

Dr. Hamilton No 4 P. 123
Re-Hamilton P. 124
Dr. Hamilton re interest P. 126
of account No. 27
Str 4.1.63

Commission of Enquiry into occurrences at
in Sharpsville (and other places) on the
21st March, 1960.

Defence copy

VEREENIGING

Case No. R. 58/60.

REGINA vs. JOHANNES MONYAKI & OTHERS:

MAGISTRATE: Mr. P. O'Brien.

PROSECUTOR: Mr. Laudin

DEFENCE: Mr. R. S. Welsch, Q.C., with
Mr. Unterhalter & Mr. O'Dowd
for: Accused Nos. 7, 19, 22, 24, 27
3, 36, 41, 43, 52, 63, 65, 74, 75 & 76
Mr. J. Unterhalter for Accused Nos.
2 & 30

In Person: Accused Nos. 1, 3, 4, 8, 38
& 39.

CHARGE:

PLEA:

P.P. APPLIES FOR REMAND:

DEFENCE OBJECTS:

DISCUSSION ON REMAND:

CASE REMANDED to 17/8/60

COURT RESUMES 17/8/60

APPEARANCES AS BEFORE:

CROWN WITHDRAWS ALL CHARGES AGAINST THE FOLLOWING
ACCUSED IN THEIR ABSENCE:

Nos. 5, 6, 9 to 18 inclusive, 20, 21, 23, 25, 26, 28, 29,
32 to 35 inclusive, 37, 40, 42, 44 to 51 inclusive, 53 to 6
62 inclusive, 64, 66 to 69 inclusive, (No. 70 deceased),
Nos. 71 to 73 inclusive. (P.P. hands in list)

Judgment in photostat in
trial box in this series

P.P. ADDRESSES COURT RE REQUEST FOR FURTHER PARTICULARS & APPLICATION TO QUASH INDICTMENT:

MR. WELSH APPLIES FOR QUASHING OF INDICTMENT:

MR. UNTERHALTER ADDRESSES COURT: (Joins in application on behalf of Accused Nos. 2 & 30)

HIS WORSHIP EXPLAINS POSITION TO ACCUSED NOT REPRESENTED:

ALL ACCUSED NOT REPRESENTED ADDRESS COURT:

P.P. REPLIES TO APPLICATION:

COURT ADJOURNS:

COURT RESUMES 7/9/60:

MR. KENTRIDGE ADDRESSES COURT RE APPEARANCES:

BY THE COURT: I have framed a written judgment on the exception to the charges and motion to quash them.

X This judgment will now be filed of record. In the circumstances I do not propose to read it out, and will render it available to the parties. The Conclusion to which I have come is recorded on page 37 thereof, and it is that the exception to the main charge and the motion to quash it are both dismissed, and the motion to quash all four alternative charges is upheld, and no order is made as to any exception. What I will do, in the circumstances, Gentlemen, is to adjourn and you may then inform me later what you wish to do. (His Worship hands copy of judgment to Defence) & Crown)

COURT ADJOURNS:

COURT RESUMES:

P.P. APPLIES FOR REMAND:

DEFENCE OBJECTS:

DISCUSSION ON APPLICATION FOR REMAND:

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BY THE COURT: As far as this Court is concerned, this hearing will have to proceed on the 27th September, 1960. The order I have entered on the record is: "The hearing is postponed to the 27th September, 1960, on which day the hearing must proceed in the absence of good reason to the contrary." I must intimate that insofar as I am concerned, the Crown whether they have access to a judicial report or not, should call their witness and get on with the case. If they get access to this report only later, they can reconsider their decision, but we can't have the hearing of this case postponed indefinitely. That is as I see the position now, sometime in October or November we will get the report of this judicial enquiry. I am sorry to have to adopt this attitude, but the hearing of this case must now proceed, so far as I am concerned.

COURT ORDERS BAIL FOR ACCUSED Nos. 1, 2, 3, 4, 8 & 39
REDUCED TO £30

BAIL FOR OTHER ACCUSED: £10.

COURT ADJOURNS:

COURT RESUMES 27/9/60:

P.P. ADDRESSES COURT: FRESH CHARGE SERVED ON DEFENCE
ON 21/9/60. (COUNT 2)

MR. UNTERHALTER ADDRESSES COURT: Applies for quashing of
charge.

P.P. REPLIES:

BY THE COURT: I would, perhaps, have preferred to frame more detailed reasons on the application to quash the indictment that has been made this morning, but I have come to quite a firm conclusion and for that reason I propose to place on record very shortly, at this stage, my reasons for coming to that conclusion. Originally in this matter there was a main charge and certain al-

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alternatives to it, and a motion to quash the main charge was dismissed, and the alternative charges upheld in a judgment delivered in this Court on the 7th September 1960. The Accused have not yet been called upon to plead and on the 7th September, 1960, the matter was then set down for hearing today, that is, 27th September, 1960. The first point that has been raised is whether the Crown needs the consent of the Court, of the authority in Court, to prefer at this stage a second charge. I know of no authority for such a proposition. The Crown is dominus litus and can decide what charges, if any, they want to prefer against an accused person, at any time before he is arraigned. There is provision in the law for his having to receive timely notice of the charges, and if the Crown is late in presenting the charge, the matter may be postponed to enable him to go into it, and of course, he has the full right to object to the charge or to move that it be quashed. Now, in this case, the Accused have not yet been arraigned in that they have not yet been asked to plead to the charges. It is the 27th September, 1960, today, and the legal representatives of those Accused who are represented here were notified on the 21st September, 1960, of the Crown's intention to apply for an amendment of the charge as it stood then, that is, by naming the existing main charge Count 1, and by adding a count 2 with alternatives, as set out in some ten pages of typing. The fact that at the time of argument on the motion to quash the main and, as they then were, alternative charges, that the Crown did not apply for amendment, can make no difference to its rights to prefer any charge before arraignment. But even if I suppose that I am wrong and that the Crown does need

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the Court's consent and authority to prefer a second charge, I am ready to grant that authority now in view of the circumstances.

The main contention before me today is that there is no proper allegation of a common purpose between the Accused. It has been argued that common purpose is alleged in such a way that the Accused are prejudiced in their defence, in the by now oft quoted case Reg. vs. Adams 1959 Vol. I S.A.L.R. p.646, the matter of common purpose is dealt with at page 654 in the following terms: "As far as the expression 'acting in concert and with common purpose' is concerned, and however much one may criticise the use of the word 'mandate' in connection therewith, the law is clear that persons may be held liable for the acts of each other if they act in pursuance of the same purpose, and have agreed, or are deemed to have agreed to share that purpose. Although persons may pursue the same purpose it is not a common purpose until there has been an agreement. In Reg. vs. Kahn 1955 (3) S.A. 177, at page 184, Gantlives, C.J. said: 'The words "common purpose" are well known in criminal law and connote that there is a purpose shared by two or more persons who act in concert to do something. There may be an express agreement between such persons to achieve some object or there may be an implied agreement to the same end. "

Now, the charge on Count 2 alleges a conspiracy; firstly, between the Accused and others, as follows: In that whereas at all times relevant to the charges it is alleged that the Accused and diverse others acted together and in concert and in furtherance of a common purpose." This allegation is particularised in paragraph

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1 of the document headed: "Further Particulars to Count 2 and the alternative charges," as follows: "The Crown alleges that each Accused entered into an agreement express or implied with all or some of the other Accused and diverse others." Then in Paragraphs 3 to 9 the Crown gives further details of the alleged agreement. These allegations make it quite clear to the Court that the Crown alleges a common purpose between all the Accused, and that they have all acted in pursuance of that common purpose, and have agreed to share that purpose.

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Mr. Unterhalter has invited the Court to infer from the use of the words "all or some of the other Accused" that a full and proper allegation of common purpose is not set out in the charge, and that the allegation may be that some Accused agreed with only some of the others. The Court cannot agree. It is clear that the Crown has inserted the words "or some of" merely for the purpose of asking for a conviction in case it is unable to prove the agreement between all the Accused.

The charge further alleges an alternative conspiracy between the Accused and persons who were members of the organisation known as the "Pan-Africanist Congress," as follows: "In that whereas at all times relevant to the charges it is alleged that the Accused acted together and in concert, and in furtherance of the common purpose with persons who were members of an association of persons known as the Pan-African Congress." (I may just say here that whether it is referred to as "Pan-Africanist" or "Pan-African" it is meant to be the same.)

This allegation is particularised in paragraph 1 of the Further Particulars as follows: "That each Accused entered into an agreement expressly implied with all or some

some of the persons who were members of an association of persons known as the Pan-Africanist Congress."

Now, the allegations in the charge and in the further particulars must be read together. At first blush it may appear that they are in conflict; for the charge, as distinct from the further particulars alleges that all the Accused acted together and in concert and in pursuance of the common purpose with members of the Pan-Africanist Congress: Whereas, the further particulars allege that each Accused entered into an agreement with all or some members of the Pan-Africanist Congress.

Now, if one regards the words "or some" as having been inserted ex abundanti cautela in the further particulars, and if one ignores them, then the further particulars allege an agreement between each Accused and all the members of the Pan-Africanist Congress. Read in that way, the apparent conflict loses much of its force; for now in the charge, the Accused are all alleged to have acted in common purpose with all members of the Pan-Africanist Congress and in the further particulars, each is alleged to have so acted. But even if there is still an apparent conflict, it was the Court's duty to read the two allegations together, and to reconcile them, if possible. They are reconcilable, as it is not unreasonable to read the further particulars as being complementary to the charge and aimed at telling each Accused what he is alleged to have done. Regarded in that way it is quite clear that the Crown alleges a common purpose between all the Accused and all members of the Congress, but has provided for lesser possibilities in regard to both Accused persons and Congress members by use of the

The Crown furnishes many further details of the common purpose and agreement in the remaining paragraphs, of the further particulars.

It has further been argued that in any case the second Count with its particulars are still not sufficiently particularised. Mr. Unterhalter has adopted without repeating them, the arguments advanced during the argument concerning the previous application to quash the alternative charges, that is, the alternative charges as they were called at that stage. The Court upheld the motion to quash on the simple ground that the charges as then framed were not sufficiently particularised, or that the further particulars were contradictory. In the amended charge, Count 2 is, on the face of it, fully particularised. The Accused are, in some eleven paragraphs, given general particulars of the common purpose between the Accused and others. They are told insofar as possible who did and did not attend meetings in furtherance of the common purpose and in paragraphs 11 to 19, each Accused is told what particularly he did in full detail.

Now, whilst the Accused may require still further particulars, which they have not asked for, the further particulars and the charge as framed, quite clearly disclose to each Accused what case the Crown will seek to prove. In all these circumstances, each Accused knows what the nature of the Crown case against him is, with such certainty that he should be able to defend himself effectively, and therefore the motion to quash Count 2 of the charge is dismissed.

P.P. PUTS CHARGES TO ACCUSED:

COUNT 1: ALL ACCUSED PLEAD NOT GUILTY.

COUNT 2: ALL ACCUSED PLEAD NOT GUILTY:

CASE REMANDED to 29/9/60

COURT ADJOURNS:

COURT RESUMES 29/9/60:

MR. UNTERHALTER APPEARS FOR ALL ACCUSED PREVIOUSLY REPRESENTED BY MR. WELSH, IN ADDITION TO ACCUSED 2 & 30

INTERPRETER: Makhubu.

BY THE P.P.: Your Worship, I would like to inform the Court that at this stage the evidence the Crown is calling is in connection with alleged Pan African Congress Meetings attended by members of the Special Branch. This is just for the information of the Court.

MR. UNTERHALTER ADDRESSES COURT:

CROWN CALLS:

P.P. ADDRESSES COURT:

MOTSEKI MASELELA, duly sworn,

EXAMINED BY P.P.: Are you a native detective sergeant, S.A. Police, attached to the Security Branch, stationed at the Grays, Johannesburg?-- Yes.

And is it part of your duties to attend various meetings held from time to time?-- Correct.

And what are your duties in attending these meetings?-- My duties are to obtain speeches, put them down.

For what length of time have you been taking down speeches at meetings?-- I have been attending meetings for quite a number of years.

Will you be able to remember details of any speeches or speech in particular which you have taken down in the past without reference to your notes?-- No, I will not be able to remember.

May it please Your Worship, at this stage I ask leave to allow the witness to refresh his memory from

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his notes made on the 28th February, 1960. -- When, and at what stage did you make the notes in relation to when the man was talking at the meeting?--I write down my notes at the same time the speaker is delivering the speech.

DISCUSSION BETWEEN P.P. & MAGISTRATE:

BY THE COURT: He may refer to his notes.

EXAMINATION BY P.P. CONTD.: You have been handed certain notes, is that correct?-- Yes.

Whose notes are those?-- These notes are mine.

When did you make the notes?-- These notes were made on the 28th February, 1960.

And at what place did you make those notes?-- These notes were made at Nhlope Orlando West 2, Nzimhlope Is that in the district of Johannesburg, in the Regional Division of the South Transvaal?-- Yes.

Now, what meeting was being held?-- It was the meeting of the Pan-Africanist.

How did you know that this was a Pan-Africanist meeting?-- It was actually announced by the chairman and there was a flag.

MR. UNTERHALTER OBJECTS:

P.P. REPLIES TO OBJECTION:

BY THE COURT: To me it seems it is admissible for any party to a case, if he wants to prove that a meeting has been convened by a particular organisation to lead evidence that people at that meeting, people like the chairman, say "This is a meeting of the Pan-Africanist Congress," or the United Party, or the National Party. Let him tell me what he heard and what he saw at the meeting, and from that I think I can draw an inference. He said himself it was a meeting of the Pan-Africanist Congress, because it was announced to be one by the chairman, and he saw the

P.A.C. flag. You can lead evidence as to what the Chairman said, and as to what he saw at the meeting insofar as I can judge the position at this stage, to enable you to prove the identity of the organisation.

BY THE P.P.: Then it stands on record that this was a P.A.C. meeting announced by the speaker, and because of the flag.

BY THE COURT: He mustn't come to the conclusion it was a P.A.C. meeting; I must come to that conclusion. He must tell me: "This was said at the meeting. I saw this, and I saw that...." and then it is for the Court to draw an inference. His own conclusions that it was a P.A.C. meeting aren't admissible as evidence.

BY THE P.P.: As Your Worship pleases. I will frame my questions in a different way.

EXAMINATION BY P.P. CONTD.: Did any of the speakers at the meeting, this particular meeting on the 28th February, 1960, say what meeting it was ?--

MR. UNTERHALTER OBJECTS:

DISCUSSION ON OBJECTION:

BY THE COURT: I think Mr. Unterhalter has made his point; it can be dealt with at a later stage.

EXAMINATION BY P.P. CONTD.: Did any of the speakers at this meeting on the 28th February, 1960, announce what meeting it was ?-- It was only the chairman who made announcements. He remarked when opening the meeting that the meeting was called by the P.A.C.

Did he use the words "P.A.C." ?-- Pan-Africanist Congress -- although I did not put it down in writing, this announcement he made, but

BY THE COURT: Well, you have that announcement. You saw something which you call a "P.A.C. flag" there ?-- Yes.

EXAMINATION BY P.P. CONTD.: Will you describe the flag, what you allege is the P.A.C. flag?-- It is a green flag with a star and the map of Africa.

And at any prior meetings to this one have you ever seen that flag before?-- This flag only came to my notice when the Pan-Africanist movement started. Earlier, before that, we never saw this flag.

My question was, have you ever seen this flag at meetings prior to the 28th February?-- No.

Not prior to the 28th February?-- No, I never saw it. That time I saw the flag.

On that day?-- Yes.

And at subsequent meetings to this one, did you see that flag?-- No, I cannot remember, because during this time when the meeting was held the organisation

No, we won't go into that. I want to find out from you quite unequivocally: Was this the first and last time that you saw this type of flag?-- Yes.

On this particular day?-- Yes.

Now, how do you know, or how did you know or learn I am going to stop the witness, Sir, if he says anything I don't want that this was a P.A.C. flag?-- I

Just pause there for a moment. Was this from information which you received from other sources, or was it a deduction that you made because the flag was at the meeting?-- I just learnt that this flag was the P.A.C. flag because I saw it at this meeting. It was hoisted there at this meeting.

Did you see who put the flag there?-- No, when I came to the meeting it was already flying.

And did you remain until the meeting had ended?-- Yes.

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remember who actually took it down.

Now, approximately how many persons attended this meeting on the 28th February?-- I estimated 55.

And what was the race of the persons who were attending the meeting?-- They were Bantus.

And who were the majority there; what sex was in the majority there at the meeting?-- Males.

And according to your estimation, what was the average age of the persons attending the meeting?-- The ages were between 20 and 60.

Now, when you took down your notes as the speaker was speaking, did you write in longhand?-- Yes, I used longhand.

Were you able to take down that everything that any one speaker said?-- I wouldn't be able to take down everything.

To bring it down -- were you able to take down portions of speeches made by the speaker?-- Yes.

Now, when you took down the notes, how far were you behind the words uttered by each speaker whose speech you were noting down; what I want to know is this, when a person is talking, you are lagging a little distance behind as you write; isn't that correct?-- Yes, quite correct. I wouldn't say I was far behind, as I am experienced in this writing notes.

Could you give the Court some idea of how many sentences, or words, or paragraphs you were behind any one speaker when you were making your notes?-- I would estimate about a sentence, perhaps.

And at this meeting in question, did you have more than one speaker speaking at the same time?-- There

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was some stage when there was an interpreter.

Who was the first speaker on this day?-- The first was the chairman.

Was his name announced at all?-- His name was not specially announced, but I found later after the meeting who the chairman was.

Now, did you obtain that information from somebody else in the vicinity; I don't want to know the name of the person you obtained it from; but did you obtain it from some source in that vicinity, or when you got back to your office?-- In obtaining this name, I went straight to the chairman and asked him his name.

And when you got his name, did you note it down anywhere?-- I noted it down.

Where did you note it down?-- I had left a space, earlier on, where I could write down his name, in front of the word: "Chairman".

And what name have you noted down?-- McDonald. McDonald Loabile.

Was McDonald Loabile the first speaker to address the meeting?-- Yes.

Did he use an interpreter at all?-- He used an interpreter.

First of all, what language did McDonald Loabile the chairman speak?-- He spoke Setsoane.

Do you understand Setsoane at all?-- Yes.

What languages are you fluent in?-- I am speaking South Sesutu.

Any other languages?-- Yes, I speak Zulu, I speak a little Xosa.

And what language did the interpret^{er} interpret into?-- He spoke Zulu.

And you wrote your notes down in English?-- Yes.

Now, to whom did you listen when you were making your notes; to the chairman or to the interpreter?-- I listened to the chairman, to the speaker.

You mean directly, without worrying about what the interpreter said?-- Yes.

Now, if you will refer to page 1 of your notes dealing with the first speaker, McDonald Loabile, commencing at the word: "It?-- "It is a great pleasure to welcome you at Nzimhlope. Our message is we are at wars against pass laws and other humiliating laws. I therefore say your co-operation will win success, in this campaign of passes."

Just pause there.....Turn to page 2 of your notes, and commence at the words "Let us....." ?-- "Let us plunge ourselves in this struggle. We have millions of the oppressed people who are determined to break the chain of oppression. We cannot waste time by demonstrations and the boycotts. It will be our aim when we have won the pass laws that these pass laws will never exist again. I am therefore calling you to come and participate in this struggle and freedom will be ours. Our aim is to unite the Africans under the banner of P.A.C. to overthrow the white domination to try and achieve freedom. There is a nation to lead and struggle to fight and in the end there is freedom."

Then there was another speaker?-- Yes.

Did he announce his name?-- I have got down his name, I am not sure whether it was announced or whether I got it afterwards.

4 And on the assumption that you did get his name afterwards, did you obtain it from him or from some other

person ?-- From him.

And what name have you written down ?--

Silas Ntenbo.

Is that the name you received possibly from the speaker afterwards.

What language did the man who gave you his name, s Silas Ntenbo, speak ?-- He spoke Xosa.

Did he have an interpreter ?-- No, he said he did not need any.

Now, if you will turn to page 5 of your notes, commence with the words "We are...." ?-- "We are troubled by passes. The pass is causing many sufferings. It is our determination to break the chain of pass laws. Our young boys are unable to obtain work on account of a pass. We have therefore assembled here to close that gap. We must be determined and no one must remain behind, until we rule Africa because it is ours. It is a black continent."

Now, after that you had another speaker ?-- Yes.

How did you obtain that speaker's name ?--

This speaker was known by another detective who accompanied me to this meeting; that is the one who gave me his name.

You obtained the name of this person from another source ?-- Yes.

And what language did this speaker speak ?--

He spoke Zulu.

Did he have an interpreter ?-- I did not record here whether he had an interpreter.

Now, if you turn to page 8 of your notes, and commence at the words "At Natal...." ?-- "At Natal people

killed police. All that was caused by oppression. People are arrested all over for passes. The people who died at Coalbrook died digging coal for overseas Europeans. They died for something which was not there."

Now, on page 9, commencing with the words "Commencing : "Look at" ?-- 2 "Look at Natal people have been arrested even when there was no proof that those people were concerned in the killing."

Now, turn to page 12 of your notes -- and if the Court, Sir, would refer to the seventh line from the bottom; I am going to commence there -- if you will start reading from the words "In the Federation" ?-- "In the Federation the Africans are determined to achieve freedom and they demand their country back."

Now, continue from the words "The Union...." ?-- "The Union Government is making a preparation for their Festival." (Page 13:) "They will be pleasure to have oppressed forever if they form the Union of South Africa." "All these happenings I have mentioned are caused by oppression. Therefore to bring these to an end let us try and bring the land back to the right owners. Let us co-operate as P.A.C has appealed to us to unite in the struggle for freedom. The whites in South Africa are beginning to be afraid because we are not turning back." (Page 15:) "It is...."

DISCUSSION BETWEEN HIS WORSHIP & P.P. ON FRAMING OF FURTHER PARTICULARS:

EXAMINATION BY P.P. CONED.: On page 15, will you start with the words "It is...." ?-- "It is the aim of the whites to defend themselves perhaps by Union Defence Force and Saracens, but we of P.A.C., we don't care." (Page 18:) "The pass campaign will not be the end of our

struggle. It will be the beginning. The pass is the cause of all our troubles. Some other methods will follow. We can't tell you the day. The leaders know. People should have enough food. People will not go to work. Schools will close that day. Men will be in front and will not go to work. Men will enter gaols. The passes will be left behind. The men will take their places as usual as though going to work but instead will go to Marshall Square. Do not be bailed out. Refuse when your employers come to bail you out. The Government want the Africans to pay income tax." (page 18) "The people will not be dismissed from their jobs. They will return to their jobs from gaol; We want to put the Europeans in a difficult position. No fines will be paid; They must give us our demands. After pass laws we shall boycott shops which don't treat us Africans properly." (Page 21:) " Be ready from now on. All pass systems will be fought. Mr. Sobekwa will give the day as the leader. I want to see those who wish to support us, those who want to join must do so now."

Then there was another speaker?-- Yes.

Was the name of this speaker announced?-- No.

Did you obtain the name of the speaker from another source?-- I went straight to him after the meeting and obtained his name.

And what name did he give you?-- Mtebu

Mashoba.

And what language did he speak?-- He spoke

Xosa.

Did he use an interpreter?-- No interpreter.

Now, if you will turn to page 21 of your notes commencing at the words: "Mr. Chairman...." ?-- "Mr. Chair-

man it is true the people are troubled by passes. As we are sitting here we are prisoners. Our women carry passes. Perhaps as I am speaking here my wife may have been arrested. I am therefore appealing to you to support the struggle of pass campaign."

Then there was another speaker?-- Yes.

Was his name announced?-- I am not sure, but I have got his name down.

Can you tell the Court whether you got that name from the speaker or from some other source?-- I must have asked the speaker at the meeting because I approached because most of these speakers were unknown to me.

So are you saying that you think you must have approached the speaker?-- Yes.

And what name have you got written down there?-- I have got Jerry Radebe.

Turn to page 22 of your notes, commencing "We have...." ?-- "We have met here under the auspices of P.A.C. Congress."

What language was this speaker speaking?-- He spoke Zulu.

With or without an interpreter?-- No interpreter.

Now, if you will turn to page 23, "Let us..." ?-- "Let us do all we can to rule our people. We have been compelled to be taught Bantu Education and forced to carry a pass which we don't like. The campaign has been launched from now on. Many people have been forced to dig potatoes in Bethal. Let us end all this suffering. Let us be determined to fight passes. Join in my people. We are going forward. We are not turning back in this

struggle. The Accra people have already said the United States of Afrika. Independence today. Tomorrow the United States of Afrika."

Then there was another speaker?-- Yes.

And was his name announced?-- No.

And is it possible that you got his name in similar circumstances that you have already mentioned in regard to the other people?-- Yes, I got it after the meeting.

What name have you got written down there?--
Cyprian Sitende.

And what language did he speak?-- He spoke Xosa.

Was there an interpreter?-- I haven't got any record here in my notes whether there was an interpreter. I am not sure whether there was one. But if I didn't write it, perhaps there was no interpreter.

Turn to page 25, "The?-- "The Pan-Africanists have taken a decision to end pass laws. The detectives writing must be? A hungry stomach knows no law. We want people like Sgt. Arlow who speak once, the second time is a sound of a revolver....."

This was the last speaker at the meeting?--
Yes.

Was there any reaction from the audience when the last speaker spoke at all?-- The audience when the speakers were speaking, they cheered them greatly. They seemed to be very much interested in speeches made by the speaker.

And in particular in regard to the last speaker whom you have got as Cyprian, what was the reaction of the audience when he finished speaking?--

They applauded.

(No further questions)

CROSS-EXAMINED BY MR. UNTERHALTER: For how long have you been a member of the Security Branch in the Police?-- Nine years.

And I take it you follow the same disciplinary routine of any policeman?-- Yes.

It is part of your duties to carry an occurrence book, is that not so?-- Yes.

And in that book you record your activities for any particular day?-- Yes.

Do you happen perhaps to have your occurrence book recording what you did on that particular day, that is, the 28th February, and in regard to which you have given evidence of the speeches you have heard?-- Yes, I have recorded in my occurrence book that on such and such a day I attended a meeting at such and such a place.

Have you got that book?-- I don't think it is here.

Do you know where it would be today

BY THE COURT: Have you got the pocket book on you?-- I have got my pocket book with me, but not the book of that particular time when I took those speeches down. That book, it must be filed.

CROSS-EXAMINATION BY MR. UNTERHALTER COMED.: If you were to ask for it, would it be made available to you?-- Yes, I think they can search for it there in our files.

And could it then be produced for our examination?-- Well, if it is wanted, perhaps. But as far as I can remember, I haven't got much. It is only to say in that book, on such and such a date.....

P.P. OBJECTS:

MR. UNTERHALTER REPLIES:

BY THE P.P.: If my learned friend wants the pocket book produced on grounds of credibility, that is a different matter.

BY THE COURT: You don't contend it is a privileged document a document likely to disclose the sources of information? Or state of your witness made to the police, or something of that nature?

BY THE P.P.: No, Sir.

BY THE COURT: I rule that the production of the book for the purpose of testing the witness' credibility is admissible.

BY MR. UNTERHALTER: I take it, Sir, that that is an order from the Court that it be produced?

BY THE COURT: Yes, but I must remind everybody of course that the Defence can only have access, and can only see, can only look at, the notes in such a book referring to this particular occurrence, and nothing else.

BY MR. UNTERHALTER: That is clearly understood.

BY THE COURT: I take it the Prosecutor will assist in getting the book.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: Now, in your nine years of experience in the Security Branch, I take it that you have attended many political meetings?-- Very many.

And you have heard speeches from various African political leaders?-- Yes.

Among them, I am sure, you must have heard hundreds of speeches addressed to gatherings by leaders of the African National Congress?-- Yes.

And other groups of Africans who may not be associated with any particular political party?-- Yes.

And as one who has been present at these meetings

I take it that you would agree that generally the speeches are speeches of protest against the Government, and criticism of the Government; would that be correct?-- Quite possible.

I suppose that it is true to say that everyone of these meetings have had some criticism of legislation affecting Africans; would that be correct?-- That is quite correct.

And would you say almost invariably the pass-laws come up for comment and protest and criticism?-- Yes.

In fact, I suppose you would go so far as to say that it is the most widely held opinion among African political leaders generally that the pass-laws ought to be abolished; would that be correct?-- That is what they say.

I take it that you would therefore agree that the criticisms made by the P.A.C. leaders are not novel or new, they are merely repeating what all African political leaders have said?-- Yes, that is quite a repetition; I have heard that, on many occasions.

And there have of course, also been through the years, various suggestions as to how these laws could be circumvented or disobeyed; you have heard that many times?-- Many times.

Now, apart from political leaders, I take it that as a policeman you have probably got general information about the attitudes of African people at large; by that I mean not the leaders; let's call them "the common people" -- I suppose you know what many common people among the Africans think about the pass-laws?-- Those I have heard are the supporters of the political organisations.

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But I am just talking generally now; say even in your leisure hours, if you mingle with people in the townships and as a policeman you want to get some kind of attitude among the common people, you have picked up certain information from among the common people themselves, have you not?-- Yes, I usually hear the common people, as you call them, making some comments as far as arrests

And would you not say that the attitude of the common people, the ordinary every-day man in the street, who is an African, is also an attitude of criticism and protest against the pass-laws; would you agree with that?-- Well, there I am unable to commit myself.

I am not asking you to commit yourself in regard to all people, but in regard to those you have mingled with from time to time, and spoken to you, would you agree that that is the prevailing attitude among the ordinary folk; one of criticism of the pass-laws?-- Yes, but these criticisms are only made in general by those who support the political organisations. But among the common people who do not attend these meetings, I can't say

You are not able to say?-- I am not able to say so.

It may be or it may not be?-- It may be or not.

Now, regarding the people whom I have chosen to call the common people who are supporters of these organisations, would you agree that there is fairly wide general support, or there was when these organisations were lawful, for the Pan-Africanist Congress and the African National Congress?-- Well, I am unable to express an opinion on that question.

You see, you are a security policeman; as such it is part of your duties to be informed about the state of

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affairs in the country and the political attitudes of African people; am I correct?— You are quite correct.

You must in due course advise your superiors in case there is any pending difficulties, in the country; that is your duty, is that not so?— Yes, quite.

Now, I am therefore putting the question to you as a policeman: Have you been able to form an impression as to how widespread the support of the people is, or was, for those two organisations; let us say, during the year 1959, was there widespread support among the people with whom you mixed for the thinking of these political leaders?— Well, I don't know, I am unable to express it.

Would you say there was no support among the common people, or there was just a fair support, or there was a large support?— The support was there, but it wasn't a very wide one.

Would you agree it would embrace at least a few thousand; these African leaders have got at least a few thousand people who have accepted their ideas?— Yes, they have some support, about a few thousand. But not the majority of the African people.

Now, in regard to this meeting that you attended on the 28th February, you told us that you saw a flag there, and you described the flag as having a star, and did you say it had the name "Afrika" on it?— I said the map of Africa was drawn on it.

And it had a star?— Yes. And if I am not mistaken, I think there was a writing there. Although I am not sure I think that writing was "Cape to Cairo" or something like that, "Madagascar to Morocco", something like that. I am not quite sure, but I think I must have read, because it was the first time I saw this flag and on this

flag I think I noticed the words: "Cape to Cairo" "Madagascar to Morocco."

You weren't confusing it with a well-known brand of cigarette, by any chance never mind. I wanted to just put this to you: Did I understand you to say that having seen this flag, and having heard the statement about it being a P.A.C. meeting, you therefore came to the conclusion that the flag must be a P.A.C. flag?-- Yes, I had heard from some others.....

No, please, I am not asking you to tell me what you had heard from anyone else. I just want to get this clear. You formed the conclusion that this was a P.A.C. flag from something that you had heard from a meeting, from the name of the meeting?-- I was quite convinced that the meeting was a P.A.C. meeting, because I know some of these people there, and they used to belong to the A.N.C., but as soon as there was a break, then I saw them attending the present meetings.....

No, you must please answer the question. I don't want to dwell on it?-- Yes, I made a conclusion.

You drew the conclusion that the flag was a P.A.C. flag from something that you had heard at that meeting about the name of the meeting; is that correct?-- Yes, quite correct.

Now, when people speak at these meetings, do they talk quite rapidly?-- Yes, they talk fast.

Don't you find it very difficult if they speak fast and you have to write in longhand to record the matter at all accurately?-- Yes, we sometimes have some difficulty in writing quickly as they speak, especially when there is no interpreter, but they give us more time to write when an interpreter is present.

Isn't it possible that you might perhaps miss certain essential portions of the speech because you are in such a hurry to write things down?-- Yes, it is possible that some portions and words may have been left out.

And they may be important portions?-- They may be important.

So would it be fair to say that in presenting in evidence what you recorded you are not really giving the whole context of the speech; you are only giving portion?-- Yes, I say it is not the whole of what was said, but a big portion of what was said, which gives the picture of the whole speech, sometimes nearly the whole sentence.

I take it that nothing that you have read out today is actually your own impression of what was heard; it purports to be a verbatim report of what you wrote down?-- Of the speech I had, yes.

The exact words, as best you can translate them into English, are the words that you have written down?-- Exactly.

And nowhere here do you record your general impressions or your own version of what they were saying?-- No.

Now, you told His Worship that since most of these speakers were unknown to you, you adopted a procedure of asking them for their names at the end of the meeting; did I understand you correctly?-- Exactly.

At the end of a meeting people disperse fairly quickly, do they not?-- Yes.

Now, do you not concede that at this particular meeting several of these speakers may have disappeared before you got round to reaching them and recording their names?-- Not a single speaker who appeared: I called them all as soon as the meeting had ended. I said "You and you

"I want to see you because you made a speech."

And did you get all the names?-- I got all the names.

You are quite certain about that?-- I am quite certain about it.

I am a little surprised to hear you say that, and I will tell you why. In response to a very fair question put to you by my learned friend, you stated that in regard to at least one of these speakers, you got his name from another source, and not from him directly?-- Yes.

It is for that reason that that name has not gone on to the record. Now, if that is so, why have you just told His Worship that you got all the speakers together and you got all their names?-- As far as that pocket book is concerned, every speaker who addressed the meeting, his name is there.

You're an intelligent man; I think you understand my question very well. The question that I have put to you is this: How did you get these names? You said you called them all together and each and every one of these speakers gave you their names. Now, I am suggesting to you that that can't be so because one of the speakers, you yourself said, in your evidence in chief, the name of that speaker was obtained through some other person; in other words, it was hearsay; you couldn't have got it directly from him. Now, is that so, or is that not so?-- It is true that I got the name from a detective who accompanied me to this meeting, who also took some notes. He knew him.

Why did you tell us a moment ago that you got all these people together and you got the names from them direct?-- Well, I meant the majority of the people, with the exception of one, whom I did not approach because he was

well-known.

Look, you understand English perfectly well, don't you?-- Yes.

You haven't had any difficulty in understanding the questions that I have put to you, isn't that so?-- Quite, I don't have any difficulty.

Then, why did you not say in reply to my question: "I got the majority of the speakers together;" instead of conveying to His Worship that you got them all together and got their names directly?-- I am answering that through the question, Sir, "How did I manage to get all these people's names" because I didn't know them. I say after the meeting I approached these people, with the exception of the one that I was given by the other detective. That one, I didn't worry myself to go and ask his name because I had already written his name down. Then the others, I called them together.

So it was not correct when you told us, or conveyed the impression that you had got all the people together; that was not correct?-- Well, I may have been confused...

DISCUSSION BETWEEN MAGISTRATE & MR. UNTERHALTER:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: And you say that all these speakers were available to you after the meeting and you were able to get, with the exception of this one man, their names?-- Yes.

Did you take their addresses?-- As well as their addresses. And their names.

And where did you record these names and addresses?-- I wrote them on a piece of paper which I had.

Are those the papers that you have been making use of in this Court to refresh your memory?-- I think some of the addresses are not included there.

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You mustn't anticipate my questions: I say to you, are these names and addresses recorded on the papers that you have been making use of in the Court?-- No, no. I think only one or two of the addresses are put in there.

And did you record the names and addresses in the occurrence book as well, that notebook that I was referring to earlier?-- I am not sure whether I got the addresses. I think I got their names, only their names.

You mean in the occurrence book?-- Yes, only their names are there.

So we can understand that the names have been recorded by you in the occurrence book to which I have referred you earlier, but you say that some of the addresses are in the notes to which you referred this morning?-- May I make an explanation of how this book of mine is written down.

You can come back to that question in a moment. I just want to be clear that I get an answer to the question that I am putting to you now. You say that the names, and the addresses of the people who spoke were recorded on the notes of which you made use this morning in refreshing your memory; is that correct?-- I said I put down the names as I got them afterwards in my speeches which I have just read this morning, and I think some addresses are not available there. They may have been in a piece of paper that I used when obtaining these people's names.

I take it that these addresses are quite important to you in your work as a security policeman?-- They are very important, yes.

I think you said earlier, that most of these people had up till that date been unknown to you?-- Yes.

And therefore one would expect you as a police-

man to want to get the fullest information about them, and that the address therefore would be an important part of that information; is that correct?-- Yes.

Now, you were telling His Worship that the addresses were recorded by you on a piece of paper?-- e Every time I interviewed these people.

All the addresses of all the people?-- Yes.

And can you tell His Worship where that paper is today?-- t That piece of paper, I don't think I have got it.

Did you destroy it?-- After I had taken all the particulars that I required, I think that paper I destroyed. That little paper I had, I must have destroyed it. I wouldn't keep it.

Then where did you record for permanent record the addresses of the people who you of the speakers?-- Well, I can't say now, at this moment; all I know is that if these peoples' addresses were wanted, they may have been submitted.

But, is there no routine or standing order in regard to this matter, that an important piece of information like this should find itself, find its way into a proper police record where it can be consulted in due course. ?-- If perhaps the addresses were wanted here, they will be brought....

No, you must please answer my question. It is a simple question; I'll repeat it. Is there a standard routine, or a standing order requiring addresses taken in the way that you have spoken to, to be recorded somewhere in permanent form, where they can be consulted if necessary; is there or is there not such a rule or order?-- That is why I say, if they are needed here, they can

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be found.

BY THE COURT: You are referring to their being needed here. But for your police work, are they recorded somewhere?-- They are recorded somewhere.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: Now, where are they recorded?-- They are recorded in our files.

What steps did you take to see that the addresses that you took that afternoon were recorded in the files?-- They were recorded afterwards.

What steps did you take?-- They were submitted...

BY THE COURT: I must ask you now to answer the question.

What steps did you take?-- They were prepared these addresses and handed in.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: You are using the passive voice; please, what did you yourself do in regard to it?-- I don't know whether I ought to explain how we do this.

That is what I'd like to know; you have written them down on a piece of paper, you have destroyed the piece of paper; what happens to ensure that these names are recorded somewhere permanently?-- Some forms are filled as regards each and every person, a form is made; his name and his address, and it is submitted in, in the office.

Are you saying to me that you took the names and addresses, and had them or caused them to be transferred into other files?-- We complete a diary. In this diary we put in the names and addresses, and this diary is handed in, including his address.

I thought I'd cleared that out of the way about five minutes ago. I was under the impression that you said to His Worship that in regard to the occurrence book -- I am assuming the occurrence book is the diary; I may

be wrong; the addresses were not recorded. Am I wrong in making that assumption? Did you put the names and addresses in your occurrence book?— I only put the names of these people, the names of the speakers at this particular meeting, in my occurrence book...

The addresses?— No, not the addresses; only the names of the speakers. 46/35

Where did you record the addresses?— There are forms which we put in the addresses of these people.

You were saying to His Worship that you recorded them in a diary?— This is the diary I am speaking about, this form, so that they can be put in a file; everybody must have his own file, and his name and his address will be found there.

Is this diary a form of fixed bound book?— No.

Is it a loose-leaf book?— Yes, it is loose leaf forms. It will be kept in that particular person's file.

When did you complete that diary?— After a week's time, or after two week's time.

And from what did you complete that diary?— In a paper.

I don't understand what you mean by "in a paper"
— I am saying, "from what" did you complete that diary; what did you use to enable you to compile that diary?— We used the form, there is a particular form we use to put in all particulars.

Where did you get the particulars from to put in the diary?— From these people, from the speakers.

Do I understand you to say that the speakers gave you the information and from what they said to you you immediately recorded it in the diary?— I seem to be

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mixed up now; I don't understand what you really want.

I don't want to confuse you; I just want you to feel that I understand what you are saying, and that His Worship understands it. You have told us that you filled in a form known as a diary, and this form contains the name of speakers at the meeting, and the addresses. Are you with me so far?-- Yes.

I asked you where you got the information from, and you said you got the information from the speakers; that's correct, do you agree with me?-- Yes.

Now, what I want to know is the procedure of how you brought this about, and I am not suggesting it to you, I am just asking you: Did you go up to the speakers and say to them: What is your name and address, and they gave you that information; did you write it down in this so-called diary; that is all I want to know?-- No.

Then what did you do?-- After a week's time, after the meeting, we are generally given to get these people's name down, to obtain full particulars, from them. Then it is the time that we visit these people and we obtain full particulars from them.

I understand. So what you are now telling us is this, that you then make it your business to visit these particular speakers about a week or so afterwards, and you then recorded in the subsequent visit the name and address and other information arising from this second visit to them?-- Exactly.

And did you in fact visit every one of these speakers?-- I remember visiting one. Because there are many, and we have got to get through a considerable lot of visits amongst ourselves.

Now, what about the addresses then of all the

30 others; how did these addresses get permanently recorded?
-- The addresses of these people, -- you mean of the particular speakers in this meeting?

Of those whom you didn't visit a week afterwards? -- They may have been given to some other detectives, I don't know.

Why didn't you put the address in your occurrence book, of each of them, on that particular day, as you took them information from them? -- Well, I don't know, if the addresses are included in that book, because that book is not here now.

You can't say? -- No. It may be the addresses are there, I am not sure. 33

I understand you to say they weren't, but possibly you made a mistake. Now, with regard to the notes, but why didn't you put the address on each of them; we have only found one in which there is an address, and that is Cyprian, the last speaker. Why didn't you put the addresses of all of them? -- No, I didn't put the address of all of them.

Why not? -- Well, it must be an omission.

Do you usually omit addresses of speakers from your notes? -- Well, if I need the addresses then I know how to get them, even if they are not in there.

Do you usually omit the address? -- Yes, I omit them usually.

Now, what standard did you attain in school? -- I did first year teacher's course.

Does that mean you passed at least....? -- Std. 6

Std. 6? -- Just first year teacher's course.

And does Southern Sesutu embrace the Setsoana

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language or not?— Almost the same.

Is it merely a dialect?— It is more or less the same language although we differ here and there.

What is the language that you are most at home in?— Southern Sesutu.

I understood you to say that in regard to the chairman, McDonald, he spoke in Setsoana, and you paid no intention at all to the interpreter?— Yes.

You recorded directly your translation of what McDonald was saying in Setsoana?— Yes.

You weren't disturbed at all by the interpreter?— Not at all.

It didn't distract your attention in any way?—

No.

Now, when you spoke about whether there was or was not an interpreter, or whether there was or was not a particular language used, I take it that you did so because you had in fact recorded it in the notes?— Yes.

You are not just trying to recall this from memory?— Yes.

Now, is it not possible that in regard to the names of more than one of the speakers, the source of your information was what somebody told you and not the direct information from the speaker himself; perhaps I should put my question a little more simply. When you were told the name of the speaker who the person was who spoke, is it not possible that you were told this in several cases, not by the speaker, but by a detective who was present, or someone else you knew, who said "Yes, his name is so-and-so." ?— There is only one speaker whom I got the information from another detective. These other speakers I went straight to them.

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Since the 28th February have you had occasion to record speeches at many other meetings?-- Yes.

I suppose you do it every week?-- Nearly.

Well, if that is so, how is it that your recollection is so clear that all these speakers except one gave you their names and addresses; how can you remember that so clearly?-- I remember it very well because I knew that it was the first meeting that I had so many unknown to me.

And do you have the same clear recollection in regard to subsequent meetings where you took notes, as to whether the speakers gave their names directly or through other speakers?-- That is why I recollect that meeting.

I am now asking you another question; have you got the same clear recollection in regard to meetings other than this of speakers giving their names to you directly, and not using other sources to get them?-- That was the only particular meeting I could remember.

You don't remember any other meetings as clearly as you remember this one?-- No.

Were there other meetings that followed this where there were also strange speakers?-- Usually there are only two or one strange speaker addressing these meetings, in my area.

My question is: Were there subsequent meetings following this meeting, where there were also strange speakers?-- Yes, that is why I say.....

Please answer the question: Were there meetings that followed this where there were also strange speakers; people whom you have never known before who suddenly blossomed into public life and started talking from platforms?-- Do you mean what do I generally do when I see or when I hear a speaker who is unknown to me?

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Please listen. You said that at this particular meeting there were speakers who were previously unknown to you; is that correct?-- Yes.

You said that there were other meetings that followed this meeting; is that correct?-- I said very many.

There were very many meetings that followed this meeting?-- Yes.

Now, at those meetings that followed this meeting, were there also strangers whom you had never heard before?-- There are always very many strangers in meetings.

Now, in regard to those meetings that followed, this one of the 28th February, and where strangers spoke, I understood you to say to His Worship you can't remember clearly whether you took the names from the directly, or whether you got them from other sources of information; do you remember saying that a moment or two ago?-- Yes, I meant only perhaps in one person.....

Do you remember saying that?-- I remember saying that, telling His Worship.....

If you cannot remember the subsequent meetings, where strangers spoke, how is it that you remember so clearly that in this particular meeting the information was given to you directly by the speakers?-- That is the reason why I said it is the first time I had a meeting where I found so very many unknowns. I had to take the trouble of asking them one by one, "What is your name," and so on like that.

Now, certain of the speeches were delivered in Xosa, is that correct?-- Yes.

And these speeches, did you record them direct

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from the Xosa language into English?-- Yes.

Did you record them accurately?-- Yes.

Now, I noticed, the note that I have taken of your evidence, you said that you speak "a little Xosa" -- did you say that to His Worship in your examination in chief?-- Yes.

3 And if you only speak a little Xosa, how accurate could your translation and transcription be; was it a bad translation?-- No, it wasn't a bad translation.

Well, how well did you cope with it if you know a little Xosa?-- One can understand a language but cannot speak it properly. Understanding is a different thing than to speak.

You say you understood it well?-- Yes.

Do I take it you use an ordinary notebook, scribbling pad when you are writing these notes?-- That is a reporters notebook, that.

And you just tear out the page?-- I just tear out and leave some blank so that I can use it the next week.

So it is not part of a written record like your occurrence book?-- No.

(No further questions)

CROSS-EXAMINED BY ACCUSED No. 1: In this meeting which was held on the 28th February, did you see me there?-- No, I don't know the witness. I did not notice him at the meeting; whether he was there or not I cannot say.

When you went to this particular meeting that was held on the 28th, did you then know it was a meeting called by the Pan-Africanist movement or not?-- They had applied for a permit to hold this meeting. I knew that it was a Pan-Africanist meeting.

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When this application was made, was the place mentioned in the application where this meeting would be held, the place where you eventually went to?-- It was.

On your arrival at this meeting, was the meeting already in progress, or was it before the meeting started when you arrived?-- It was before the meeting started., when I arrived.

Did you find the flag already hoisted, or not?-- The flag was up.

After you had seen the flag, did you then maintain that the meeting was then one called by the Pan-Africanist?-- Yes.

Did you see the person who hoisted the flag?-- I don't know. It was already up. I didn't see anybody putting it up.

BY THE COURT: Where was the flag?-- It was just alongside, in the square, in the public place.

CROSS-EXAMINATION BY ACCUSED No. 1 CONTD.: With the exception of that flag, are there no other flags which you saw there?-- No.

Before you saw the flag on the particular day when you attended the meeting, hadn't you seen other flags at some other place which made it seem like this?-- Not the flag I saw; it was the first time I had seen it. I have seen many flags.

Because you saw this flag for the first time did you then come to the conclusion that it belonged to the Pan-African?-- Yes.

Does that then imply when you see any flag which you do not have knowledge of, then you maintain that it is the flag of a certain organisation although you have no information about that particular organisation?--
That flag I saw at the Pan-Africanist meeting

I was quite certain that it belonged to the Pan-Africanist group.

Is it not true that the place you went to where the meeting was held was an ordinary hall which is used by any other person,?-- This meeting was not held in a hall it was held in an open space, in a square in Nzimhlepe, Orlando West 2.

On what then was this flag hoisted, on the ground, or what?-- On a pole, on the ground.

BY THE COURT: Was the pole fixed into anything?-- Well, there I am not sure.

Was it put into the ground, was somebody holding it, or what?-- No, it was put on in the ground.
CROSS-EXAMINATION BY ACCUSED No. 1 CONTD.: You have already told the Court that this place where the meeting was held, you say it is a square; can you actually give the precise measurements; how many morgens or how many square rods?-- It is quite a big square. I don't know how many square yards it is.

Were there many people there?-- No, there were a few people. I estimated about 55 people. There were not very many people.

Did these people then cover that big square, the number you have mentioned now?-- They didn't cover the whole square; they only stood up there where the meeting was held.

I am going to put it to you that although there were people who were standing there in a crowd, you say they formed that crowd attending the meeting, there may be some other people who were standing away or outside the square; how did you ascertain then

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No, there were no people standing far away from the meeting; they all stood in one place, all close together.

Did these persons who you say attended the meeting stand close to one another or did they leave some spaces in between them ...?-- They were sitting down, on the ground. There are some stones there, because it is a little bit of a hill there.

But you just told the Court that these people were standing?-- I never told the Court that these people were standing. It is the first time I am asked the question. These people were sitting down at the meeting.

You have already told the Court that when the last speakers had spoken and concluded the meeting, the persons who had attended the meeting applauded the last speaker. When they applauded the last speaker, were they moving away from the meeting, or were they still standing there when they applauded the speaker?-- When they applauded, the meeting was still on, but it was towards the end of the meeting.

Is it not true that you perhaps said that the crowd was already dispersing when they applauded the last speaker?-- No, I never said so. I said that the people were very much interested in the last speaker, and they applauded. That was during the proceedings of the meeting, but towards the end.

Can you perhaps recollect what the speech was which was made by the last speaker?--

Can you perhaps say in what Bantu language the last speaker was speaking?-- He was speaking Xosa.

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THE COURT: you must not interrupt the witness while he is replying to your question. You said he was speaking Xosa, but can you recollect what he was saying without reference to your notes?-- No, I can't.

Can't you recollect anything he said?-- Yes, a little.

CROSS-EXAMINATION BY ACCUSED No. 1 CONTD.: Is it not true that you have already told the Court that you just know a little bit of Xosa?-- I said I spoke a little bit of Xosa, but I understand Xosa.

I want to put it to you this way that you have already told the Court that this last speaker who has spoken Xosa made mention, made remarks about the shooting Arlev. should ^{done,} (have / can you then say what you recorded there in English was what was said by that speaker in Xosa?-- I can say that.

Can you perhaps tell me what is shooting in Xosa?-- "D - u - b - u - l - a."

Can you say then if I take a drum and start banging it, what would you call this sound in Xosa?-- I don't know.

Is the sound not made by banging on that drum "dubula"?-- I don't know.

(No further questions)

CROSS-EXAMINED BY ACCUSED No. 3.: You have already told the Court that on the 28th February you attended a political meeting at Nzimhlope?-- Correct.

You went there as a person to record the speeches which were made there, isn't that so?-- Yes.

Your work is that of recording speeches at the political meetings?-- Correct.

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Because of that, isn't it then your duty as a recorder of speeches in political meetings, it means you are a person who is well versed in politics and political affairs?-- I don't know anything about politics.

BY THE COURT: You are not well versed in politics?-- No, and I am not a politician.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: I think it is funny if you say that you are not well conversant with politics, but there your duty is to record political speeches?-- My duty is to record what is said at the meetings.

Does it then imply that the meetings where speeches are made or something is said about women, you just record that as well?-- I will record what the speaker has said. I will try and record it to the best of my ability.

BY THE COURT: You try to record everything?-- Yes.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: I have already heard you making mention of the word "meeting," -- can you please explain to me because I am an ignorant person about the word "meeting" -- can you just give me the meaning of the word "meeting"

BY THE COURT: I am not concerned with the witness' views of what a meeting is.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: You have already told the Court that you arrived at this place where the meeting was held before the meeting started, and you then sat down there?-- Quite correct.

Did you then know who the chairman was amongst the people who were there?-- I went straight to the chairman after the meeting and I asked his name.

I am not referring to the instance when the meet-

ing came to an end, and was closed. I am referring to the instance when you arrived there and saw people seated there; how did you then know who the chairman was?— I knew the chairman because he addressed the meeting, when he opened up the meeting.

What are your notes which you have made, and which are now before the Court.....

BY THE COURT: They are not before the Court; I haven't seen them yet.....

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: I can see that you have made certain notes; is it then possible that perhaps you may have been behind and have omitted some sentences while the speakers were speaking, addressing the meeting?— I have already mentioned earlier that it is impossible that one writing in longhand can take down everything which is said by the speaker.....

BY THE COURT: The witness said in examination in chief that sometimes he may have been a whole sentence behind; I am assuming that sometimes he may have left out a whole sentence.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: Immediately on your arrival at this place where the meeting was held, I want to know before you made enquiries how did you know who was the chairman there; how did you know that the chairman was the person whom you later on found out was the chairman?— Before the meeting started I didn't know who the chairman of the meeting would be, but I noticed when Leabile opened the meeting that he was the chairman.

You have already told the Court that you knew that this meeting was the one convened by the P.A.C., because of the flag you saw being hoisted there; is that so?—

Yes, I said so, and in addition it was announced by him, the chairman, that it was a P.A.C. meeting. And thirdly that they had applied for permission to hold the meeting.

BY THE COURT: I must make it quite clear that that little bit of evidence that they had applied is hearsay evidence. I am not concerned with such evidence.

CROSS-EXAMINATION BY ACCUSED J No. 3 CONTD. You have already told the Court that the meeting was held there in the square. I may just put it to you that some of the persons may have decided to be there and not be the people of the P.A.C., but just people who decided to go there; is that possible?— Well, I don't know that, if they just came there and gathered and started to speak, I don't know, but as far as I know, it was a P.A.C. meeting.

But you have already told the Court that you knew that the flag belonged to the P.A.C. ?— I said it was the first time I saw the flag, and I was quite convinced that this flag is the P.A.C. flag, as the P.A.C. was a new organisation.

You have already told the Court that when you were recording the speech made by a speaker, there were some portions where you were behind, about a sentence; but when I look at your notes there....(notes handed to Accused No.3) I do not see any incomplete sentences, or perhaps you may be able to point out where they are, seeing that you were always behind a sentence or two ?— If you can show me that there are some sentences that are not completed, then I can point them out.

I am asking you whether when you look at these notes which you have made there, are there any incomplete sentences, or are all the sentences which you have recorded there complete ?— It is for you to find out whether there

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are some incomplete sentences, in the notes.

BY THE COURT: No, you tell me whether there are any incomplete sentences in the notes?— I am not sure whether there are any incomplete sentences there. I know that I did not record nearly everything he said.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: Well, if you are not sure, then I am giving you an opportunity to look at your notes and tell me?— How can I have a look at my notes when I know that there are some sentences omitted there; how shall I find out what portions are left out?

I think I am the person who has the right to put questions to you; you have no right to put questions to me?— I am not putting any questions, but I am making a reply.

I am now putting a question to you; just have a look at your notes and see whether all the sentences are complete, so that you can make sure and certain?— I do not know whether I have got to accede, Your Worship?

BY THE COURT: Yes, he is asking you to look at the notes, that's all; you can look at them.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: ?— I shall not be able to see whether some sentences are incomplete

BY THE COURT: All he wants you to do is to look through your notes and see if there are incomplete sentences in your notes; sometimes you may only have put down half of something. That is what he wants you to look at. (Notes handed to witness) ?— It would appear that it is difficult

BY ACCUSED No. 3: Your Worship, he is having difficulty. It would appear that he is not the person who made these notes.

BY THE COURT: No, he must have time to read them. (Witness peruses notes.)

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Have you gone through the greater portion of your notes by now?-- Yes, I have. As far as these notes are concerned, I can't find any incomplete sentences.

Through the 15 pages you have read through so far?-- Yes.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: In these 14 pages you have gone through, you have perused, and you say there are no incomplete sentences, which implies that you have written everything which the speaker said?-- I have written down what I could write, but I am quite certain that I did not write down everything that was said. I mentioned that many times, several times.

Can you then estimate and take for example the first speaker; how long did it take the first speaker to make his speech on the platform?-- The first speaker may have taken about five minutes, three minutes.

I want to know from you, seeing that you have made the notes which you say these were the words uttered by the speakers; how do you then make certain, how are you so sure that these were the words actually said by the speakers?-- I was present at the meeting; I heard them speak.

Can you bring any other evidence to His Worship to show that these words were actually said and uttered by the speakers themselves?-- I am quite certain that these speeches were made by the speakers at the meeting I attended.

Do you want the Court then to believe what you are saying, that you actually heard the speakers say this which you have recorded?-- Exactly, I want the Court to rely on my statement because I am speaking the truth.

(No further questions)

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CROSS-EXAMINED BY ACCUSED No. 4: I heard you say in your evidence that after the meeting which was held on the 28th February this year, you thereafter attended other meetings; did you attend any other meetings after that?— Yes, I attended many other meetings, but not Pan-Africanist meetings. They were other meetings, of various organisations.

This is then the only meeting you attended concerning the Pan-Africanist movement, this one held at Nzimhlope?— That was the only meeting I attended of the P.A.C. ever since it started, and it was the last.

You have already made mention of the Pan-Africanist Congress flag which you saw there; you told the Court that this was the first flag you saw which was owned by the Pan-Africanist Congress at Nzimhlope?— Yes.

I am surprised by your statement that you have made concerning that flag being one of the Pan-Africanist Congress members, because we do not know that the Congress possesses a flag. We are surprised that you have already knowledge of such a flag?— Well, for your information, P.A.C. has got that kind of flag.

I then putting it to you that as a result of that information you have, it means that you are one of the members of the P.A.C.?— I am not, for your information.

BY THE COURT: If you are not a member of the P.A.C., how can you say that this is the P.A.C. flag; that is the point the Accused is making; how can you say it is the P.A.C. flag if you are not a member, if you have seen it once, at one meeting.?— The reason why I say it this flag is the P.A.C. flag is because usually the organisation they do hoist their flags.

CROSS-EXAMINATION BY ACCUSED No. 4 CONTD.: You have already said in your evidence in chief that after each and

every speaker had made his speech, he was applauded by those who attended the meeting; is that so?— Yes, not only after; even during the speech.

Can you say with certainty that all the persons who attended the meeting applauded each and every speaker; or are you not certain?— No, there I wouldn't say, but I heard some hands being clapped, then I wouldn't say each and everybody there was clapping hands, but I would hear something " Ja-ja ".

Would you say the majority or the minority applauded that speaker?— The majority.

Were you one of these persons who applauded the speaker, or did you not appreciate the speakers, or did you just remain silent for personal reasons?— My duty is just to write down what is said by speakers; I was not concerned about what was said there.

4 I want to know, as a member of the African community, how did you feel when the people who attended the meeting applauded speakers; did you in fact feel touched or did you not feel touched as one of the members of the community?— I wouldn't tell you my opinion. I'm a policeman, not a politician.

I then want to know from you because you say that you are not a politician but a member of the police force; those persons who were present at that meeting which was held in the square there, were they all members of the P.A.C., or were there others who were not members of the P.A.C.?— There I don't know, but I want to tell you this that when a meeting is held in a public place, even the passers-by do come and listen there.

I am putting it to you that I am surprised as you have already said that you are not a politician but you were

there just for the purpose of doing your duty, and I take it you did not feel touched by what was being done there, being a member of the African Community?-- Yes, you must be surprised. But I have answered that I am a policeman. My duty is to attend the meetings and record what is said.

You have already told the Court in your evidence in chief that the chairman at this meeting spoke in Setsoana and you translated that into English?-- That is so.

You have already told the Court that after passing your Std. 6 you went for your first year's teachers course. Can you then say with certainty that you have such a knowledge of the Setsoana language, that you would be able to translate what was said by the chairman at this meeting into English?-- I have been living with the Setsoana people for the last 21 years in Johannesburg. I have lived among them and I hear them how they speak, and the Setsoana is more or less like Sesote although they do differ here and there. Setsoana is really Sesote.

BY THE COURT: So, what do you say; what is your knowledge of the Setsoana language?-- I can only understand it when they speak it. I do not make an attempt to write it down.

When you hear them speaking, you understand it; what is your knowledge of the language like?-- Well, I didn't study it at school. I just started to speak it afterwards.

Do you speak it well?-- I can't speak it well.

How do you understand it?-- When they speak I understand it.

CROSS-EXAMINATION BY ACCUSED No. 4 CONTD.: It is surprising to find that you have spent such a considerable time amongst the Setsoana speaking people, but you are still unable to write the Setsoana language, and I am putting it to you

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that it is difficult for a person who has not been taught Setsoana at school to be able to understand it to such an extent as you maintain?— We are not the same in mental capacity. And it is for that one who can understand a language better; for example there are many people who live in Johannesburg but they can't speak Sesoto, especially the Zulus, the raw Zulus.

I want you to tell me now between the two persons I am now going to make an example of, tell me who has a better knowledge of the language; a person who has been taught the language at school, and the person who happens to learn the language just by hearing it being spoken by other people?— It all depends how one was taught; how long he spends in school and how far he went, then he can understand the language. And it all depends on the man who lives among the people and hears them talk.

I am putting it to you that you have not answered my question, you are evading my question. I am going to repeat my question. I want to know who of the two persons would have a good knowledge of the language; the person who has been taught the language at school and the person who just happened to learn the language by picking it up here in the streets, by hearing it being spoken here in the streets; who of the two can explain it better than the other?— As I have already said, one who goes to school can only learn a little, and one who lives among the people can learn much through long experience of living together with those people.

Are you aware that there are people who have gone to school and have learned the English language and know how to speak it, and how to write it, and there are others who have not got that opportunity of learning the language

but who know how to speak it outside here in the streets, without having been to school, and you will find that most of these who have been to school are the persons who are working in the offices and who understand the language.....

BY THE COURT: No, I don't know what you are driving at now. You have put that question a sufficient number of times to the witness. Have you got anything else?

CROSS-EXAMINATION BY ACCUSED No. 4 CONTD.: You have already told the Court that you attended the meeting at Nzimhlope; was it a meeting which was called by the branch of the Pan-Africanist Congress or was it a general meeting of the organisation as a whole?— I am not sure, but I wouldn't say it was a general meeting, it was just a meeting of the branch. You will find out in my notes that some other people were being asked if they would like to join; that particular place. You can see that only 55 people were present. It was a very small meeting. Probably I would call it a branch meeting.

You have already told the Court in your evidence in chief that you knew Zulu and Xosa is that so?— Yes.

And in knowing the Setsoana language, you stated it took you 21 years to learn it. Will you then please tell me how long it took you to know the other two native languages, namely Xosa & Zulu?— Perhaps you are not aware that in Johannesburg Zulu & Xosa and Setsoana, they all live together in Johannesburg locations. Perhaps here in Vereeniging where you are, there are no Zulus there, or Xosas, perhaps, I don't know; but in Johannesburg we live with Zulus, Xosas, all nations.

You have just told the Court just now that you have lived with the Setsoanas people for 21 years?— Yes.

I now want to know from you if you say you understand, 21 years living with the Setsoana people, how did you acquire the two other native languages because Setsoana people do not most of them know how to speak the two native languages, Zulu & Xosa....

BY THE COURT: Sergeant, the question is simple; how did you acquire your knowledge of Zulu & Xosa?-- I work with the Zulus in the police; I work with the Xosas; I live with them in the locations. We are mixing nearly everywhere.

CROSS-EXAMINATION BY ACCUSED No. 4 CONTD.: I am going to put it to you that it is possible that what you have recorded there, seeing that the speakers were speaking in the different native dialects, it may be possible that you may not have recorded the speeches, as they would have recorded them themselves?-- This is not the first time I give evidence in Court. I have been cross-examined many times by the Xosas and Zulus, and I have been able to answer questions properly.

(No further questions)

BY THE COURT: What language did Accused No. 4 speak now when he questioned you?-- Sesoto, south Sesoto.

Your language?-- My language.

ACCUSED No. 8 : NO QUESTIONS:

CROSS-EXAMINED BY ACCUSED No. 3B: I want you to make this clear, perhaps I may have misunderstood you: Did I understand you correctly that you told the Court that the meeting was held there in the square in the open space and the persons attending the meeting seated on stones?-- Quite correct.

Were these stones on which these people were seated not set in a proper line?-- It was on a hill, the stones were just in the ground.

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When the meeting came to an end, did the persons attending the meeting then disperse?-- Yes, some dispersed and some remained there, talking amongst themselves.

The names of some of the persons you have written in your notebook here, did you approach them while they were standing there, or while some of them were moving away from the scene of the meeting?-- As soon as the meeting was declared closed, I then went to these people. They were all near the chairman there.

(No further questions)

CROSS-EXAMINED BY ACCUSED No. 39: From the time you arrived there, until the time the meeting was declared closed, was there any person who remained all the time standing without being seated?-- I am not sure. But the majority of those people were sitting down.

You have already said that the number of the persons attending the meeting were 55?-- That is my estimation.

On your arrival there, at the scene where the meeting was held, did you then have a look at the flag which was being hoisted there?-- Yes.

Can you say what made you interest yourself in that flag on your arrival there?-- It was a new flag to me and then I was interested to look at it.

Is it then what you often do that when you see a new flag and have a close look at it?-- Provided I am interested.

Did you not notice when you arrived here in the Court people... that there was a flag outside there?-- I didn't. I didn't come to look at the flags here. I came to attend Court.

At one stage I suppose you have been to a police

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station; is that so?-- I have been in many police stations. I don't know which one you speak about.

Those police stations you have been to, didn't you notice that there are usually flags which are being hoisted there, flying there?-- There's a flag always at the police station.

The flag you saw at the particular police station you may perhaps have been is it similar to the other flags of the other police stations?-- The flag hoisted at the police stations are the same.

Can you give me a description of the colours of those flags?-- White, yellow and red, the Union flag, inside.

Can you tell me the colours of the Union flag?-- I wouldn't be able to explain.

Can you then give a description of the colours of the flag of the P.A.C., all of them?-- I have never seen many flags of the P.A.C. I only saw that flag we are speaking about to day in Court. It was a green flag with a star and there was a writing "Cape to Cairo" "Morece to Madagascar" and a map of Africa.

Can you tell me the colours which were inscribed on this map?-- No, I am unable to say what colour the map was, but it was a green flag; just a green flag.

When the chairman addressed the meeting, was he seated all the time?-- The chairman was standing when he addressed the meeting.

And other speakers they stand when they addressed the meeting?-- I have never seen any speaker addressing meetings sitting down.

On your arrival at the meeting, when you record your notes, you record them seated or standing?-- On that

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particular day I was sitting down.

On what were you sitting?-- On stones.

And on what did you place the notebook on which you were making your notes?-- As I was sitting down I was placing it on my side. (thigh?)

Did you find that it was preferable for you to place it on your knee and not hold it supported it with your one hand?-- Most comfortable.

In other words, do you then imply that you write faster when you have placed the notebook of yours on your thigh, rather than having it supported with one of your hands?-- I write the same.

On your arrival at this meeting, did you then inform those people from whom you later obtained their names, that you would like to see them after the meeting?-- I just went straight to the chairman and I asked him, I told him that I wanted to see the following people who addressed the meeting. And as they were together they all came near the table there, then I obtained their names.

Did you do that before the meeting or after the meeting?-- After the meeting.

Didn't you think perhaps that if you go there after the meeting some of the speakers would have left?-- I was keeping my eye on these people, all of them. And for your information there is one who had left. I saw him and I had to run after him and stopped him, and asked his name and address.

That was just immediately after the meeting when you ran after this person?-- Yes.

Did you then go after this person after you had been to the chairman?-- Yes.

You have already told His Worship that when this last speaker ended his speech, his speech was mostly applauded, and you have already told His Worship again that you did not applaud that last speaker; can you say why?— I am not interested, and again I said I am not a politician. I am a policeman. I went there as a policeman.

You say that ^{they} you also discussed the passes there. Do you also like a pass yourself?— Have I given my opinion, Your Worship? Yes, I like the pass.

Can you please if you don't mind give me the reasons why you like a pass

BY THE COURT: I am not listening to any arguments between you and any witnesses as to whether they like a pass or not. I may be concerned with the question purely as to whether they like passes or not, but not the reasons.

CROSS-EXAMINED BY ACCUSED No. 39 CONTD.: Some of these people that you saw at this meeting; were they strange people, did you see them there for the first time?— I knew some, but the majority I didn't know.

It is also true that from some of those you obtained the addresses, you did not know some of them?— Some I knew by sight, I didn't know their names.

Did you then believe or have confidence in the addresses they gave, that they were the true addresses?— Yes, they gave me their true addresses.

Can you say what made you to be so confident that the address they gave you there at the meeting, that they were the true and correct addresses?— I knew that they wouldn't give me false addresses, and they didn't do it.

In other words, you had confidence in these persons; you also had faith in them; is that not so?— They did not hesitate when I asked their addresses.

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Therefore I had confidence in them. And I visited one of them and I found it was the true address that he gave me.

In other words, what they say, you take it to be the truth?-- I don't know what you are speaking about. I don't understand. As far as the addresses are concerned, they gave me the proper addresses.

Seeing that you say you had in confidence at that stage, you took it to be the truth?-- Yes, I took it to be the truth.

Even if they had told you they wanted to kill a European, you would have taken that to be the truth?-- Yes, if they had said it at the meeting I should have put it down in writing.

When I look at these notes of yours I find that you have written them?-- Yes.

And at the stage when the other speakers made their speeches, you did not write notes of the fact that you were writing longhand?-- Only very little was not taken down.

In other words, most of the things you have written here, you have recorded?-- Yes.

Seeing that you are a native and you decided to write these notes in English; or is the regulation or procedure that you have to follow in your Force that you have to write these notes in English?-- English is an official language.

Some of the speakers spoke in Xosa and you have already admitted that you do not know Xosa very well, you know little of it?-- I said I understand Xosa.

(No further questions)

RE-EXAMINED BY P.P.: Was it a fact that people applauded; when the people said "Hear, hear," what did that indicate

60 to you?— By so saying I took it to be that they were very much in support of the speeches made by the speaker.

Now, you have told the Court that you weren't able to write down all that the speaker said; but did you at any stage run perhaps two sentences together; for example, if a man was speaking, and you were a paragraph or a sentence behind, and did you have to join that with something that was said elsewhere; I think that was the suggestion which some of the Accused have been trying to make to you; do you follow?— I am not sure whether such a thing might have happened in my notes. I can't say whether two sentences would be mixed in that way.

Do you follow what I mean? The man is talking and you are already a sentence behind him?— Yes.

Now, what I want to know, perhaps as he is talking, do you write down portion of that sentence and then you might forget portion of that sentence which you are behind and then carry on writing something which he is saying further ahead?— Through my long experience of taking notes I wouldn't make such a confusion of mixing up of sentences. What I would do is just to complete the sentence. I would rather leave the following sentence than to mix up, because they wouldn't mean anything.

Now, you started to say when you were cross-examined by Accused No. 1, that the flag was just alongside, and the ... whereabouts was the flag in relation to the table where the speakers were?— The flag was just behind the table, and there were no people on the other side of the flag. It was on the rear side of the table.

BY THE COURT: Do I understand that correctly, there was a table, at which the speaker was sitting, the public in

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front of that?-- Yes, the public in front of that.

And the flag behind them?-- Yes.

Can you give the Court any indication of how much of the speeches you were able to take down, whether it was a quarter, or a half, or three quarters; or what percentage of the total speech you took down?-- In my estimation I think it is about three-quarters of the speech. I take nearly everything.

(No further questions)

BY THE COURT: Sergeant, you had to refresh your memory from notes you made, to be able to tell us what was said, is that correct.

And having read your notes in Court today, does that bring back anything to your memory?-- Yes, I am sure it brings much.

If you had to give evidence without having refreshed your memory; without having had access to the notes, would you have been able to tell me something of what was said at that meeting?-- I would be able, but very little.

Now, you made those notes at the time, did you at any time thereafter go through them?-- Yes. We make a copy for a report.

Now, how soon afterwards did you look through them. I am taking notes here today, for instance;?-- I understand.

In that way you took notes at the meeting, how soon afterwards, did you go through those particular notes?-- As soon as I leave the meetings, occasionally but not often.

Now, in this case, can you tell me when you went through the notes?-- I went through the notes in the morning when I prepared my report.

When would that be?-- The Monday morning.

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You went through the notes on a Monday morning at 8 o'clock?-- Yes.

It is accepted then that this meeting was on a Sunday, is that right?-- Yes.

Now, which Monday morning are you talking about?-- The following Monday morning.

You went through the notes the next morning?-- Yes.

For purpose of drawing up statements and a report?-- Statements and a report, that is so.

And did you find much wrong with your notes on that Monday?-- Yes, there were some mistakes, spelling of words.

What other kinds?-- Some words left out.

And did you correct that?-- Yes, I corrected that.

How many years police experience have you had all together?-- I joined the police force in 1939, March 2nd, until today.

You have now had about 21 years service?-- Yes.

(No further questions)

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JEREMIAH MOLLSON, duly sworn (Speaking Sesoto)

EXAMINED BY P.P.: Are you a coloured detective constable in the S.A. Police, attached to the Security Branch, and stationed at the Grays, Johannesburg?-- Yes.

How long have you been attached to the Security Branch?-- For the past six years.

And during that six years, has it been part of your duties to attend various meetings purporting to be political meetings held in Johannesburg?-- Yes.

And what are your duties when you arrive at these meetings?-- It is to take down in writing what is being said.

Now, when you write down what is being said, when do you write that down in relation to the words uttered by the person who is speaking?-- As he is speaking, I take the notes.

And will you be able to remember any details of any particular meeting without reference to your notes?-- No, it is difficult.

Will you be able to remember the date of any particular meeting without reference to your notes?-- No.

I ask leave of the Court for the witness to identify the document and refresh his memory.

BY THE COURT: Did you make the notes at the time of the meeting, at the meeting?-- Yes, I will be able to make out if these are the notes I made at the meeting.

At the meeting you made the notes?-- Yes.

CROSS-EXAMINED BY P.P. CONTD.: Will you have a look at these notes. First of all, are those your notes, is that your handwriting?-- Yes.

And do these notes refer to a meeting held on the 6th March, 1960, at Alexandra Township, Johannesburg?-- Yes.

Now, when did you make those notes in relation to the speakers who spoke?-- After the speaker has completed a sentence, I then write down what he has said.

Now, you wrote in longhand?-- Yes.

And in the English language?-- Yes.

First of all, were you able to take down everything that any one speaker said?-- No, it is difficult to write everything what a speaker says.

In other words, you did not write down everything that was said?-- That is so.

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Now, what time was the meeting held?-- 11 a.m. to 1.15 p.m.

Now, when did you arrive there in relation to the notes that you have made on the first speaker?-- At 11 a.m. at the time when the meeting was commenced, I then started writing my notes.

Whereabouts was this meeting held; in a hall or in the open, or where?-- The meeting was held at No. 3 Square, Alexandra Township.

That is an open piece of ground?-- An open piece of ground.

Was there an audience?-- Yes.

Approximately how many persons?-- About 150.

And what race were the audience comprised of?-- It was the non-Europeans, females and males.

When you say non-Europeans, there are various types; there are Africans, Bantus, Coloureds -- what was the preponderance there?-- It was Bantus.

And what sex predominated in the audience?-- The men predominated.

According to your estimation, what was the average age of the men?-- The age I estimate to be from 18 to over 40.

Was there any seating accommodation for the audience?-- The audience was not seated, but was standing there on the square.

And the speakers, what sort of equipment did they have to deliver their speeches?-- Like what?

Did they have any furniture?-- There was a table and a chair sometimes.

How do you mean "sometimes"?-- What I mean is that on other occasions when a meeting is held there is no table.

and on other occasions....

BY THE COURT: We are talking of one meeting only. We are not talking of any other meetings; we are talking of the meeting of the 2nd March in Alexandra Township when you took these notes?— I cannot recall whether there was a table at that meeting.

EXAMINATION BY P.P. CONTD.: Was there anything you could see to tell you what meeting was being held there.?— I saw the flag.

One flag?— Yes.

Whereabouts was the flag in relation to the speakers?— Just where the square begins, the flag was placed there.

Where were the speakers sitting in relation to the flag?— It was on the side in relation to the speakers.

How far from them?— As far as the table there where the reporters are sitting.

What was carrying the flag? was it on a pole or hung from a tree?— This flag was hung on a pole.

Stuck into the ground?— And this pole which supported the pole was tied to the fence.

Can you describe that flag?— It is a green flag it has a star in it. The star is made of a substance like gold.

A golden colour?— Yes.

Was there anything else?— The only thing I can recollect is that star.

Had you ever seen this flag prior to this occasion, prior to this day in March, that design on a flag?— I have seen this flag before this day at a P.A.C. meeting.

How many times had you seen this type of flag before this occasion?— It can be thrice or more than thrice on an occasion when a P.A.C. meeting was held.

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You also added that this was a P.A.C. flag, why do you say that.

BY THE COURT: The witness has not said this was a P.A.C. flag. He said he had seen such a flag at P.A.C. meetings.

BY THE P.P.: I speak subject to correction, Sir.

You mentioned then that you had seen this flag at P.A.C. meetings?-- Yes.

How do you know that the meetings at which you have seen the flags were P.A.C. meetings

COURT ADJOURNS:

COURT RESUMES:

DISCUSSION ON POSITION OF ACCUSED LEAVING COURT FOR SHORT ADJOURNMENTS:

BY THE COURT: I am telling the Accused now that in future when I adjourn for just a few minutes, the Accused are not to leave the Court room. There is an adjournment for ten minutes for tea in the morning, and then they may leave. There is an adjournment for lunch between 1 and 2, then they may leave. Otherwise if I say I am adjourning for a few minutes, then they may not leave.

JEREMIAH MOLLSON, still under oath:

EXAMINATION BY P.P. CONTD.: I won't pursue the matter of the flag for the moment. What native languages do you speak firstly what is your particular language?-- At home we speak in Afrikaans.

And also you speak Sesoto?-- Yes.

What other languages do you speak?-- Zulu. I know a little bit of Xosa, as well as a little bit of Shangaan.

As distinct from your ability to speak those languages, how well do you understand the languages that you have mentioned?-- I understand Zulu and Sesotho well, but Xosa I

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do not understand well.

At this meeting on the 6th March, 1960, was any chairman announced?— The person usually stands and declares the meeting open, he is the one who is the chairman.

Is that the inference you make from the fact that the person who usually opens the meeting is usually the chairman?— Yes.

Now, did you know or recognise the man who opened the meeting on this particular occasion?— Yes.

Did you know him?— Yes, I knew him.

And what is his name?— Abel Mogale.

Z And was Abel Mogale the first speaker?— Yes.

What language did he speak?— He was speaking in

Sesotho.

COURT ADJOURNS:

COURT RESUMES 30/9/60:

JEREMIAH MOLLSON, duly sworn,

EXAMINATION BY P.P. CONTD.: Yesterday, we were busy with the introduction of your first speaker, Abel Mogale, and you had already told the Court..... now, did Abel Mogale have an interpreter?— Yes.

4 Who was the interpreter?— Peter Bopapi.

And in what language did he interpret?— Bopapi interpreted in Zulu.

And to whom did you listen, to the speaker Abel, or to the interpreter?— To the speaker, Abel.

Now, if you will turn to page 1 of your notes, commencing with the words "Africans...." will you read from there....

BY THE COURT: Did Abel speak in Sesoto?— Yes.

EXAMINATION BY P.P. CONTD.: In what Sesoto did the man speak; is it the Sesoto used by the Basutos in Basutoland, or

Sesocana which is similar to Sesoto, or the Transvaal of the ⁶⁸ Transvaal Sesotes?-- He spoke in the Pedi as well as the mixed Sesoto of the Transvaal.

EXAMINATION BY P.P. CONTD.: On page 1 of your notes, commencing with the words "Africans..." what have you noted down -- you will see I have marked your notes on page by a cross followed by a green arrow, commencing at the words "Africans"?-- "Africans we are meeting here as people who are oppressed. "We meet here as people who are facing difficulties in our country, South Africa. We say Africa for Africans....." (Page 2:) "We also look at the Cato Manor incidents where police were killed. We find that it is still the Government as it is always trying to frighten people. People are arrested for permits, passes, etc....." (Page 3:) "Africans we are facing many difficulties. Therefore the P.A.C. appeals to all Africans to join the P.A.C. Africans, what does the killing of Africans teach you. We think that the time of the white ruler in South Africa has come to an end....." (Page 3:) "Who are the majority of South Africans. Africans are the majority. Therefore Africans must rule their country." (Page 5:) "Africans, I say to you we have been oppressed for the past 300 years. We are oppressed through the pass laws. We want only Africans in our organisation. What will we benefit from other nations who don't carry passes. You must see what action to take. The time has come when we will give you the message. The time has come when we will have to abolish the passes. Africans, what do you gain from the passes...."

Who was the next speaker?-- The next speaker was Calvin Bolei.

In what language did he speak?-- He spoke in Zulu. Did he have an interpreter?-- He had no interpreter.

Now, if you turn to page 6 of your notes, commencing with the words "We are...." ?-- "We are oppressed by the pass laws known as the dragon. The chairman has told you that we are fighting for freedom. We are fighting the pass laws. I as a member of the P.A.C. I am tired to be ruled by somebody for the past 308 years....." (Page 6:) "We are fighting the pass laws Africans I appeal to you all to join the P.A.C. so that we can be able to fight the pass laws. I don't want to speak about Europeans. Africans are like the soil of Africa. Europeans don't look like the soil of South Africa. When we read a Europeans book we find that passes are abolished. (Page 9:) "Europeans are not born here. Our skins are not the same with theirs. Africans I appeal to you to join the P.A.C. Africans I give you this message, keep food and money away. Our country, our country."

Who was the next speaker ?-- Josiah Madzunya.

And what language did Josiah Madzunya speak ?-- He spoke in Sesoto and Zulu.

Did he speak first in the one language and then in the other, or was the one interpreted ?-- He first spoke in Sesoto after finishing his sentence and then interpreted into Zulu himself.

Now, commencing on page 9 of your notes, the words "We are marching..." ?-- "We are marching forward, and we will reach where we are going to." (Page 10....) "We of the P.A.C. our demand is one, equality and the nation..... We are going to fight until we achieve our independence and freedom. Somebody said Africans are kind like donkeys. Some people will think we are grinning when we say we are going to abolish the passes. People like Bishop Reeves are not carrying passes and permits. They preach that you will get your freedom in heaven. Why must Africans only carry passes. And we are the only people

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who pay full tax. We are the people who are digging potatoes at Bethal and who are killed. Do ducktails carry passes. (Audience "No.")

When you say "Audience 'No.'" -- what does that mean?-- The people who attended the meeting when the speaker spoke then asked them if the ducktails carried passes; they replied and said "No.". "If passes were good for us, why don't other nations carry them too. They have built for you a beerhall so that you must be a nation of drunkards. Black people are oppressed by white domination. Their powers will be destroyed in Africa. The British at Kenya were oppressing the people. But where are they today. They have also tried at Nyasaland but they have failed. They day will come when they will have to run away, without being chased....." (Page 12:) "Europeans got nothing in South Africa. When they go they will have to go empty handed. Look what happened at Sophiatown; they have stolen Sophiatown, but they are clever they make laws, that give them power to steal. I wish I can live till we win. I will do the same to them. You see, Dr. Nkrumah is deporting them. I will demand to be the Minister of Justice. I will send all the police to demand permits from the whites for about two months....." (Page 13): "The day when the leaders declare the campaign we will not pay fines they will defend....."

Read that sentence again, please: ?-- "The day when the leaders declare this campaign is open we will not pay fines they will defend. We will not plead to laws which are not made by us. You coward men, you must wake up. We are not going to disclose our plans, but you must be ready at any time.. You cannot tell your enemy which day you are going to fight him. We are not stupid to tell the Government.

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That we are going to act on a certain day. We only say we are abolishing the passes this year, 1960. Afrikaners call us Bantus. Then they are enemies. If I can tell you to go to work without passes tomorrow, will you do so. (Audience "Yes")

Does that convey the same as previously, the audience replied by saying "Yes." ?— Yes. "Do you think the Europeans will abolish the passes. Verwoerd said he had abolished the passes in 1952. He said it is a reference book. That day I will ask the non-European police to resign, and join the struggle with us....." (Page 14): "Africans I appeal to you to save food and money. Even you the police. You must save food and money. Dr. Banda told his people the same. Dr. Banda will be released very soon....." (Page 15): "I appeal to you to join the P.A.C., an organisation for Africans only. Our organisation is for people who carry passes. The passes will be abolished this year. Our country, our country."

Who as the next speaker ?— Lucas Matlou.

In what language did he speak ?— He spoke in Sesoto;

Did he have an interpreter ?— Peter Bopapi interpreted into Zulu.

Commencing on page 16 of your notes, "Africans..." ?— "Africans, the time has come. We have appealed to you to give food away. Africans we are prepared to be arrested at any time; to be arrested for a pass today, it is all rubbish. The time has come that we will take the passes back from where we bought them. The chairman has taught us a lot. Mr. Chairman, please give us a day to abolish the passes. We are waiting."

That was the end of that speaker. How did the audience react to the speech made by each speaker ?— They became pleased after the speaker had spoken.

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How did they express their pleasure?— By lifting up their hands and shouting "Our country."

How many flags did you notice at this meeting?—
I only saw one.

And you say that you have seen that type of flag at other meetings?— Yes, at other meetings concerning the P.A.C. only.

(No further questions)

CROSS-EXAMINED BY MR. UNTERHALTER: When you were questioned during evidence in chief, as to the knowledge of languages you possessed, I don't remember your speaking as to your knowledge of English?— As far as I understood the question, the question was only the native dialects I knew, not the official languages.

I have recorded that at home you say you speak Sesethe and Afrikaans; do you have a good working knowledge of the English language?— I know the English language, but not very well.

Can you speak it better than you understand it, or do you understand it better than you speak it?— I understand it well.

And to speak it, not so well?— Well, speaking it I often encounter difficulties.

Why did you choose to record these notes in English instead of Afrikaans?— I prefer to write them in English at the meeting because it is most convenient

Don't you speak Afrikaans more fluently than you speak English?— I used to speak Afrikaans when my parents were still alive. Now I prefer speaking and writing in English because my parents are no more there to coach me in the Afrikaans language.

I suppose it is easier to give your evidence in an African language, as you are entitled to do, as you have done today and yesterday?-- Yes.

I take it that you are doing that because obviously it is easier for you to express yourself in an African language than either of the official languages?-- Yes.

Now, the notes to which you have been referring in order to refresh your memory, were they written by yourself?-- Yes.

Are they written entirely by yourself?-- Yes.

Nobody had any share whatsoever in writing out what appears before you on the witness stand at the moment?-- No.

Will you just show me these sheets for a moment please?-- (Witness hands notes to counsel)

I notice that there are certain corrections made to these notes; are these corrections yours?-- I am the only person who wrote these notes, and if there are corrections I must have made them.

You see, I am asking you this question because one of them particular, a correction on page 16, appears to be in a different handwriting?-- I will have to see that.

Will you look at page 16 and you will see that in a much darker pencil the words "has taught" have been substituted for some other words?-- That is my handwriting.

I should also like you to look at page 15, at the bottom; near the second green arrow. It appears to be in an upright style; whereas the other handwriting is in a sloping style. Is that also your handwriting at the bottom?-- Yes. It is also my handwriting.

You are quite sure about that?-- Yes. I am certain.

Now, you have read out certain portions of this record, Exh. A., now handed in?-- Yes.

And certain other portions in your evidence in chief were omitted?-- Yes.

When I studied these notes, I came across a phrase in them, as spoken to by the first speaker Abel Megale, in which he said "We don't hate the whites" -- it is on page 4. "We have said it many times that we don't hate the whites, but their time to rule had passed." Is that correct?-- Yes, that is correct, if it appears on the notes. "We have said it many times that we don't hate the whites, but their time to rule has passed." (Witness reads from notes)

It is correct that that was the phrase used by the first speaker, Abel Megale, is that so?-- Yes.

Now, on page 6 of Exhibit A there is a phrase here which I simply can't understand. I am wondering if you copied it down correctly. This is the speech of Calvin, the second speaker. You remember you read out to His Worship a phrase "I am tired to be ruled by somebody for the past 308 years;" now immediately after that your note says: "You are going to starve when we have abelished this pass laws." I would like you to look at it. (Notes handed to witness) Now, in the context of these speeches, it doesn't seem correct to me. I wonder if you have any recollection today if that is what this political leader promised his people, that when the pass laws were abelished that audience will starve. Just read it?-- The speaker did not specify ^{who} he was referring to as the people who would starve after the abelition of the passes.

But am I not correct; you have recorded the word: "You are going to starve." Is that what is written there?-- Yes.

He didn't say -- if he'd said the white people were going to starve, you would have written down the white people would you not? -- Yes, if he had said, who was going to starve then I would have written that down, but then here he said "You."

BY THE COURT: That is not the question. If he had said "the white people" will starve, would you have written down "the white people will starve."? -- Yes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: Are you prepared to agree that in the context of that speech that seems to be wrongly recorded, that sentence? -- Yes, it is possible that it may have been incorrectly recorded.

Then I see on page 14, you have recorded the following: "We don't want people to provoke the police, but we want the police to be civilized like the European police." Is that what was said at that meeting? -- (Witness peruses notes) Yes, that was said at the meeting.

And that was portion of Madzundya's speech? -- Yes.

Now, I want to refer you as well to page 17 of your notes. I would like you to look at them, I am not sure if that is the speaker or the interpreter, Peter Bepapi,? -- Peter Bepapi here was the speaker. (Page 17)

Now, this is what you have recorded in regard to the speech of Peter Bepapi as I read it: "Africans, I appeal to the police officer to teach their men how to arrest their own people. Yesterday at Sydenham two police nearly caused a riot like the one of Cate Manor, when they arrested a person for a pass. They found that his pass is in order. Then they began to fight the poor African. Why Africans do you do that to your own people. Women who were standing nearby came with stones and they were in a fighting mood, only through two African police. I hope the officer will see to it." Will you

Just check that; is that correct as I have read it out to you?— Yes, that is correct.

I would like to ask you one question in general. You have been a policeman for how many years, ~~22~~ October 1960 I will be completing my seventh year in the police force.

Would you say as a result of the 7 years experience that the passes are a source of friction between the police and the African people? — I want to know whether I should answer that question in my personal capacity, or what.

BY THE COURT: From your knowledge as a policeman you must answer that please. You are asked whether your experience is that the pass system is a source of friction between the Africans and the police?— Yes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: During the seven years you have attended many political meetings, have you not?— Yes.

Meetings addressed not only by P.A.C. leaders, but by A.N.C. leaders?— Yes.

I believe there is also some movement in Alexandra Township called the Movement for the Recovery of Africa, is that right?— No, that one I don't know.

Or another called the Democracy of Content, do you know of that one?— I do not know that organisation.

Are there movements other than the A.N.C. and the P.A.C. whose political meetings you may have attended?— Yes

Now, in regard both to these meetings apart from the A.N.C., and the P.A.C., and in regard to the P.A.C. meetings and the A.N.C. meetings, I take it that pretexts and criticisms of the pass laws are perhaps the most common thing that you hear at these meetings?— That is correct.

And in private conversation with Africans have you also often met with criticism of these laws?— I do not understand the question. If I meet these persons as a policeman off duty, or as a policeman on duty?

Well, it doesn't matter whether you are in your uniform, if you carry one, or if you don't have a uniform; whether you are performing police duties or not. I am just putting the question to you as to whether in private conversation with ordinary Africans, you haven't also heard them express criticism and resentment at the pass laws?— Yes, they say that they do not want these laws.

BY THE COURT: That they do not want passes?— Yes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: Have you yourself ever known of any cases of hardship arising from people who have not had their passes or their permits, to your own personal knowledge?— Yes, they have often said that they have often encountered difficulty.

(No further questions)

ACCUSED No. 1 HAS NO QUESTIONS:

CROSS-EXAMINED BY ACCUSED No. 3: You have already told the Court that you have little knowledge of the English language?— Yes, that is true.

It is surprising that when the speakers made their speeches they made them in the native dialect and you then translated that into English notes?— Yes, I did that.

Is it then not possible that you have made some errors in your notes which you recorded?— I do not believe that there may be many errors in my notes.

But there are errors?— Yes, it is possible that there may be errors.

Is it not true that when the speakers made their

speeches you were sometimes behind in a sentence or two and you had to omit some sentences?— As he made his speech I wait for the speaker until he completes a sentence. If he is too fast for me I wait until he finishes the combined sentences.

I have already heard you saying in evidence in chief, referring to certain paragraphs of your notes, although I do not know which page it is. I see it is page 13. I see it says: "The day when the leaders declare the campaign is open we will not pay fines(?) ?— Yes, the speaker who said these words did in fact say them.

Now, do you think there is any meaning in this sentence?— It is only the speaker who knows what the meaning thereof is, I only recorded that down.

I have already heard you saying in your evidence in chief that the audience was pleased when they shouted and said "Our country, our country" ?— During the course of the speech, when a speaker puts a question to the audience and the audience approves or appreciates the question, they will show the approval of agreeing to the question by saying "Our country."

Does it then mean, for example, say I now call upon one of the Accused persons now before Court and then he says something, then I say "izelele" does that imply that I am pleased about that ?— If you approve of that then you are showing approval by saying "izelele" and that is what happened at Alexandra Township. That is how they show their approval of what happened.

Is it only then at Alexandra Township that the audience only approves by saying "our country" and not here in Vereeniging. ?— I have never been to a meeting here in

Vereniging and I do not know what the audience does when they approve of something.

Do you know all the Accused who are now before Court?— No, I do not know all the Accused now before Court;

Have you ever seen them at the meetings you attended?— It is possible that they may have been present at the meetings, but I did not notice them.

BY THE COURT: You have not noticed any of these Accused at any meeting?— Yes, I did not notice any of the Accused now before Court.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: If you had noticed them or seen them at the meetings, you would be able to recognise or identify them, is that not so?— Yes.

(No further questions)

CROSS-EXAMINED BY ACCUSED No. 4: In your evidence in chief you said you described the flag as being green in general with a golden star; is that correct?— Yes.

You also said in your evidence in chief that you had been to several other meetings, where you saw this particular flag?— Do you mean other meetings which were not of the P.A.C.? I only said I saw the flag which I saw on the 6th March at the other meetings which were convened by the P.A.C.

Is it not correct that yesterday when you gave a description of this flag you said it was green and it had a golden star, and you didn't make mention of any other thing which you saw there?— That is so.

4 And you did not see any other thing?— Yes.

I am putting it to you that it is surprising if you did not see any other peculiar thing in the flags which you had seen at the other speakers meetings you attended, and only on the meeting you attended on this particular day?—

When I saw a flag being hoisted at the meeting, I only had a glance at it and did not take any particular notice of it.

I am now putting it to you that you say you are a Special Security Branch member, you did not do your duty by having a close look and seeing the peculiar things on this particular flag at the meetings which you attended?— I maintain I did my duty because my officers did not query me.

You made mention of a speaker by the name of Abel Megale who spoke in Sesete, and you recorded his speech as he made it?— Yes, that is correct.

I want to know from you which Sesete dialect did this Abel Megale speak?— Megale mostly spoke the Pedi in his speech although he did make use of some other Sesete.

I am putting it to you that seeing that Abel Megale the speaker was mixing Pedi with some other native dialect Sesete dialects, you may have heard you may not have recorded in a correct manner some of the words which he uttered?— His speech in general I maintain I recorded it in the correct manner, although there may be some words which may not have the same meaning.

Does that imply that you may have written some of the words correctly, and some you may have recorded incorrectly?— Yes, that is possible.

You have told His Worship that you knew the Transvaal Sesete?— Yes.

I am now going to put it to you this way, that in Transvaal the Sesete dialect which is spoken mostly is Pedi, and in Basuteland the Sesete spoken there is what we call Southern Sesete, and the Sesete spoken in Bechuanaland is Setsena. I am now putting it to you that you must have, seeing that you knew the Transvaal Sesete, speak mostly Pedi

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except in the Northern Transvaal where only Pedi is spoken.

Is that what you then call Transvaal Sesete, the dialects we have just made mention of?— I call that Transvaal Sesete.

You have told the Court that Abel Megale spoke in Sesete which is then confused with Pedi?— Yes.

Did you at the time when you made your notes, were you able to differentiate between the Pedi which the speaker used and the other Sesete which he then confused with the Pedi; were you able to differentiate between the two in recording the notes?— I took them to be one, even if he confused the two.

I am putting it to you then that the notes which we have recorded then, are not what the speakers actually said at the meetings which you attended, because you do not know these native dialects, and secondly your notes do not show that what you recorded at the meeting was correct?— I recorded the speeches as they were made.

(No further questions)

ACCUSED No. 8 HAS NO QUESTIONS

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No 39

ACCUSED No. 38 HAS NO QUESTIONS; I heard you saying in your examination in chief that you only had a glance at the flag when you arrived there?— Yes.

Can you tell me when a person glances at a flag, how does he do it?— It is just a slight look at a thing.

Can you please demonstrate?— (Witness demonstrates) (Quick look to left and right) As I now do, looking towards where the Accused are seated and away again. I say that is a glance look.

I heard you yesterday when you were giving your

AA

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Yes.

How then did you see it was a golden colour if you only had a glance at this flag?— Well, at other meetings I have seen this flag and it was not the first time that I saw it on this day.

You mean on previous occasions you had a good look at the flag?— When I first saw it I had a close look at the flag.

Did you see what was written on it?— I did not see that anything was written on the flag. It is possible that something may have been written on it.

Did you have your mind fixed on the colours of the flag when you had a glance at it, because you did not see what was written on it?— I only looked at the colour of the flag.

Do you know the colours which were on the flag?— I saw this green colour and this golden colour.

Can you describe a golden colour?— If I can see an object... (witness points to inscription on law book on table) That is a golden colour. (Gilt inscription on Gardner & Lansdowne)

Do you call this gold too (witness refers to statute book)?— The colour on this statute book which is now being shown to me is the same colour as on the other volume I have pointed out.

These are the colours then that you saw there, the golden colour and the other green one?— These are the colours that I saw there.

I am now putting it to you that this colour which appears on that book is a yellow....

BY THE COURT: Tell the Accused I don't agree with him.

That is gilt lettering which looks like gold.
CROSS-EXAMINATION BY ACCUSED 39 CONTD.: If I am not making
 a mistake I would say that one of the speakers used the
 words "Afrika fer Africans" ?-- Yes, one of the speakers
 said that.

Can you say that in Sesete and give me the meaning
 of that in Sesete ?-- "Afrika ea Afrika".
 (No further questions)

RE-EXAMINED BY P.P.: Now, to establish the time when you
 started to speak more English, when did your parents die ?--
 Between 1940 and 1942.

And since that period have you been speaking Eng-
 lish more than Afrikaans ?-- Yes.

Learned counsel has referred you to certain correc-
 tions made in your notes; now when did you make these
 corrections; how many days, weeks or months after the
 meeting was held ?-- The following day when I put in my
 report.

Now, "We have said it many times that we don't hate
 the whites but their time to rule has passed." Now, would
 you have a look at the very next sentence that carries on
 after that (page 4) (top of page 5) Carry on from there
 have you got it ?-- No.

Well, I'll read it out to you and you can tell me
 whether that has been written in your notes: "We have said
 it many times that we don't hate the whites, but their time
 to rule has passed. They cannot rule us forever. If they
 don't want to be ruled by us, then they will have to pack
 and go." Have you got that sentence ?-- Yes, I see it.

What I have read out, have you got that noted down
 there as I have read it out ?-- Yes. (page 5.)

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Now, you mentioned that you did not know all the Accused; do you know any of them?-- No, I know none of the Accused.

Was Sapedi one of the languages that you understand?-- Yes.

BY THE COURT:

And do you understand what is called Southern Sesete?-- I do not understand it very well.

Z And Setseana?-- I understand Setseana well.

Where were you born?-- I was born in Preterria and grew up in Preterria.

How long have you been in Johannesburg?-- I arrived in Johannesburg in 1950.

BY MR. UNTERHALTER (THROUGH THE COURT) The witness has said that he had seen this flag at other meetings convened by the P.A.C. I wish to put this question to him: You said that you had seen the flag at other meetings convened by the P.A.C.?-- Yes, that is so.

When you use the phrase "meetings convened by the P.A.C." am I to understand that you get that information from reports given to you by other people?-- On many occasions when I walk past these places where the meetings are held, I have often seen speakers, after I have greeted them, then they tell me that they are going to hold a meeting there.

BY THE COURT: The reports are given to you by people who call themselves leaders of the P.A.C.?-- Yes.

BY MR. UNTERHALTER: And these were people other than the Accused before Court today?-- Yes.

(No further questions)

LEONARD NDWANDWE, duly sworn. (Speaking English)

EXAMINED BY P.P.: Are you a bantu detective constable

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"in the S.A.Pelice, attached to the Security Branch station at the Grays, Johannesburg ?-- Correct.

And how long have you been attached to the Security Police ?-- Since 1956.

And during the time that you have been attached to the Security Branch has it been part of your duties to attend political meetings ?-- Correct.

And what are your duties when you attend these meetings ?-- It is to take down notes of speeches delivered by various speakers at the meeting.

At what stage do you make your notes in relation to when the speaker is making his speech ?-- As he speaks, I write.

Now, can you recall going to a meeting on the 28th February this year ?-- Yes, if I see my notes.

Just before we come to that: Do you always make your notes at the same time as the speakers make their speeches ?-- I make my notes at the same time as the speech.

Can you not remember what was said ?-- I cannot remember from memory unless I see my notes.

Is the position that you cannot remember anything or you cannot recall everything, but can remember some things ?-- No, I cannot remember. I would like to refer to the notes.

I (Notes handed to witness) Now, the notes which you have before you, is that your handwriting ?-- Correct.

And do they refer to a meeting which was held on the 28th February 1960 at Naledi in the Johannesburg district ?-- That is correct.

According to your notes, what time did the meeting commence ?-- The meeting started at 9.30 a.m. to 2.30 p.m.

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And what time did you arrive at the meeting?— I arrived before they started.

And approximately how many people attended the meeting?— My estimation was about 200 Bantu people of a sexes.

What sex predominated?— Men

And what was the average age of these men?— They were adults.

When you say adults, what age do you define an adult age?— About 19 years.

Did you know any of the speakers at the meeting? Yes.

And was there seating accommodation for the audience or was this held on an open piece of ground somewhere?— was an open ground.

Did the speakers have any furniture, tables, chairs anything like that?— There was a lorry which was used as platform.

Were there any banners or posters or pennants or flags?— There was a flag, it is an Africanist Congress flag, and some of the people had a little white paper with a map of Africa here (Witness indicates coat lapel).

Can you describe the P.A.C. flag?— It is green with a map of Africa, and a golden star in the position of Ghana. The map is black.

Is there anything else on the flag besides that?— No.

And where was this flag in relation to the lorry which was being used as a platform?— It was hoisted up on the higher part of the lorry.

And was the flag there when you arrived on the

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scene, or did somebody put it on the lerry whilst you were there?-- It was there when I arrived.

Were there any other flags besides that one?-- No, there was only one.

And did the speakers speak from the back of the lerry?-- Yes.

Who was the first speaker?-- He was Daniel Kunyu.

Before we came to that; what native languages do you speak?-- Zulu and I understand Sesete. Xosa I speak.

Which of these languages do you understand and speak the best?-- I understand them all.

What is your home language?-- Zulu.

Your notes are taken down in the English language and in lenghand?-- Correct.

Were you able to take everything that a speaker said?-- Not everything, because the speaker speaks faster than I could write;

Now, of this particular meeting, how much of the speaker's speech were you able to take down; all of it, three-quarters, half or a quarter?-- I would say three-quarters of the whole.

Now, if you will turn to page 1 of your notes, where you have got the speaker Daniel Kunyu, who was the chairman?-- Daniel Kunyu was the chairman.

And what language did he speak?-- He speaks in Sesete without an interpreter.

Will you commence reading from page 1 of your notes, from the words "I will call...." ?-- I will call upon speakers to speak and address you who are the vanguard of the struggle. Because the youth are the of the struggle. We are going to teach the youth that the

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passes. What have we done in our fatherland that we consent with these white enemies to come to oppress and exploit us. The youths shall take a final action in the liberatory struggle for the time has come that we take the final resolution to end pass laws. When you go to gaol for passes pay no bail and no fine. When you go to court and the public prosecutor asks you whether you are guilty or not, tell him you are not guilty on the basis of paying no fine, no bail no defence, slogan. People are requested to go to house 589 Naledi where the youth are having a party today. Show by action that you are prepared to end pass laws. And by joining the Pan-Africanist Congress."

Who was the next speaker?-- Daniel Medile. (Mediga)

Is that the only name he has, or is there some other name.... what does "Hladi" mean?-- That is the address where he stays.

Is that one of the locations in Johannesburg?--Yes.

And what language does he speak?-- He speaks in Zulu without an interpreter.

Will you commence reading the beginning of his speech, page 3 of your notes?-- "The pass is enemy No. 1 of the African people. We are oppressed in our fatherland. Rise my people and look for a remedy of this oppression. Let us all rise up and look forward to meet our enemies the white man. We don't want the Europeans. That is why we don't trust the Europeans, and we should not rely on them. Therefore let us fight for our human rights. All nations in India, Europe, China, etc., are ruling themselves. What about us in Africa? They say that "Ons Vaderland" It is not theirs but ours. We are living a life which we should not lead. A life worse than the animal life.

Why can't we unite as one and demand our Afrika back. We are the rightful owners of Afrika. We should unite and solve our problem by sharing ideas of how to free ourselves. We shall start by a pass and then march forward until we achieve our freedom, because the pass is a cornerstone of oppression, which has sent our brothers to cheap labour farms. Now our mothers and sisters are going to be arrested for passes and be sent to potato farms. They may arrest and kill our leaders and burn them, but new leaders shall come forth. The time has come that the whole world must say for freedom. That is why we say Afrika for Africans, because the Africans must rule themselves. When we say Afrika is our land the white men shiver because the time to demand it has come. We can better leave everything, money and work, until we achieve our freedom first. Fathers, mothers, let us unite into one and help the liberatory spirit. Wherever we are, we must know if it is our country and we are ruling it. Then all shall be well. Now let us take a final step to our freedom."

Who was the next speaker?-- Zacharia Ntunzi.

That is the back of page 5. What language did he speak?-- He spoke in Sesete without an interpreter.

Read what you noted down?-- "I stand up to tell you that we are now taking a final action to end the pass laws this year. Every day the police raid our fathers and arrest them for pass offenses. The time has come that we are no longer begging them and that we don't want any white government, because the white man is our enemy. Therefore be brave my people and liberate yourselves by taking an action to end the pass laws. Nothing we shall beg from the white Government. They robbed us our land through the Bible.

Let us therefore march in naked African masses and take an action to liberate ourselves for the time has come that the limit of our patience has been reached. We are oppressed and impoverished in our fatherland. We have no time for the white man now. Let us demand our Afrika back to us."

Who was the next speaker?— Wellington Ranabe.

What language did he speak?— He spoke in Sesete without an interpreter.

His speech commences on the back of page 6. Will you read his speech out, what you have noted down?— "The Pan-Africanist Congress is the organisation for the youth to lead and liberate the African people from Cape to Cairo. Afrika for Africans. The African people are prepared to liberate themselves because they are worthy of it. By 1953 the Government of the white man must go and the Government of the black man must replace it. A government of the Africans for the Africans. The whites are trying by all means to preserve white domination in South Africa. But through the leadership of the Pan-Africanist Congress we shall achieve our freedom. We are prepared to go to gaol for our freedom. We are independent for freedom. Spare feed for us when we are in the next coming pass war. Our children must have something to eat at home. We are tired of being dominated and belittled by these white men. They came to our country through the back door. The Pan-Africanist Congress says if the white man in the shop where you buy says "Boy " you must show him that you are a human being with equal human rights like him. The Pan-Africanist Congress knows that they have all the ammunition, hydrogen bombs and aeroplanes, but Pan-Africanist Congress tells you that you are the boss in your fatherland. From today on-

wards, don't allow the whites to call you "Boy" or "girl" where you work. We have come to a final action to be taken to finish the pass. We want freedom of movement in our country. From today when our president Sebuku tells you to get together and fight the pass you must respond without fail. We shall not pay fines. We shall not take lawyers. But we shall go to jail. We shall leave the passes behind at home and submit ourselves to jail. We want to check the validity of the pass laws in the courts of law. Now only wait for a command from Sebuku then we shall respond on that particular day with readiness. Pay £1.2.6. to Pan-Africanist Congress who shall feed your children when we are at pass law war. We are demanding a minimum wage of £8.3.4 a week for all workers."

Who was the next speaker?— Jesias Madenya.

What language did he speak?— He spoke in Zulu without an interpreter.

Read his speech?— "Our country, Afrika. (Page 10)

"Our country, Afrika. The Pan-Africanist Congress and A.N.C. was long established. It was shown by African nationalism by these our forefathers, Tshaka, Hinxha, Moshesh, etc. By fighting the enemies and protect their fatherland. Some people believe that the Russians will come to liberate them in South Africa. The Russians will only come to fight/^{take} the country, and take all the gold and of South Africa. Therefore let us seek for our liberty and independence of our country through our own line. Once we get our independence we shall then decide our own destiny. We want the independence of our country in the administration of the country. We must drive away the ruling enemy, the white, out of our country.

Afrika for Africans and humanity for God. Those who are
foes of apartheid shall not be allowed to participate in
the politics and government of the country. We are now in
the? You have been arrested and sent to Bethal
farms. The South African whites are not satisfied with the
black man's manure; they are now demanding the black
woman's manure in the potato fields. Let us therefore
destroy the pass laws first. Let us have freedom of move-
ment in the country. Europeans say the passes are made to
protect the lives of the African people. Therefore if that
be the case let the whites, Indians and coloureds carry
the passes to protect their lives. When we take over the
Government, we shall impose these oppressive laws on them.
As Dr. Nkrumah did. The Europeans have no right to govern
and administer the laws of this country because they are
foreigners. The African people must become the prime minis-
ters of South Africa. We are not begging them but we shall
take the government by our own bare hands. The sten guns,
police, detectives, special branch and the nation sell-out
shall not stop the African people marching to freedom.
We deplore all white government whether they are nationalist
Party or United Party or Progressive; they are all white
domination. The white government has destroyed the African
education and set up Bantu universities based on the lines
of tribalism. Is that democracy? Do you think Europeans
like you by building you beerhalls? I tell you they shall
give poison in these beerhalls. Dr. Verwoerd abolished the
pass laws in 1952. We are now going to confirm what the
government has done by putting the passes away. Why must
we carry them? Take a step and an action and destroy

what you don't want."

What did you understand by "take a step and an action to destroy what you don't want" -- what did you understand had to be destroyed?-- I understood that they wanted to destroy the passes.

Now, who was your next speaker?-- Wellington Ranaga.

He introduced somebody?-- Yes, he introduced the chairman of the region committee of Pan-Africanists in Johannesburg, George Sewise.

And who was the next speaker?-- Moheliswa.

What language did he speak?-- He spoke in Sesete without an interpreter.

He commences on the back of page 13 of your notes; will you start reading out what he says?-- "Our leaders are calling upon you from Cape to Cairo, Madagascar to Morocco to unite and demand our Afrika back and the independence of the black Afrika and to establish the United States of Black Africa. Let us forget about differences of our races. Freedom is in our hands. Let us take a resolution and take an action to liberate our country from Cape to Cairo, Madagascar to Morocco. The time has come. Since 1912 the African people have struggled for their independence of their country and liberty. Now, the twelfth hour has come that we must liberate ourselves from these oppressors. If the British Imperialists and other satellites pretested against Hitler's oppression, why must we not fight against the oppression. The time to end the pass-laws has come. Spare food and money so that the day we go to the war of passes our mothers and children must have something to eat at home. Men are now going to take an action to end p

laws on the basis of no pay, no fine, no defense." Africanist says you must leave passes, you must leave them

Did the chairman announce anything then?-- Yes, and be free. I understand that when the Pan-Africanist Congress told the people to leave the passes, then they

What was that for?-- It was the collection to help the Pan-Africanist Congress.

Who was the next speaker?-- Ngebe.

Who was the next speaker?-- George Sewise.

He commenced on the back of page 10. What language did he speak?-- He spoke in Xosa, and the interpreter was Magedu in Sesotho.

Who did you listen, to the interpreter or to George Sewise?-- To George Sewise.

Did you listen to Ngebe?-- I listened to Ngebe.

Your notes on page 15 refer. Will you start reading out what George Sewise said?-- "I have come to speak about time. If anything is scheduled to happen at a particular time it must then precisely happen at that time. Now it is the time for Africans. Freedom is not with leaders but it lies within yourself. Therefore let us liberate ourselves. You are responsible for your own freedom. Unless you free yourselves and have freedom in your hearts, you won't be free. Time has events that come and pass. Therefore the time for passes has passed. We must wait for the results only. Although the passes are out of date, there are still those people who want passes to remain because they have exploited and live on them. The time will come when we shall put an end to the pass laws by appropriate action which must be taken by the masses of the people themselves. Forward, and backward never. Our brains are chained to the past to the extent that we believe that the past is greater than our lives. When Pan-Africanist Congress says leave passes you must leave them and be free.

Now, what did you understand by that: "When Pan-... remains behind at home, in the pass campaign all black

Africanist says you must leave passes, you must leave them and be free?-- I understand that when the Pan-Africanist Congress told the people to leave the passes, then they would leave them and boycott them.

Who was the next speaker?-- Ngebe.

He commences on the back of page 16. What language did he speak?-- He spoke in Zulu and Mchelise interpreted in Sesotho.

And Zulu is your home language?-- Yes.

Did you listen to Ngebe?-- I listened to Ngebe.

What did he say?-- "In 1905 there was the pass war in Natal. The Pambatas Rebellion. For 25 years in Natal there were no passes. Natal showed that it can stand alone in the pass struggle. The Pan-Africanist Congress has found its feet to stand up for the oppressed and liberate them. Pan-Africanist Congress calls upon all the oppressed to determine themselves and be ready for the pass campaign, which shall soon take place. The pass campaign is not a little thing, therefore the people must determine themselves for this action. About four Africans died at Coalbreek mine because they could not choose the type of work and the place they wanted to work in, but they were compelled by the influx control at the mine. Each and everyone must determine himself against the pass, because we are no longer prepared to go and die at Coalbreek Mine again. Passes are now standard to our women. Women at Natal are ready for action against passes. They are only waiting for a command. To get freedom you must determine yourself to go to goal and even die for that matter. All men in the next pass campaign shall take active part. Women shall see to it that no man remains behind at home. In the pass campaign all black |

men whether a policeman shall submit himself to gaol. Any African police who shall not take part, the women shall ask him why is he not in the campaign. At Cape Maner the police have been instructed not to raid houses for passes. Today we have no freedom of movement because of the pass. These battles start in 1950 to 1953. We must fight until we get our freedom. By 1963 we shall be ruling this country. Dr. Nkrumah says Ghana is not free while other parts of Afrika are not free. Five million of Europeans cannot oppress 31 millions of African people in Africa. We do not believe in traditions and but in action. Many do not believe we shall rule this country but history and the march of time shows us clearly. When we have achieved freedom we shall employ scientists from Germany England, America, to come and develop our country. Black and white scientists shall work together. There shall be no apartheid. These Europeans who shall not like to be ruled by us shall have to go. By 1963 we shall have made the United States of Africa by uniting east, west and north and south and established a third world power. Therefore spare food and keep money because we are all going to gaol for passes. Women shall question those who shall remain behind. We believe that the Transvaal shall play its part. The Cape is determined in this struggle and the nationalism spirit is prevailing the Cape. Natal is prepared to take an action on the full scale in the pass campaign. "

Who was the next speaker, or did the same speaker continue?— The same speaker, Rangaba, continued.

That is the back of page 20 of your notes; what did he say?— He spoke in Sesotho without an interpreter.

And said: "England and America The youth are the vanguard of the struggle. Old men follow behind with women and children. We in the Transvaal shall not stay back when the war of passes and other pass-laws is on in the other Provinces. I call upon the youth to come to the struggle and liberate our people. Youth in Nyasaland liberated Dr. Banda. We must hate the young Dutch youth and meet them force by force."

And thereafter did Ngebe continue?— Yes, Ngebe continued. He spoke in Zulu without an interpreter. (Page 21 of notes) He said "There will be three signals. First shall warn the people, second shall come three days before the action day. The third shall come when the leaders shall lead the people in the pass campaign. I shall lead the people in Cate Maner and Sewise in Sephiatown. That is why there must be the national fund of £1.2.6 to help our women and children. There shall be women from committees elected to look after the families of the men in gael. Mr. Mbala has been arrested for the pass. We cannot tolerate the government arresting the people at this juncture. On the day of launching we Pan-Africanists shall lead the people to connect the machinery and see that it is functioning."

That was the end of the meeting?— Correct.

Now, how did the audience react to each speaker's speech?— They applauded the speakers.

(No further questions)

CROSS-EXAMINATION BY MR. UNTERHALTER: Have you a good knowledge of the English language?— As far as I can speak.

Did you compose these notes yourself?— Correct.

I see that certain of the words that you have used

are quite advanced. I just want to see if you understood the meaning of some of them. On page 1 of your notes, where you report the speech of Daniel Kunya, you say: "The youth are the vanguard of the struggle." What did you mean by the word "vanguard"?-- It meant that they were the people to make the movement go forward. To take the active part in the charge.

And on page 3 you report the speech of Daniel Makikya: "Rise my people and look for a remedy of this oppression." What is "remedy" -- what did you understand by that word "remedy"?-- Something to heal one's ailment.

Now, in the speech of Wellington, commencing at page 6, you translated what he said as "We are tired of being dominated and belittled by these white men." What did you mean by that?-- To be dominated is to be oppressed by men above you, and to be belittled is to be treated like a child.

You have attained a fair standard in your education?-- I can't reply to that.

Well, what standard was it that you passed at school?-- Std. 9.

And was English one of the subjects that you studied?-- Yes.

At the commencement of your evidence you were describing a flag that you saw there, and you said it was a P.A.C. flag?-- Correct.

Now, is that a conclusion you drew from certain knowledge that you had?-- The flag is always hoisted in all Pan-African meetings.

And could you establish that these meetings that you call P.A.C. meetings are such because of what the spea-

kers said at these meetings?-- Yes, and non-members of the P.A.C. attended and addressed the meeting.

That was the source of your information?-- Correct.

Did you draw the same conclusion from the fact that there was a white paper in the lapels and that had a map of Africa on it?-- Yes.

You in other words drew the inference that this must be P.A.C. from this white flag, this white piece of paper?-- Yes, it looked like the map which is on the flag. The little paper also had a map on it.

That was the only source of your information?-- Correct.

The flags that you have seen have never had words or lettering on them, like "Cape to Cairo" or "Morocco to Madagascar" or anything like that?-- No, I only saw one there with writing, at other meetings.

But not at this meeting?-- Not at that one.

BY THE COURT: What was that?-- I usually see in other P.A.C. meetings on the flag, some writing.

Some "P.A.C." meetings?-- Yes, but not at this particular meeting.

You have seen "P.A.C." on the flags?-- Yes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: But not at this meeting?-- No, not at this meeting.

Now, my learned friend asked you in regard to your notes at page 10, where you record the speech of Mr. Madzunya what you understood by the words "take a step and an action and destroy what you don't want," and you said that you understood by that that he wanted passes destroyed. Now, did you understand that he wanted the passes destroyed or he wanted the pass system destroyed?-- All of it. Pass

Tell us rather the people whom you didn't know personally and in regard to whom you had to rely upon the system and the passes.

There was no basis for deciding one as against the other?-- It was to fight the whole pass system and the passes, all together.

And Daniel Mbulike?-- Yes.

Now, you have reported that Serenyaka and Mr. Ngebe continued their speeches. Do I understand from that that they made a speech, someone else then delivered another speech and thereafter they spoke the second time?-- Correct.

George Sewisa?-- Yes.

Now, I am not sure whether in reading out from notes you read them out in their entirety or whether you only read certain passages that were marked; what did you do?-- I read everything.

Have you given evidence in regard to these admissions in any other Court?-- Yes.

BY THE COURT: Did you read out the whole of your notes now in Court?-- Yes, not the marked parts. I just read right through.

Were the speakers about whom you have given evidence present in these proceedings as Accused?-- Yes.

BY THE P.P.: Yes, Your Worship, in this instance I changed the procedure and had him read out the whole of his speech, the whole of his notes.

And did you in all cases with the exception of Ngebe so identify them?-- Yes.

CROSS-EXAMINATION BY MR. UNTERHAUSER CONTD.: (Notes handed to Counsel)

As far as the names of these people are concerned, how did you know in fact who the person was whose speech you were taking down?-- Some were known to me, and these I did not know, sometimes when the chairman addressed the meeting, he would explain who the speaker would be.

You mean you got it from the announcement by the chairman of the name of the speaker?-- Yes.

Now, in regard to those people whose names were announced by the chairman, they were presumably people you didn't know personally?-- I could not say which they were, but I could tell you who the people are that I knew.

BY THE P.P. Tell us rather the people whom you didn't know personally and in regard to whom you had to rely upon the announcement by the chairman. Did you know Daniel Kunya personally? -- Correct.

And Daniel Motike? -- Yes. Zacharia Tunzi? -- Yes.

Wellington Rangaka? -- Yes. (No further questions by Mr. Unterhalter)

ACCUSED No. Mehilisa? -- Yes.

CROSS-EXAMINATION George Sewiss? -- Yes.

whether the Ngebe? -- I did not know Ngebe this day. So Ngebe is apparently the only one you didn't track down? -- Yes.

Have you given evidence in regard to these addresses in any other Court? -- Yes.

BY THE COURT: Were the speakers about whom you have given evidence present in these proceedings as Accused? -- Yes.

CROSS-EXAMINATION: Were you asked to identify the speakers? -- Yes. And did you in all cases with the exception of Ngebe identify them? -- Yes.

I tell you why I am asking you these questions. The Prosecutor has been good enough to hand me the transcript of your notes, and I see written in ink on this

BY THE P.P.: I object, Sir. These are my personal property subject to my learned friend making a breach of what is, what is considered a privilege in handing him the notes where there are typed remarks next to the meeting of the cross-examination. In these circumstances, Sir, I furnish no

BY THE COURT: I think counsel has the right to use the notes at the meeting at the time when the speakers were speaking.

BY THE P.P.: In these circumstances, Sir, I furnish no mere notes to the Defence, to my learned friend.

BY MR. UNTERHALTER: Your Worship, I must make an explanation I must say I was not under the impression that it was something private. The last thing that I want to do is to breach any confidence of my learned friend, and I hope that my learned friend will accept my apologies.

(No further questions by Mr. Unterhalter)

ACCUSED No. 1: NO QUESTIONS:

CROSS-EXAMINED BY ACCUSED No. 3: I want to know from you whether the meeting which you wrote and from which you took these pages, is it the one you use, or did you have to transcribe the notes from that book at the meeting to another book?— It is the original notes I made in the meeting.

BY THE COURT: Taken at the meeting?— Taken at the meeting.

And not a transcription?— Not a transcription.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: What evidence can you then bring before this Court that what you have written there or recorded is actually what was said by the speakers at the meeting?— It is what I wrote in the meeting.

You are not answering my question by so saying.

BY THE COURT: He is answering the question. But put it again.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: My question is, what evidence have you got to prove that what you recorded there is what actually was said by the speakers at the meeting there?— It is my notes and it is my handwriting which I made at the meeting at the time when the speakers were speaking.

Do you then want to have this Court believe that you are a policeman or that the writing appearing there is yours, and what you say is what actually was said by the speakers at the meeting?— It is for the Court to decide, not for me.

BY THE COURT: The witness has not said that he took down everything that was said at the meeting. He estimates he got down approximately 75% of what was said in the speeches at the meeting. He says that is because he has to write slower than they speak.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: I heard you saying in evidence in chief that on your arrival at this meeting, the flag was hoisted on the higher portion of the lorry?— That is correct.

On your arrival there, were there persons standing on the lorry or were there none?— There were a few people singing there on the platform.

After having seen these persons who were singing there on the platform, you then came to a conclusion that these persons were the persons belonging to the P.A.C.?— Yes, some of them were non-members of the P.A.C.

I heard you make mention of these words in your evidence in chief, "tribalism, democracy, and campaign" and the speaker who was speaking there spoke in Zulu?— That is correct.

If I then ask you now to give me a meaning for the word "democracy" would you be in a position to do that?— Yes.

Will you then please give me a meaning for this one word, "democracy"?— Umbesa a bante u bantu.

BY THE COURT: Is the accused asking the Zulu word, or is he

asking for the definition of the word?

BY ACCUSED No. 3: Your Wership, I only asked the witness to give me one word meaning "democracy"....

BY THE COURT: Do you want an English word or a Zulu word?.

BY ACCUSED No. 3.: An English word.

BY THE COURT: Can you give him one word, meaning democracy?-- No, there is no one word I can give him.

Not in one word. What are the words you used just now?-- Umbesa a bantu u bantu.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: I am now putting it to you that you went there not for the purpose of recording what the speakers say, but for the purpose of explaining or making some supposition of what the speakers actually say?-- I want there to record there what the speakers were saying.

I want then to know from you why then did you not put down the explanation as given now for the word "democracy" as you heard it said there in the meeting; why didn't you just put it as democracy?-- I wanted to use the shortest words as far as possible, therefore getting the meaning of many sentences together. In other words, I wanted to put short words as far as possible.

Which means then that this is not the only error you made then in shortening the speech. There may be some others, some other words where you may have followed the same procedure in order to shorten the speech of that particular speaker?-- I wanted to have it as brief as possible.

Do you know the Accused now sitting before the Court?-- No, I don't know the Accused.

Have you seen them in particular meeting you at-

tended or any other meeting?-- I don't remember.

If perhaps you had seen them, would you be able to recall them?-- Correct.

(No further questions)

CROSS-EXAMINED BY ACCUSED No. 4.: In your evidence in chief you said that the audience at the meeting was approximately 200?-- Correct.

You further said in your evidence in chief that the people attending the gathering there had pieces of papers on their lapels?-- Correct.

You have already said in your evidence in chief again that some of these people did not belong to the P.A.C. organization. Can you then explain where did these who did not belong to this organization come from, or come to be in possession of these pieces of papers on their lapels?-- I don't know where they got them from.

But did these papers appearing on their lapels belong to the P.A.C.?-- Correct.

Those whom you say were not the persons belonging to the Pan-Africanist Congress, did they not wear these papers in their lapels?-- Some wore them and some did not wear them.

Of the 200 persons attending the gathering, did some of them know you in your capacity as a member of the Special Branch?-- Yes.

But these people did not show some antipathy against you?-- No.

You have already said in your evidence in chief that on the flag you saw there there was also a map of Africa?-- That is correct.

And that at a spot where there was a golden star that star was affixed on the place which is supposed to be

Ghana on the map?-- Correct.

I want to know from you how did you know that at a spot on the map where there was a star, that place was supposed to be the place where Ghana is?-- I knew geography, I knew the place.

Can you perhaps make mention of the places which are near to the Ghana area on the map?-- Yes, some of them.

Now, on the map which was there, which is on the flag there, were there names appearing there of the countries or towns which you have just said you may know some of them, some of the countries surrounding Ghana?-- There was no name of any place written on the map.

How then do you know that that spot was supposed to be the country of Ghana and on the nearby areas where there are supposed to be countries which you know, are supposed to be there?-- I knew the position of Ghana on the map.

You have said that Madzunya spoke in Zulu?-- That is correct.

Was he speaking in proper Zulu in the right way, as it is supposed to be spoken, or not?-- In the correct way as it is supposed to be spoken.

He was not confusing Zulu with some other native dialect?-- No.

4 If he is a Zulu?-- He is a Venda.

I want to know from you this; after you had seen yourself in the midst of these 200 persons, were you given a chair to sit on and told the names of the persons or some of the persons present there at the meeting?-- I was not given a chair and I was not told any names.

How then did you come to know that this person whom you say was a stranger to you, you knew him as Ngebe

?-- The chairman said it was Ngebe from Cate Manor, Durban.
(No further questions)

NO QUESTIONS BY ACCUSED No. 8:

NO QUESTIONS BY ACCUSED No. 38:

CROSS-EXAMINED BY ACCUSED No. 39: You have already said in your evidence in chief and cross-examination that at the meeting you attended, there were also these who were called non-members of the organisation; is that so?-- It is possible that there would be non-members in the meeting.

How is it that then possible?-- Because I do not know all, whether all belong to the Pan-Africanist, of these who attended.

I am now putting it to you that any of the meeting you may have attended before this occasion, there may be some who attended in their private capacity not being members of the organisation, do you agree with me?-- It may be so, that there were some sympathisers there
BY THE COURT: Is it possible that some people were just curious and not hangers-on?-- Yes, and some would go there as sympathisers.

Or sometimes just curious passers-by?-- Yes.
CROSS-EXAMINATION BY ACCUSED No. 39 CONTD.: I heard you say some of these on the lorry were non-members of the organisation?-- Some were non-members of the Pan-Africanist others I did not know that they were members.

Now you agree with me when I say there were others at the meeting who were not members of the organisation? It is possible that they were, but they may be sympathisers as well.

Amongst these persons who were on the lorry and whom you say they were not members of the organisation, c

one of them perhaps make a speech or not?-- Only these I wrote down spoke at the meeting.

Now, I am going back to the question of the flag. Is it not true that that flag was only supported with one pole?-- Yes, it was fastened to one pole.

During your presence at this meeting, did you perhaps go nearer and touch this flag?-- No, I did not.

You may have noticed perhaps that when you have hoisted a flag and not having hoisted it straight out, in a slanting position, it does not perhaps fly as it should?-- That is correct.

I want to know then from you, this particular day was the flag slightly bent when it was hoisted there?-- It would bend when there was no wind, and when there was wind blowing then it would show up. If the pole was upright it would hang down like this (demonstrates) when the wind was not blowing, and when the wind was blowing the flag would stand upright.

BY THE COURT: Straight up?-- High up and straight. (Witness demonstrates) Straight out.

CROSS-EXAMINATION BY ACCUSED No. 39 CONTD.: Did you then go nearer and have a close look at the flag?-- I did not take any particular notice, but I saw the flag.

Did you only see it once?-- I didn't count how many times I saw it.

Is it true that nothing was written on this flag?-- There was a map of Africa. And there was a golden star on the map in the position of Ghana.

BY THE COURT: No reference letters or writing?-- Nothing like that at all. No writing.

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CROSS-EXAMINATION BY ACCUSED No. 39 CONTD.: While the flag was in a slanting position, you still saw the star?— When it was folded I would not see it. But when the wind was blowing then everybody could see it.

Which means that in some instances the wind was blowing and some instances it was not blowing?— That is correct.

(No further questions)

RE-EXAMINED BY P.P.: Who of the speakers are known members of the P.A.C.

BY MR. UNTERHALTER: Perhaps my learned friend would define the question a little more carefully; "known to whom?"

BY THE COURT: Known to the witness?

BY THE P.P.: Yes, Your Worship?— All the speakers were known to me except Ngebe whom I did not know, but was introduced as the man from Durban.

BY THE COURT: Let me get that straight. Were all the speakers known to you to be P.A.C. members?— Correct. |

Except the man from Durban?— Yes.

RE-EXAMINATION BY P.P. CONTD.: Now, you said in reply to learned counsel that you understood that he wanted the pass system and the passes destroyed. Now, how did you understand the passes were to be destroyed; in what way were they to be destroyed?— In their speeches they referred to passes....

BY THE COURT: Mr. Prosecutor, I must say you can only go by the words in the indictment; as to how you yourself think it was to be done.... unless the speaker said so I think you are going too far.

BY THE P.P.: May it please Your Worship: I withdraw that question.

(No further questions)

COURT ADJOURNS:

COURT RESUMES 3/10/60

APPEARANCES AS BEFORE:

JAMES MPENYANA, duly sworn, (Speaking Sesete)

EXAMINED BY P.P.: Are you a bantu detective constable in the S.A. Police, attached to the Security Branch and Stationed at the Grays, Johannesburg?-- Yes.

How long have you been attached to the Security Police?-- One year.

And how long have you been in the police force altogether?-- Four years.

And what standard did you reach at school?-- As far as Junior Certificate.

And what is your home language?-- Shangaan.

And do you speak any other languages?-- Yes.

What other languages do you speak?-- I speak Zulu, I speak Sethe, as well as my own mother tongue, Shangaan.

And can you speak English?-- Yes.

And can you write English?-- Yes.

Now, how well do you understand the native dialects which you have mentioned, apart from your home language?-- I understand them very well.

That is Zulu and Sesete?-- Yes.

During your time with the Security Police, has it been one of your duties to attend political meetings?--Y

And what are your duties at these political meetings that you attend?-- We take down the speeches made at these meetings.

And during the time that you have been with the Security police, have you attended a few or many meetings?-- I have attended several meetings.

And when do you make your notes in relation to t

time when a man is talking at these political meetings. I write down the notes as the speaker makes his speech.

Now, without reference to your notes, will you be able to remember the date on which any particular meeting was held, or any of the particulars which you have noted down?-- I can remember a meeting which I attended which was on the 29th November, 1959.

Can you remember where the meeting was held?--

Yes.

Where was it held?-- The meeting was held at Alexandra Township, Johannesburg.

Can you remember the time the meeting started, how many people attended and what the speaker said?-- I cannot recall what was said at the meeting, but I know the meeting started at about 11 a.m.

At that meeting did you follow your practice of writing down what the speaker had said while he was speaking, or just after he had spoken?-- I recorded the notes as the speaker made his speech.

May the witness refer to his notes?

BY THE COURT: You can't remember what was said without referring to your notes?-- That is so.

How long have you been living in Johannesburg and environs?-- I began living in Johannesburg in 1951.

Before that?-- Before that I was living in the platteland.

Where?-- Tzaneen.

That is where you come from, that is your home area, in the Eastern Transvaal?-- Yes.

Yes, you may refer to your notes.

EXAMINATION BY P.P. CONTD.: I hand you some notes. Are these your notes, in your handwriting?-- Yes.

Is the witness now going to speak English into the microphone without an interpreter?-- Yes, these are my notes. I knew them.

And do they refer to a meeting which you attended on the 29/11/59 at Alexandra Township, Johannesburg?-- Yes.

At what time did the meeting commence?-- The meeting commenced at quarter to twelve.

And when did it end (Through the interpreter)?-- It ended a quarter to two.

And whereabouts in Alexandra Township was it held?--It was held at No. 3 Square.

4 Was it held in a hall or an open piece of ground?-- An open space outside.

How many persons attended the meeting?-- I estimated them to be 130.

And what was the race of the persons who attended this meeting?-- It was mainly non-Europeans.

Can you be more explicit; I want to know whether they were mostly Coloured, or Africans, or Bantu?-- Bantu.

And which sex was predominant of the people attending the meeting?-- Men were mostly there.

And what was the average age group of the men who were present?-- I estimated the age to be from 20 to 50.

Now, according to your notes there were two speakers?-- Yes.

Did they have any tables or furniture from where they addressed the meeting?-- There was one table in front, but there were no chairs.

And was it at the table that the speaker stood ?--
When the speaker made his speech he stood next to the table.

And was it announced at the meeting at all when
it started who was holding the meeting ?-- Yes, it was ex-
plained to which organisation the meeting belonged.

Who explained that ?-- The chairman.

And who was the chairman ?-- Joseph Madzunya.

(Josias Madzunya)

And what organisation did he say was holding the
meeting

BY MR. UNTERHALTER: Your Worship, I again record my objec-
tion.

EXAMINATION BY P.P. CONTD.: ?-- He said it is the meeting
of the Pan-African Congress.

Apart from the announcement by the chairman, were
there any banners, or signs, or posters. ?-- There was a
flag which was hoisted at the meeting.

Now, whereabouts was the flag hoisted in relation
to the table ?-- It was hoisted in front of the chairman;
as the chairman was seated, the flag was standing in front
of him.

And to what was the flag affixed ?-- The flag
itself was attached to an iron bar, and that iron bar was
tied to a fence pole.

Can you describe the flag ?-- It was a green flag.
And it had a map of Africa on it. It was black, the
drawing of the map was black, and in the map as it stood
there on the flag, there was a golden star there. That is
the description of the flag which I saw being hoisted there.

Whose flag is that ?-- It is Pan-Africanist
Congress flag.

Now, who was the first....

BY MR. UNTERHALTER: Your Worship, here again, without addressing the Court, I would merely note my objection.

BY THE COURT: Your objection has been well-noted on the record already, Mr. Unterhalter.

BY MR. UNTERHALTER: It is only a formality, Sir, that I should make.

BY THE COURT: I don't think it is necessary to repeat it, I have noted it.

EXAMINATION BY P.P. CONTD.: Who was the first person to address the meeting?-- Jesias Madzunya was the first.

In what language did he speak?-- He spoke in Sesete.

Did he have an interpreter?-- No, no interpreter was used.

Now, when a speaker at any meeting which you attend, talks, are you able to write down everything that the speaker says?-- I do write but not all; sometimes I am left behind, and then I complete the speech after he has completed certain lines.

But are you able to write down everything that a speaker says at a meeting?-- Sometimes it happens that whilst the speaker is making a speech, then I am left behind in a sentence or two because I did not understand what he said, or whilst I was busy writing.

And do you leave these out altogether, or do you try and fit them in somewhere?-- I leave them out.

And in respect of this particular meeting, the speeches at this meeting, how much of the whole speech, or what portion of the whole speech, what percentage of the whole were you able to take down; a quarter, a half, three

quarters, an eighth, how much?-- Most of what is said I recorded.

Now, turn to page 4 of your notes; you will see a little green arrow, commencing with the words "We are...?-- This is the speech of Josias Madzunya: "We of the Pan-Africanist Congress we say our enemy is the pass. And we are awaiting to tell all people not to carry passes, and to go to work free. But we people we get the passes and have made it our enemy, our property because we bought it. We of Pan-Africanist Congress we are fighting against the pass-law. We want to go without passes. What is the good of carrying an enemy on you. If you get arrested of failing to produce a pass in Court just ask the magistrate what these passes.....? It is not mine as I get it. In 1960 we must be free from the pass and we must make that we must be free. From next year we of Pan-Africanist Congress we must be fighting against the pass-laws. But you must know that by so doing we shall be arrested. Some of us must get 15 lashes, and others may get fifteen years in gaol. We know that we are going near the mouth of the lion. From next year pass laws will be abolished from Africa. The Europeans are getting cheap labours because of the passes. We are waiting freedom but we shall get it. We shall get the freedom through our deeds....." (Back of page 6:) From the words: "Please tell other women to come to the meeting and we will want to make a plan about the passes. In 1960 we want the freedom of Africa."

Was that the end of Josias Madzunya's speech?--

Yes.

Now, how did the audience who were present react when they heard Josias Madzunya's speech? AA

that they were well-pleased about his speech.

How did they show that emotion of being pleased or interested?-- After he had made his speech then the audience clapped their hands and cheered.

Who was the next speaker?-- Lucas Mathieu.

What language did he speak?-- He also spoke in Sesete.

Did he have an interpreter?-- He did not have an interpreter.

Turn to page 7 of your notes, from the words "I want..."?-- "I want the Europeans to become our voice and they will be our voice from next year."

How did the audience react when they heard that? Also the audience was pleased at what Mathieu said.

Because after he had made his speech the audience said "Afrika" and then cheered him by clapping their hands.
(No further questions)

CROSS-EXAMINED BY MR. UNTERHALTER: You said that the first speaker at this meeting was Jesias Madzunya?-- That is correct.

How did you know that this particular person was Jesias Madzunya?-- It is because I have attended Pan-Africanist Congress meetings and that I knew that he is a member of the Congress.

From what source did you gather that this man's name was Jesias Madzunya?-- When I began this work of mine as a member of the Special Branch, I was then informed by my colleagues.....

That is hearsay evidence.....

DISCUSSION BETWEEN HIS WORSHIP AND P.P.:

BY THE COURT: So you were informed by co-members of your Force?-- Yes.

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CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: And as far as Lucas Mathieu is concerned, how did you know that that was his name?-- At a previous meeting which we attended, after the meeting came to an end, we approached the person and asked him his name and asked him to which organization he belonged. He then informed us.

So you got his name because he gave it to you himself directly at a previous meeting, is that right?-- Yes.

May I have your notes please (handed to counsel) In reading from these notes, you agree, do you not, that you have only read portions of them?-- Yes, I did not read all the notes, I read portions of them.

Now, is it not correct that from the bottom of page 5 you have recorded the following: "We shall get a freedom while the Europeans are carrying guns on them."?-- Yes.

"We are not going to fight"?-- Yes.

And this was portion of the speech recorded by you of Madzunya?-- Yes.

(No further questions)

ACCUSED No. 1: NO QUESTIONS:

CROSS-EXAMINED BY ACCUSED No. 3.: I want to know from you seeing that you have said you are a Shangaan whether the Zulu and Sesoto dialects, have you learned them at school or did you learn them outside by listening to people?-- I learnt the language whilst I lived amongst the nations speaking those dialects. The Sesotho language I know it from my original district at home.

Now, what will you say your average standard is of the Zulu and Sesotho language. Will you say you know

them very well or do you know them just a little?-- I just know them.

If I give you a sentence in Sesotho, will you be able to write it in English, seeing that you have taken the notes in English; can you do that?-- I wrote these notes of mine while the speaker was making a speech in Sesotho.

I wish to make a sentence in Sesotho which I will ask the witness to translate into English. I want him to write it down while I read it out?-- (Witness prepares to take down sentence read out by Accused No. 3.)

(Accused puts sentence in Sesotho to Witness)
(Witness asks for sentence to be repeated.)

BY THE COURT: You said you took down the sentences at meetings. Why do you want it repeated? I am not going to have it repeated three or four times. If you can't take it down you can't.. Now get read, once more the Accused will read the sentence.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: (Accused repeats sentence) ?-- (Witness writes and hands in note, Exh. B.)

That is all. (Note handed to Accused) (Accused hands in his own translation of sentence)

BY THE COURT: I am noting on Exh.B. the sentence in Sesotho above the witness' translation.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: I put it to you that the sentence I gave you to translate, you did not complete it; it is incomplete ?-- I wrote it the way I understood it.

BY THE COURT: The Accused says your translation is not complete; you have both translations before you now, what do you say about it?-- The Accused is now speaking

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Southern Sesotho. The speaker at the meeting spoke Sapedi that it was not a map of Africa, just something similar. What is Sapedi?-- That is the Northern Transvaal to it?-- It was a map of Africa, it was not something similar.

And Southern Sesotho is that used by those in Basutoland?-- Yes. What I am putting to you is that you were not present when the person drew this map. Perhaps that person did not mean to draw the map of Africa, he just meant to draw a sign which he himself knows what it means; what stand a person when he speaks ordinary Southern Sesotho and not when he uses expressions or other difficult words.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: Now, do you know Southern Sesotho, or do you not know it?-- I understand a person when he speaks ordinary Southern Sesotho and not when he uses expressions or other difficult words. Will you please answer my question.... You have not answered my question; it is very simple; do you know or do you not know Southern Sesotho?-- I do not know it.

BY THE COURT: You are not putting to him a question. You are putting to him what the drawer had in his mind. Do you know who the drawer is?

But just now you have told His Worship I was speaking in Southern Sesotho? How do you know that? If I deny that I did not speak in Southern Sesotho?-- I will know because your pronouncement of the words is not similar to the Sesotho I knew.

BY THE COURT: The witness has answered you three times. Whatever that man thought he was drawing, it looks exactly like a map of Africa. That is an answer to your question. CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: To me it would appear that your notes are in full sentences. Did it happen that I was speaking Southern Sesotho?-- Yes, you have perhaps while you were recording notes that you left been speaking to me in Southern Sesotho and not Sapedi. In your evidence in chief you told His Worship that on your arrival at the meeting you saw a flag which had a map of Africa on it. Was it written on that map whether it was the map of Africa, or was it just the drawing that suggested it was the map of Africa?-- Any person who has attended school knows the map of Africa. It was a mere drawing and no words of "Africa" on the map.

BY THE COURT: Were there no words whatever on the map to identify them?-- If I had seen them I would be able to identify them. But there were many people at the meeting. I cannot say whether the accused were there or not. CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: What will you then say if I put it to you that a person who drew that map only made a sign which he himself knows that it means

BY THE COURT: Were there no words whatever on the map to identify them?-- If I had seen them I would be able to identify them. But there were many people at the meeting. I cannot say whether the accused were there or not. CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: What will you then say if I put it to you that a person who drew that map only made a sign which he himself knows that it means

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that it was not a map of Africa; just something similar to it?-- It was a map of Africa, it was not something similar.

What I am putting to you is that you were not present when the person drew this map. Perhaps that person did not mean to draw the map of Africa, he just meant to draw a sign which he himself knows what it means; what will you say to that?-- It was a full map of Africa.

Will you please answer my question

BY THE COURT: You are not putting to him a question. You are putting to him what the drawer had in his mind. Do you know who the drawer is?

BY ACCUSED No. 3: I do not know who the drawer is.

BY THE COURT: The witness has answered you three times. Whatever that man thought he was drawing, it looks exactly like a map of Africa. That is an answer to your question.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: To me it would appear that your notes are in full sentences. Did it happen perhaps while you were recording notes that you left out some other sentences?-- No, I did not omit any sentences.

Do you know the Accused now sitting in Court?-- No, I do not know them.

You did not see the Accused now before Court at the meeting you attended?-- No, I did not see them.

If you had seen them there, would you be able to recognise them?-- If I had seen them I would be able to identify them or point them out. But there were many people at the meeting. I cannot say whether the Accused were there or not.

(No further questions)

day?— Yes.

day on the 9th November 1959?— No, at the other meetings

CROSS-EXAMINED BY No. 4 ACCUSED: I went to know from which

why do you not, when you were asked by the Court, what

other languages you knew, with the exception of the other

native dialects you speak at home, why did you not explain

plain to His Worship that you know Sapadi, and only just

made mention of Sesethe?— I also understand other Sesethe

ordinary Sesethe, as I now understand the Accused has been

putting questions to me.

BY THE COURT: You must answer the question. You were

asked what languages you knew, why didn't you say Sapadi?

?— I did not know how to differentiate between Sapadi and

and ordinary Southern Sesethe. I thought when I saw a

Sesethe then it would be all right. I saw the flag there, be-

When you said Sesethe, you meant Sapadi, that is

the Sesethe of the Northern districts?— Yes.

CROSS-EXAMINATION BY ACCUSED No. 4 CONED: If that be the

you are a black person like myself?— Yes, is that what you

And that the Sapadi race is also a black nation

as well as Basutos are a black nation, as well as the

Setseana race; why then did you confuse the races seeing

that you live amongst them and you know that they do not

belong to the same race when you are asked the question of

?— Yes, we are all one nationality but their languages

differ.

flag but it was not the one of the Pan-Africanist Congress.

You have already told the Court that you saw the

flag which you have given us a description of that day that

Alexandra Township?— Yes.

Thereafter you also attended other meetings which

may or may not have been of the Pan-Africanist Congress?

I will frame it in another way.

Yes.

At the meetings you attended of the Pan-Africanist

Congress, did you see that flag you saw on this particular

day? -- Yes.

day on the 9th November 1959? -- No, at the other meetings the flag I saw there is not seen there, not the flag which belongs to your organization, Pan-Africanist. I asked it of what the You have not answered my question. At the other meetings of the Pan-African Congress, did you see the same flag? You say on the 29th November 1959 or not? I have it only been to the meetings at Alexandra Township, I have never been to the other meetings. Peter says; what his in (No further questions) interpreter.

BY ACCUSED: 8, 28 & 39: NO QUESTIONS re me. You can con-
RE-EXAMINED BY P.P.: On the 29th November, 1959, when you attended this meeting, was that the first time you had seen a flag? Yes, the description you have given the Court? --

It was not the first time I saw the flag there, because the Pan-African Congress often held meetings on Sundays, and to the speech, the speeches in which you took down, so you had seen a similar type of flag at other meetings of the Pan-Africanist Congress, is that what you are saying? -- I have often seen the same flag on previous occasions there where the Pan-Africanists held their meetings anything said about passes? -- Unless I have a look at my 4th meetings which you attended (which were not Pan-Africanist Congress meetings), did you see a flag of this description at these meetings? -- They had their flag but it was not the one of the Pan-Africanist Congress.

(Exh B handed to P.P.) In Your affidavit that you had written down on Exh B, you wrote it in the way that you understood it. But did you give the whole of it in the text, or was there some portion which you left out...

I will frame it in another way. Did you express yourself about the third paragraph where he says "We of the P.A.C. we work together...." Please orientate yourself, I haven't got the page number. ? -- It is on page 4.

"We of the Pan-African Congress we work together fully in your interpretation of what was said; did you give a full rendering in the way that you understood it of what the man had said?— Yes.

graph. "I would like the interpreter to give me his opinion with the permission of the Court. I don't know what it means, or if the Accused's translation is right. I would like to hear what the interpreter says; what his interpretation is as an interpreter.

BY THE COURT: It must be evidence before me. You can consult anybody you like, but I must have the evidence. I intend to go into this matter myself at a later stage.

BY THE P.P.: Yes, Sir. I will obviously have to take some opinion somewhere amongst interpreters.

RE-EXAMINATION BY P.P. CONTD.: Now, would you refer to your notes, and to the speech, the speeches in which you took down, you haven't quoted in Court all that you took down?— Yes, like to place his evidence formally on record.

LAMBERTUS: In respect of the part which you haven't mentioned to the Court, in these parts which you haven't read out, was there anything said about passes?— Unless I have a look at my notes I won't be able to say. (Notes handed to witness) Yes, there is some mention made of the passes in "partitions I have not read out in Court. (Witness indicates portion read out in Court)

Q: portion not read out in Court?— The portions (I have not read out to the Court, no mention was made of the passes. If mention was made then I would have recorded that and read it out in Court.

Now, if you look at the speech of Josias Madsunya about the third paragraph where he says "We of the P.A.C. we work together...." Please orientate yourself, I haven't got the page number. ?— It is on page 4.

"We of the Pan-African Congress we work together with another meeting..." Is that the phrase? (Notes handed to P.P. who marks passage.) Now look on the back of page 2, I have put a big blue circle next to the paragraph. "We of the P.A.C. we work together." Will you read that out please?-- "We of the Pan-Africanist Congress were were together with another meeting and we/separated from them because they brought a European among us. We are fighting against Europeans and the law....."

"We are fighting against a European and how can a European fight against a European" is that what is written?-- "We are fighting against a European and the law and a Europeans are fighting against the Europeans."

"We of the P.A.C....."

COURT ADJOURNS:

COURT RESUMES:

BY THE P.P.: The district surgeon has examined Accused No. 27. I would like to place his evidence formally on record.

LAMBERTUS LAMBINON, beëdig verklaar:

VERHOOR DEUR P.A.: U is 'n geregistreerde mediese praktisyn en distriksgeneesheer te Vereeniging?-- Ja.

En u het vanoggend beskuldigde nr. 27 onderseek en wat is verkeerd met hem?-- Ek vind hy is in 'n "collapsed" stadium deur gastro-entiritis.

En heelank sal dit wees veer hy sal neu gesend wees veer hy kan hef byween?-- Ek sou minstens drie dae sê.
(Geen verdere vrae)

NO CROSS-EXAMINATION:

COURT ADJOURNS: