

In the matter b7tue&n:

THE STATE

V.

ACTON MANDLA MASEKO gAccused No. 1!

SIMON DLADLA gAccused No. 2)

EBRAHIM ISMAIL EBRAHIM gAccused No. 3)

Commission in Terms of Sections 171, 172 and 173  
of the Criminal Procedure Act, No. 51 of 1977

Before:

MR. JOHN PETER HERHOLDT

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(The Commissioner)

Held at:

The Law Society, 113, Chancery Lane, London, W.C.2

On:

Friday. 16th September. 1988

, EVIDENCE OF

RONNIE KASRILS (Continued)

Transcript of the shorthand notes of Harry Counsell & CO,, 61,  
Carey Street, London, WC2A ZJG. Telephone: 01-242-9346.

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A P P E A R A N C E S

The Commissioner: Mr. John Peter Herholdt

For the Accused: Mr. L. Gering

Mr. H.K. Naidu

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Mr. C. Hatters

For the State: Mr. H. Prinsloo

Mrs. L. van der Walt

Mr. N.J. Deetlefs

Mr. F.J. Pienaar

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MR. RONNIE KASRILS,

Cross-examined by Mr. Prinsloo ; 2

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MR. RONNIE KASRILS

Cross-examination 5: HR. #hINSLOO:

With regard to your promotion - to your position you held in 1985 after the Kabwe Conference as a member of the Political Military Committee (being referred to as the PRC) - at that stage were you also still a member of the Military High Command of the Military Headquarters? A. Yes.

On the same basis of this question. does that mean that certain members of the PMC would also be members of the Military High Command? A. That is possible.

There is a likelihood of that? A. Yes.

During your term of office, either in the Military High Command or in the PMC, was that the case in reality or not? A. Yes.

1984. A. That's right. '

Would you mind showing us the passport? A. I have actually given learned counsel here this morning a document from the British Home Office, which I have attained. which attests to the fact about my passport - which I would like to read out to you and hand in to the Court.

Are you in possession of the actual passport? A. I am in possession of my passport, yes.

Would you mind Just showing us the passport? We would like to peruse the passport itself. A. I would prefer to read you this letter from the British Home Office. And I would like to hand it in to Court.

At this stage, the question I posed to you is as to whether you have got a passport available here. A. I have the passport.

Would you then produce the passport? A. I would like to discuss with my counsel.

In view of your evidence, that you said you hanzgot a passport available and you are prepared to produce it to support and corroborate your evidence -----

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PRINSLOO: Mr. Kasrils. we would then like you to produce the paSSport. A. I have a letter from the British Home , Office and the passport belongs to the British Home Office. I It is a passport issued by them. They have examined my passport 2.

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and the stamps in the passport. and they have written here officially: "On 15th September 1988. I have to date inspected Home Office travel document No. RP43201 issued on 23rd August 1983 to the above named ..." and my name is above this letter: Ronald Kasrile. "who has been recognised in the United Kingdom as a refugee under the terms of the 1951 UN Convention relating to the status of refugees. I can confirm that all the United Kingdom immigration stamps contained in the travel document are authentic and entirely consistent with centrally held records of Mr. Kasrils' arrival and departures from the United Kingdom.' Signed: AP Sanders. Refugee Unit.

To confine yourself to the question I posed to you

NAIDU: Before the witness answers the question -----

PRINSLOO: May I Just complete this part, Mr. Naidu. It may relate to your objection as well. I would like to put it to the witness on record. (To the witness): The question I posed to you was to produce your passport. You were to confine yourself to that question. You proceeded to read from a document. That was not my question. At this stage we insist that you produce the actual passport.

NAIDU: First of all. it is not a question that my learned friend is putting. It is a request in fact framed in terms of an order. ithout specifying what advice we would give if requested.

being unable to do so, might I state that the law is clear - at least in South Africa, and I am sure in other countries as well-that no witness is obliged, or should be made to feel obliged, to hand over any document unless the document is in his possession and he is served with a sub poena.duly authorised, ordering him to produce such a document. So a mere order from the Prosecutor in my respectful submission ought not to cause any witness to believe that the Prosecutor has a right to demand a document.

PRINSLOO: Mr. Commissioner, we respectfully submit that the witness in his evidence in chief had volunteered that he travelled to London, that he was in possession of a passport, that the passport reflects the date on at such passport is available.

It is not a case where a person is saying that he is not in possession of a passport. hasn't got a document. We respectfully submit that it would be absurd in such circumstances, when a witness himself tenders such evidence and then wants to rely passport. We respectfully submit, Mr. Commissioner, that we are not interested in documents at this stage other than the actual passport itself. Until this is resolved, we are not going to proceed.

NAIDU: Mr. Commissioner, whether my learned friend wants to proceed or not is really not within the realms of our duty here. any document unless there is a suitable order of court to that effect. 50, if my learned friend wants to adopt that attitude, he can do so. With respect, it is quite academic to argue these matters before you. If it is clear that a passport is a document.

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the witness should not be made to believe that he is compelled to unless there is a duly authorised sub poena. My learned friend knows this. He experienced this in the trial itself.

PRINSLOO: Ir. Commissioner. we respectfully submit that at no stage was the objection construed as to request you.

Mr. Commissioner. to adjudicate upon any issues. At this stage we are all well aware of your function. which we respect.

In the present instance. it is a matter that the witness himself volunteered, to present a passport. It is also apparent from a newspaper report - which I want to put to the witness as an exhibit. In the Morning Star, dated Friday. September 16th. 1988 it states the following: "Orders' Charge Denied by ARC. African National Congress leader Ronnie Kasrils has told a South African court that it was impossible for him to have given military orders to Ismail Ebrahim in Swaziland in December 1984.

Mr. Kasrils. who is giving evidence on commission in London. presented his passport showing that he arrived at Heathrow Airport on November 24th, 1984. and did not leave England until January 11th, 1985." No such passport was ever presented. The report is not correct. We ask leave to hand in this newspaper report.

(Same handed) (Document marked as Comm. 4)

NAIDU: Mr. Commissioner, I don't know what the effect of any newspaper article is on these proceedings. Whether it is true or not is really not our concern. Still we reiterate that my learned friend should first request from the witness if he is prepared to. If he is prepared to, he will give it. Whether he introduced it or not is quite irrelevant to the issue presently before us. If the witness is requested, and he volunteers, with pleasure he can do so. But a witness should not be made to believe - nor should anyone have the idea - that by merely saying so any witness is obliged to hand over a document.

PRINSLOO (To the witness): At this stage, are you in possession of your passport? A. I am.

Is that passport available? A. It is.

Will you please make it available? A. I would like to discuss this. I would like to help the Court very much in this regard.

I think we should be reasonable about this. I have got no problem about you seeing the passport and the dates. I went to the extent of getting this letter from the Home Office - which I have got here for you - which certainly states that all the stamps there are authentic and that the passport is authentic. I understand that you would like to see the stamps, the dates in question. I would like to know from you what you mean by handing it in. This is a passport that I need. It is the property of the British Government. I need it for travel purposes.

I am not going to be remaining in this country. If you are asking me to show you, as the prosecution here, my passport for you to look at and hand back to me, then that is quite in order.

That was the import of my question. If we were at cross-purposes, it was never my intention to retain the original passport.

A. So, if I hand you my passport now, you will look at it and hand it back to me - which you have to.

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And for the purpose of the record. for completeness. it may  
be necessary to make a photocopy of the passport.  
NAIDU: It may well be possible to resolve this on the basis  
that. it the witness is agreeable. a certified copy of the passport  
could be made available to the State. I think the witness'  
real concern appears to be more that he doesn't want to lose  
private possession of this passport.  
PRINSLOO: Mr. Kasrils, you have the assurance that we will  
not retain your original paSSport. A. And you wish to make  
a photocopy. That will have to be done here and now. And it  
will have to be done ... You can do it in the company of my  
counsel.  
That shouldn't be a problem - as to the mechanics of that.  
NAIDU: I wonder if it has to be done now. or during tea time.  
PRINSLOO: Mr. Commissioner. if we may have sight of the passport  
at this stage. We will look at it.  
WITNESS: I will pass the passport to you now. You can look  
at it with the Prosecutor. I am confining this to you and the  
Prosecutor ... your colleague, the lady.  
There is no problem about that. A. I would also like to  
hand in the letter, which I feel is relevant. In handing the  
passport over to you, you are free to look at the entire thing.  
(Pause for Commissiigggr's tape'to be changed) I would like  
to draw your attention to page 9, where there is an arrival  
stamp, Immigration Officer, Heathrow, 26th November 1984, and  
on the same page an embarkation stamp, Immigration Officer,  
Heathrow. 11th January 1985. (Passport handed over to '  
counsel for the State)  
PRINSLOO: I would ask for a moment's indulgence, Mr. Commissioner.  
(Pause) '  
(Off the record discussion with regard to copying passport)  
Mr. Kasrils, Just a few questions at this stage, before we make  
a photocopy of it. in order to save time, the passport itself,  
is it issued by South Africa? Is it a South African passport?  
What passport is this? A. That is a United Kingdom, Great  
Britain, Home Office travel document. No. RP43201, issued on  
23rd August 1983, as the letter from the Refugee Unit at the  
Home Office testifies.  
At page 9, you referred to the date, 26th November, when you  
arrived? A. Yes.  
GERING: Have you any objection to the letter going in as Comm. 5?  
PRINSLOO: Mr. Commissioner. at this stage we will first peruse  
the whole passport, and then we will consider our position with  
regards the letter and that..  
NAIDU: We request that the document goes in as an exhibit.  
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PRINSLOO: Hr. Commissioner. at this stage the document has not been adduced by the State. It has not been accepted by the State. It cannot be admitted as an exhibit. It can be done by our learned friends. at an opportunity which they deem appropriate - in re-examination or indeed if they want to bring fresh evidence. but at this stage we do not consent to that. GERING: If we could Just note on the record that I have requested that this letter be put in as Exhibit Comm. 5. In view of my learned friend's remarks. we will leave it over, if necessary to re-examination. The exhibit you handed in as Comm. 4 - do you have copies?

PRINSDOO: At this stage we do not have any cOpies available. He will make some available. It has only come to our attention this morning. (To the witness): To continue with the evidence. in order to save time. with regard -----

GERING: Are you returning the pas5port to him now?

PRINSLOO: Mr. Commissioner. Mr. Gering has addressed me directly with regard to the passport. The passport is lying in front of me. It will lie here. It is quite conspicuous. I am quite prepared to put it down at a neutral spot if there is any problem to our learned friends. This is without any animosity. As you have indicated, during the tea adjournment there will be an opportunity to make a photocopy and Ir. Kasrils will be able to retain his passport in safe custody.

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GERING: Thank you. I should not have addressed you directly. At times there is a little informality. I am sure my learned friend realises there was no animosity intended in any way. PRINSDOO (To the witness): In 1983 you were a member of the Military High Command - onwards. Is that correct? A. From approximately July.

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Yes. My question relates to Swaziland. At that stage. in pursuance to your position, the office you held as a member of the Military High Command (also referred to as Military Headquarters), were you in control of operations in the machinery in Swaziland? Would you relay to them? Would they be under your command? . I have said not mine exclusively. In other words, I wasn't the Commander of our Swaziland forces. I had another function in fact for Military Headquarters. which I With regard to the Political Military Committee, as you were ; then promoted to the higher office of that particular structure ? within the organisation, the ANC, at that stage (you indicated i earlier this morning) you also held office as a member of the Military High Command, during that time. Is that correct?

A. During which time?

As from the time of your appointmxn as a member of the Political Military Committee. A. After Kabwe in 1985.

That is correct. yes. A. Yes.

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At that atase. in pursuance of your polltton. still being a member of the lillitary Headquarters and the PIC. would you atlll be overall ln command. or partially ln command. in eo-eoa-and wlth other members in control of the Swaziland section?

A. lo. not ln control of Swaziland. I have aald that as a member of Military Headquarters I would have certain reaponaibilittles. As a result of that rank. of course I could command subordinates in our army Umkhonto we Sizwe.

In order to understand your reply. would it be correct to say that during that particular time as a member of the PIC. from July 1985. the military structures (it we may call them that) would relay to you to some extent? A. Not to me as a member of the PMC at all.

But as a member of the Military Headquarters? A. As a member of Hilltary Headquarters I would have certain responsibilities in relation to any subordinate military structure wherever that may be.

In order to understand that - it is not my purpose to elicit any secrets from you - one is now a member of the Military Headquarters and also a member of the Political Military Committee.

Does that mean in effect that you are full-time a member of Military Headquarters - at all times in other words - and at the same time a member of the Political Military Committee? Have I made myself clear? A. Yes, but the question of full-time I think is somewhat ... let's say, inappropriate because I am a full-time member of the ANC and whatever committee or department I am belonging to or involved in I am there on a permanent basis. I think the better word is "permanent". The PMC might meet once a week or once a month and on that basis you light infer that I am only a member of it when it meets. This is why the use of the term "full-time" is I think a bit unhelpful. 3

If I may phrase it this way: it would be a dual role. A dul function would be fulfilling at all times on a permanent basis.

A. No, not ... well. what do you mean "a dual function"?

If I may put it this way: being a member of the PMC and-at Military Headquarters. A. These are two positions I held, yes, but these were positions with different roles. a

As a member of the Military Headquarters, would you be, so to speak, an officer in the Military Headquarters on a permanent\_ basis at the same time? A. Yes.

And you would be a member of the Political Military Committee on.a permanent basis at the same time? A. Right. But I

would put it to you this way: that what it signifies is that I have got two hats. When I come to give a military instruction to military subordinates, I wear my military hat. When I am involved in any tasks or work with the PMC, I am wearing my PMC hat. And I don't wear the two hats at once.

Thank you. There was evidence - and it was canvassed in cross-examination - that Mr. September. whom we debated yesterday. had certain monies in his possession at the time of his arrest by the Swazis. I think the amount mentioned was 8,000 rands.



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Ia thero anything that has come to your knowledge about certain money that the man September had in his poaaaaion at the time of his arrest? A. I am not prepared to comment.

Is there any particular reason why you would not eoI-ent about this. as this was debated in court itself? There were certain propositions put to State witnesses by defence counsel. In fairness to you. I must ask you this - we don't know where this emanated from - if you can enlighten on the subject?

A. I have pointed out that we are in a war situation. There is sensitive information or operational information that I am not prepared to comment on. I would like to point out to you that actually at this very moment, in the Cape Town Supreme Court. in a case that the End Conscription Campaign has brought against the South African Defence Force because of that Defence Force's use of so-called dirty tricks against the ECC. the defence that the Defence Force are putting up is that because there is a war situation in the country they are not subJect to the courts.

Let's confine ourselves to this particular issue. with the facts at our disposal in this particular matter. At this stage there is no secret about this fact. When I say a fact. it is a fact put by defence counsel with regard to certain money that was in the possession of this man known as Mr. September.

A. That might be the case. but I myself am not prepared to comment about certain questions for the reasons that I have given. We must not be at cross-purposes. In fairness, I must make it clear, as this must be apparent to the trial Court and his Lordship Mr. Justice Daniels; and the two Assessors at the time when they also read the record must be acquainted as to what had transpired. A. I myself know nothing about money that is alleged to have been in the pocket of the individual you referred to. :

But there was evidence that a certain member of the Transvaal Implementation Machinery (referred to at that stage as the EMC), Mr. Paul Dikeledi, that a man, September. had received certain money from him. An amount of 3.000 rand was mentioned. that he had received. There was evidence that part of this 3,000 rand which he had so received was part of the 8,000 rand which was taken from him. A. I am not prepared to comment on hearsay evidence and I am not prepared to comment on this particular question for the reason I have given.

I have put to you a direct question. What I am posing to you is not to disclose - any question I formulate - any secret as to how information would have been acquired. as to whether there was such information that had come to your knowledge in pursuance to the rank you held at that stage in the Military Headquarters as well as the Political Military Committee. A. Tell me, what date was this meant to be ... said to be?

One moment, I will make the record available to you. I would ask for a moment's indulgence. (Pause) Thank you. I will show you in a moment a document. It is a petty cash voucher referred to as Exhibit AJ32. The date reflected on the document is alst July 1986. There is written on the document Exhibit AJ32: "3.000 rand only given to Seb. for buying one car." In

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the amount column there is the amount 3.000 rand . At the bottom. in the same column. the total reflects 3.000 rand. Then there is a signature. signed "Two". At the bottom it has got: "Passed by Whity." In fairness to you. I must also put to you that there was evidence that Mr. Paul Dikeledi'igned the document as indicated by the name Uhity and there was evidence that a Mr. September signed the document as Two. May I show you the document? (Same handed) A. (After a pause): Yes.

That is now. as I have put to you the question. strictly on the evidence that was adduced during the trial. This seemed to have been a proper book-keeping system that was kept. deriving it from the document. that according to the evidence Mr. Dikeledi (also known as whity according to the evidence) had received money and had passed the money on to a subordinate - according to the evidence a Mr. September. Would you first of all say that there was proper control and utilisation of the funds of the African National Congress? A.

prepared to comment on this issue - the transaction of funds within our movement - on the grounds which I keep repeating to you. I wasn't in Swaziland on 31st July even. But that is my answer. I am not prepared to comment about the transaction of funds within our movement. We are fighting a war against you people. There is a tremendous amount of secrecy in the South African Defence Force and the South African economy and budget, concealing transactions of funds within the police force and the other arms of the State. As far as I am concerned, I will also withhold information of that kind. I am not prepared to comment at all.

Confining oneself to a particular question, with regard to particular circumstances, each situation will have its own circumstances. As far as this particular situation is concerned possession. My question is: in view of the fact that it would be a proper control of monies, you holding such high office in the African National Congress, how would such transaction have been controlled. reconciled, if such money was taken by someone or disappeared? A. I simply repeat what I have said to you.

Implementation Machinery, would it be fair to say the machinery would have been responsible

the PMC for their conduct? A. Not to the PMC at all.

to be true - and nothing was to gainsay to the contrary, it was not challenged - would the Military Headquarters have had knowledge of this particular transaction? A. No comment.

I don't deal with funds. I have got no knowledge.

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As tar no funds are concerned. for clarity. who would have controlled this side of funds with regard to a latter such as the one we are presently debating? A. I have told you. I am not prepared to comment for reasons which I have already given you.

In fairness. to make the question clear. would it be related to a finance body within the ANC or would it be unrelated to the ANC? What would the position be? A. No comment.

When you say "No comment". I don't quite understand. A. I am not prepared to answer questions relating to the transaction of money in my organisation.

There is undiSputed evidence that Mr. Paul Dikeledi - and at this stage it is common cause - that he was the Commander of the Transvaal Implementation Machinery. Would you agree with that? A. I am not prepared to respond to that question for reasons I have already given. i

In fairness to you. one of your comrades, Mr. Vusi Khumalo (the previous witness) in his evidence - and that is why I use the words "common cause" - stated repeatedly that Paul Dikeledi was indeed the Commander of the Transvaal Implementation Machinery.

A. That doesn't change my answer to you.

To understand your answer, are you refusing to answer the question, Mr. Xasrils? A. I have repeated over and over again here that there are certain aspects of our work and operations that I refuse to respond to.

In view of the evidence before the Court, I am duty bound to put certain questions to you, and you will respond to those as you like. In as far as Mr. Paul Dikeledi is concerned, there is evidence that he was known as Whity during that time. Would you like to respond to that? A. No. I am not prepared to respond to any questions about names of people, code names, other than the ones that I have 'mentioned already.

In view of the difficulty that we will encounter, I will have to put numerous questions to you. Some issues were common cause, - some were unchallenged, and I will have to put them to you.

As far as the man September is concerned. was he known by the name of Two? A. No knowledge of that one at all.

You don't have any knowledge? A. I don't know.

Then you can't dispute it.

NAIDU: If he doesn't know. he can't dispute it, obviously.

PRINSLOO: Whatever my learned friend's comment is, Mr. Kasrils, what is your comment? A. Well, I mean he is perfectly correct.

You can tell me his name is Guy Fawkes and I will say, "Well, I don't know," and you will tell me I don't dispute it. You will tell me his name is Henry VIII. I will tell you, "Well, I don't know that is his name." I mean, this is stupid to say the least, with all due respect to the Court.

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NAIDU: I am sorry for interpoain; in that nanher. Ir. Commissioner.  
I apologise.  
GERING: Would this be a convenient moment to take the adjourn-ent?  
(Adlourned tor a short time)  
NAIDU: Hy attorney Mr. Vatters has gone to make photocopies  
of the various documents.  
PRINSLOO: Thank you, Mr. Commissioner. (To the witness): We  
return again to the evidence. In as far as the last exhibit  
which we gave Just prior to the adjournment this morning.  
GERING: AJ32? ;  
PRINSLOO: That is correct. (To the witness): Concerning that  
particular exhibit. there was evidence that the money was approved  
and made available for the purpose of acquiring a vehicle for  
operational purposes. For completeness. I am putting this  
to you. What is your reply to that? A. No comment. I am  
not in a position to actually even say anything on this. for  
the reasons I have already given.  
The reason being that you are not prepared to comment?  
NAIDU: The witness said that he doesn't know. A. I know  
nothing about it.  
NAIDU: He already said that. A. And I have also said that  
I am not going to comment about transactions.  
PRINSLOO: Mr. Kasrils, may I put it to you this way: the persons  
concerned, Mr. Dikeledi and Mr. September. if there was evidence  
that they were members of the Transvaal Implementation Machinery  
(being a military machinery under the Military Headquarters  
according to your evidence), if they were to have acquined a  
vehicle for the purpose of operational purposes, would it have  
come to the knowledge of the Military Headquarters under normal  
circumstances? A. I am not prepared to comment on transactions.;  
With regard to the Transvaal Implementation Machinery (the EMC  
as it is commonly referred to) whenever the machinery would  
require funds, according to the evidence they would submit a  
requisition to obtain such funds. The same method would be  
employed in order to obtain material. What would you say to  
that? A. I have told you that I am not prepared to comment  
on the transactions of this nature.  
Without me referring to a particular transaction or a particular  
incident. in the Military Machinery itself there was evidence  
that a system was employed or adopted whereby a requisition  
system was used in order to obtain funds or material. What  
would you say to that? A. I have told you that I am not  
prepared to comment on transactions.  
For military purposes, you say? A. Exactly, for the reasons  
that I keep giving.  
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Each time I think one should make it clear. when you say you are not prepared to comment. to make sure whatever you are relying upon as a basis. for the record. A. I thought I had made it perfectly clear and to Just keep repeating in to waste time and to waste tax payers' money too.

whatever your views. we will Just continue to get on with the evidence. In as far as the Senior Organ was concerned. there was a certain person known as Mr. Manchecker. During the time when you held office in the Senior Organ. according to your own evidence. that period I am referring to, did you know that particular man? A. I am not prepared to comment on this.

I told you earlier on in your cross-examination the reasons why.

In all fairness I must put it to you that the particular period I am referring to. 1980 until 1983. which is long in the past, the Senior Organ no longer in existence. I must put it to you that it is highly improbable it could be any secret at this stage any more. There was also evidence about this. Are you prepared in those circumstances to enlighten us as to the position of Mr. Manchecker, as he was at the time, according to the evidence, in charge of the Regional Military Command (subordinate body to the Senior Organ)? A. No, I am not prepared to comment.

I have actually cited the fact that even in a country like Great Britain there is a 50-year secrecy ruling by the State;

Would it be correct if there was evidence that a certain person known as Muriel was a member of Soweto Parents' Crisis Committee? A. No comment. for the reasons I have given.

I will show you a document, Exhibit AJ30. The document is dated 6th August 1986. It is a petty cash voucher. For completeness. in fairness to you. there was evidence that the particular document for the amount of 500 rand only, given to Seb. for Muriel -e--

A. Seb.- you mean. like Sebastian?

Seb. The document will be made available to you in a moment for your inspection. A. It is Just that earlier I thought you said it was "Sep."

If we were at cross-purposes - I did spell it on that occasion.

A. I am sorry, but that is how I heard it.

As I say, if we were at cross-purposes - the document was also available to you for inspection, if you recall that. A. Yes. that's right.

Just to complete what I have been putting to you. This particular voucher is for the amount of 500 rand. It is signed again by the person Two. According to the evidence, the person that signed it was one September. It was passed by one Hhity - who was referred to as one Paul Dikeledi. The purpose of the money. according to the evidence, is that it was for the person Muriel. for her to come to Swaziland. Would you look at the document.

(Same handed) A. (After a pause): Well, I know nothing of this. I have never heard of a Seb. I have never heard of somebody called Two. Apart from that, I am not prepared to comment on transactions - which I have indicated to you already.

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I postulate the following question to you on this basis. according to the evidence. the person concerned. Nuriel. was a member of the Soweto Parents' Crisis Committee and the person that . were negotiation; this transaction was Mr. Dikeledi (the Commander of the Transvaal Implementation Machinery) and his subordinate Mr. September. Mr. September. according to the evidence. was to submit the funds to the person concerned, Muriel. to come to Swaziland. What do you say to the proposition I want to put to you, that Muriel, being a person concerned with political matters. and the Transvaal Implementation Machinery clearly a military command within the ANC structure. would communicate with a political person? Would that be in order? A. I know nothing about this and therefore I cannot comment.

Apart from your knowledge. with regard to the transaction in question. would such conduct have been approved by the organisation if a military machinery conducts or negotiates in the interests of the organisation with a political person? A. I have told you earlier on in this examination that I am not prepared to comment on the transactions of the units under our command. I made that clear when I discussed the function of the NBC. the Senior Organ, the RPMC. I said I would go that far and not discuss the functions of the units.

If I may postulate the question to you on a hypothetical basis: where a person, being a member of the political organisation ---- NAIDU: Political unit.

PRINSLOO: I beg your pardon - political unit and a member of a command structure of the implementation machinery, would that be in accordance with the ANC policy that prevailed at the time in 1986-be in order to have such communications? A. I am not prepared to comment on this. I would say that you would have to show that the individual concerned was actually involved in military functions. But if the person was involved in political work, then there would be ... It would be dependent on lots of things of course, but that person would not come under military. So it "hangar". And when things "hanghaf" we are dealing with hypotheses and so on. I am not going to discuss such things. I don't quite understand what you mean by depends, or the Afrikaans word you used, "hanghaf". Would you make it clear please, in order to understand your evidence. A. You are talking about hypotheses and you are talking about sub-structures. people in the country, about whether a political person could be connected to the military. I mean, we are dealing with areas of activity that so much other things depend on that there is no way a reasonable person can really start commenting. In any event, I have made it clear that I am not prepared to discuss the functions of units under our structures - operational units or individuals inside the country - at all.

In order to understand the first part of your reply, when you say a reasonable person can understand, are you saying that you did not understand what I postulated to you? A. No, not at all. I understood your postulation quite well.

Just for the record, for clarity, what did you convey? A. I have already used the phrase and I am not going to go on and on explaining what I mean when I use a simple term.

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I auat put it to you: what I have put to you with regard to the evidence concerning the exhibit I have Just shown you and the evidence relevant to that was unchallenged. You have already said that you didn't know anything about what I postulated to . you. on the basis that there was a communication between a political unit and a military unit. Is there anything you want to say about that? A. Nothing. 1

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Would it have been within the knowledge of the Military Headquarters during 1986 - and when I say 1986 I am referring from January until December 1986 - if any vehicles were required by the Transvaal Implementation Machinery (the EMC) for operation purposes. would such knowledge have come to the Military Headquarters?

A. I have already told you that I am not prepared to comment 1 about such activities and functions of our units. structures.

I beg your pardon. Mr. Kasrils? A. I have already told you that I am not prepared to comment on these things.

I must put it to you that there was evidence that such vehicles were required, that such vouchers were signed by Paul Dikeledi and the person known as September. for various amounts of money, and it was for the purpose of acquiring vehicles.

GERING: Mr. Commissioner, may I Just interpose at this stage.

The witness' view may be right or it may be wrong. That is a matter for argument. But one thing is surely clear beyond any doubt whatever; namely that on certain matters he is not prepared to comment and he has given very clearly the reason why. To go over mechanically each time, as the previous cross-examiner did with the previous witness, is with great respect time consuming and not in accordance with the best traditions of the bar in cross-examining. I would ask my learned friend not to persist in this needless and repetitious approach.

PRINSLOO: We respectfully submit, Mr. Commissioner, that my learned friends are perfectly aware of what the ambit of the evidence was during the trial. Whatever a witness' reply is to a particular question, it must be put to a witness in order to place such evidence before him. The witness can comment thereabout. As to how it is done, that depends upon the method adopted by each person conducting cross-examination. We respectfully submit that the way it is being done is proper and fair in the circumstances.

(To the witness): With regard to the time of the Co-ordinating Committee, whilst you were absent from Swaziland, who was conducting the Co-ordinating Committee on your behalf? A. I am not prepared to comment.

For what reason? A. For reasons I have already given.

That is. that you refuse to answer that? A. I have told you, this is sensitive information.

With regard to the Hectorspruit operation which you said yesterday was conducted by members of the People's Army, your combatants, and what related thereto, I must put it to you that the members concerned at the time, the unit, was one Fanie Tello, Bernard Shange and Martin. Do you agree to that? A. I am not prepared to comment.

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O. I also put it to you that at the time you made use of an Elcomino Bakkie.

HR. NAIDU: If my recollection is correct. the whole expedition about the Bloomino. etc. was objected to on the basis that it was not cited in the indictment. You will remember that half way through that his history given by the witness. an objection

was raised and the Judge in fact remarked to counsel: "What

MR. PRINSLOO: Mr. Commissioner, we respectfully submit that an .

B objection was raised by our learned friends and it was pointed ' out that the particular details. as detailed by the State at the time concerning this evidence, are reflected in the indictment and the annexure thereto. Mr. Naidu then personally withdrew his objection at the time.

MR. NAIDU: It is clear that I am still mistaken about it. I withdraw it if I am wrong.

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MR. PRINSLOO: For the record, Mr. Commissioner. we refer to page E 20 of the annexure to the indictment. Paragraph 66 is the one ' concerned, and it follows thereafter.

MR. NAIDU: I withdraw my objection. . '

- MR. PRINSLOO (To the witness): Mr. Kasrils, I am not quite sure 3 I) whether you did reply or not. Mr. Naidu interposed. A. No 3 comment. 4

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O. That was your reply. A. Yes.

Q. I Just wanted to make sure there was a reply. Is it correct h that you did go to Lusaka during 1984, after the Co-ordinating E Committee was formed in 1984? A. Yes. Yes, definitely.

that a Pulsar vehicle was made use of, which was after the operation f or subsequently, by the unit concerned, blown up. Do you know anything about that? A. No comment.

5 O. During 1984 was a Mr. Gebuza a member of the ANC in Swaziland? A. No comment.

O. Do you know Mr. Gebuza? A. No ecument.

Q. There was evidence that a certain InSpector Sheba, a member of the Swaziland Police, was at some stage killed in Swaziland, as a result of which a number of members of the African National G Congress had to leave Swaziland. Do you know anything about that? A. No comment.

Q. According to the evidence. a certain Mr. September was in Maputo from January 1985 until August 1985. Do you know anything about that? A. No comment.

H Q. If the person concerned. Mr. September, was in Maputo during that time and there was evidence that he had to leave Swaziland



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NAIDU: Iiaht I Just indicate. it wasn't a double-barrel question but a tour-barrel question. But in any event the witness has no comment on all four barrels.

PRINSLOO: Hay I make my question clear. as there was an objection to that. There was evidence that a certain Hr. Ivan Pillay was in Swaziland in 1984. What do you say to that? A. No comment.

There was evidence that Mr. Ivan Pillay was Treasurer and Secretary of the Co-ordinating Committee. What do you say to that?

A. There were no such positions in the Co-ordinating Committee.

Mr. Thami Zulu, is he known to you? A. No comment.

There was evidence that Mr. Thami Zulu represented the military machinery in Swaziland at that time. A. No comment.

On the Co-ordinating Committee. Do you know Accused No. 1 in this case who is known as Scotch (Acton Mandelo Maseko being his correct name according to the indictment). Did you know him? A. No.

Did you know him by the name of Scotch?

NAIDU: The witness says he doesn't know him.

PRINSLOO: The question I am putting to him is did he know a person by the name of Scotch. A. I have heard the name Scotch. I don't know that person.

unit? A. No comment.

The name of the RPMC, can you indicate to the Commission what it denotes? A. Are you asking me once more to explain the meaning of this committee?

In fairness to you, I have not yet asked you about the RPMC.

It is only about the PMC that I have asked you - not the RPMC.

NAIDU: No. the witness wants to know the question - whether you want him to indicate what RPMC stands for or what the RPMC is. You used the word "denotes".

PRINSLOO: Exactly as I have put it to you. Mr. Kasrils. What it denotes, the word RPMC.

NAIDU: You mean the alphabet: RPMC. A. RMPC stands fbr Regional Political luluiuy'camutum.

PRINSLOO: That was the question. A. I didn't understand.

Why does it include the words "political", "military", "committee"?

Could you explain that in the context of the Regional Political Military Committee's function? A. Well, we should take things one step at a time.

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Yea. Pleaae do ID. A. "Political" refers to political work.

"military" to military work. "regional" to particular region.

The committee functions according to circumstances and the real situation.

The "regional." that relates in this particular instance to

Swaziland? A. I did say that I went to Swaziland and there

was the question of setting up an RPMC. And I did point out

that we don't proceed from the abstract but from facts. To

take a name and from that name proceed in an abstract way leads

into outer apace. One has to look at the actual facts of a

situation. To give you an example or what I mean. the South

African Government or the ruling Nationalist Party. they proceed

from the abstract. It is a very good example. They proceed

from the abstract notion that the Afrikaans people are a chosen

people and that South Africa has been given to them by God.

This is a purely abstract notion. On that basis they then proceed

with a particular policy that keeps the other races and groups

in South Africa in a subservient position. When I say one must

proceed from the fact, in relation to such an example, we of

the ANC and all logically minded people, whether Afrikaans,

or English, or black, or white, in South Africa and in the world.

would look at South Africa from facts - look at the fact that

there are 30 million people in South Africa, that there is a

minority of four million white, that the African majority, the

Indian and coloured people. live there factually and have for

centuries in regard to the African people, and on that basis

come to an understanding of what South Africa is and should

be. So when you ask me about the RPMC in the way you do, I

say that you are proceeding from the abstract to try to understand

it, and as a result you will get into all sorts of problems.

If you accept my evidence, which was proceeding from fact,

then you will understand exactly how I have described the workings

of this RPMC, which I have mentioned to you I think on several

occasions, and in the interests of time, in the interests of

the tax payers' money, I am going to decline Just to go on and

on repeating myself. You have got the Court record and you

can look back at the explanation I have previously given.

I must put it to you: you must confine yourself to the question.

You have not replied to the question.

GERING: Mr. Commissioner. with all due respect to my learned

friend, that is a matter for argument, whether that is the correct

reply or not. I would say with respect that it is a very full

reply and a very good part of that reply has already been given

previously.

You are now doing exactly the same thing that I complained

about in regard to the witness' answer "No comment". You are

going over and over the same thing again, exactly as the previous

cross-examiner did with the previous witness. I say with respect

that this is quite wrong and it would not have been allowed

to defence counsel by the learned trial Judge in the Transvaal.

PRINSLOO: Mr. Commissioner, we respectfully submit, without

going into any cross-argument with our learned friends, that

the question has not been replied to. The witness has given

a very longwinded reply which is totally irrelevant to the question

I put to him.

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(to the witness): What was the purpose or the military in this particular committee? A. The military had no purpose in that committee. I have said so. It was not a committee that A had anything to do with military operations whatsoever. ANC to create such structures as the Regional Political Military Committees. was it envisaged that the military would be included in that particular committee? A. I have explained to you that at Kabwe the approach in relation to structures was that we should look at the real situation in any particular place 8 and be guided by that. and that in Swaziland there were peculiar situations to Swaziland.

part a particular Regional Political Military Committee was to play. was it envisaged by the NBC at the time. at the conference,4 or by any decision taken at Kabwe Conference? A. Not in the sense ... in the mechanical sense. Kabwe recommended that C we should proceed to create such all-round organs. but that we should take into account specific conditions in an area or a region - that we should proceed on the basis of a concrete 0. In order to understand your reply, would the military machinery anywhere, in any of the political military committees of the regions, have been included? A. I am not prepared to comment I) about other regions. I have confined myself to Swaziland and I have told you that in the RPMC in Swaziland there was no military role whatsoever.

....

RPMC in Swaziland? A. I am talking here in terms of military operations in South Africa. I have explained that time and E again and I don't see why I should be asked to go over and over 2 the same explanations.

. You have not replied to this question. A. I have gone to extensive lengths here to assist the Court with the reasons i why, when I went to Swaziland with a brief from the PMC, we ; that at extensive length and I feel with all the clarity that I can command. I don't think that I can actually go on and on repeating, and repeating, and repeating.

. I must put it to you that you have never answered why the military was not included in the RPMC. A. I explained to you that Kabwe with their own specific lines of command, control and communication -on the one hand to the PMC and on the other hand to Military Headquarters.

. Are you saying that in Swaziland a military machinery or a structure above that remained? A. Structure above ...?

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. Let me rephrase the question. What structure controlled the military itself within Swaziland at the time? A. The military within Swaziland ... There was a Natal military and

from the Military Headquarters in  
been dealt with on more th  
of the RPMC - to be specific from  
Are you able to suggest why such ev  
A. Not at all. Ask counsel for th  
ll 0. (After a ause): There was evidence  
In a TIat In Swaziland during 1985.  
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a Transvaal military. and they were con  
I must also put it to you that such evidence was also uncha  
by the Defence. Is there any reply? A. Well  
that the EMC (the Transvaal Implementation Machinery)  
submit requisitions for funds. as well as for material. What  
do you say to that? A. I am not prepared to talk about  
R. KASRILS.

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the same ground. This has been dealt with in chief. It has  
ry same question  
I would be glad  
to do it quite easily. We respectfully submit that we should  
not be curtailed in our cross-examination.  
at?

Can you suggest why such evidence was never challenged by the  
Defence? A. It is not for me to say.

e Transvaal  
the end of 1985. during 1986 -  
would

idence was not challenged?  
e Defence. I wasn't even there.  
that one September was staying  
What do you say to that?

A. He must have been staying somewhere.

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What do you say to that. that he was ataying in a flat at that time? A. I wouldn't know.

If there was evidence that you had visited him in this particular flat ...? A. That is untrue.

If there was evidence that Mr. September's rental ... that his telephone was paid for by the ANC. what do you say to that?

A. I wouldn't know and no comment.

Is it correct that Mr. September at that time was your subordinate?

A. No comment.

According to evidence, Mr. September was a member of the Transvaal Implementation Machinery and was responsible for military intelligence. A. I have accepted that he was a member of the Transvaal Military Machinery. As regards the second part of your question, I have no comment to make.

When would the members of the machineries in Swaziland have become aware of the introduction or the creation of the Regional Political Military Committee? A. The members would not have become aware of the creation of such a committee. It would not have been announced to them. I have explained to you that I set up an RPMC and in terms of conspiracy methods which we are forced to employ because of the nature of the South African regime, such a committee would be a confidential committee. So there would be no briefing of the subordinate members to that committee.

In order to understand your reply, when you say the members of the machinery would not have known, would that include Mr. Paul Dikeledi, for instance? A. I have got no comment to make on that particular individual.

I don't understand your reply. k. Well. your question, as far as I can understand, says would it apply to Paul Dikeledi - whether he would know or not.

That is correct. A. I am not prepared to make a comment on how anyone might or might not have known about this RPMC. With regard to your reply, when you say members of the machinery would not have known ----- A. I have said that members of these machineries would not be briefed that the setting up of the RPMC ... The knowledge of that should only have been confined to those who were on it. Now will you please take your points one at a time - your questions one at a time. Certainly. Confining oneself to the Swaziland RPMC -----

A. Yes.

- and we understand what period it was-according to evidence Mr. Paul Dikeledi was the Commander of the Transvaal Implementation Machinery. A. Well, I have got no comment to make on that.

I have got to put it to you this way to get the question clear.

A. Yes, that is why I am asking you one point at a time, please.

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O. hr. Paul Dikeledi. being the Commander of the Transvaal Implementation Machinery. would he be included or not with regard to the person who would have been informed with regard to the creation of the RPMC? A. It is possible - not necessarily the case, It is possible.

O. In order to understand your reply. having regard to the fact that you personally created the RPMC and personally conveyed this particular briefing to persons in Swaziland

HR. NAIDU: No. not "persons in Swaziland".

3 HR. PRINSLOO: I don't quite understand.

HR. NAIDU: The witness did not say that he conducted a briefing of persons in Swaziland.

MR. PRDEHDO: Mn. Kmmils.

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HR. NAIDU: That was not his evidence. The witness made it clear that he briefed certain people; he did not brief certain people. It is not proper to make such a general statement.

HR. PRINSLOO: Mr. Commissioner, with respect, I don't know why my learned friend is getting agitated about this. ,

I) NR. NAIDU: It is because you are purporting not to understand my objection - or you are pretending not to.

HR. PRINSLOO: Mr. Commissioner. addressed to me by my learned not pretend.

I take exception to the remarks friend - what I pretend and do

(To the witness): Whom did you brief with regard taken at Kabwe with regard to the creation of RPMC? A. regard to Mr. Paul Dikeledi?

when you say, "It is possible," what do you mean by that?

A. Your question is, how could Paul Dikeledi have the existence of the RPMC. Is that your question?

O. No. The question is whether Mr. Paul Dikeledi (who, to evidence was the Commander of the Transvaal Implementation Machinery at the time) would have been briefed with regard to the creation of this particular committee. A. My reply to that is that I am not prepared to indicate the name of any individual who I may have briefed. according

Q. Why did you earlier say it was possible with regard to Mr. Paul Dikeledi? A. I was implying that it is possible that ...

humanly possible that individuals who I hadn't briefed came to know about it. But that would have been through hearsay and in other words contravening the rules of conspiracy. I was merely prepared to accept that that is possible. That is all.

I am saying this in relation to a point I have made a number of times. which I perhaps haven't elaborated on, that because of the circumstance we find ourselves in - the banning of the ANC, 21.

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the fact that we are forced to use clandestine methods or work - we apply conspiratorial rules. according to a need-to-know system. we aspire to those high atandarde. but as with any organisation in history or in any country in the world one does know that there are abuses of such rules. that people talk when they shouldn't talk and people hear about certain things that they shouldn't know about. That is all I am saying when you ask me: How would somebody know about the existence of this RPMC if that person was not on the RPMC. You seem to imply that if someone knows about it. then they must have been a member.  
I must put it to you that at no stage did I imply anything.  
I put a direct question to you with regard to Mr. Paul Dikeledi. In order to understand your reply with regard to possibilities - that is what is not understood at this stage - was Mr. Paul Dikeledi informed that an RPMC would be created? A. I am not prepared to comment on that.  
GERING: I would Just point out with respect to my learned friend - I am trying to be helpful here - that there is ambiguity in i saying: Was so-and-so informed? It can mean: Has so-and-so ; informed by the witness; or by somebody else with authority of the witness; or by somebody else not with his authority but i perhaps in contravention of some rules. In other words, there is a latent lacuna in the question which may easily lead to the witness not quite knowing what the question is. I know that my learned friend is trying not to do this. I Just draw this to his attention. The question as it was put: "Was Paul Dikeledi informed ..." is with respect open to criticism that it contains a latent lacuna.  
PRINSLOO: Mr. Commissioner. I respectfully submit that it was a perfectly clear question. I don't know hom my learned friend can in any way relate it to any ambiguity in any sense.  
NAIDU: Perhaps he should -----  
PRINSLOO: May I Just finish, Hr. Naidu. You will have your i opportunity to reply. With respect. Mr. Commissioner, it is z the witness' evidence up to this stage that he was personally responsible for that particular briefing. The question that was put to the witness was put to the witness directly pertaining - to his personal conduct of the matter. It was at no stage suggested or implied in any way - as suggested by my learned friend - that he would have been informed by another person or anything of the kind akin to that with regard to such speculation.  
(To the witness): What is your reply to the question? i  
A. I am not prepared to state that I informed Paul Dikeledi. Are you prepared to say as to whether he was a member of the ' RPMC? A. I am not prepared to say who were members of the RPHC.E Are you prepared to say as to whether he represented the Transvaal Implementation Machinery on the RPMC? A. No, I am not prepared to state that.  
Did you know a person by the name of Mr. Poswa, former attorney, A from Nelspruit in Eastern Transvaal? A. No. 3  
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R. KASRILS.

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Has a person by the name of Florene  
e Nashlgo known to you?

A. I am not prepared to comment.

According to the evidence, Florence Mashlgo was a member of  
the Transvaal Implementation Machinery. A. No comment.

I must also put it to you that It was also the evidence of the  
previous Defence witness, Mr. Vusl Khumalo. A. No comment.

In view of the fact that Mr. Khumalo testified to this fact.  
surely it would no longer be a secret. A. Well. I still  
have no comment to make.

I must put it to you that there was evidence that a man. Mr. Stan  
(also known as Mhlaba Nkosi), was a member of the Transvaal  
Implementation Machinery. A. No comment.

Did you know Mr. Stan? A. No comment.

With regard to the Transvaal Implementation Machinery, there  
was evidence that there was a system employed whenever operations  
nate to the machinery that - if

I may take it step by step - there would be a report-back to  
the machinery. A. No comment.

There was evidence that a particular target would be reconnoitred  
upon orders of the EMC. Would you comment on that? A. No  
comment.

Whenever such target had been reconnoitered, such recognisance  
would be reported back to the machinery. A. No comment.

There was evidence that an operation would be carried out; for  
example, landmines laid in the particular instance. A. eNo  
comment. .

A report-back would be conducted  
with regard to such an operation.

A. No comment.

There would be a report-back as far as what occurred as a result  
of the operation. A. No comment.

I must also put it to you that at each particular instance such  
instructions would be received from the RPMC. A. No comment.

That a particular ----- A.

Sorry, you said instructions  
from the RPMC?

That is correct. A. It is not possible that the RPMC could  
issue any instructions relating to military operations.

conduct a particular operation in the laying of landmines.

There would be a requisition for funds pertaining to the unit.

What do you say to that? A. No comment.

There would be a requisition for material - and when I use the  
term "material" I am referring to explosives, such as landmines,  
ammunition, that will be necessary to carry out the tasks.

A. What, to the RPMC?

23.



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a. KASRILS.

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First of all there would be a requisition issued by the ENC.

A. No comment.

Secondly there would be a requisition submitted by the EMC to the RPMC. A. Impossible.

Why do you say. "Impossible"? A. Because the RPNC doesn't deal with military ordnance. The Ordnance Department of our Military Command does-as I explained the other day. I think in my evidence in chief.

So where would this requisition be going? A. No comment - other than Ordnance Department ultimately. or its sub-structures. But ordnance, not RPMC.

When you say, "sub-structures," I don't understand your reply.

A. I have. when I have referred to the Ordnance Department or any other specialised department of our Military Headquarters, said that there are sub-organs.

What do you mean by "sub-structure"? I don't understand your reply. A. Sub-organ or sub-structure.

What would that be called? A. It doesn't necessarily have a name.

When you say, "not necessarily," does it in fact have a name?

A. Not even in fact. We are a secretive organisation. It could be a unit of the Ordnance Department operating in any particular forward area or inside the country providing the materials.-

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In order to understand your reply, do you mean that the unit would actually be holding the material, the weapons? A. Is that what you are saying? A. Weapons would be in the care of the subordinate structures of the Ordnance Department of our army.

To relate that, is that with reference to a unit? Is the sub-structure now a unit? I don't understand your reply. A. Not A necessarily an operational unit inside the country. A sub-structure, some organ, some sub-organ somewhere of the Ordnance Department.

I think it is perfectly clear what I mean and what I am saying.

Where would this be situated in the case of Swaziland? A. It may or may not be situated in Swaziland. This is an operational secret. It could be in Antarctica - or in Timbuktu.

Is that with reference to Swaziland, Antarctica? A. To any area in relation to the need for weaponry inside the country. I am not prepared to say exactly where.

GERING: May I place on record that I am now passing back the passport. Photocopies have now been received.

PRINSLOO: I have not personally received the photocopy.

We would like to reconcile it with the original. Then we will agree to it and deal with it on that basis.

24.

h. KASRILS.

Croee-exe-lned:

(Cogies distributed and original handed to the Commissioner)

HR. PRINSLOO (To the witness): During 1986 was a Mr. Gebuza a member of the AN . a tee e o the machinery in Swaziland? A. I an not prepared to comment.

O. As Commander of a special machinery? A.

I am not prepared

to comment.

O. Do you know whether the same Mr. Gebuza was also known as Tebogo Kgobe? A. No comment.

O. Did you know Mr. Desmond Mapanga. who was staying in Swaziland during this particular relevant period? A. No.

Q. Did you never hear of such a person or know such a person?

A. No.

Q. Did you know a man known as Mr. Simon Dladla? A. No.

O. Correct me if I have already put this to you - according to evidence funds were provided by the RPMC to the EMC (the implementation machinery). A. Just repeat.

man September had received money. This pertains to a particular document, AJ33. The money he received was for the purpose of conducting military intelligence work in the Republic of South Africa. A. No comment. Could I see the document.

O. Certainly. (Same handed) A. (After a Bause): As a matter of interest, why do you put it to me that the document indicates that this was for military intelligence? It Just says: "3 000 only given to Seb. for his task". '

Q. As I put it to you, according to evidence a person known as Mr. September received an amount - as you know, indicated as 3,000'rand - in accordance with this voucher, dated slst July 1986; that the person concerned. according to evidence that was adduced in court, the man known as September had signed by using the word "Two" and it was passed by Mr. Dikeledi, who was known also as Whity. icccrding to evidence that was adduced, the amount of money, 3.000 rands. was advanced for the purposes of military intelligence work in the Republic of South Africa.

A. I have got no comment to make on that. I Just understood you to mean it would have been written on that document.

O. If I did convey it that way, that is not what I intended.

A. No problem.

in Court. A. No comment. 1

THE COMMISSIONER: Mr. Prinsloo, would this be a convenient time? (Adlourned for a short time) F

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Q.

R. KASRILS.

Croas-exenined:

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PRINSLOO: With regard to Mr. Kasrils' passport. our learned friends have kindly made photostat copies. There are certain dates that are indistinct. Kr. Gering has undertaken to make further copies of the passport and he has informed me that he cannot do any better than he has done at this stage.

Hr. Commissioner. I would ask leave to hand in the passport as Exhibit 5. It will be marked Comm. 5. (Co of ass ort marked Comm. 5) He would like to reserve t e r ght as cross-examination progresses. if there are any dates that are indistinct, to consult the original. Just to compare it and ensure that we have an accurate record of what transpired for the Court record.

(To the witness): There was evidence that Mr. Ebrahim Ismail Ebrahim (Accused No. 3 in the trial itself). whom you have already said you know very well, was in the company of one Ivan in a v particular restaurant, the Peri-Peri Restaurant in Maputo during 1981.

NAIDU: That is not correct.

PRINSLOO: I beg your pardon, Bobby Pillay. My learned friend Mr. Naidu has corrected me. Do you have any comment about that? A. No comment.

While we are on that topic, do you know where Mr. Ebrahim was during 1981, or don't you? A. No.

There was evidence that a certain member of the African National Congress known as Clarement was killed at a place called Katlehong on the east end by the South African police. Are you aware of that? A. No comment.

There was evidence that this particular member of the ANC.

Mr. Clarement, was instructed to enter the Republic of South Africa to conduct certain operations on the east front. There is further evidence that certain people were killed on the east front-'members of a certain Swaziland board, members of the police. Do you have any comment about that? A; No comment.

I must also put it to you fairly that this particular member, Mr. Clarement, was assigned by the implementation machinery - and when I say implementation machinery I am referring to the Transvaal Implementation Machinery - during 1986, to infiltrate. A. No comment.

You have already said you know Mr. Ebrahim Ismail Ebrahim well in your evidence in chief, as I understood you. A. That is correct.

I will now show you Exhibit AJ3. Do you say that is a photo of Mr. Ebrahim, Exhibit AJ3? In fairness to you. I must point out to you that it is common cause between the State and Defence that that is indeed a photo of Mr. Ebrahim in that particular exhibit. That is admitted by the Defence - in other words, by Mr. Ebrahim himself. (Same handed) A. No comment.

In order to understand your reply, when you say, "No comment," is that with regard to the photo itself or the photostat copy?

A. It is with regard to that whole photostat copy.

26.

But the question is confined to the photo only. A.

R. KASRILS.

Crooa-exaninod:

It you

give me a photo on its own. I would be prepared to comment.

I am not prepared to comment in relation to a photo on another document. so no comment.

I don't quite understand your reply. A.

a photograph of Mr. Ebrahim Ismail Ebrahim - he is in

If you can provide

I would be prepared to identify it if I felt that was him. But

I am not prepared to deal with a document such as that. a photo on a document such as

that. so no comment.

I don't understand your reply - why you are not prepared if

a photo is on a document. . Well, I am not prepared to.

Lots of things can happen in terms of photos and documents.

In order to understand your reply. you have been shown a photocopy where there is a photo. First of all, may I put it this way:

do you agree there is

a photo on this photocopy of the document

of a person? A. That is right.

Do you agree, one can

A. Yes, if one knows

In order to understand your reply, is it that identify a person on this photo?

that person.

you are not prepared

to identify the person, or what is the position with regard

to this particular photocopy? A. I am not prepared to identify the person.

For what reason? A.

identification documents. or movements, or structures they belong to. That is my answer for the record.

PRINSLOO: Mr. Commissioner, for the record. what I have shown the witness-we are de

aling with a photocopy, whereas the original

passport itself was handed in by consent in this particular instance. To identif

, it has got the names at the top: Seedat

Kassim. Then it has got other details below that.

is showing the witness is a true photocopy

of the original, which is with the Court, AJ3. But I think

he will admit also that it is a very indistinct photocopy.

PRINSLOO: Mr. Kasrils, in view of Mr. Gering's remarks, in

order to reconcile that with your reply earlier. as I understood

you, you said that one would be able to identify the person

thereon if he was known to you. A. I think that is possible.

I beg your pardon.

are talking here about

comment on. You have

feint. There is a pho

To understand your rep

A. (After looking at the document): We

a document that I am not prepared to

ly. to reconcile it with your earlier

reply as I understood your evidence - unless I misunderstood

you. and we can always

reply - you said one w

the photostat copy as

ask the Transcriber to relay to us the

ould be able to identify the person on

presently presented to you. A. Well, I said

R. KASRILS.

Croaa-exa-ined: 9

that I think it is possible. And if I said before the words that you are implying or citing. I think it is possible I said that. .

In order to be fair to you. would you prefer to see the original?

A. Do you have the original available?

We can make arrangements to obtain it. VA. I think it is fine. I accept what Mr. Gering has said - that that is a copy of an original. I accept what he has said.

But ---- A. So what is it that you actually want?

The problem that still arises - as Mr. Gering raised - is that the photo is indistinct - what he claimed. So we are still back to square one. A. OK - back to square one and I will concede that the photo. although feint. I would say that it is good enough to identify an individual. I accept that without you having to go and get your paSSport from South Africa.

I accept that.

Just to conclude that particular aspect. you still do not wish to comment with regard to that particular photograph? A. No.

There was evidence that Mr. Ebrahim Ismail Ebrahim (Accused No. 3 in this trial) -- I will refer to him from now on as Accused No. 3, will that be in order? A. Yes, please do.

It is admitted by the Defence - and when I say "the Defence" I mean Accused No. 3. An admission was made on his behalf by Defence counsel that he was residing in Durban towards the end of January 1985 until June 1985.

GERING: Could you give us the date again, please.

PRINSLOO: End of January towards June 1985. I am using the word "residing" in a place in Durban. A flat was mentioned.

NAIDU: High Point.

PRINSLOO: High Point flats. Mr. Kasrils, do you have any knowledge about that? A. I have no comment.

in your evidence in chief, that you knew where Mr. Ebrahim was during that time: July 1985? A. Yes. At that period I did know where he was. But I am not prepared to comment on that. Why then did you volunteer such evidence in chief? It was not elicited from you in cross-examination. Why did you volunteer Now you are declining to comment on that. A. I am declining to elaborate further. I am saying to you: Yes, I knew where he was in that period but I am not prepared to provide any further information for reasons which I have given you many times over.

Did you know a certain person known as Helena Passtoors?

A. No comment.

28.

n. usnus. i

Croee-exanined:

Do you know one Klaae de Jonge? A. No comment.

It has been admitted by the Defence that a certain conversation had taken place in the Blue Waters Hotel in Durban in 1985 - to be exact on 18th June 1985 - between Helena Passtoors and Accused No. 3 Ebrahim Ismail Ebrahim. I must also put it further to you that during this conversation a discussion had taken place between Accused No. 3 and Helena Passtoors. The discussion concerned a certain route which referred to the Lebombo Mountains. Do you know anything about that?

A. No comment.

in to Court as Exhibit CU22. page 9 - there was a reference - and the voice it was admitted by the Defence was that of Helena Passtoors - to: "Tony has been there. He has climbed over the fence. right across the mountains." Do you have any comment about that? A. No comment.

Do you know whether this relates to you or not? A. No comment.

Could I have the reference to that? You said there was an exhibit.

The exhibit number? A. Yes.

C022. A. Is that available?

Yes. You would like to read it? A. I would like to read it.

You would like to read the relevant page? A. Yes. '

PRINSLOO: The whole document comprises of a number of pages, Mr. Commissioner.

NAIDU: Perhaps we can show the witness a copy. A. You have that? It is OK. v

PRINSLOO: Would you like to see the relevant page? (Document handed) A. (After a ause): Thank you. (Document returned)

\_\_\_\_\_2\_\_\_\_\_. \_\_\_\_\_.

Are you happy. Mr. Kasrils? A. Thank you for showing me :

. that. Yes.

You have used in your evidence the word "SACTU". Is that South African Congress of Trade Unions? A. It is.

You have also said in your evidence that Mr. John Nkadameng is the General Secretary of SACTU. A. That is so.

Mr. Mkhwanazi, is he a member of SACTU? A. He is.

What position did he hold during 1986? A. I am not sure.

I beg your pardon? A. I don't know.

Did you at any stage know what position he held in SACTU at any particular stage? A. No - other than that he was a member of SACTU.

Did you know that he was based in Swaziland at any particular stage? A. I do know that.

29.

croaezexamined:

What period was he in Swaziland? A. I wouldn't know from when. From the sixties at some stage and certainly during the period under examination: '84. '85. '86. I don't know exactly when he left.

Did you have any dealings with Mr. Nkhwanazi in your official function? A. No comment.

As I understood your evidence - correct me if I am wrong - the implementation machinery would report directly to the Military Headquarters in Lusaka - or Zambia at least. A. Which implementation machinery?

The Transvaal - the EMC. A. In Swaziland?

Yes. A. The Transvaal Implementation Machinery - that it would do what?

That it would report directly - according to your evidence, it I have understood it correctly - to Military Headquarters or Military High Command. A. In Lusaka?

Lusaka. A. Yes - or to members of Military Headquarters.

I should add that. To members of Military Headquarters who might be in Swaziland. I don't think I perhaps clarified that before but it is important to .....

Maybe you should Just clarify that. A. No. I think it is quite clear.

What is not understood from your reply is when you say "members ... in Swaziland". You are not referring to members in the EMC

then? Are you referring to members of the Military Headquarters who may be in Swaziland? Is that what you mean? A. Yes.

The members ... The Commander of the military machinery of the Transvaal or other members of that military machinery in Swaziland could report to members of the superior body, Military Headquarters. in Lusaka. or, if those members of the Military Headquarters were in Swaziland..... '

Do I understand your reply - does it follow that at a particular stage a member of the Military Headquarters may find himself in Swaziland? Is that what you mean? , A. Yes, exactly.

Not necessarily there would be a structure in Swaziland.

A. No. If a member of Military Headquarters visited Swaziland. then of course the command of the Transvaal Military Machinery would or could report to him or her. In fact that would be expected.

In a situation as you have Just postulated, that a report could be made by the command, the EMC (the Transvaal Implementation Machinery), to a member of the Military Headquarters who at the particular time finds himself in Swaziland ----- A. That is right.

-- does it follow that that particular report would then be conveyed to the Military High Command. A. In Lusaka.

In Lusaka. A. Yes. Not necessarily the whole of the Transvaal machinery reporting to that individual from Lusaka.

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HR.  
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h. :ASHlLt.  
Croas-examined:  
The previous witness.was Hr. Vusi Khumalo. Do you know Mr. Vusi Khumalo? A. I do.  
According to his evidence. he was a member of the implementation machinery. A. No comment.  
GERIIC: May I Just interrupt. Wouldn't it be clearer. instead of sometimes talking about implementation machinery. sometimes EMC - and I am not saying this critically - to use one term. I think Mr. Vusi Khumalo in almost all of his evidence was referring to EHC. Wouldn't it be clearer to keep that one terminology instead of going backwards and forwards? I Just put it as a thought.. I am not dictating.  
PRINSLOO: Mr. Kasrils, in case there was any misunderstanding between you and me at any stage, at all times when I refer to the machinery as the EMC, it is the Transvaal Implementation Machinery. I will qualify it as the EMC. Would that be in order? A. Well. actually I haven't accepted whether that name in fact exists. If you would, with all due respect to learned counsel, for my sake refer to it as the Transvaal Military Machinery.  
And I will always add the. EMC. A. You can do that for your own benefit.  
At least one knows we are talking about the same machinery.  
A. It makes life much easier.  
Would it be known as Transvaal Military Machinenror Implementation Machinery? A. Military Machinery.  
Shouldn't it have the word "implementation"? A. No. Simply Transvaal Military Machinery.  
which might be acceptable in everyday language. I am not prepared to comment on the different words that various people might use - which is why I, you will have noticed,.simply refer and continuously refer to it as Transvaal Military Machineny.  
In order to understand your reply, with regard to what you said concerning the EMC, is it now disputed that the Transvaal Implementation Machinery (or Military Machinery as you call it) was referred to as the EMC? A. No, I am not disputing it, I am simply not commenting. To be consistent with the way I am dealing with the questions, I have said that I am not prepared to comment on names.  
There was evidence by the previous witness, Mr. Vusi Khumalo - and when I say. "the previous witness," I am referring to a Defence witness at this Commission - when he was shown document BY (which I will show you in a moment). that document BY was compiled by Mr. Paul Dikeledi and the report was signed by Mr. Dikeledi in the name of Black Material. I will show you the report.  
GERING: If you want to keep your copy in front of you. I will show my copy to the witness. (Same done)  
31.



a. KASRILS. i

. Cross-exomined:

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IR. PRINSLOO: Ir. Kaerile. have you had an opportunity to peruse this document at any stage? A. I am not prepared to comment on this document.

O. That is not my question. For the purpose of the Commission. have you had the opportunity of perusing it. scrutinising it?

A. Hell. I will scrutinise it now. (Pause) -

Q. Have you had an opportunity to scrutinise Exhibit BY? A. Yes.

O. According to Mr. Vusi Khumalo. the witness who testified before you at this Commission, the report Exhibit BY by the person I have already mentioned was designed to be forwarded to headquarters, Lusaka. A. No comment.

O. Do you agree with his evidence? A. No comment.

Q. Was such a system adopted, where a report would be submitted by the machinery ---- A. No comment.

O. May I Just complete the question? -- by the machinery to headquarters, Lusaka - and when I say "the machinery" I am referring; to the Transvaal. Swaziland-based machinery. A. No comment. '

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Q. You have had the opportunity to scrutinise Exhibit BY. Is there anything you would like to comment about concerning the contents of Exhibit BY? A. No comment.

Q. There was evidence that Exhibit BY was compiled by a person known as Mr. Paul Dikeledi in the presence of a man I have already referred to. Mr. September. Do you have any comment about that? A. No comment.

O. Then I must now show you Exhibit 82. (Cog! handed) would you like to scrutinise Exhibit 82. (Pause) You have had the opportunity to scrutinise the document. A. I have.

I omitted a question with regard to the previous document, Exhibit BY. If you look at the bottom of the page. beyond the words: "Signed: Black Material" below that appears a rider, something which was added to it. The wording is the following "What happened to Ryder?" Do you know a person with that name "Ryder"? A. No comment.

O. Do you know anything with regard to such a remark? A. Nothing at all.

was evidence that Exhibit 32 was compiled in the presence of one September by Mr. Paul Dikeledi, under which instance, according to the evidence, it was signed by Mr. Dikeledi. The name signed was Black Material - which appears at the bottom of the page. There was also evidence that this is a report to the EMC. You can see at the top of the report the abbreviation EMC . The heading is "Report on Clarement's Unit. 13th July 1986." Do you have any comment with regard to Exhibit B2? A. No comment. 32

R. KASRILS.

Cross-examined:

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In there any comment you have got with regard to the contents or the document? A. No comment. (Pause) 'The only problem I have is how you come to pronounce the name at the top of the page as Clem'ent when it is spelt C-l-a-r-e-m-e-n-t.

If you would like to replay the recording. I particularly was aware of that and I pronounced it Clare'ment's. A. Did you? OK. I will accept that. It is a difficult pronunciation For how long have you known Ebrahim Ismail Ebrahim (Accused No. 3 in this trial)? A. Siam 1960.

Since 1960 until today? A. I have known him since 1960.

Have you known him well? A. Yes. As I have said, it has have known him well.

He is such an outstanding human being who has been doing his utmost to fight for a free South Africa, a South Africa where What do you mean when you say "fight for a free South Africa"?

A. I am using the term not in the sense of guns in hand. I think that you are well aware of how we would phrase that - or how we would use that phrase. It means "to struggle".

When you say "struggle" what does that exactly mean? A.

'in whatever country they find it necessary to do what they can to better their lives and to gain liberty, to gain freedom, to gain democratic rights. And to do whatever they can is considered ' to be to struggle - not to take things sitting down, not to live life on their knees, but to stand up, to demand their rights and to be prepared to engage in whatever actions are needed in order to achieve those rights. .

Mr. Ebrahim (Accused No. 3) is he a member of the African National Congress? A. He is.

Since when was he a member of the African National Congress?

A. I am not prepared to say. I wouldn't know accurately. I am not his biographer. Perhaps one day I might have the honour to write a book to this outstanding South African and then be his biographer. If problems get sorted out and if one is blessed with a long life and the ability to write, then maybe that might be the case. So at present I don't actually have that kind of detail and cannot help you. But you can ask him.

0. In view of your knowledge of Mr. Ebrahim, was he a member of H0.

the ANC in 1980? A. No comment.

When you say he is a member. what do you mean by that? A. Well, I do understand him as a member. I am not prepared to talk about specific dates at all.

33.

MR.  
MR.  
MR.  
MR.

Cross-examined:

Are you saying that he is presently still a member of the ANC?

A. I would expect so.

There was evidence that Mr. Ebrahim was also addressed by the name of Mzwandile. A. No idea and no comment. Unknown to me. There was handwriting expert evidence - and I am now going to show you Exhibit BU. The writing that is contained therein, according to the expert, is the writing that he compared with the specimens obtained from Mr. Ebrahim, and the writing is similar to that of Mr. Ebrahim.

NAIDU: In the opinion of the expert.

PRINSLOO: Well, obviously. (Document handed) (Pause)

Have you studied Exhibit BU? A. I have.

Do you know the writing of Mr. Ebrahim? A. No, I do not.

If it is accepted that it was indeed his writing, what would you say with regard to the report you have read, Exhibit BU?

A. No comment.

In fairness to you, in view of the fact that you will see at the top of the page that it refers to the RPMC - have you had a look at that? A. Yes.

Then it is addressed: "Dear Comrades ..." Mr. Kasrils. are you familiar with the word "Bay"? A. No comment.

If there was evidence that Bay denotes or is a word used for Swaziland, a code name, would you agree with that? A. No comment.

If you read the contents of Exhibit BU, which is dated 6th September 1986. I will read it to you. "Dear Comrades, We have serious problems relating to hardware." A. No comment.

I must put it to you that, according to evidence, "hardware" is referred to as weapons.

NAIDU: "Hardware" is a reference to.

PRINSLOO: It is the same thing.

NAIDU: No, you said: "'Hardware' is referred to as weapons."

PRINSLOO: Well, referred to or reference. (To the witness): you understand the question? A. I did.

What do you say to that? A. No comment.

Do you agree that "hardware" is referred to as weapons?

A. No comment.

Then it continues: "Presently our stores are completely empty and we have a long list of customers on our waiting list."

A. No comment.

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R. KASRILs.

Croea-exanined:

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Then it continues: "Comrade Jabu will be with you in a week's time and he was responsible for hardware requisitions."

A. No comment.

I have already related to you that according to evidence "hardware" refers to weapons. Thus far. as I have read to you. whoever the writer is makes reference to weapons. A. No comment.

It continues: "Please discuss with him all problems relating

to the dispatch and receiving of hardware." A.

No comment.

It continues: "Unfortunately. during my stay that end we were not able to discuss the whole issue and arrive at any conclusion on the matter." A. No comment.

to raise with Comrade Jabu all the

problems you have encountered and work out an arrangement suitable to you and which will make the flow of hardware as smooth as possible." A. The same answer as previous.

"I wish also to remind you about the vehicle which is due to us from your end." A. No comment.

Then it has got here: "Revolutionary Greetings," and then

"Mzwandile". It appears as a signature, but it is clearly written: Mzwandile. \_

NAIDU: For the sake of clarity and also for the benefit of my learned friend when they are preparing argument, there was no evidence that "hardware" used in the context of that letter meant weapons.

PRINSLOO: Mr. Commissioner, as far as any legal argument is concerned. we respectfully submit that we will submit our arguments before his Lordship Mr. Justice Daniels at the appropriate stage.

But the way I phrased the question was loosely phrased and not necessarily connected to the letter. I have never suggested that anyone had analysed the letter and said, "Hardware in this letter refers to hardware as weapons."

(To the witness): What I have put to you, in fairness to you and for the sake of clarity, is that according to evidence - and I am now not using the document in making use of that particular. phraseology - "hardware" was interpreted as referring to weapons in terms of the ANC codes they were using. Is that understood between myself and yourself, Mr. Kasrils, for clarity's sake?

A. No comment.

But do you understand my question? That is what I am getting at. A. I understand your question.

abbreviation RPMC and below that "H" and below that "From RPMC, Bay." Is that visible to you? A. It is.

Should it be accepted - and I am postulating to you on this , basis and to make my question clear to you - by the Court that the letter Exhibit BU was indeed compiled by Accused No. 3, what would you say to that? A. No comment.

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R. KASRILS.

Croaa-examined:

Should it be accepted by the Court on the basis that the letter emanates from the RPMC. written by Accused No. 3. do you have any comment with regard to the membership ... or alleged membership. rather. of Accused No. 3 to the RPMC? A. No comment.

....

It I may continue on that basis. if it is submitted to the Court on the basis that this document clearly relates to military matters. as I have already postulated to you, and it accepted by the Court that it was compiled by Accused No. 3. what would you say of the involvement of the RPMC with regard to military matters? A. I still say no comment

I now wish to refer you to Exhibit BT(1) and (2). (Documents i handed) Would you like to scrutinise them. (Pause) A. Yes. '

You have indicated that you have scrutinised Exhibit BT(1).

A. I have.

For the record, Exhibit BT(1) and (2) comprises of two pages: BT(1) in the written form, and BT(2) is a map attached to it.

As far as this particular document is concerned, I must again put it to you (as in the previous instance. Exhibit BU). similar evidence was adduced by the State with regard to the opinion of a handwriting expert. He said that in his opinion the writing at this stage indicate to you it was admitted by the Defence I that the specimens presented to the Court were indeed the specimen writings obtained from Accused No. 3. That is for the sake , of clarity and completeness. Exhibit BT(1) has the date 6th ? September 1986. It is addressed to "H". Then it has the words: ' "From Mzwandile" and then "Bay". I will read the contents:

"Dear Comrade, Enclosed find names of cadres and a sketch of their over of operation in Transkii." Now I am not referring to the document, I am putting to you that according to evidence the word "cadre" was used in the context of members of the ANC. Do you have any comment about that? A. No comment.

"These cadres are directed from Island." Do you have any comment about that? A. No comment.

"We received the names plus sketch from a Nat contact." Any comment about that? A. Well, that could be Nationalist Party. I have always known from childhood that the Nationalist Party is called Nat.

Could it refer to intelligence contact? A. No comment.

To an intelligence contact?

Yes. A. I suppose it could -- the Nationalist Party intelligence' contact?

Are you saying that it could have been obtained from a member of the Nationalist Party who is an intelligence contact for the ANC? A. Well, this is in terms of what the ... you asking me what I think of this word "Nat". I have told you, the first thought that comes into my mind - because it goes back to childhood, who the Nats are.

In order to understand your reply with regard to the intelligence I; contact ----- A. You then said to me "an intelligence contact?"

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Croso-oxaminod:

I had merely said. "Not - well.hthot could be Nationalist Party.'  
You said. "An intelligence contact?" and I said. "A Nationalist  
Party intelligence contact?" No more than that.

In order to understand that. would it mean a person involved  
in intelligence work? Just on your reply.

NAIDU: He was asking a question. A. I am asking you a question.  
I am posing a question back to you.

PRINSLOO: Unfortunately. it is not your privilege to ask me  
questions but to reply to them unless the question is unclear -  
then I will make it clear to you. A. Well. let's say I have  
no further comment to make on this document.

It continues: "The sketch has been drawn up by the enemy with  
a plan to attack the area."

NAIDU: I think, in view of the witness' remark. if he has got  
no further comment to make in regard to this document, perhaps  
my learned friend should read the whole document and ask him  
at the end if he has any comment about anything.

PRINSLOO: It continues: "Please immediately communicate with  
Island and LH about the matter. We received this information  
this morning and I am trying to ascertain whether we could do  
anything to alert Island. The names in the sketch include those  
of people harbouring cadres etc. If possible please send someone  
immediately to Island with the information." Then it has got:  
"Rev Greetings," then it has the word as a signature or written  
"Mzwandile." Then it has at the bottom the rider: "PS: Forward  
copy of sketch and names to LH." Do you have any comment first  
of all with regard to the contents of the document? A. No  
comment.

As I have postulated to you previously with regard to Exhibit BU,  
should it be accepted by the trial Court that the document  
Exhibit BT(1) was compiled by Accused No. 3, what would you  
say to that? A. No comment.

Furthermore, should it be accepted by the trial Court that the  
contents of this document relate to a military matter ----

A. No comment.

Do you know of a man by the name of Mr. Msibi - Jabulani Sydney  
Msibi? A. No comment.

The next document I will be referring you to will be Exhibit BX.

GERING: All four pages?

PRINSLOO: Yes, please. (Document handed) (To the witness):  
Exhibit BX comprises of four pages. Have you had the opportunity  
to scrutinise this document at any stage? Would you like to  
scrutinise it? A. I will scrutinise it. (Pause)

As far as Exhibit BX is concerned - I am referring to page 1 -  
it is a typewritten document. as you have observed, November  
1986: "From Umbrella Bay. Condition in Forward Area." Do you  
know what the word "Umbrella" means? A. I have got no comment  
to make. 37

K. KASIH5.

CroIa-exanlnol:

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COMMISSIONER: If you are in agreement. we will adjourn until Monday morning.

NAIDU: Whether we are in agreement or not. it is a request that our colleagues make and we have never been unreasonable to their requests.

COMMISSIONER: We will adjourn in that event until Monday morning. 9.30, in this room.

GERING: Can our learned friends give us an indication. without binding themselves. how long they think they will be on Monday?

PRINSLOO: As you can see. I am going pretty fast. We are going as fast as we can. That is the best I can do.

GERING: Do you see it as a reasonable possibility that we will be finished with this witness by Monday?

PRINSLOO: It is possible. yes.

WITNESS: On that basis, I would accept that we can afford to lose the 30 minutes and go in to the pavillion slightly earlier. (Adjourned until Monday 19th September 1988 at 9.30 a.m.)

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MR.  
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Croee-exanined:

Then "Condition in Forward Area." A. I have got no comment to make about anything relating to this document. I think you can save yourself a lot of time and effort on that basis. I accept that this is a communication which you have handed into me. You have identified it. It has got four typewritten pages. It starts: "From Umbrella - Bay. Condition in Forward Area." "1. Umbrella. 2. Machineries. 2.2. EMC. 2.3. Logistic ... 3. Problems in the Area. ... 3.2 Accommodation ... 3.5 Resources." The name signed at the bottom: Mzwandile. I have got no comments to make about this.

Will you please look at page 3. of Exhibit BX, 2.4 there is again the word "Nat". Do you return to the comments you made with regard to the previous exhibit concerning Nat? A. I have got no further comment to make.

In Exhibit BX - you said you have scrutinised the document.

A- Bx.

Yes. A. Bx(1).

As you will have observed, a number of names appear in this particular document. A. That is right.

Do you know the persons mentioned in this particular document?

A. No comment.

Does that relate to each name in the document? A. Each and every name: no comment.

With regard to the detail of the document ----- A. No comment.

The description of any events - are you aware of any of those events that occurred that are described in the document?

A. No comment.

If you look at page 4 of the document -----

NAIDU: Maybe it is because it is a Friday, my learned friend has become hard of hearing. The witness said quite specifically that he has got no comment to make on any part of this document.

PRINSLOO: Mr. Commissioner, with respect my learned friend pre-supposes questions. He doesn't even know what question I want to pose, how I want to formulate it. If he wants to curtail my cross-examination, perhaps he can say so and on what basis.

NAIDU: Perhaps you can ask him what .....

PRINSLOO: Mr. Commissioner, I take exception to the remarks addressed to me by my learned friend. I don't know what is his anxiety or his problem. They were uncalled for remarks.

(To the witness): According to evidence presented during the trial by a handwriting expert, in comparing certain signatures, the signatures which appear on Exhibit BT(1) and EU - and I will show you another document in a moment where also signatures appear - the witness said there was some similarity in the Signature, the name Mzwandile. A. No comment.

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Croee-examined: i

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o. The same question I must pose to you with regard to the other i document I have put to you concerning the proposition 1 have postulated concerning Accused No. 3. Do you have any comment?

A. No comment.

0. I will show you Exhibit BV. (Same handed) Would you like to scrutinise Exhibit 8V? A. Thank you. (Pause) Thank you. yes.

0. As far as Exhibit BV is concerned, at the top of the page it has got: "To PMC - LH." Do you have any comment about that?

A. No comment.

0. The document is dated 10th November 1986. Do you have any comment about that? A. I have got no comment about this document whatsoever.

0. Not with reference to the document now, do you agree that the abbreviation PMC is for Political Military Committee? A. Yes.

Q. Do you know what the abbreviation LH means? A. No comment.

0. I am not using the report now. As far as military intelligence is concerned, would that have concerned you during November 1986? A. No comment.

0. With regard to your evidence concerning September, you have 1) made mention in your evidence in chief about September working with the enemy. A. Yes.

Q. If you look at paragraph 3 of this report, BV, what is your comment about that? A. No comment.

0. For the record, if I can read paragraph 3, "It seems that September I is working with enemy. All his local contacts have been harrassed.

E His wife came down from H after getting a 'phone call in H.

We suspect the call was from September. She came to Bay on pretext of collecting his belongings in Bay. On arrival here she Just disappeared. We thing (sic) she has Joined him."

Do you have any comment about that? A. No comment.

Q. You will also observe that on the document BV appears Mzwandile.

I indicated to you when I postulated my previous question that F there were certain signatures compared with one another by the expert. That included that particular signature. Just for completeness of the question I put that as Exhibit BV was not in front of you at the time. Do you understand that?

A. I do.

0. I show you now Exhibit BW.

MR. GERING: My own copy has some words in red, so I don't think it would be right to give it to the witness.

MR. PRINSLOO: I will make my copy available. (Same handed) Would you like to scrutinise Exhibit aw. (Pause) (Document returned) You have had the opportunity to scrutinise Exhibit Bw. A. Yes.

'1 Q. Do you have any comment about the contents pertaining to this particular document? A. No comment whatsoever.

39.

R. KASRILS.

Croeo-exe-ined:

I am poituleting to you the some question as previously with regard to what was said about Accused No. 3. A. No comment. Not with reference to the report now. do you know what the word "surfer" is for? A. No comment.

If there was evidence that a surfer is a courier. what do you say to that? A. No comment.

(Adlourned for a short time)

Mr. Chris Hani. is he a member of the National Executive?

A. Yes.

As from when was he a member of the National Executive?

A. I couldn't say exactly the date. I couldn't give you the exact date I am afraid.

Could you say approximately - which year? A. He was elected at the Kabwe Conference, 1985. in June. Before that he had been appointed to the National Executive Committee. I wouldn't be able to say exactly when.

Presently. is he still a member of the NEC? A. He is.

Mr. Chris Hani, is he also a member of the Military High Command?

A. He is.

And I am not tying you down to any particular date - as from when was he a member of the Military High Command? IA. I couldn't really say with accuracy. Certainly from some time in 1983.

Mr. Modise? A. He is the Commander of Umkhonto we Sizwe and therefore the head of Military High Command.

As of what date was Mr. Modise the Commander of Military High Command? A. There has been a period of name changes over many years, in which period Joe Modise has held high position as a commander of Umkhonto we Sizwe. I would say certainly in the period of 1983 when the name Military Headquarters was adopted he was announced as the Commander. And I am not prepared to be imprecise about positions and titles in the period earlier than that. I hope that is sufficient for the purpose of your argument.

Presently what is Mr. Modise's position? A. The position I have indicated.

Mr. Joe Slovo, was he a membr of the Military High Command?

A. He was at some stage. He no longer is.

When did he terminate that particular office - more or less.

I am not tying you down. A. I think it is well known that he terminated his position to take on the task of being Secretary General of the South African Communist Party.

Secretary General? A. Yes. Some time in 1986 perhaps.

Mr. Thabo Mbeki ---- A. Was a member of the NBC.

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Q.  
R. KASRILS.  
. Croaa-exaatnad:  
Yea. I was about to put it to you that way. Aa tron what date was he a member of the NBC - more or less? A. well. let me answer it in the aame way that I have answered your question about Chris Hani - in that there was an election at labwe. He was elected to the NBC but he had previous to that been appointed - at some earlier stage. prior to 1985.  
Presently is he still a member of the NEC? A. He is.  
With regard to the Military High Command, has Mr. Nbeki held any position at any stage? A. No.  
There was evidence that there was a dispute ... Let me rephrase the question. There was at some stage. with regard to evidence. that the ANC was concerned with regard to the incorporation of the areas Kangwane and Ngwavuma into Swaziland. A. DiSpute within the ANC?  
The ANC was concerned. A. Concerned about?  
The incorporation ----- A. Oh, yes, sure. You mean, the moves of the South African Government in relation to these portions of South Africa?  
That is correct. A. Yes.  
Did the African National Congress take any action to orevent this incorporation into Swaziland? A. The ANC opposed and opposes such a move.  
You say "opposed". In what sense? A. We are against it.  
Was it actually opposed? In what manner? A. The ANC rejects such an idea, that South Africa should be split up in this way - that those two areas are part of the entity we regard as South Africa. '  
Are you prepared to say as to whether actual action was taken by the ANC? A. Whether action?  
In the manner of political - by introducing any cadres into the area - or military? A. No, I am not prepared to make comments of that kind. I thought you were simply referring to policy.  
That was my initial question. A. Right.  
This is subject to correctuxnl put it to you that. according to evidence, you were a member of the Political Military Committee as from 1983. A. As from 1983?  
Yes. A. That is untrue. "Dis onwaar."  
Again I am subject to correction, but as my memory serves me from the record, this particular evidence was not challenged.  
A. By learned counsel?  
By the Defence, yes. A. I have no comment to make.  
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R. KASRILS.

Croaa-axaainad:

GERING: You don't have a page reference for those?

PRINSLOO: I can give you some page references. Page 2617.

2682. 2685. 2402. That is at a quick glance.

(To the witness): Has Accused No. 3 Ibrahim aware that a Eo-orainating Committee had been created by yourself in 1984?

A. No comment.

According to Mr. Vusi Khamalo. the previous witness, he went to Russia - the Soviet Union. let me put it that way - for training.

Do you dispute that? A. No comment.

According to Mr. Vusi Khumalo at some stage in his evidence. he said he was also known as Oupa Mashigo. Indeed. there was also evidence from the State that he was also known by that name. Oupa Hashigo. Do you have any comment about that?

A. No comment.

I know you said, "No comment." but I didn't actually refer to a date. Do you know whether Vusi Khumalo was. during his stay. or at least during his term of office in Swaziland referred to or known as Oupa Mashigo? A. No comment.

GERING: I don't want to cause any delaying tactics, but I am not sure what "term of office" means in that context.

PRINSLOO: Let me qualify my question, Mr. Kasrils, and put it clearly. According to the evidence, Mr. Vusi Khumalo was a member of the EMS (implementation machinery), referred to by yourself as the military machinery, in Swaziland. I am referring to that period. A. No comment.

According to the evidence of Mr. Vusi Khumalo, Mr Khumalo was assigned by yourself. instructed by yourself to go to the Soviet Union to undergo training in 1985, A. No comment.

How often did you see, if at all, Mr. Vusi Khumalo in Swaziland - the previous Defence witness at the Commission. ' A. During what period of time?

During the time that he was a member of the military machinery in Swaziland. According to his evidence, he was a member of the military machinery as from 1984 until 1986. A. No comment.

(Off the record dicussion)

I will show you certain documents. I intend putting certain questions to you. The document that was handed in to Court comprises of a number of documents. It is marked at the top with the Afrikaans denoting document "Dokument". It is referred to as Dokument 31. Would you look at that please. (Same handed) Would you pass it back to me please. (Same returned! For the record. you have looked at the document I have shown you. At the top it has "Very urgent." Then it has the word: "Tony." What was handed in to Court was an envelope. My learned friend will Just confirm that, that it was an envelOpe. What you see, the outlines of this, is an airmail envelope.

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R. xASRILS.

Croee-exanined:

n3 you is a photocopy or on actual

1 is with the Court.

NR. PRINSLOO: At the bottom

A and at the back it has not certain figures. A.

the document? (Same handed) A.

here. This "Tony c7o Brian (or other)" this is very teint.

it has got: "Tony c/o Brian (or other )'

Can I see

I don't understand something

Do you mean this is a flap that is part

of this envelope. Is 9

it an aerogramme or is it an envelope t

hat has been opened

3 Q. Opened out. yes. A. So that. if this envelope had been fully

folded. on the reverse side of the envelope the wording "Tony

c/o Brian (or other)" is written. (Document handed to M

r. Deetlefs).

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(Off the record discussion between counsel) 5

Q. I will show you the document marked 31 again. If I can hold

it in my hand and describe it to you. A. Is that the document

C we have been looking at?

0. That is correct. The outline of the document as I indicate

it to you (indicated) is an airmail envelope. On the airmail

envelope. as is present here, is the word "D". It has got "Very

urgent" typed and then "Tony". This envelope was inside a brown

envelope. a large envelOpe. The large envelope had written

on it "Tony c/o Brian (or other)". So it is clear to you that

1) 'this was inside the brown envelope. Also inside the airmail

envelope, according to the evidence, is the wording "Very urgent" -

that is on the second page, as you can see, marked at the top

exhibit "DZ" - and all the figures. I am not going to read ;

out all the figures. You have had a look at that. Do you understand?

that now? A. I understand what you are saying. I find great ;

difficulty with this exhibit though . Is this "D" part of the 9

- photostat. or has it been added. The "(1Y'has been added on !

E to the photostat.

x

MR. GERING: The "D1" and the "D2"

for court purposes. They were

originally found. A. Then how can

1: MR. PRINSLOO: I will rephrase my question to

Mr. Kasrils. A. All right. I

I find it rather difficult to comment.

0. As far as the "D" is concerned on the left side, that was added.

The "(1)" was also added for court purposes. It did not form

part of the original document. A. And "Tony c/o Brian (or 3

other)' was part of the original?

0. The original - on the large brown envelope. A.

understand that, you see.

this shadow around this en

large brown envelope? It is impossible for me to comment on

that. That description you have given me doesn't help me at

all. I find this incredibly confusing.

'1 MR. GERING: Perhaps I can make it clear.

43.

MR.  
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R. KASRILS.

Croao-exanihed:  
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A. No. I understand what learned counsel on my right has said. His description is clear. But for me. looking at this document. it is impossible to understand it. without you actually giving that description. On what basis are you claiming that this is a brown envelope and that the other envelope you have described with the name "Tony" on was actually inside the brown envelope. Did you Open the brown envelope?

PRINSLOO: I will rephrase my question to clear this up. According to evidence that was adduced in Court. a brown envel0pe depicted the writing as you have seen on the bottom of that page: "Tony c/o Brian (or other)".  
(Off the record discussion between counsel)

GERING: This is a photocopy of two documents. The original documents are still with the Court. They were handed in by a witness. The evidence of the witness was that there was a brown envel0pe found which had on it the words: "Tony c/o Brian (or other)". Inside this brown envelope, which the witness opened at some stage, was this airmail envelope, which he took out. which had typed on it: "Very urgent. Tony." The "(1)" and the "D" have been put on for purposes of court references, like Dokument 31. The whole thing was then kept in a big plastic folder with about 40 or 50 documents. Each time one needed to look at the original. the witness would take the original out of the plastic folder and then one could see the airmail envelope and the brown envelope. We were told that the person who had opened the brown envelope to take out the airmail envel0pe had got from inside the airmail envelope another piece of paper which had all these numerals on under the words "Very urgent". This "Ex. D2" was put on for court purposes. That is what the original was in essence. This is a photocopy. Mr. Prinsloo is going to ask you questions on it, as to whether you have any comments on it.

Is that a fair way of putting it?

PRINSLOO: I am indebted to Mr. Gering. (To the witness): I think it has been explained to you now what the position was with regard to the two envelopes: the airmail one, the large one, and what it contained. So you are clear about that.

A. Clear.

I am going to show you a further document which comprises of three pages. It is referred to as Dokument 32. A. Sorry, before we proceed. have we finished with this document? I will return to it. It is related to this particular document which I am showing to you. Dokument 32, at the top, is a photostat of the front of an airmail envelope which was handed in to Court. The reverse side of the envelope is photocopied on the second page of this copy and page one is the front of it. what is contained at the bottom of page 1 of Dokument 32, the typed portion. below where you can see the lines of the actual envel0pe, is: "28th June 1985. Dear friend ..." Then there is a lot of typing to the bottom of the page. as well as on the second page. The typing, according to the evidence, was inside the envelope which I have shown you. The third page, marked at the top "(2)". has typed at the top: "22/6. My dear friend ..."

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I. KASRILS.

Croaa-exanined:

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What is embodied in that document was all inside the envelope.

In other words. what I am putting to you ia that whatever you see is typed here (not referring to the envelope) was all contained. according to the evidence. inside this particular envelope.

Uould you look at that please? (Document handed) A. (After a Eause): Can I ask you a question

You have now scrutinised the document? A. I Just want further assistance from you. Did you say that this sheet was in the same envelope? '\_'t

That is correct. yes. A. Thank you. (Pause)

You have now had an opportunity to scrutinise Dokument 32. which comprises of three pages? A. Yes. (Document returned)

I show you page 1 first, with the envelope at the top. and now I am referring to the contents of the document. Do the contents of this document in any way relate to you? A. No comment.

That isasfar as the body is concerned. As far as the envelope is concerned, the word "Tony" - does that relate to you at all?

A. No comment. -

A. No comment.

The third page, which is marked at the top in black "(Page 2)" - does this in any way relate to you? Or do you have any knowledge of the contents of this? A. No comment.

Apart from the first document which I have shown you (that is Dokument 32). the first question I have asked you now, do the contents in any way relate to you. or any incident relate to you, or do you have any knowledge about it? A. No comment.

As far as Dokument 31 is concerned, the word "Tony", as we have already indicated to you on the airmail envelope, does this in any way relate to you? A. No comment. '

Does the word "Tony" written in pen or pencil, whatever ---

(Pause for Commissioner's ta e to be turned over) -- as I explained to you, depicted on the large brown envelope: "Tony c/o Brian (or other) does that relate to you at all? A. No comment.

Do you have any knowledge about the documents or envelopes which I have shown you? A. No comment.

The figures on the back, that is on the second page of Dokument 31, where it has at the top "Very urgent" - also marked at the top "Ex. DZ" - does it in any way relate to you? A. No comment.

Do you know anything about it? A. No comment.

Does it have any significance to you? A. No comment.

Without me going into any detail, with regard to the figures as depicted on this particular document, marked at the top "Ex. 02", 45.

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R. KASRILS.  
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there was evidence by a State witness that he had decoded the figures. A. I didn't follow your last statement. about the letters being decoded.  
Yes. The letters were decoded by a State witness and he said he had derived from this a certain message. A. I  
. there was a document prepared,  
. At the tOp it has certain writing in Afrikaans. which translated says: "Analysis of Code Report: Dokument 31". Would you like to look at this document.  
A. Dokument 31 being the set of coded figures? , (Document handed)

Yes. that is correct. A. And this is Dokument 37 - which is the decoding according to a State witness.

Yes. A. Thank you. (Pause)

the documents I have presently shown you were retrieved from a motorcar that was used by a Mr. Klaas de Jonga. Do you have any comment about that? A. No comment. -

There was also evidence that a typewriter was found in a house used by Helena Passtoors. It was also according to State evidence, and it is common cause, that the typewriter concerned was the typewriter that was used in typing that particular document.

NAIDU: It was the evidence that the typewriter was used? Or the house was used? What was used? You said: a typewriter ! in a house that was used.

PRINSLOO: If I put it as clumsily as that, I will rephrase it. There was evidence that a typewriter - which was presented to Court as an exhibit - was found in a house that was used by Helena Passtoors according to the evidence. It is common cause that the typewriter that I have Just referred to was the typewriter that was used to type the documents which I have shown to you. Do you have any comment about that? A. No comment.

GERING: As Mr. Prinsloo stated, this was in fact admitted by the Defence. Mr. Prinsloo stated that quite clearly. A. No comment.

GERING: No - Just for your information.

PRINSLOO: For the sake of clarity, with reference to the Military Committee or Military Command .... Let me rephrase the question. Whenever I referred to the Military Committees, Military Commands, it was with reference to prior to the creation of the RPMC - which according to the evidence is in 1985, the end of 1985. Prior to this ... Let me rephrase it.

NAIDU: I think this is not very clear.

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R. KASRILS.

Cross-examined:

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PRINSLOO: Let me rephrase and put it clearly. During the time \_  
of the Regional Political Military Committee. there was a machinery.-  
according to evidence. which was referred to as the Implementation  
Machinery (the EMC). Prior to that. it was referred to as the  
Military Committee or Military Command. A. Prior to Kabwe?  
Prior to Kabwe. Would that be correct? A. That. prior to Kabwe.  
it was referred to as Military Committee or Military Command -  
is that your question?

Yes. One of those two. That is only the machineries.

A. I would use the term Military Machinery or Military Command.

GEHING: Wasn't all this dealt with when you asked the witness  
to go through from the top downwards and you were dealing with  
parallels? Isn't that when you were dealing with all this?

PRINSLOO: I Just want to make it clear. so that there is no  
misunderstanding about the terminology that was used during  
the evidence - the way that I have put it

GERING: I don't remember that we ever had a phrase Military  
Committee. v

PRINSLOO: There was evidence, Mr. Commissioner, that at some  
stage there were regional military committees during the time  
of the Senior Organ. That was a body subordinate to the Senior  
Organ. A. I have used the term military machineries.

Would that mean the same? A. A committee and a machinery?

Yes - or a command for that matter. A. Or a command?

Yes. A. Well, I did say that a committee and a command are  
two different things when I discussed the PMC. The PC on the  
one hand is a committee - and military headquarters on the other.  
Just for clarity's sake, to avoid any confusion ---- A. Yes,  
that is why I have said to you, "Let's refer to it as a military i  
machinery." A military machinery would have a command.

GERING: Sometimes the word "machineries" (in the plural) is  
being used, sometimes the word "machinery" (in the singular) ,  
is being used. I Just want to get the final answer so we know 3  
where we are. I think the witness said, "A military machinery  
would have a military command." 9

PRINSLOO: Mr. Kasrils, perhaps you can clear up the matter.  
What do you say? A. In terms of the plural. if one is talking  
about different structures for different regions, I would be  
using the term "machineries". Where one is talking about, say, i  
the Transvaal, I would be using "machinery" (singular).

(Discussion between counsel)

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We have liaised with our learned friends. as you have observed.  
in order to save time, to put a question to you as clearly as  
possible. Certain documents were handed in to Court. What  
I am about to show you will be again photostats. What the  
47.

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R. hASRlLS.

Cross-examined:

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photostate represent. first or all the document marked at the top "Dokument 34" is depicting the front of a brown envelope. You must ignore what is deleted here in pen. It has already been canvassed with my learned friends. They will confirm this. On the brown envelope, the word "Thny" was written - as indicated here. A. That, as it is there, is that a photostat of the none? The word "Tony" was not a very clear photostat, so it has been gone over by pen to make it clear. A. All right. Inside the brown envelope, it contained certain maps - full size maps. although what is photocopied is only the relevant portion of the particular maps - which my learned friends will confirm in a moment. It comprises of three pages of maps. The first map, as indicated at the top, is "Mbabane". The second page is a map. It has typed "Vryheid" on it. The third page has at the top "Barberton". Also inside the brown envelope, which I have described, was an airmail envelope. The airmail envelope is photocopied in the document referred to as "Dokument 35". The outlines of the airmail envelope, the front of it, being visible. Typewritten - which is relevant to the particular document - is "Very, very urgent." We ignore the "(2)" and ignore the "0(1)". What is on Dokument 35 at the bottom, below the outline of the airmail envelope are the words, written: "Extremely urgent." Then it has got again "Brian" as you can see. This particular portion, which I am now showing you, is the reverse side of the large brown envelope, of which the front is depicted on Dokument 34. Do you follow up to this stage? A. Just repeat that, please. The reverse side - what is exactly the reverse side here? (Indicated to witness) The bottom part. Right.

In other words: "Extremely urgent" and the word "Brian". Also inside the brown envelope is Dokument 33. At the top of the document, in type, it has the word "Mango" and certain figures that follow that. Then there are the whole contents of the document, as you can see - a long typewritten document. which I will make available to you in a moment. Then, on page 2, the continuation of the document, as you can see. Then what follow from there are a number of photos - six photos in all, which were all contained inside the brown envelope which I have described to you. Would you like to peruse this document, scrutinise it? A. Could you remind me what the number for the brown envelope is?

The number for the brown envelope was Dokument 34. You have made a note of that. You follow that? A. Yes. (Documents handed to witness) (Pause) When you have a letter like this, and it has got "Dokument 35". are you referring to this letter inside as .... as what? 035? Or is there a different number for it? D3 - what does this refer to?

My colleague will show it to you. (Document pages explained off the record) (Pause) You have now had an Opportunity to scrutinise the documents I have shown to you, as explained to you by me. A. Yes.

First of all, does the name TONY on Dokument 34, which is the brown envelope, relate to you at all? A. No comment.

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Q. with regard to DORument 35. first or all the airmail envelope.  
with "Very. very urgent" and "aai" written on it. Does that 3  
relate to you at all? A. No comment.  
. No comment. i  
Q. As far as Dokument 33 is concerned. headed "Mango" with the 9  
figures and description at the bottom of this page. do you know i  
anything about that? A. No comment.  
Q. Does it relate to you at all in any way? A. No comment. i  
Q. Then the rest of the typed document that you have scrutinised. ;  
do you have any comment? A. No comment. 3  
Q. Does it relate to you in any way? A. No comment. i  
Q. The scenes as depicted in the photographs, do you know them  
at all? A. No comment.  
;  
Q. If I put it to you that this particular scene as depicted i  
on the photographs is located in the Eastern Transvaal, near  
the Lebombo Mountains, bordering the Swaziland/South African  
borders ----- A. No comment.  
Q. Have you ever been in that area? A. No comment.  
Q. Did you know as to how Mr. Ebrahim (Accused No. 3) would have  
left South Africa in 1985 w after June 1985? A. No comment.  
Aid : nhlu 44mg: -  
V .vw-  
Q. My\_question is related to what was put to you earlier, Mr. Kasrils.  
in view of what is admitted by Accused No. 3's defence on his  
behalf, and that is that he was residing in Durban during that  
r  
period I have mentioned to you during 1985. A. I have no - '  
comment. ; .  
Q. I will now show you exhibit AJ98. It is headed "Swaziland" ?  
and it 'is a temporary resident's permit. It is a photostat ;  
copy. (Same handed) Would you look at it, please. (Pause) ;  
Does the document in any way relate to you? A. No comment.  
Q. Do you have any knowledge of this document? A. No comment.  
Q. The face that appears on the photostat copy of the document,  
are you able to distinguish that from the document? A. I  
would simply say that it is a singularly ugly person.  
Q. Do you know that ugly person, Mr. Kasrils? A. No comment.  
MR. GERINC: Could we Just look at that document for a moment? Our  
file seems to be incomplete. (Same handed)  
MR. PRINSLOO: When I said "ugly person." I didn't mean anything  
nasty about it. A. No offence to whoever you ... that ...  
Q. It was Just in response to your remark. A. I would Just  
say that I would hate to meet this person on a dark night.  
(Document returned to the witness)

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4t , Crou-cxomined:

O. What was shown to you earlier. Exhibit AJ1. was a photocopy 9 of a passport which we have canvassed already at some stage. If you look at the temporary ----- A. Sorry. could you Just ; give me a moment? i

Q. Pardon - you are busy writing. (Pause) If you look at Exhibit AJSB which you have got in front of you. you will see below what depicts a photo - although it is a photostat copy you have got ' in front of you - there is a number. Do you see that? May i I Just point it out to you. (Indicated) A. Yes.

O. I will read to you the number. I am referring to Exhibit AJ1. 3 below the wording: "Paspoort. Passport. Passeport": J6150942. Do you agree that it is the same number? A. It is the number 5 here. :

O. Yes. the number which I have read out to you --- IA. From

that paSSport?

O. Yes. A1 Yes.

Q. Would you like to compare the two numbers to confirm that? (Exhibit AJ1. Bhotocogy of Bassgsortz handed) %

MR. GERING: In other words, you are saying that the same number appears on both AJ1 and AJ98.

I) HR. PRINSLOO: Mr. Kasrils, you may as well keep AJ1 with you there. Can you compare the names that appear on the document AJ98, the permit ---- A. It is the same.

O. -- and the names that appear on the passport. -A. It is the same.

O. You agree it is the same. A. Yes. It is the same.

O. Mr. Kasrils .... I beg your pardon. you are busy writing still. (Pause) As far as AJ98 is concerned, did you at any stage obtain a temporary resident's permit? A. No comment.

O. Do you know anything about Exhibit AJ98? A. No comment.

O. Although you have already mentioned something about the photo, F if I put it to you that your photo appears on that document, Exhibit AJ98, what do you say to that?, A. I think that you would need a lot of evidence to prove that. I think that the photograph on the one is very dissimilar to the photograph on the other - if you are looking at the two photos.

O. You are now reconciling Exhibit AJ98 and Exhibit AJ1. A. Yes.

G I would say that I don't think my own mother would recognise that AJ98 is her son - if you are trying to say that's me.

I really don't think my mother would notice that this was her son if she were to meet him on the street somewhere.

Q. And AJ1 - the photo on that? A. AJ1 - I would say the same. I would say, if you are saying that to me, a person knowing me would quite easily walk past me without identifying me, if ii that was supposed to be me. So I leave it to you to prove that those photographs are of me. As far as whether they are, I simply say no comment. But really the photo of the person in the passport is a much nicer man. I would say. on appearance than  
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H HR.

Croas-examined:

the temporary resident's permit. But then. after all. we can't Judge a book by its cover. can we?

And a photo by its appearance? A. I think that is even more difficult.

I will now show you Exhibit AJ99. (Same handed) Would you look at that. please. (Pause) A. Than? you.

And I will show you Exhibit AJZ. which you have already seen earlier. (Same handed) Would you reconcile the detail that is contained in Exhibit AJ99 with the detail appearing on Exhibit AJ2? The page I am referring to is the one where the photograph is depicted. Would you reconcile the detail; that is the numbers. names and other details which may be relevant to the two documents. (Pause) A. The name is the same.

The passport number: 723535 is the same as appears on the resident's permit. Yes and ...?

Any other detail that you find to be the same? A. Dated ...

Johannesburg. The expiry date of the passport is the same.

So that is all the same. yes. in both documents.

Would you say. in your opinion, that the two documents relate to one another? A. Yes. I wouldn't deny that.

The document AJ99, the photo that appears thereon, is that your photo? A. No comment.

Do you know anything about Exhibit AJ99? A. No comment.

Have you ever made use of it? A. No comment.

As far as the two photos are concerned, AJZ and AJ99, what is your opinion about those two? A. No comment.

May you return those to me. (Same returned) As I have put to you on an earlier occasion, with reference to Exhibit AH - AH being an inventory that was compiled, as was already canvassed, this concerned a certain statement, what was said by Accused No. 3 to the person concerned who recorded it. This is with reference to the remarks made by Accused No. 3 concerning the two documents Exhibit 98 and 99 (the two temporary resident's permits with the two numbers that you have already related to me): "Ivan gave it to me to keep" - accompanying passports numbers one and two. That is with reference to the two passports I have shown you, Exhibits 1 and 2. Do you have any comments about it? A. No comment.

PRINSLOO: Mr. Commissioner, I propose to go over to an entirely new topic. Would this be a convenient stage to adjourn?

COMMISSIONER: If it is convenient to everyone else. Mr. Kasrils?

A. Well, I am prepared to go on. I think that enough time has been lost and we should try and make use of the time that you have agreed on, Mr. Commissioner. I understood that everybody had agreed that we would continue until 5.30 today. '

PRINSLOO: It is almost five o'clock, Mr. Commissioner. At this stage we would ask for an adjournment. We have gone through a lot of evidence up 'til now with this witness.

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