by them.

How long after your detention? -- I think about a month and some weeks.

And what was the reason for this shaking? -- What happened is this, I was put in an office there. Some other policemen came and found me in that office. They wanted to know my (10) identity. I refused giving them my identity. As a result of which then they decided to manhandle me for some time because I was refusing to give them my identity.

Were you visited by the inspector of detainees? -- That is so.

Did you ever make any complaints to him? -- Yes I was suffering from some cold.

Is that all? -- Yes.

COURT ADJOURNS FOR TEA. COURT RESUMES.

106 : d.s.s. (Through Interpreter - In Camera) (20)

FURTHER CROSS-EXAMINATION BY MR BIZOS: For the sake of clarity I am going to ask you again when were you released, actually walked out a free man to go and spend a night wherever you pleased? What was that date? -- Mid-August.

Yes I do not want to, I am not advancing it as a criticism at this stage when you said July was that something that you were speaking loosely about? Because you said that you were released in July? -- If my memory serves me well I said end of July beginning of August.

No you actually said June-July, it may have been a (30) mistake? -- Then if that is what I have said it was a mistake

because/.....

because I have said after my arrest I was detained for two months and some weeks, so it could not have been June-July.

Right, thank you for clearing that up. Now tell me this when did you start doing work for the police as a prospective policeman, when did you start doing that? -- The end of August.

Can you give His Lordship an absolute assurance that you were not either a policeman or an informer during May 1985? -- That is true, I was never an informer during that period.

Now you are taught are you not, in the African National Congress to use its expression of the various ways of the (10) enemy, meaning the security police? -- Yes I was taught by the ANC at the camp.

Yes. The, one of the first rules of security I would suggest is that you should not expose yourself as a cadre unnecessarily? -- That is true.

Yes. Because that is not only dangerous for yourself but it may also endanger other people that you have contact with? -- That is correct, that is why in my evidence I said one does not go to places like Khotso House or contact any other people where he will be exposed which will endanger him(20) and the other people, unless of course it was an emergency. It is only then that you can go to such places.

Right. Now so do I understand your evidence correctly that you were even warned not to go anywhere near Khotso House because that may be watched by the police? -- That is what I am saying. I mentioned that even in my statement.

Yes. And you are warned, are you not, of the electronic apparatus that the security police use, cameras, hearing devices, and that you have to be very careful? -- Yes I satisfied myself about that because I know exactly what to (30) look for from an installation. Not meaning that I was  
undermining/.....

undermining the police in saying so. Because security varies from country to country and the block in which you are.

Yes. And you had been warned of the general danger and more particularly the danger of going to Khotso House? --  
Yes I agree with that but I added to that saying it was an emergency.

We will come to the emergency. Now tell me I assume that you did not know Mr Ndou before this? -- I did not know any person there.

Yes. So Mr Ndou was a complete stranger to you? -- (10)  
That is so.

And did you know Dr Beyers Naude before the day that you went there or was he also a complete stranger to you? -- It was the first time that I personally met him, though I have known about his existence from the papers, from reading the papers.

Yes. Now part of your training, part of your training was to get along by bluffing people even in an emergency? --  
That is so.

Yes. And you being in intelligence must have been (20)  
thought to be a particularly good pupil of this type of training? -- That is so.

Yes. There is some, we do not understand your evidence whether it was security or intelligence or whether there is any difference but whether it was security or intelligence you were thought to be a good pupil in presenting things to be what they were really not? -- Yes I will answer that question but I would like to elaborate on that in order to put the record straight at some places. With the intelligence there are various departments attached to the intelligence. There (30)  
are those in the office who are working with coding and

decoding, /.....

decoding, transmission of messages. What the defence is referring to now is known as dirty tricks. That you can talk about either to assassinate a person's character, you can do that if you want to cover for certain things not to be known outside. I hope that satisfies your question.

So you say that the way to characterise, that there is a type of intelligence known as dirty tricks? -- That is so.

And you have had some training of that in the ANC? -- Yes under the auspices of the ANC.

And as a cadet of the South African Police has your (10) training been augmented in dirty tricks? -- With the SAP at the moment, the police with whom I had to do some duties, as far as I am concerned there is nothing or a single one, that is a single thing they can teach me on.

Is that because of .... -- As regards security.

Is that because of the high degree of proficiency that you achieved in your ANC training? -- That is so.

I see yes. Well you used the expression, and I therefore do not use it with, I do not reuse the word with any apology that this evidence about Mr Samson Ndou and Dr Beyers Naude (20) is a dirty trick in order to do the very thing that you say you were taught to assassinate the character of the persons concerned? -- That is not so.

Yes. And that you, your evidence is in fact a dirty trick against these people now that you have changed sides?  
MNR JACOBS: U Edele met alle respek die vraag is 'n bietjie, ek glo nie die getuie het ooit gesê dat sy 'evidence is a dirty trick against Beyers Naude' nie. Hy het 'n phrase genoem "dirty trick" maar sy getuienis was nooit dat dit 'n dirty trick was teen Beyers Naude of Ndou nie. As die vraag dan (30) miskien onduidelik gestel is ....

HOF:/.....

HOF: Die vraag soos ek dit verstaan het is mnr Bizos het bloot die woord 'dirty trick' gebruik om aan te dui wat sy beskrywing van die getuienis is, dit wil sê nou mnr Bizos se beskrywing van die getuienis, nie daarmee te kenne te gee dat die getuie self gesê het dat hy besig was met getuienis wat 'n 'dirty trick' is nie. Ek het dit nie so verstaan nie. Ek dink nie die getuie het dit so verstaan.

MR BIZOS: The witness in fact denied it My Lord. Now I will try and, to satisfy His Lordship that your evidence in regard to these incidents is materially false, let us take it step (10) by step. Did you know that the South African Council of Churches is housed at Khotso House?

COURT: Did he know when?

MR BIZOS: In May when he went there.

COURT: When he went there?

MR BIZOS: When he went there? -- Yes I knew that.

Did you know that there was a section of the South African Council of Churches which is called the Dependents Conference?  
-- That I did not know.

Did you know that the South African Council of Churches (20) helped people in distress on the grounds of Christian charity?  
-- I know that with all the council of churches in the whole world.

Yes. And were you the beneficiary of the Council of Churches charitable attitude before May? -- Which one?

Well you mentioned it.

COURT: Well the question is then had you before May received anything from any Council of Churches? -- Not directly but there are certain things which were sent to the ANC from the World Council of Churches. (30)

MR BIZOS: Yes, medical aid? -- And clothing as well.

And/.....

And clothing as well. So you knew that the Council of Churches made contributions to people on charitable grounds? -- If that is the case I would have gone straight to the offices of the South African Council of Churches instead of going to the UDF upstairs. Because of the policies in South Africa I did not expect such bodies to exist in South Africa, inside South Africa within the auspices of the church.

Oh you did not know that there was a South African Council of Churches in South Africa? -- I knew about the existence of the South African Council of Churches in South(10) Africa. What I did not know is that the South African Council of Churches can be in a position or was able to assist refugees who are right in South African and exercise their discretion in doing so while being in South Africa.

Refugees from where? -- From anywhere.

Did you not know that any South African citizen who was in distress, who was in distress, could go and make an application for charitable help at the Council of Churches? -- I knew that people were being helped by the Council of Churches. I did not know that anyone can go there for help, especially(20) a person like myself.

Well did you not know that the Council of Churches for instance helped people with food parcels, helped people to travel, helped people to go and see imprisoned relatives? -- Pertaining to that that I know that people do get such help from the Council of Churches but what I did not know is that, no. 1 that I could go there and tell them that I am a terrorist, a trained cadre or a guerilla from the ANC and I want this kind of help, that they would help me as well.

Yes. What was important for you, to get help or to (30) tell the possible unfortunate victim that I might have agreed

to/.....

to give you help that you were a trained terrorist, what was uppermost in your mind? -- If that was the case that I knew I would have gone straight to the South African Council of Churches and put my case to them.

No the question was .... -- But now because I did not have any proof or documentation with me in my person that would still make it difficult.

For a person so well trained in dirty tricks did you not think that the Council of Churches would as easily accept an explanation that you had lost your documents, I do not (10) know whether they ask, I doubt whether they would ask for a document, but would they, could you not say that you lost your document, you are stranded and you want a bit of money in charity to go along your way? I wanted to add that this would have been of tremendous advantage to you because you would not blow your cover to anyone? -- I am going to answer your question but there is something I would like to correct to the defence.

COURT: Yes? -- What I would like to put straight here is this, we are now talking about what transpired during May (20) last year, the questions are based on what I did last year. It did not occur to me at the time, the way the defence is putting it to me, what I could have done at the time. So it happened that did not occur to me and had I known that I would not have gone to the other office, which is the UDF office, first, I would have gone to the SACC's office. Now it is now, we are talking about what transpired some time back. Now we are going back to what happened last year and trying to correct it now.

MR BIZOS: Is there anything else that you want to add? (30)

-- No.

You/.....

You did not know Mr Samson Ndou? -- That is true.

You did not know what his attitude to a member of the ANC who would be referred to by the State as a trained terrorist would be? -- When I went to the offices of the UDF there I did not say I want to speak to Mr Ndou. I only asked for a person to whom I can speak there. Secondly I knew that UDF is helping us or working with us hand-in-hand, that is what I was told outside this country and that is what I was told in fact.

I see. -- Thirdly last week when I was giving evidence in the same court here I said any member of the ANC who (10) can be brought here can tell you exactly what I have told this Court regarding the UDF and the ANC.

Let me assure you that I am going to deal with that aspect of your evidence but let me summarise what you have just said in relation to Mr Ndou. Are you saying that your understanding was that you could expose yourself as a member of the ANC to a member or supporter of the UDF and be quite safe about it? -- You see when I went there I had already taken precautionary, necessary precautionary security about myself and I knew how am I going to get myself out of that. (20)

Now the question was, and you have already answered that you did not know Mr Ndou personally. -- That is so.

Did Mr Ndou ask you any questions before you disclosed to him that you were an ANC trained cadre? -- I am the first one who spoke to him as a result of which he did not ask questions. Instead he referred me to the offices of the SACC which was on the other floor.

Right. So the answer to the question is no Mr Ndou did not ask you any questions nor did he carry out any security check on you? -- That is so. (30)

Right. Did you in your training in the ANC learn that

some/.....



some of the dirty tricks performed by the South African police is to try and trap people? -- That is the duty of the security in any country.

Yes. You are suggesting that it is the duty of the security police in any country to try and trap people like leading trade unionists and leading churchmen? -- Well it depends.

Yes. Now let us just try and stick to Mr Ndou for a while. How would Mr Ndou have known that you were not an informer sent by the security police as part of this dirty (10) trick business? -- In fact I cannot think for him, therefore I do not know.

Well, but you must have thought of that before you exposed yourself, you might have been exposing the fact that you are an ANC cadre and Mr Ndou might have suspected you for being as South African police agent and call one or other of the secretaries and said take this informer out who says that he is an ANC man, and this might have blown your cover. -- If he had asked for that, my identity, I knew how I was going to convince him. I had things which I was going to show to (20) him to convince him to believe what I was putting across to him.

But he might not have been interested? And to enter into any sort of debate, why did you expect, and you might have exposed yourself unnecessarily? -- There is no such.

Now the other aspect of your training must have been surely that if you are going to do any ANC work the less people know about it the better? -- That is so. And then again I would like to qualify that.

Yes you can qualify it if you like before I ask you (30) the next question. -- At first in the area where you are working/.....

working there are certain people working with you in that area which people you organise into a unit. Then those people will be go-betweens between you and other people. The danger there is that you can be exposed at any time because even though you have these people as a unit working with you you may not know that one of them or some of them are working hand-in-hand with the police. There is still a danger there.

Mr Ndou was not one of the persons you have referred to?

-- No I was just making an example.

I do not want, subject to His Lordship's final directive, (10) to suggest to you when or when not you should qualify but I think that if you want to qualify things please try and qualify them in relation to the question that is being asked. On the assumption that it was necessary for you to get the urgent help to disclose to Mr Ndou that you were a member of the ANC it was not necessary surely to tell Mr Ndou that you needed the money for ANC work? -- In the first place for the fact that I was inside this country and I got that money which money I am going to use, all the same that money was going to be used for the works of the ANC. (20)

COURT: Yes but the question is it was not necessary to tell Ndou that you were going to use the money for the ANC's purposes? -- I did not say to Ndou that I was going to use the money on behalf of the ANC. What I said to Ndou was I need the money to go and use for this and that and that and I sort of mentioned to him the purpose of my needing the money. That was a way of making him aware or believe and accept what I am saying that I do need this money.

MR BIZOS: I am sorry My Lord, My Learned Friend Mr Tip was showing me something, I did not hear the beginning. Did (30) the witness say that he did not tell Mr Tip that it was for,

I/.....

I beg your pardon, Mr Ndou.

COURT: I think he was addressing me.

MR BIZOS: I beg Your Lordship's pardon. Did he say that he did not tell Mr Ndou what the purpose, what he required the money for?

COURT: Yes and no. The answer is "I did not say to Ndou I am going to use it for the ANC. I told him what I needed it for, it was a way of making him aware what I need it for."

MR BIZOS: What did you tell him that you needed the money for? -- I said I need the money for transport purposes. (10)

And not for the work of the ANC? -- I said to him I needed money for some work that I must go and do directly or indirectly that goes back to say that I am going to do the work for the ANC.

Insofar as your evidence-in-chief may have been to the effect that you asked him for money which you were going to use for ANC work was that said expressly by Ndou? I am sorry by you to Ndou? -- The information about my being involved with the ANC was right at the early stage of the conversation with him. This came as follows, when I explained to him that I (20) needed money to go and use he seemed not to understand and he was not clear as to what am I talking about. As a result of which then I told him that I am from the ANC outside the country, I have some missions here which I will have to complete, which missions then were later related to him what they, I beg your pardon I did not specify or I was not specific as to what missions or what work am I going to do when asking for the money.

Could I ask Your Lordship whether the interpreter can tell us whether it was the interpreter's error or whether (30) the witness corrected himself?

COURT: /.....

COURT: On what aspect?

MR BIZOS: I told him what missions I had to perform. He said when the interpreter said what missions I was to perform, the witness interrupted the interpreter and the interpreter apologised and I do not know whether he was apologising on his own account or on behalf of the witness.

INTERPRETER: It was as a result of the interruption by the witness when he said while I was interpreting, no, no, no, and then he said no I did not tell him what the missions were.

MR BIZOS: No but the point is had he said that he told (10) him what the missions were? Which the interpreter had interpreted before the interruption?

INTERPRETER: In view of the concentration on what this man was saying I am not able to remember that, that is why I have the microphone next to me, if it could be played back maybe one can hear that.

MR BIZOS: I do not want to take up court time.

COURT: Yes let us proceed.

MR BIZOS: Now did Ndou not inform you that, well I am sorry before I get there. Did not Ndou get a surprise that you (20) confessed to him that you were a member of the ANC? And that you were asking for help from UDF for the ANC? -- Well to me all he said was he is not in a position to help me I must go down. Whether he was shocked or he showed any expression of being shocked that I did not notice.

Now when he said he was not in a position to help you was it because UDF would not have the amount of money required or because it did not want to be involved? -- All he said to me is that he can not help me or he is not in a position to help me, words to that effect. Now I do not know whether (30) he was saying that in his own capacity as a person or was he saying/.....

saying that in his capacity on behalf of the UDF.

Now did he not perhaps warn you and say "Listen young man don't broadcast the fact that you are a member of the ANC in this office"? -- I did not broadcast that, even to the secretary there, I did not even make mention of that. I only started making mention of this when he came after the secretary had told me that "I am getting you a person who will be in a position to help you".

Now did Mr Ndou not perhaps tell you "Look you know my being a UDF man, you know you can trust me and you can tell (10) me, it is okay for you to tell me that I am a member of the ANC but I will tell you how to get money without endangering yourself and without, the SACC downstairs gives money for charitable purposes", did Mr Ndou not possibly suggest to you that this should remain a secret between the two of you and that it should not be further revealed to the SACC people? -- If he had said that I would have mentioned that in my statement.

Yes. Now tell me this had you come from Lesotho to South Africa for the purposes of doing the missions you wanted to do, after your visit to Khotso House? -- I beg your pardon?(20)

After your visit to Khotso House?

COURT: That is not clear. This means was it intended to go to Khotso House and then do the missions, or it can also mean that in time after you had gone to Johannesburg would you go and do your missions.

MR BIZOS: Indeed My Lord, and I do agree that it is unclear because of the afterthought which I had which I want to apologise for, may I rephrase the question?

COURT: Yes, will you rephrase the questions please.

MR BIZOS: As Your Lordship pleases. You knew what you (30) wanted to do after you visit to Khotso House? -- That is so.

Did/.....

Did you know that that was what you were going to do before you left Lesotho to come to South Africa? -- In fact what happens is prior to your being sent into this country you are being briefed and therefore I knew why I came in here.

Yes. And were you supplied by your then organisation with money in order to do that work? -- That is so.

Right. But had you spent the money which your organisation had given you for other purposes? -- Yes that is true concerning my duties, and the struggle in which I was involved.

Yes. Does that mean that these functions or missions (10) that you wanted to do with the money that you wanted to get from Khotso House came some time after your second arrival in South Africa in May? -- In my evidence-in-chief I said I used the money in Germiston. That is the reason why I had to go and ask for financial help at Khotso House.

You have told us that your, the date that you gave us as the earliest date for your arrival as the second mission, on the second occasion in May is 11 May, you recall? -- You are quoting me wrong, that is not what I said. I said around the 11th. You even asked me why do I choose the 11th. I did (20) not say exactly, I am definitely on the 11th.

Yes. Did you arrive in South Africa round the 11th? -- That is so.

And were the first missions that you performed in Germiston? -- That is so.

How many days, a week or weeks did your missions in Germiston take you to perform? -- One day and a night.

And how much money ... -- And the following day at about 11h00 I proceeded further to Johannesburg by taxi.

Yes. How many days did it take you to perform your (30) missions, just one day or a number of days? -- Germiston it took/.....

took me one day, that is one day and one night.

What was that mission? -- To hand over the pamphlets to Popplens, and then this other one where I had to give some assistance of some kind.

COURT: What is Popplens? -- Popplens is the name of a person.

MR BIZOS: And is that where you explained the difference between a Molotov and a cocktail? -- I just gave them, in fact I did not give them differences but I gave them the formulas of Molotov and Molotov cocktail.

Did you spend any money on that? -- Yes because of their (10) having said they will be having problems here and there that resulted in my giving them an amount of R20.

To whom did you give the R20? -- To Thabo.

Yes. Any other expenditure that you had? -- It was a social.

It was a? -- Social, social expenditure.

Social expenditure, to live on you mean, travelling expenses, for fun, die lekker lewe? -- It was all involved there.

Yes. How much money did you come with from Lesotho? (20) -- I had R200.

What happened to the R180? -- Travelling expenses in this sense, from Maseru to Maputso, from Maputso to get into this country and some of the money of course we used in drinking and food.

Oh I see. But then how were you going to perform the missions? You were out of steam financially even before you started? -- That is not so.

Why do you say that? Did you perform other missions or did you stay in South Africa for a number of days before (30) you actually went to get money at Khotso House? -- The problem

comes/.....

comes here. From where you leave into this country there are things you must do, duties you must perform using money. You must clear your way, you bribe some people, you pay for your transport. That is how one spends money and the money I had left over after having met all those duties, which money I gave to these youngsters here, I was going to be able to do my work and be able to get back to Lesotho with that amount of money.

Do I understand you that in addition to the R20 expenditure that you have told us that you performed other ANC (10) duties over a number of days in Johannesburg and/or Germiston before you went to get money at Khotso House? -- No I had just completed my work at Germiston, not in Johannesburg.

Now you told us that you came from Maputo and some of the R200 was used in the travelling expenses and in the food and drink.

COURT: From Maputo? Lesotho? -- No I never said Maputo, I said Maputso .

MR BIZOS: Oh I beg Your Lordship's pardon. I am sorry, there is reason for misunderstanding. I came from Maputso (20) in Lesotho and I heard Maputo. Now when you went to Khotso House do you remember what day of the week it was? -- Yes I do.

What was it? -- It was a Monday.

It was a Monday. Now Monday was the 13th, there was a Monday the 13th of May 1985. Would you say that that is the date that you, it was on a Monday? -- I do not want to commit myself about the date. Had I know what the date was I would have mentioned that.

Yes, but in any event we are sure that it was the second mission? -- That is so. (30)

That you had come to South Africa and stayed for how long/.....



long you told us? -- There is one time when I was here for a day and one time when I stayed here for two weeks.

Now you came here twice in May you told us? -- That is so.

That was the beginning of May? -- Yes.

You stayed one day and you went back and stayed in Lesotho for how long again? -- I stayed there for a day and spent the night over that side and then I came back again.

Came back again. How do you arrive on the 11th on that basis as the approximate date? -- The question is not clear to me. (10)

You gave an approximate date, the 11th? How did you get to that approximation? -- I said on 1 May I was in Lesotho. Now the 11th I am talking about, 11 can be 11 plus or 11 minus.

But you are sure that it was on a Monday? -- Yes.

Could it have been the 18th of May? -- No.

Or thereabouts? -- I do not know what you are driving at now, I do not understand. I said it was plus or minus the 11th.

And it was a Monday? -- Yes.

What I am trying to find out whether .... (20)

INTERPRETER: Just a minute, the witness was saying something. Okay carry on.

COURT: What are you putting to the witness about the Monday? His evidence is that it was Monday he went to Khotso House.

MR BIZOS: Yes My Lord.

COURT: He did not say the Monday was approximately the 11th?

MR BIZOS: No, no, what I am putting is on the assumption, on the assumption that the 11th is the date which is more or less correct would it be a Monday right up to the 18th of May, that is all I am putting to him. (30)

COURT: It means could it have been a week after?

MR BIZOS: /....

MR BIZOS: A week after.

COURT: Yes.

MR BIZOS: After the 11th. -- No I am not in the position to tell whether it was such a long period, it cannot be such a long period really.

Because I am, you see the other point coming the other way that I am reminded that in your evidence-in-chief you said that your first trip to South Africa was a week after the beginning of May, do you recall that? -- That is true, that is why I asked that. On 1 May I was in Lesotho. I left Lesotho (10) only after 1 May, any date after 1 May. On 1 May it was May Day, I was there.

I am reminded that you said earlier to me that it was after a week after 1 May that you left Lesotho. -- That is true.

You remember that well? -- Yes.

And you remember well that it was a Monday?

COURT: That what was a Monday?

MR BIZOS: The day on which you went to Khotso House, Khotso House was a Monday? -- That is so. (20)

Right. And you spent a day in, how many days did it take you from Lesotho? -- Two days because you stay over at some places before you get a taxi.

So, well you told us that you left a week after the beginning of May, therefore it would have been, well at least 6 or 7 May when you left Lesotho? -- Correct.

That is for the first trip? -- Yes.

So that it would have taken us at least to the 6th or 7th and then you went back to Lesotho and how long did it take you to go back to Lesotho? -- One day because what I (30) have said it is one day there, I slept over there and came

back./.....

back.

Right. So that would bring us to approximately 8 May?

COURT: Do you exclude travelling time which takes two days?

MR BIZOS: I gave the witness the benefit of the doubt because he said that, well if it took you two days then you would have reached about the 10th? -- Yes the coming back.

The coming back about the 10th, spending a day in, or two in Germiston, right? Including travelling time that will give us another couple of days, that will bring us to the 11th or 12th? -- Yes. (10)

And you spent a day in Germiston so you must have gone to Khotso House, if your evidence is correct could not be a bad guess, between the 11th and about the 13th or 14th? -- I have already said something.

Yes. Thank you for saying it. And I want to thank His Lordship for being so patient with me in relation to these dates. Because I am going to put to you that if this evidence is correct and you did go to Khotso House on a Monday and we look at a calendar it must have been Monday the 13th. -- I am listening. (20)

Thank you. And if your evidence is correct it could not have been as early as the 6th because you told us that you only left Lesotho after the week from the beginning of the month. I want to assure the Court and the witness that the Mondays were the 6th and the 13th of May 1985. -- From the onset I said these dates are approximately the dates. I am estimating the dates.

Yes. -- I do not want to commit myself.

Yes, because you know the dangers of committing yourself when you play dirty tricks? -- Just be specific on that, I do not understand. (30)

Yes./.....

Yes. Because I am going to put to you that Dr Beyers Naude had a very important event in his life on 10 May last year. He was allowed to go overseas and he left on that day. -- I am listening.

And what I am putting to you that if your evidence is correct that it was a Monday and that you were in Lesotho for a week on your first trip and you got the money on the second trip it could only have been Monday the 13th. -- I said in my evidence that I am not going to commit myself to any particular date. Secondly when Dr Beyers Naude left for overseas (10) I was already here. I even remember the countries he had gone to, he had gone to the Scandinavian countries.

COURT: You were already where? -- I was already inside South Africa.

MR BIZOS: Were you keeping a careful note of Dr Naude's travels whilst you were teaching people the difference between a Molotov and a cocktail in Germiston? -- A newspaper one reads and anybody can read it at any time. For instance you can drink water and at the same time read a newspaper. It is not that one is to be stereotyped now on one thing. Once (20) you are doing that you are stereotyped to that, it is not the case.

Yes thank you for telling me about the Napoleonic syndrome of being able to do more than one thing at the same time but what I want to ask you is this ....

COURT: Do you want all that interpreted?

MR BIZOS: No My Lord.

COURT: Yes, just put the question.

MR BIZOS: I will try and refrain from comment. Now tell me this, well first of all let me tell His Lordship and the (30) Court that Dr Naude will tell the Court that if anyone came

to/.....

to his office and said that he was from the ANC and that he wanted money for work for the ANC he would immediately show them to the door. And that an incident such as you describe has never happened. -- I want to tell the Court now that even if he says that I am the one who had been there, I have been to him, it happened the way I have related to the Court, I saw him there. No matter what kind of pressure I get there is nothing I am going to change, if a thing is like that it is like that.

Yes. Now My Lord may I indicate that we did not dis- (10)  
close the witness' name to Dr Naude because he says it would be meaningless, the incident did not occur. If need be, and I am subject to Your Lordship's direction in this regard, we may ask Your Lordship for Dr Naude to come and look at the witness. Giving him the name would not have helped.

COURT: Yes, well let us cross that bridge when we come to it.

MR BIZOS: When we come to it, but I am putting it at this stage that no such incident has taken place. Now let us just examine the probabilities of your story as against Dr Naude's denial. (20)

COURT: But are the probabilities not something for argument eventually.

MR BIZOS: No but the facts must emerge from, on which the argument is going to ....

COURT: Will you then rather examine the facts.

MR BIZOS: The facts upon which some probabilities will be. Now tell me you knew Dr Naude to be a churchman of world repute? You told us that you read newspapers? -- That is so.

Did you know that he was responsible, well first of all did you know that he was the Secretary of the South African(30)  
Council of Churches? -- It was in newspapers, I knew that.

You/.....

You knew that. Did you know that the South African Council of Churches had been, there was a commission of enquiry about that? -- That may have taken place whilst I was abroad, I was not in the front or at the front.

Yes but I thought that you gave us a very comprehensive list of South African newspapers which you were reading in the camps. -- I would like to ask the defence to take cognisance of one fact that my initial training this when I was doing that, the ANC was not recognised. The ANC was not recognised and during that time I was not yet a member of the ANC. The (10) Court will remember that when the Prosecutor led me he asked me where I started, with which organisation and when did I come across to ANC. So that is during that time when I was undergoing my training under a different organisation where ANC was not recognised. I am going to ask the defence further to check on that so that in cross-examining he must not press me to agree with something which is not there, which I have not said.

Thank you for the advice. The question was you told ...

COURT: Well before you repeat the question. We know about (20) that enquiry, it was not done in the time of Dr Beyers Naude, it was done in the time of his predecessor I take it.

MR BIZOS: Yes.

COURT: How does that help this Court. He has already said "I don't know about the enquiry".

MR BIZOS: Yes, I, his knowledge of the South African Council of Churches ....

COURT: Well his knowledge is he does not know about the enquiry. So it is no good taking that any further.

MR BIZOS: I will leave it, thank you My Lord. Now you (30) say that as soon as you got there you asked for the Secretary

General?/....

General? -- That is correct.

Why would a person in your position ask for the highest official? -- If the Court allows that I will have to give you an example.

COURT: Yes? -- In the first place I am told the surname of the Secretary General is Mr X. And therefore I am not going to ask to see Mr Y well knowing that the person to see is Mr X.

I got to know about the name of Dr Beyers and when I came there on the bottom floor or lower floor I asked for him because I knew he was the Secretary General of the SACC. (10)

MR BIZOS: I think the question was intended to direct to you, what, why did you think that the Secretary General would see you without an appointment, without any indication to his secretary as to the purpose for which you wanted to see him? -- May I interrupt you there?

COURT: Yes? -- In my evidence-in-chief I said when I came there I asked to see Dr Naude, the Secretary General, from the secretary and then the secretary told me that he was still busy with a client in there. When I said to her this was urgent she went in and later came back, the client left. (20) That is how I came to see Dr Naude, and I would like to ask the defence to read that thing in whole and not just the portion that he wants.

MR BIZOS: Have you finished? -- Yes.

The question was why did you think the Secretary General would want to see you? Unannounced, without an appointment and without knowing the purpose of your visit? -- I was referred there for the financial help I wanted and when I came there I told them who I wanted to see and I was told I must wait. If I was immediately there and then told that I will (30) not be seeing him I would have devised some other means.

You/....

You are not going to suggest that Mr Ndou told you to go and see Mr Naude himself are you? -- Ndou said, I quote "Go to Beyers down there and ask for help, he might help you." That is contained in my statement. "He might help you".

I do not know what is in your statement but our note of what you said in your evidence-in-chief was ... -- I did make mention of that even last week here in court, that is prior to the defence asking for an adjournment.

Well our note is that you were merely referred to the offices of the SACC. (10)

COURT: Well let us just get clarity before you continue.

MR BIZOS: It is about midway My Lord, where the Samson Ndou conversation is.

MNR JACOBS: U Edele miskien sal dit help dat ek ook net kan sê hier dit word daar gesê "Verwys my na SACC se kantore" en dan so bietjie verder gaan he sê "Ndou sê ek moet praat met Beyers Naude".

HOF: Ja ek het dit ook ... ja?

MR BIZOS: I am sorry My Lord, we did not have that note, ours was ... So let us, you said that you were specifi- (20)  
cally sent to Dr Naude by Samson Ndou after Samson Ndou had been told that you were a member of the ANC? -- That is after he had told me there is no help he can offer.

COURT: No that is not the question. The question is did he say to you, did Ndou say to you "Go to Beyers down there, he might help you" after you had told Ndou that you were a member of the ANC seeking help? -- That is correct.

MR BIZOS: Yes. Without sounding any warning to you that you should perhaps keep your ANC membership a secret from Beyers, as you call him? -- I have told this Court earlier on the (30)  
same kind of a question that if that was mentioned to me I

would/.....



would have mentioned that in my statement.

May I suggest to you ... -- No he, the defence is now putting to me the same question in different ways.

COURT: Yes let me clarify something for you. Firstly it is not necessary for you to refer to what you stated in your statement. Secondly the defence is entitled to repeat questions until I stop them and the proceedings will get on better if you do not question the defence's rights or the way they put questions every time but just answer them quickly. If the question is improper there will be an objection from the (10) State or I will stop the question. -- Thank you My Lord.

MR BIZOS: When you came to the SACC offices how many people did you see there working? -- One black and one white, those are the two people I saw working there.

Now but on the floor as a whole there, is it not the whole, are there not about twenty SACC people working there? -- I am not going to dispute how many people are working on that floor in those offices but now the question was how many people I saw working there. I saw the two I have just referred to.

COURT: Maybe a lot were not working. (20)

MR BIZOS: I beg Your Lordship's pardon?

COURT: It may be that some were not working.

MR BIZOS: Well I hope not.

COURT: You will have to rephrase your question.

MR BIZOS: Yes. Well are the offices large offices at which more than two or three people are working, generally speaking a large office? -- I did not see any other offices. There is a passage there. I only saw the receptionist next to who was the office of the Secretary to Beyers Naude. Then Naude's office was the third one. What I am trying to explain is (30) this, first the receptionist, then the passage, then Naude's

Continued on p. 379 secretary/.....

secretary, from where you proceed, from her office now, into Naude's office.

Just by the way you have made mention of a white secretary?

-- Yes.

You are sure that there was a white secretary there? --  
Quite sure.

So obviously white that you could not make any mistake about it? -- That is so.

She could not possibly have been a coloured person or a light African person or something like that, obviously white?(10)  
-- That was a white.

And if I were to suggest to you that Dr Beyers Naude did not then have or now has a white secretary what would you say?

-- I still repeat that from the receptionist is this woman here who is the secretary, she is the one who went into Naude's office. I still maintain she is the person I am talking about.

Yes. You are entitled to call Dr Naude whatever you want but I would have thought that a young man like yourself, even though you have, whatever the position may be, would want to call Dr Naude Dr Naude please. -- Well I was calling(20) him Dr Naude all the time, if there was a slip of the tongue that I did not qualify to say Dr Naude my apologies to the defence.

Or is it perhaps that since you have become a cadet policeman that Dr Naude is so unpopular with those who are training you that you have lost respect for him?

MNR JACOBS: Edele ek dink darem dit is, die insinuasies wat aan sulke woorde gesit word is darem ongevraagd in die saak. Ek maak beswaar daarteen.

MR BIZOS: Well My Lord I will put a question more directly.(30)  
Is Dr Naude unpopular with the people responsible for your  
training?/....

training? -- What the personal grudges are between him and other people, that I will not know but there is no document there which instructs us or which says that we must hate Dr Naude.

Now, yes, did this white woman tell you or ask you who you were? -- Yes they did ask for my name, even the one at the reception. I did not tell them what my name is. Instead what I said is I am not in a position to tell them what my name is.

Let us just take that slowly. You first saw the (10) receptionist, she asked you what your name was. And you said to her "I am not prepared to give you my name"? -- Well in English it can be interpreted that way but in the language I used to her, which is a Black language, Zulu, it is not that way, you do not put it that way, it is not that harsh.

What harsh word did I use.

COURT: Will you please put it in Zulu and then we can have it interpreted. -- (Statement made in Zulu).

Now will you interpret it Mr Interpreter? -- I am not in a position to tell you what my name is because I am a (20) certain kind of a person.

MR BIZOS: Why did you say that to the receptionist? What did you want her to understand by that? -- It was for her to draw her own inference from that, that is why I said to her I want to see this person in particular and then which resulted in her trying to find out from me who am I and then I told her that I was not in a position to tell her who am I.

What inference did you hope that she would draw from the way you put it in Zulu? -- May I just answer that in English? (30)

COURT: Yes. -- Whatever inference or whatever insinuation there/.....

there was to whoever what I said was said with no insinuations or leading whatever person to draw an inference as regards what I said, but what I said was I wanted to see the Secretary General and if I am not in a position, I mean when she asked who I was and I said, and I declined to give my identity I was not asking her for any insinuations or inferences. It was just a blank, a blatant statement, simply straightforward.

MR BIZOS: Yes, thank you for that explanation. Let us just try and take it a little further. Did you hope that by giving her that answer your, you would more easily get to Dr (10) Beyers Naude or your task might be more difficult? -- I do not know the protocol there so all I was driving at was just to make them understand that I want to speak to Dr Naude. Which way they would take it I cannot tell.

Never mind the protocol, the question is did you think that you would get to Dr Naude more easily or it would be more difficult if you did not give your name? -- All I took into consideration was my urgency, whether it was going to be easy or difficult for me that I did not consider.

COURT ADJOURNS UNTIL 14h00.

(20)