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VOLUME 8

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26TH OCTOBER, 1960.

COURT RESUMES : APPEARANCES AS BEFORE.

JOHANNES LODEWIKUS GROBLER, duly sworn, states:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Sergeant, yesterday afternoon at the adjournment you had been describing to us how Colonel Spengler arrested the people inside the fence at the Police Station grounds? ---
Ja.

And you had then gone on to describe what was happening at the gate? ---Ja.

If I remember correctly you said that people went in and were pulled back by the crowd? --- Ja.

And then you saw Colonel Spengler approach the gate? ---Ja.

When he got to the gate, after having arrested the first two people, what did he do? --- Toe het by 'n derde persoon arresteer.

Did you watch this carefully? --- Ja.

You did not see him step and talk to the person before he arrested him? ---Nee.

Did he perhaps make a grab at one person, miss that person and then grab at a second person? ---Nie wat ek gesien het nie.

Is it possible that that might have happened? ---
Dit is moontlik dat dit kon plaasgevind het.

Do you think from what you saw that the reason for Colonel Spengler taking anyone at the gate, was to make an example of whoever was there? --- Nee, ek kan dit nie sê nie.

Is it possible that that also might be so? --- Dit kan gebeur het. Ek weet nie wat in sy gedagtes omgegaan het op daardie oomblik nie.

Let/....

Let me put it to you another way. Is there anything that the person whom he arrested third had done, which explained that arrest? --- Ek het nie iets gesien wat hy gedoen het nie.

Is this possible Sergeant, that Colonel Spengler approached the gate, he was seen by a person, an African, standing at the gate, and this person more as an act of courtesy than anything else opened the gate to permit Colonel Spengler to go through? --- Dit is nie meentlik nie aangesien daar baie mense by die hek was en die hele ingang voor die hek was geblek gewees.

You see, I am putting this question to you for the following reason. It has been said on several occasions that there was a rumour about that an address was to be given to the people at the Police Station about the passes by some official. Now, is it possible - I don't know if you can answer this - that when Colonel Spengler approached the gate for the third time, an impression was about that he was going to address the crowd, and therefore the gate was opened for him to pass through to address them? --- Nee, ek glo nie dit is meentlik nie.

You did not hear anything to that effect at any time? --- Nee.

Were you standing sufficiently close to Colonel Spengler to hear anything he said if he had spoken? --- Nee.

I take it that in any event the noise of the crowd was too great? --- Ja.

Now, I can understand in part the taking away of the first two persons, because they were prominent and they were separate from the others, and they were apparently addressing the crowd. I can't understand at the moment the reason for seizing the third one, and as it is a very important aspect/....

aspect I am repeating the question. Is there anything at all that you can suggest that may have led to the arrest of this third person??— Soes ek reeds gesê het ek het niks gesien nie. Ek weet nie of Kolonel Spengler miskien iets gemerk het wat ek nie gemerk het nie.

As a Policeman it did not appear to you that this particular person had committed any obvious offence warranting his arrest? — Ja.

Does that mean you agree with me? — Ja.

Now, Colonel Spengler arrested this man. Was it again by seizing his arm? — Ek kan nie presies sê hoe hy hom gearrester het nie, want die skietery het onmiddellik begin.

Was there a contact between their bodies though?

—Daar was kontak gewees.

It was not as if this man just walked alongside him willingly? — Nee.

Did you see if this third man was attacked or struck at all by Colonel Spengler? — Ek het nie so iets gesien nie.

It may have happened and you might not have observed it? — Dit kon gebeur het dat ek dit nie opgemerk het nie, want dit was 'n hele deurmekaarspul daar by die hek gewees.

And also if this third man had been tripped it might have happened and you might not have seen it? — Ja.

Now, this man was then removed? — Ek kan nie sê hy was weggenem nie, want onmiddellik daarna het die skietery begin; wat van die persoon geword het weet ek nie.

Sergeant, do I understand from your evidence-in-chief that this third arrest really set the crowd alight? — Ja.

It was then that the stones were thrown? — Ja.

And almost immediately after that the firing started? — Ja.

Now, from where you were standing you had a clear view/....

view of what had happened between Colonel Spengler and this third person who was arrested? — Ek kon hulle goed sien ja.

I take it that the people close to the fence likewise had a fairly clear view of what was happening? — Ja.

But will you agree that the people further back in the mass of the crowd could not see so clearly? — Ja.

So that if the people in the front got angry because of what they saw, the crowd who could not see what was happening, must have had this mood of anger communicated to them by those who had seen it? — Dit is moontlik ja.

Have you had any experience of the behaviour of crowds Sergeant? — Ja.

It is correct is it not that things spread very quickly through a crowd and a mood communicates itself quickly from one part to another? — Ja.

Now, when this firing started did I understand you to say that Colonel Pienaar immediately shouted "Stop!" — Ek kan nie sê wie gesê het "Stop!" nie, maar onmiddellik daarna het iemand geskree "Stop!". Ek kan nie sê of dit Kolonel Pienaar was nie, want daar was heelwat offisiere gewees.

Let me put it to you this way Sergeant. It was not as if the shooting was allowed to proceed for say a period of ten or fifteen or twenty seconds, and then at the end of that time, as if someone was satisfied that it was enough, they said "Stop!"? It was rather as if, as soon as it commenced, someone said "Stop!"? — Iemand het gesê "Stop!" sodra of net nadat die skare uitmekaar gevlug het, nie onmiddellik na die skietery begin het nie.

I knew it is difficult for you to answer the question Sergeant, but you have not answered it quite in the way I put it to you. You see, I am putting the question to you in this way, in order to try to establish the attitude of mind of the people/....

people who shouted "Stop!". Now, people could shout "Stop!" when they are satisfied that the job had been done well and sufficiently, or people could shout "Stop!" because they actually had not wanted this thing to begin at all, and they wanted it to stop at once before there was any further trouble or injury. Do you understand what I am putting to you? --- Ja.

Now, in the light of that explanation, would you say that the shouting "Stop!" was said in the sense of trying to prevent it as quickly as possible, or was it said when they were satisfied that it had done its job and that sufficient firing had taken place? --- Ek sal sê dat die bevel "Stop!" gegee is nadat die skietery of daar genoeg skietery plaasgevind het, dat die deel van die skietery alreeds gedien was.

You see, the impression that I got from the evidence of Mr. Labuschagne, and from a portion of the evidence that he gave at the Inquiry and which I read out to him, is that it was as the firing started that Colonel Pienaar shouted out "Stop! Stop!"? Now, is that wrong? Is my impression wrong as I have conveyed it? --- Ek sal nie sê Kolonel Pienaar het nie daardie tyd geskree "Stop! Stop!" nie, maar ek het hom nie geheer nie.

Does that mean that whoever else may have shouted "Stop! Stop!", as far as you are concerned it was not coming from Colonel Pienaar? --- Ek het "Stop! Stop!" geheer. Ek kan nie sê van wie af dit gekom het nie. Dit kan net sowel van Kolonel Pienaar as van enige ander persoon daar teenwoordig gekom het.

It may have come from Colonel Pienaar? --- Dit is moontlik dat dit van hom af gekom het.

Were there many people that you were conscious of hearing say "Stop! Stop!" or only a couple? --- Daar het verskillende van die offisiere geskree "Stop! Stop!" wat ek van/....

van weet.

And are you then saying that even though there were a few of them who shouted "Stop! Stop!", in fact none of them gave that order to stop until the firing had been in process for some little time? — Ja.

Nobody gave that order immediately they heard the firing? — Nie wat ek geheer het nie.

You are satisfied as to the accuracy of what you have told me? — Ja.

Do you consider yourself to be a person of keen observation? — Ja.

And careful about the detail of what you see? — Ja.

Now, as a result of the firing of course the crowd turned and fled? — Ja.

And you then concerned yourself with the wounded and with the dead? — Ek het uitgegaan na hulle toe ja.

And you also took certain steps in regard with the stones that were inside the Police yard where the men had been assembled? — Ja.

Was it under your instructions that the stones were gathered and ^{that} they were put into a bucket? — Dit was onder instruksies van 'n offisier gewees en alleenlik onder my toesig.

These particular stones, were the number of them counted? — Nee.

Was any mark put on each one of these stones? — Nie daar waar hulle opgetel was nie.

Well, at any time was any mark put on these stones? — Agterna was net een etiket aan hulle gesit, aan die hele lot, net een etiket. Hulle was in 'n blik gesit, en daar was 'n etiket aan die blik gewees.

Where was this bucket removed to? — Na die Polisiestasie, na die steerkamer.

Under/....

van weet.

And are you then saying that even though there were a few of them who shouted "Step! Step!", in fact none of them gave that order to stop until the firing had been in process for some little time? --- Ja.

Nobody gave that order immediately they heard the firing? --- Nie wat ek geheer het nie.

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Under/....

Under whose control is that storeroom? --- Onder my teesig.

Do people other than yourself have access to it? --- ^aAlleenlik wanneer ek teenwoordig is.

Is that on all occasions Sergeant? --- Dit was sedert daardie bewysstukke daarin gehou was.

For how long was the exhibit kept there? --- Hulle was daar gehou tot 'n paar dae voordat hulle by die Kommissie van Onderzoek ingehandig was, d.i. as bewysstukke.

Is the storeroom locked? --- Ja.

When you go off duty to whom do you hand the key of the storeroom? --- Ek sluit die sleutel in my brandkas toe.

You don't give it to anybody else? --- Nee.

Now, the removal of this bucket from the yard where the stones were picked up, into the storeroom, who carried that out? --- Ek weet nie wie die emmer gedra het nie.

You did not personally see this bucket placed in the storeroom? --- Ek het persoonlik daartoe gesien, maar ek het nie self die emmer gedra nie.

I did not get that. Did you accompany this bucket from the yard where the stones were being picked up to the storeroom? --- Ja.

Now, when it was removed from the storeroom did you accompany the bucket to the Commission of Inquiry? --- Nee.

Into whose care was the bucket given? --- Ek kan nie onthou wie die emmer van die Polisiestasie af hier na die Kommissie toe gebring het nie.

In any event, since that time it has been out of your control? --- Ja.

Now, it is quite obvious Sergeant that you cannot warrant, in regard to the size of all the stones in there? --- Nee.

I/....

I take it Sergeant that in the days before this shooting at your Police Station, and on the morning of the shooting, you did not pay any particular attention to the nature of the surface of that area where the Police were later assembled? ---Ek het elke dag noukeurig opgelet na dit.

You took notes every day did you say? ---Ja.

Of what did you take notes Sergeant? ---Van die area daar waar die Polisie gewees het.

Now, when you say every day, was it every day before the shooting? ---Elke dag voor die skietery, en sedert die skietery ook nog elke dag.

You wrote something down about this area? ---Ek het niks opgeskryf nie.

When you say you took notes, perhaps I have misunderstood you? What did you mean?

BY THE COURT:

He took notes. U het netisie geneem? --- Netisie geneem, nie notas geneem nie.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

What was it that led you to take notice? --- Edelag-hare, ontrent twee maande voor die tyd - die plek was nuut gewees en ontrent twee maande voor die tyd het ons 'n grasperk aangels. Ons het beempies geplant, struik geplant, en ek het elke dag daarna gekyk om te sien hoe dit groei enseveerts, en te kyk dat dit reg behandel werd, d.i. natgegee werd, enseveerts.

You were interested in developing a garden was it?

---Ja.

And as a matter of general interest you looked at this piece of ground? --- Ja.

Now, I take it you did not specially direct your mind to the number of stones that there might have been in that area/....

area? --- Die klippe wat daar gewees het was almal uitgegooi
gewees op 'n vorige geleentheid toe ons die grasperk gesny het.

But a few stones may still have lain about in the
area? --- Nie op die grasperk waar die klippe opgetel was nie;
miskien langs die draad waar die boompies geplant is.

Do you say that there was literally not a single
stone there before the 21st March? --- Daar was geen sigbare
klippe daar gewees nie.

When you say noticeable there may have been a few,
but what you are saying is there was not the large number that
you picked up? --- As daar gewees het dan was hulle onder die
grond gewees, en dan het hulle nie be-op die grond gelê nie.

Now, the stones that were picked up were they all
together in a heap or were they scattered over a wide area? ---
Dit was versprei gewees.

And can you personally guarantee that the stones
that were picked up were the stones I won't say exactly
these stones, but stones of a quantity that filled that tin?

--- Ja.

And His Worship can have the definite assurance that
they came from nowhere other than that area of grass that you
have been describing? --- Ja.

I want to ask you a few general questions Sergeant
arising out of what you said in your evidence before the
Commission. You will remember that you were describing how
you met these various groups during the night? --- Ja.

And you were in the company of Captain Cawood? ---

Ja.

You went to a certain group following certain
complaints that you had received? --- Ja.

Now, at the time when the Police, under the charge
of Captain Cawood, met this group on the open piece of ground -

I/.....

I think it is the sports ground is it? --- Naby die sport-
gronde.

Did any of the people there come forward towards
the Police and request protection from the Police? --- Nie
wat ek gesien het nie.

And as regards these groups generally that you
saw roaming around and behaving in the way that you have
described, can you say what the object of all this was as far
as you are aware? --- Seer as wat ek ken sien was hulle deel
om almal bymekaar te kom, in een ^{groot} greep bymekaar te kom. Hulle
het almal in die rigting van die Polisiestasie beweeg.

Now, what led you to believe that all these separate
groups had as their object to come together in one big group?
--- Dit is die afleiding wat ek gemaak het omdat hulle bymekaar
gekom het in verskillende greepe en almal in dieselfde
rigting beweeg het.

This is not the conclusion that you came to when you
gave your evidence at the Commission you knew Sergeant? ---
Ek kan nie enthou wat ek daar gesê het nie.

I will read to you what you said at page 73 of the
Commission's evidence. You are asked the following question:
"Ken jy enige afleiding maak van wat die deel was van die
groepe?" This is your answer: "Ek ken nie 'n afleiding maak
wat die deel van die greepe was nie. Hulle het ook nie gesê
wat hulle deel was nie, maar almal het in die rigting van die
Polisiestasie beweeg". --- Ja, dit is meentlik dat ek die
afleiding agterna gemaak het Edlagbare, en dat ek daardie
tyd nog nie 'n afleiding gemaak het nie.

But this was in fact what you did say to the
Commission? --- Dit moet wees want dit is op rekord.

It is correct is it not that you stated to the
Commission that it was not actually a breach of any Regulation
for/....

for people to come together, unless they were holding a meeting? --- Ja.

Now, you have also said something about the number of teargas bombs that were thrown. Do you remember how many were thrown? --- Vier of vyf.

It would not be more than five? --- Ek glo nie dit is meer as vyf nie.

I cannot expect anyone really to be exact about it, but Mr. Labuschagne said that there were four or six. Could it be that there was as many as six? --- Dit kan ses wees, dit kan vyf wees, dit kan vier wees.

Now, in regard to the badges that certain of the people in the crowd before the municipal offices were wearing, have you got a clear recollection Sergeant of the words that were written on these badges? --- Ek is nie heeltemal seker nou meer nie, maar dit is as ek reg enthou iets van "Away with passes", maar ek is nie baie seker daarentrent nie.

Is it possible that in fact the badge was the badge of the P.A.C. organisation, and had the words "P.A.C. Africa for the Africans". --- Ek het nie sulke wapens gesien nie.

Are you quite definite about that? --- Ja.

DEUR DIE HOF:

Hee sê jy? Herhaal die laaste antwoord? --- ^{het} Ek ^{nie} wapens gesien sees deur mnr. Unterhalter beskryf nie Edelagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Is jy heeltemal seker daarvan? --- Heeltemal seker

ja.

DEUR DIE HOF:

Jy het nie gesien "P.A.C. Africa for the Africans" of iets nie? --- Nee.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

There was a fair number of people in the crowd before/....

before you were there not? --- Ja.

And were there a fair number wearing these badges?

---Ja.

If very many of them had a bad with "P.C.A. Africa for the Africans" on it, you would probably have seen it? ---

Ek mees dit gesien het.

You see, Mr. Labuschagne's evidence is that he saw badges with the words "P.A.C. Africa for the Africans" on it?

--- Ek kan definitief nie enthou dat ek sulke wapens gesien het nie.

And he does not speak to having seen badges with the words "Away with passes!" on them? --- Ek het dit gesien.

I may be wrong Sergeant. Let me put it to you a little more specifically Sergeant. The two people whom you saw arrested there outside the hostel, did you notice that they were wearing badges? --- Ek kan nie enthou of hulle wapens gedra het nie.

BY THE COURT:

Are you now talking of the persons who were arrested by Colonel Spengler?

BY MR. UNTERHALTER:

No, the persons arrested outside the hostel.

BY THE COURT:

Oh, I beg your pardon. You said it was outside the hostel. I am sorry.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, it appears that what I have said to you is correct, there does not seem to be any reference in the evidence of Mr. Labuschagne to his having seen badges with the words as you have described them? ---Ja.

In the light of that is it possible that in fact you may be confusing what you saw there with something that

you/.....

you may have seen on another occasion? ---Nee, ek is seker ek het etikette gesien in verband met "Away with passes!" Ek kan nie presies sê dit is die presiese woord wat daarop staan nie, maar dit was in daardie verband.

And as far as colour is concerned, do you remember? --- Nee, ek kan nie die kleur enthou nie.

You don't remember seeing any coloured blue? --- Ek kan gladnie enthou watter kleure dit was nie.

Sergeant, I take it that the crowd that you met outside the Police Station was a crowd in fact completely separate from the crowd that you had encountered in Secise Street? --- Ek kan dit nie sê nie.

You see Sergeant, you did say that at the Inquiry. I will read it to you, i.e. at page 85: "Met ander woorde, hy was nou binnekant die omheining van die Polisie-stasie?" Jou antwoord was: "Hy was binnekant die omheining ja." You are describing the behaviour of one of these men who was going up and down inside. "En die skare was buitekant?" "Was buitekant gewees". "En u sê die skare was ontrent vyf duisend?" "Hulle was ongeveer vyf duisend ja." "En volg ek u reg? Dit was nou 'n skare wat heeltemal afsonderlik was van die ander tien duisend?" Antwoord: "Ja". --- Dit is meentlik dat hulle was afsonderlik van die ander tien duisend, maar dit ken van dieselfde mense gewees het wat by die ander ook gewees het, maar daar was hulle afsonderlik gewees. Dit ken dieselfde mense gewees het wat verentoe beweeg het agterna.

Well, it is possible, and it is possible that they might have been of people who were absolutely different from the ones who were outside Secise Street, is that not so? --- Dit is reg ja.

But it was quite clearly a separate group of people? --- Ja, dit was 'n afsonderlike groep.

And/....

And when you said to me just now that they were not you must have misunderstood my question or you were mistaken?

--- Ja, dit is meentlik dat ek die vraag misverstaan het.

Sergeant, you have described how the Police were inside the fenced area and the crowd were outside? ---Ja.

HOF VERDAAG.

HOF HEEVAT:

JOHANNES LODEWIKUS GROBLER, onder sy vorige eed, vervolg:

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Sergeant, I think I was just about to ask you the following questions. Was any request made by the Police to the crowd outside at the station? --- Daar was 'n verseek gemaak ja.

When was that? ---Dit was deur Kaptein Brümmer oor die luidspreker.

You assume it was? You did not hear what he said? ---Ja, dit is reg.

Was this before Colonel Spengler arrested these two people? --- Ja.

You are sure of that? ---Ja.

And obviously nothing else happened after Colonel Spengler arrested them because then the firing started? ---Ja.

You see, there seems to be some confusion about this question of whether a request was addressed to the crowd.

At page 91 of the Commission's evidence the following appears: This question was put to you: „Tot op daardie stadium was daar enige verseek gerig aan die Polisie deur die skare as 'n geheel of 'n menstuk van die skare?" and the answer you give is: „Daar was geen verseek gewees nie". You did say that did you not? ---Ja, ek het.

Now/.....

Now, I have used the words "tot op daardie stadium" because it follows immediately after some evidence that you had been giving about Colonel Spengler removing the three people inside. Now, it seems to me that the evidence as you gave it then meant that there had in fact been no request to the No, I am sorry, I think that I am confusing you; I think I am confusing you. I should have put the question in another way, I beg your pardon. The question should have been this. Was any request directed to the Police by the crowd up till that time when Colonel Spengler removed them? --- Nie wat ek van weet nie.

And I take it therefore that you did not hear anyone in the crowd say "Come and arrest us. We have not got any passes"? --- Nee.

Just immediately before the shooting, did you hear any shots in a southerly direction towards Zwane Street? --- Nee, ek het nie skete geheer nie.

If there had been such shots would you have heard them? --- Ek sal nie sê ek sou dit geheer het nie, want die lawaai van die skare was te groot geweest. Dit is meentlik dat ek dit mees geheer het, maar ek sal nie sê dat ek dit sou geheer het nie.

You see, when Mr. Labuschagne gave his evidence he said that he heard two shots coming from the south towards Zwane Street? --- Dit is meentlik dat hy skete geheer het wat hy het op heeltemal 'n ander posisie gestaan as wat ek gestaan het.

Where were you standing Sergeant? --- Ek was aan die suidekant van die groot hek, ten minste die neerdekant, ek skuus teg.

The north side of the gate. In other words, more towards the sheps side than towards the Zwane Street side?

Ja/....

---Ja.

You were, however, south of the "Saracens"? --- Daar was twee "Saracens" gewees aan die neerdekant van die hek, en ek was min of meer tussen hulle twee gewees.

DEUR DIE HOF:

Sersant, was u aan die neerdekant van die pad wat van die Polisiestasie na die hek loop, of aan die suidekant?

--- Aan die neerdekant Edelagbare.

Neerd van die pad.

You can see that read on Exhibit 12 and on Exhibit 14 Mr. Unterhalter.

BY MR. UNTERHALTER:

Yes Your Wership.

BY THE COURT:

The road or the surface which is used by vehicles obviously.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Mr. Labuschagne said that he heard these two shots, they did not seem to be as loud as the revolver shot that comes from the Police revolver, but he is quite definite that he heard these two reports. He also told us that he was near the "Saracens" with his back to one of them, so he was fairly close to you I take it? --- Daar was "Saracens" aan die suidekant van die groot hek ook gewees. Hy het miskien na een van die "Saracens" verwys Edelagbare.

Well, the impression that I have of his evidence is that he was also on the north side of that path leading from the gate. Anyway, notwithstanding the evidence that Mr. Labuschagne has given, you are definite you did not hear these shots? --- Ek het dit nie geheer nie.

After the firing there was of course no trouble at all from this crowd because they were scattering? --- Ja.

No/....

No sign of any group reassembling after the shooting to return and attack? --- Nee.

Did you have any reason to believe that there were people around the Police Station who were strangers to the location, having come from elsewhere? --- Ek het nie rede om ditte glo nie, maar dit is meentlik dat dit kan wees.

Would you not say that in fact it was highly unlikely that there were strangers there, because of the disturbances that were going on in other areas nearby? --- Nee, dit is nie meentlik nie; dit is meentlik dat daar wel kon gewees het.

But don't you agree with me that because of the troubles in the other locations, there is no reason to think there were strangers there? --- Hier is ook baie kampings in Vereeniging. Dit is meentlik dat van hulle inwoners daar kon gewees het.

But on balance would you not say that there seems no reason to you why there should be people from other areas there that day? --- Geen rede nie, tensy dit organiseer was om mense van ander wyke daar te hê.

You see, that is what you in fact said at the Commission when you gave evidence. I will read to you from pages 108 and 109 of the report. "Het u enige rede gehad om te dink dat Bantees van elders did lokasie binnegekom het by daardie geleentheid?" and your answer: "Nee, ek het geen rede om dit te dink of te glo nie, want al die distrikte in die omgewing het ook optegte gehad, en ek sien nie waarom sou van hulle Bantees dan na Sharpeville gekom het en aan hierdie opteg deel te neem nie". You did say that did you not? --- Ja.

And you accept the reason that you gave then in your evidence today as you stand here? --- Ja, ek het natuurlik nie daar verwys na Bantees in die kampings nie, ek het verwys

na/.....

na in ander gebiede waar ook onluste was.

Sergeant, if people were found wounded there or dead there, and their names were not in the official records at the location, it is still possible that they were living in the location but were unregistered and were technically illegally there? --- Ja.

Now, the direction of the firing, it was also was it to the north-west? --- Ja.

I don't want to canvass this in any detail; you cannot tell us I suppose how it comes that the firing is north-west instead of west across the street between the Police Station and the clinic? --- Wel, dit is meelik om te sê. Dit is meentlik dat die mense wat op die punt van die linie gestaan het meer noord geskiet het.

Sergeant, do you know anything at all about threats that might have been made to any of the inhabitants, to the effect that if they were seen carrying passes on that day they would be assaulted or punished? --- Daar was sulke gerugte gewees, maar hoeveel waarheid daarin gesteek het weet ek nie.

It was fairly widespread was it? --- Heever dit uitgebreid was weet ek nie, sees ek sê dit was slegs gerugte gewees wat ek geheer het; ek het niks definitiefs geheer nie.

And did you gather the impression that people regarded this kind of threat as a serious one, that might have serious consequences for them? --- Wel, dit is meentlik dat van die mense dit as baie ernstig sal beskou. Elke perseen sal dit natuurlik nie in dieselfde lig beskou nie.

You told us yesterday that the gate facing Zwane Street to the south and leading from the Police Station fence, was not locked? --- Dit is reg.

I don't know if I asked you if there was a guard there? --- Nee, u het my nie gevra nie.

Was/....

Was there a guard there? --- Ek kan nie sê of daar ten tye van die moelikhed 'n wag was nie, want toe was ek aan die westekant van die gebou gewees en ek ken nie daardie hek sien nie. Die eggend toe ons daar gewees het toe was daar nie 'n wag nie.

You yourself gave no instructions or posted no men there to guard the gate? --- Nee.

And as far as the file of Police were concerned, they were all posted facing west? There were none posted facing south? --- Ek weet nie wat op die suidekant aangegaan het nie, ek ken nie daar sien nie, maar seker ek weet was daar nie gepep nie.

Now, at the throwing of the teargas bombs, do you remember if Majer van Zyl was present? --- Ja, hy was teenwoordig.

You are quite sure about that? --- Baie seker.

You see, I have been asking you a few details about your ability to recollect small points. Now, on this you are not mistaken? --- Nee, definitief nie.

And if evidence is given that Majer van Zyl came up after the teargas had been thrown, would that be wrong? --- Dit sal verkeerd wees ja.

Thank you Your Worship.

KRUISVERHOOR DEUR BESKULDIGDE NR. 1:

Toe u daar by die hostel aangeken het, was die skare alreeds daar of het die skare na u daar gekom? --- Die skare was alreeds daar.

Kan u miskien die skare skat? --- Ek het hulle geskat op ongeveer 6,000.

Toe u daar aangeken het was u vanaf die dorp of was u vanaf binne die lokasie? --- Vanaf die lokasie.

Ek het u hoor sê in u hoofgetuigenis dat die mense wat daar gewees het was so dat iemand ken nie daar deurgaan

...praat? --- Hy het sê dat hy nie/....

nie, daar deurry of daar deurloop nie? --- Ek het nie gesê hulle ken nie deur nie. Ons het met 'n baie groot gesukkel deurgeken. Ek het nie gesê dat hulle gladnie ken deurken nie.

Was daar nie 'n bakleiery of 'n geveg destyds nie, d.i. op daardie tydstip toe u daar deurgery het nie? --- Nee.

Toe u daar aangekom het was die skare gewapen of nie? --- Hulle was gewapen ja.

Was die meeste of die minste van die skare gewapen?

--- Die meeste was gewapen.

Hee was hulle gewapen? --- Met kieres en stekke.

Toe u daar aangekom het, het een van die offisiere of u navraag gedeen by die skare omtrent wat hulle daar doen?

--- Ek het nie navraag gedeen nie. Ek weet nie of van die offisiere navraag gedeen het nie. Ek weet Majeer van Zyl het later navraag gedeen toe hy arriveer het.

U self het geen navraag gedeen nie. Het u enige kennis gedra waartoe die skare daar was? --- Ek het geen kennis gedra waartoe die skare daar is nie.

Terwyl die skare daar gestaan het kan u sê wat daar gebeur het? --- Sees ek in my hoofgetuigenis gesê het hulle was opreerig en lawaaiërig gewees. Verder het daar niks snaaks gebeur nie, behalwe die jong Banteemans wat voor die skare op en af geleep het.

Die jongmans wat daar op en af geleep het, het hulle in die rigting eek van die Polisie gestap, of het hulle net op en af voor die skare daar geleep? --- Op en af voor die skare.

Wie is die offisier of die perseen wat die skare daar teegesprek het? --- Majeer van Zyl het met die skare gepraat daar.

Het Majeer van Zyl met die skare in die algemeen gepraat of het hy met die een perseen wat daar voor gestaan het gepraat? --- Hy het ^{met} die skare in die algemeen gepraat.
Was/....

Was daar nie net een perseen met wie hy gepraat het nie, behalwe om met die skare in die algemeen te praat?
--- Ek het nie gesien dat homet een perseen spesifiek gepraat het nie.

Onmiddellik nadat Majeer van Zyl met die skare gepraat het, wat het daar gebeur? --- 'n Paar minute daarna het hy ons beveel om hulle met 'n knuppelstermloop uitmekaar te jaag.

Het julle die skare aangeval maar die skare het nie geveg op daardie tydstip nie? --- Hulle het nie geveg nie; ons het hulle net uitmekaar gejaag.

Was die skare toe geheersaam gewees? Het die skare weggehardloop met ander woorde? --- Ja, hulle het gehardloop.

Op die tydstip toe julle die skare aangeval het, was daar een van die Polisiemag beseer of nie? --- Nee, daar was niemand beseer wat ek van weet nie.

Toe een van die ^{offisiere}persone wat daar veer die skare ^{het}gewees/arresteer het, het u die perseen gesien? --- Ek het gesien dat daar twee persone arresteer was.

Was hulle arresteer op die tydstip toe die skare daar weggejaag was, of op watter stadium was hulle arresteer?
--- Veer die skare uitmekaar gejaag is.

Wat het geword van die klippe wat daar gewees het, of is dit die klippe wat nou veer die Hof is? --- Daardie klippe het daar agtergebly.

Het julle nie beslag gelê op die klippe sees julle gedeen het daar by die Polisiestansie nie? --- Nee, ons het nie.

Terwyl die skare daar gestaan het, het u 'n perseen op 'n klip sien staan? --- Nee, ek het niemand op 'n klip sien staan nie.

Geen verdere vrae nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 3:

Ek wil van u weet hoeveel jaar diens het u as 'n Pelisiesersant in die Pelisiemag? --- Sedert Maartmaand 19...., nee, ek is verkeerd, ek kan nie die maand sê nie Edelagbare, dit is sedert 1951.

Het u die beverdering gekry as gevolg van die ervaring wat u gehad het indie Pelisiediens, of as gevolg van die opvoeding wat u gehad het? --- As gevolg van eksamens wat ek afgelê het.

Watter standaard het u bereik op skool? --- Standaard nege.

Voor u die pamflette daar gekry het het u enige kennis gehad in verband met die Pan Africanist Congress? --- Ek het gewet daar is 'n tak in Sharpeville, maar ek het verder geen inligting ontrent dit gehad nie.

Hee het u daardie inligting gekry dat daar 'n tak is van die P.A.C.? Het u die informasie gekry of het iemand u daarvan vertel? --- Ek het inligting gekry van berig-gewers.

Die Konstabel wat die pamflette aan u oerhandig het, het hy gesê waar het hy die pamflette gekry? --- Hy het gesê hy het dit in die straat opgetel.

Daarna het u die pamflet geseen en dit aan Sersant Wessels oerhandig? --- Ja.

Op die tydstip toe u die pamflet aan Sersant Wessels oerhandig het, het dit vir u gelyk asof die Sersant die eerste keer die pamflet sien, of het dit gelyk asof hy alreeds kennis gedra het van die pamflet of dat hy dit iewers gesien het? --- Hy het reeds kennis gedra van die pamflet.

Ek het u in u hoofgetuienis hoor sê dat daar by die bustermibus het u daar die stukkie getrande asoek geskeurde passakumente daar opgetel? --- Dit is reg.

Was u op diens gewees toe u die stukkies bewysboekies daar opgetel het of nie, of het u sonner daar rondgestap? --- Ek was op diens gewees.

Toe u die stukkies bewysboekies daar opgetel het, het u die insident met die insident van die pamflet verbind? ---Ja, ek het.

Toe u die pamflet gelees het was dit daarin geskryf dat die paste meet verbrand word of geskeur word? --- Nee, dit was nie daarin geskryf nie.

Waarom het u dan die insident van die optel van die stukkies bewysboekies daar met die insident van die pamflet verbind? ---Omdat dit gebeur het slegs 'n paar dae voordat die beweerde protestop die 21ste sou plaasvind, volgens die pamflet.

Ek wil graag die pamflet sien wat na u gebring was? (Pamflet word aan die beskuldigde oerhandig). Is dit die pamflet wat u daar gekry het? --- Ek het soortgelyke pamflette daar gekry. (Bewysstuk 5).

Ek sal dit se aan u stel. Daar in bewysstuk 5 is daar geen melding gemaak van die feit dat die paste meet verbrand word of geskeur word nie, maar u het onmiddellik 'n afleiding gemaak of die insident van die pamflet verbind met die insident van die stukkies bewysboekies wat u daar opgetel het? --- Ja, ek het.

Dit verbaas my dat dat die klippe wat nou in daardie ommer voor die Hof is, die klippe is wat daar opgetel is by die Polisie-stasie? --- Ek is nie verbaas nie want ek het dit self opgetel daar.

Kan u redes verskaf waarom u nie die klippe daar by die hestel opgetel het nie, en net die klippe wat nou voor die Hof is? --- Die klippe by die hestel was nie benedig gewees nie want die Polisie was nie daarmee gegee of dit was nie ^{gebruik} gebruik.

gebruik om enige perseon mee te geei nie, want hulle het slegs die hepies bymekaar gemaak. Dit het geen deel gedien daardie tyd om die klippe op te tel nie.

As dit dan 'n feit is dat daar by die hestel geen klippe gegee is na die Polisie nie, waarom is daar melding dan van die klippe wat daar gewees het op 'n hepie? --- Omdat die klippe daar gewees het, en die klippe blykbaar daarrdie skare daar bymekaar gemaak gewees het in hepies met die deel om dit vir een of ander iets te gebruik.

U vermoed net dat dit mag die skare gewees het wat die klippe daar bymekaar gesit het, en u is nie seker daarvan nie? --- Ek vermoed dit is hulle. Ek het nie gesien dat dit hulle was nie.

Ek verstaan dat in u hoofgetuigenis het u gesê dat u saam met Kaptein Cawood en die ander lede van die Polisie mag daar patrelleer het in die lokasie die aand? --- Ja, dit is reg.

En u het greepies daar ontmoet? --- Ja.

Tee u die greepe daar teëgekem het, waarom het u nie die greepe arresteer as 'n Sersant, omdat die greepe die mense daar moelikhed gegee het nie, d.i. in Sharpeville derpsgebied? --- Ek het onder instruksies van Kaptein Cawood gestaan en ek ken nie bevale van my eie uitgevoer of gegee het nie.

U as 'n Sersant, as u daardie mag gehad het, sou u die persone onmiddellik daar arresteer het? --- Nee, ek sou nie.

U het my nooit vantevore gesien daar in Sharpeville nie, en u het my die eerste keer daar by die Polisie stasie op die 21ste gesien? --- Ja.

Tee u my daar gesien het het u toe aangeneem dat ek 'n leier was van die skare wat daar by die Polisie stasie vergader het? --- Ja.

Dink/....

Dink u, as gevolg van die skare wat u daar gesien het by die Pelisiestatie, dat dit meentlik is dat ek en beskuldigde nr. 4 ken die skare aangehits het om daar by die Pelisiestatie te vergader? --- Ek dink julle het ja.

Het u nie toe gedink dat as ons die persone was wat die skare aangehits het om daar te vergader nie, ken ons nog die skare aanhits om daar weg te gaan, d.i. weg te gaan vandie Pelisiestatie af nie? --- Ek volg nie mee die vraag nie.

Die vraag is dit. As u gedink het dat ons was die persone wat vereersaakhet dat die skare daar vergader het, het u toe nie gedink terselfdertyd dat ons het die reg of ons ken nog die skare beïnvloed om daar van die Pelisiestatie weg te gaan nie? --- Ja, julle sou die skare ken beïnvloed waer die egeend, maar nie laat die middag veer die onluste gebeur het nie.

Waarom sê u dat ons ken nie die skare beïnvloed in die agtermiddag nie? --- In die middag was hulle al te veel egesteek gewees en egerui gewees, en hulle sou definitief nie toe van julle netisie geneem het nie.

Maak u nou 'n afleiding dat die skare daar vergader het om hulself daar te bring sedat hulle ken arresteer werd, of dat ons vereersaak het dat die skare seentee gegaan het? --- Ek maak geen afleidings nie, maar ek is van die opinie dat dit as gevolg van julle organisasie was wat die skare daar gekom het.

Dit kan ek nie verstaan nie Sersant. As ons die reg gehad het of die mag gehad het om die persone, d.i. die skare daar, te beïnvloed om seentee te gaan, waarom ken ons nie dieselfde ding doen om die skare te beïnvloed om daar weg te gaan nie? --- Toe die skare beïnvloed is om seentee te kom was hulle nog nie egerui en egesteek gewees nie, wat wel die geval in die middag was, toe was hulle baie egesteek en

epgerui/....

opgerui gewees.

Het u my gesien op die stadium toe ek na die Pelisiestatie gegaan het vergesel deur die skare? --- Toe ek jou die eerste keer gesien het was jy alreeds aan die binnekant van die heining van die Pelisiestatie, en die skare was ook reeds daar gewees.

U het toe nie gewet hoe ek daar gekom het nie? --- Nee, ek het nie gewet nie.

U het melding gemaak van die feit dat klippe was gegee na die Pelisiestatie. Was die klippe van alvier kante van die Pelisiestatie gegee of nie? --- Ek ken slegs aan die westekant van die Pelisiestatie sien en daardie kant was klippe gegee.

DEUR DIE HOF:

Sersant, waar is hierdie klippe opgetel, d.i. op watter gedeelte van die perseel? --- Aan die westekant Edelagbare.

Dit is net aan die westekant opgetel? --- Ja.

KRUISVERHOOR DEUR BESKULDIGDE NR. 3 VERVOLG:

As die klippe daar aan die westekant van die Pelisiestatie opgetel was, bedeel dit dan dit is die mense wat daar gestaan het wat die klippe daar gegee het? --- Ja, dit is.

Nadat die klippe gegee was het die Pelisie toe daarna geskiet? --- Ja.

As dit dan was dat dit die persone was wat aan die westekant van die Pelisiestatie gestaan het wat die klippe gegee het, waarom is dan die persone wat aan die suidekant van die Pelisiestatie gestaan het geskiet, d.i. as hulle nie klippe gegee het nie, d.w.s. die skare wat in Zwanestraat gestaan het? --- Ek het nie perseelik gesien wat in Zwanestraat suide van die Pelisiestatie geskiet is nie.

DEUR DIE HOF:

Sersant, het u nie persone in Zwanestraat gesien wat/....

wat geskiet was nie? --- Daar het aan die be-punt van Zwane-
straat - ek sal sê suid-west--persone gels, maar hulle is eek
geskiet deur persone wat aan die westekant van die Polisiestasie
was. Of hulle gehardloop het tet waar hulle geval het weet
ek nie; ek kan nie sê hoe hulle daar gekom het nie.

Tem suid-weste van die Polisiestasie? --- Ja.

KRUISVERHOOR DEUR BESKULDIGDE NR. 3 VERVOLG:

Op die tydstip toe u daar veer die Polisiestasie
gestaan het, het u u aandag gevestig gehad op die persone
wat net veer u gestaan het, of het u eek u aandag gevestig
op die persone wat neg verder van die Polisiestasie gestaan
het? --- Ek het my aandag algemeen gevestig op al die persone
wat veer my veer die Polisiestasie gestaan het.

Die klippe wat gegee was, was dit deur die mense
wat veer in die skare gestaan het gegee, of was dit deur die
mense wat agter in die skare gestaan het gegee? --- Dit het
gekom van verskillende plekke vanuit die skare.

Was die klippe op een slag gegee of was die
klippe apart gegee i. twee of drie of seaan? --- Die
klippe was tegelyk gegee, dit was nie een-een gegee nie.

Ek stel dit aan u dat ek verstaan nie u getuënis
in verband met die feit dat die skare se op verskillende
plekke daar gestaan het nie, en as daar nie 'n afspraak gewes
het hoe en wanneer die klippe se gegee word, dat die klippe
se gelyk gegee was daar nie? --- Ek sal nie sê die klippe
was presies dieselfde sekonde gegee nie, maar dit was 'n
kwessie van omtrent twee sekondes toe all die klippe gegee
was.

Ek wil net weet van u, op die tydstip toe die
skietery plaasgevind het, was daar neg klippe gegee op daardie
tydstip, of was die skare alreeds besig en weg te hardloop?
--- Die skietery het begin terwyl die klippe gegee was.

Met/....

Met ander weerde, u wil nou hê die Hof moet glo dat terselfdertyd toe die skietery plaasgevind het, het die mense oop dieselfde tyd die klippe seentoe gegee? — Ek het gesê die skietery het plaasgevind terwyl die klippe gegee was. Onmiddellik toe die skietery begin het die klippe gestaak en die skare het gevlug.

Was daar nie klippe wat die ruite geraak het nie?

— Nee.

Dit verbaas my as u sê dat se 'n aantal klippe gegee was na die Pelisiestatie, en nie een van daardie klippe het die ruite geraak nie? — Aan die kant wat die klippe gegee was was wlegs twee klein ruite.

DEUR DIE HOF:

Twee klein ruite of twee klein vensters? — Klein vensters Edelagbare.

Is dit aan die westekant van die gebou? — Ja.

KRUISVERHOOR DEUR BESKULDIGDE NR. 3 VERVOLG:

Netnou het u dit entken dat daar enige ruite of seiets gebreek was terwyl die klipgeedery aan die gang was hê, maar u maak nou melding van die feit dat daar is klein venstertjies daar? — Daar is vensters maar hulle is nie stukkend gegee nie.

Die Pelisie wat daar gestaan het, was daar een van hulle wat beseer was? — Ek weet nie of daar van hulle was wat beseer was nie.

DEUR DIE HOF:

Sersant, jy weet nie of daar Pelisie was wat by die Pelisiestatie beseer was nie? — Ja.

KRUISVERHOOR DEUR BESKULDIGDE NR. 3 VERVOLG:

Ek kan nie u antwoord verstaan nie. As u sê dat daar geen lid van die Pelisiemag is wat beseer was op daardie tydstop nie, maar u het neg die ambulanse gesien toe die

ambulanse/....

ambulansse die beseerdees daar verwyder het. U sou dit gesien het as een van die Polisie beseer was terwyl hy deur een van die ambulansse verwyder is, is dit nie so nie? --- Indien daar wel een beseer was sou hy deur 'n Polisievoertuig verwyder gewees het, want die ambulansse was slegs gebruik en die Bantees te verwyder wat beseer was.

Met ander woorde, daar was geen lid van die Polisie-mag wat beseer was nie? --- Ek weet nie of daar was wat beseer was nie. Daar ken beseer gewees het of nie, ek weet nie.

DEUR DIE HOF:

Maar Sersant, u sal tog daren by nou al weet of daar iemand daar seergekry het? --- Dit is moeilik om te sê. Baie van die mense was van ander stasies, en dat hulle meentlik 'n rapport op hulle stasie gemaak het, maar van die plaaslike Polisie, van Sharpeville se Polisie en van Vereeniging, was daar nie beseer nie. Ek weet nie van die ander stasies nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 3 VERVOLG:

Op die tydstop toe u in die getuiebanc ingestap het en u hoofgetuie nis begin gee het, het u gesê dat u het nooit vantevoren inwoners sees die van Sharpeville teêgeken het, d.ill wat se goed is en wat hulself se goed gedra nie? --- Ek het nie gesê nooit vantevoren nie, ek het net gemeld dat hulle in Sharpeville baie vreedsaak was en hulle goed gedra het.

Omdat u die afleiding gemaak het dat die inwoners van Sharpeville vreedsame mense is, het u nie gedink toe u die greupe daar teêgeken het wat die mense daar moeilikheid gegee het die aand, dat dit mag miskien 'n perseon of mense wees wat van buitekant ken of van ander plekke? --- Nee.

Geen verdere vrae nie.

Kruisverhoor/....

KRUISVERHOOR DEUR BESKULDIGEE NR. 4:

Op die tydstip toe die persone daar vergader het by die Polisie-stasie, en dieselfde tydstip toe ek en beskuldigde nr. 3 binne die draad gewees het van die Polisiegrende, het die skare wat daar vergader het aangeneem wat ons hulle vertel het? --- Volgens hulle reaksie het hulle blykbaar aangeneem wat julle hulle vertel het.

Ek het u in u hoofgetuienis heer sê dat op die tydstip toe Kolenel Spengler vir beskuldigde nr. 3 en myself daar van die toneel verwyder het, het dit gelyk asof ^{ons} die leiers was, of dat hy ons daarvandaan verwyder het omdat ons die persone daar meer aangehits het of meer kwaad gemaak het? --- Ek het nie gesê heekom Kolenel Spengler julle verwyder het nie. Ek weet nie heekom hy julle verwyder het nie. Ek het alleenlik gesê dat hy julle verwyder het.

Het u nie miskien gedink, toe Kolenel Spengler ons daar vanaf die toneel weggevoer het, dat die skare sou meer kwaad geword ^{het} as die tydstip toe ons nog daar gewees het by die skare nie? --- Nee.

Het u nie toe gesien dat ons die persone was wat gemaak het dat die skare geheersaam moet word? --- Hier teen die einde het die skare gladnie vir julle geluister nie. Hulle het almal saamkeer geskree en gelawaai, en ek ken nie sien hoe julle toe enige dissipline ken handhaaf nie.

U het alreeds gesê in u hoofgetuienis voor Sy Edelagbare dat ons hetop en af daar by die hânning gestap? --- Ja, ek het dit gesê.

Kan u sê wat ons besig was om te doen of wat ons deel was sees ons daar op en af gestap het? --- Sees ek gesê het ek weet nie of julle die skare probeer kalmeer het, en of julle hulle opgesteek het nie, maar volgens die reaksies van die skare het dit meer gelyk asof julle besig was om hulle/....

hulle op te rui.

Op die tydstip toe Kolonel Spengler myself en beskuldigde nr. 3 daar weggenem het, het u dit nie raadsaam geag dat dit sou beter gewees het as Kolonel Spengler saam met ons daar 'n gesprek gehad het, en dat ons daar met die skare moes praat nie, sodat hulle daar kon weggaan nie? --- Dit sou vir Kolonel Spengler onmoontlik gewees het om met julle 'n gesprek te voer aangesien die lawaai te groot was, d.i. al wou hy.

Met ander woorde, dit meen dat dit was nie nodig vir Kolonel Spengler om daar met ons 'n gesprek te voer nie, en dit was net nodig dat hy ons in die kantoor moes inneem? --- Ek het nie gesê dit was nie nodig nie, maar ek het gesê dit sou vir hom onmoontlik gewees het.

U het alreeds melding gemaak van klippe wat gegooi is in die rigting van die Polisiestasie deur die skare wat daar gestaan het langs die draad. Kan u die distansie skat tussen die plek waar die Polisie gestaan het na wie die klippe gegooi was, tot by die draad aan die deuskant van die Polisiestasie? --- Ongeveer vyf na sewe tree.

Kan u miskien aan die Hof beduie vanwaar u staan tot waar? --- Tot ongeveer daar net agter die Aanklaer.

Vanaf die distansie wat u aan ons beduie het, sou dit nie maklik gewees het, as die skare die klippe gegooi het vir daardie distansie, dat die Polisie beseer sou gewees het nie? --- Ja, hulle kon hulle maklik raakgegooi het.

Ek stel dit aan u dat die skare het geen klippe gehad nie, en dit is daarom dat die klippe die Polisie nie geraak het nie? --- Die skare het klippe gegooi.

Ek wil nou weet is dit reg as ek dit so aan u stel, dat al die mense wat die Polisiestasie omsingel het, die skare in die algemeen, het hulle almal klippe gehad? --- Ek weet nie

wie/....

wie klippe gehad het en wie nie.

Soos u daar gestaan hetwaar u gestaan het, kon u gesien ^{het} /wie klippe gehad het en wie nie klippe gehad het nie?

--- Ek kon nie sien wie klippe gehad het en wie nie klippe gehad het nie.

Behalwe die klippe wat daar gegooi was in die rigting van die Polisiestasie, voor daardie tydstop het u geen mense gesien klippe dra nie? --- Nee.

U het alreeds gesê dat die A.N.C. mense, asook die P.A.C. mense, gee hulle teken deur hulle regterduim op te lig, soos ek nou beduie? ---Ja.

Hoe weet u dat die mense wat hierdie teken gee soos ek nou aan u beduiehet, is mense wat aan die A.N.C. of die P.A.C. behoort? --- Ek weet nie of hulle aan die A.N.C. of P.A.C. behoort nie. Al wat ek weet is dit is die teken.

U het alreeds netnou vir Sy Edelagbare gesê dat dit is net die mense wat aan die P.A.C. of die A.N.C. behoort wat hierdie teken gee? ---Ek het nie dit gesê nie. Ek het slegs gesê dit is 'n P.A.C. en A.N.C. teken.

U het alreeds gesê dat Kaptein Brümmer die skare wat daar buitekant die Polisiestasie vergader het toegesprek het deur 'n luidspreker? --- Ja.

Dit was op die tydstop terwyl beskuldigde nr. 3 en ek daar op en af marsjeer het voor die draad? --- Ja, dit is reg.

Sover as wat u betref, dink u nie dit sou raadsaam gewees het as Kaptein Brümmer voor na ons gekom het en 'n gesprek gevoer het met ons, voordat hy die skare daar toegesprek het nie? --- Kaptein Brümmer was in dieselfde posisie. Al wou hy met julle praat sou hy dit nie kon doen nie, aangesien die lawaai te groot was.

As dit dan die posisie was, d.i. dat daar was 'n groot lawaai daar gewees, kan u nou sê waarom Kaptein Brümmer

dan/....

dan nie die Superintendent van die lokasie gesprek het nie?

— Ek weet nie. Ek kan niks antwoord daar nie. Ek weet nie wat in Kaptein Brümmer se gedagtes omgegaan het nie.

— Huhet alreeds gister vir Sy Edelagbare gesê dat daar was vliegtuie wat baie laag gevlieg het en die skare het hulle hoede afgehaal en dit in die hande gewaai of iets van daardie aard? — Ja.

Was die skare op daardie tydstip dan opgeruimd?

— Ek sal nie sê hulle was opgeruimd nie, hulle was rumoerig; dit is wat hulle gewees het.

Ek stel dit aan u dat ek weet net dat as 'n mens sy hoed afhaal, is dit 'n teken van blydskap en dat daardie persoon bly is? — Wanneer jy jou hoed afhaal en iemand groet is dit. Wanneer jy jou hoed afhaal en in die lug opgooi kan dit heeltemal iets anders wees.

As ek u goed verstaan het u gesê dat die persone, nadat hulle die hoede afgehaal het, het hulle die hoede daar weggegooi? — Hulle het dit nie weggegooi nie, hulle het dit in die lug opgegooi.

U het alreeds gesê dat in die vroeë ure in die voormiddag, het u 'n skare daar getoë by die erf en diensskema-gebied? — Ons het nie 'n skare daar getoë, nie by die erf en diensskema-gebied nie.

Dit was in die omgewing van die sportgronde? — By die sportgronde het ons 'n skare getoë.

Dit was nie binne in die sportgronde nie, maar dit was in die nabyheid van die sportgronde? — Die kaal erf waar ons hulle gekry het is naby die sportgronde, net links van die sportgronde.

— U het ook bygevoeg dat ek daar voor daardie skare gestaan het? — Dit is reg.

Was daardie skare gewapen of nie? — Hulle was gewapen/....

gewapen ja.

Soos die mense daar gestaan het en die kieres gedra het, waar was hulle op pad heen? --- Hulle het gestaan en jy het voor hulle gestaan en met hulle gepraat.

Sover as u kan onthou wat wou hulle met die stokke of kieres gedoen het? --- Dit sal hulle alleen weet; ek weet nie.

Die selfde tyd stip toe u gesê het dat ek daar voor die skare gestaan het, u het alreeds gesê dat ek het erken ek hou 'n vergadering ja? --- Toe Kaptein Cawood daar aangekom het het jy na hom toe gekom, en toe hy jou vra wat jy doen het jy gesê jy hou 'n vergadering.

Kan u nou sê is daar 'n vergadering wat kan gehou word in die donkerste soos daardie een wat u daar gesien het? --- Ja, dit kan.

Kan u miskien sê of daar 'n ander vergadering was op die stadium toe u en die offisiere daar aangekom het, of is u nie bewys daarvan nie? --- Ek weet nie van enige ander vergaderings nie.

Soos u gesê het, dat die skare wat daar gewees het het stokke en kieres gehad, en toe julle daar aangekom het het julle toe die skare aangeval, is dit so? --- Ons het hulle uitmekaar gejaag ja.

Kan u nou 'n rede verstrekk waarom, as u en die ander lede van die Polisie mag die persone daar uitmekaar gejaag het, en die persone gewapen was met kieres, waarom hulle nie hulself beskerm het deur te baklei het nie? --- Daar is van hulle wat hulle teëgesit het, en die is platgeslaan.

Watter groep was dan die grootste? Was dit die groep wat weggehardloop het, of was dit die groep wat hulself teëgesit het en met die Polisie geveg het, d.i. wat agtergebly het? --- Die meeste het weggehardloop.

Ek/....

Ek stel dit aan u dat dit is dan 'n bewys dat die persone nie kieres of stokke gehad het nie, d.i. omdat die persone daar weggehardloop het toe hulle uitmekaar gejaag is deur die Polisie nie? --- Hulle het kieres en stokke gehad. Baie van hulle het die kieres en stokke weggegooi terwyl hulle weggehardloop het.

Dit bedoel dan dat hulle handelswyse het getoon dat hulle was nie van plan om met die Polisie te veg nie? ---

--- Nee, ek dink hulle het die stokke en kieres weggegooi sodat hulle vinniger kon hardloop.

U het alreeds vir Sy Edelagbare gesê dat u het bewysstuk 5, die pamflet, daar gekry en dit gelees? --- Ja.

Toe u na die Polisiestasie gegaan het, het u daarheen gegaan en terselfdertyd kennis gedra dat die mense sou soontoe gaan as gevolg van die pamflette wat daar uitgegee is? --- Hoe bedoel hy? Wanneer toe ek Polisiestasie toe gegaan het?

Op die 21ste? --- Ja, aangesien die mense bymekaar was in groepe en soan het ek vermoed dat daar moontlik ook 'n byeenkoms by die Polisiestasie sou wees as gevolg van die pamflette wat uitgereik is.

Kan u nou sê, d.w.s. nadat u diepamflet, bewysstuk 5, gelees het, in u eie opinie, waarom die mense daar vergader het? Was dit as gevolg van die inhoud van die pamflet in die algemeen, of as gevolg van een deel van die inhoud van die pamflet wat hulle daar vergader het? --- Ek weet nie waarom hulle vergader het nie, maar ek is van die opinie dat hulle vergader het om teen die Paswette te protesteer soos gemeld in die pamflet, bewysstuk 5.

Geen verdere vrae nie.

GEEN KRUISVERHOOR DEUR BESKULDIGDES NRS. 8, 38 EN 39 NIE.

Herverhoor/....

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Nou, in verband met die klippe wat in hopies gels het daar naby die hostel. Was daarvan ooit gebruik gemaak deur verskillende lede van die skare of nie? — Ek volg nie nooit nie.

Die klippe wat in hopies gels het daar by die hostel, het die skare daardie klippe gebruik? — Nee, hulle het dit nie gevat nie.

Die Polisie was toe wel onder die klippe gesteek daar by die hostel? — Nee, dit was nadat hulle uitmekaar gejaag was die eerste keer wat die Polisie onder klippe gesteek is; nadat hulle reeds in systrate in verdwyn het.

Nou, die twee persone wat gearresteer was, kan u hulle uitken Sersant? — Die twee wat by die hostel arres- teer was?

Ja? — Nee.

Wat het hulle gedoen net kort voor hulle arrestasie? — Hulle was tussen die wat voor die skare heen en weer marsjeer het. Wat hulle presies gedoen het kan ek nie sê nie.

Maar het hulle ook gepraat of nie terwyl hulle heen en weer marsjeer het voor die skare? — Ek het nie gesien dat hulle gepraat het nie.

Het hulle ooit enige gebare gemaak? Kon jy dit sien of nie? — Van daardie wat daar marsjeer het het gebare gemaak, maar ek sal nie nou presies kan sê of die twee wat gearresteer was ook gebare gemaak het nie.

Ek wil net hierdie punt probeer duidelik stel. Dit is bladsy 91 van die Onderzoeknotule. „Bt op daardie stadium was daar enige versoek gerig aan die Polisie deur die skare as geheel of 'n mondstuk van die skare?" Toe sê u: „Daar was geen versoek gewees nie”. „Is julle nie gevra om hulle te arressteer nie?” „Ek het nie gehoor dat soiets gevra was/....

was nie". --- Dit is reg ja.

Nou, die geleerde Advokaat het dit aan u gestel dat dit miskien uit hoflikheid was dat iemand die hek wou oopmaak vir Kolonel Spengler. Ondër kruisverhoor op bladsy 119 van die Onderzoeknotule is dit reg dat u as gevolg gesê het? "What makes you say they were aggressive? Is it simply that they were giving the thumbs-up sign?" Toe antwoord u: "Hulle het kieries in die lug geswaai, hulle vuiste vir ons gewys, ons uitgetart, en vir ons geskree". Toe sê die geleerde Advokaat: "Let us just get it in detail. They were waving sticks, they were shaking their fists, they were screaming at you. Now, how did they provoke you?" Toe het u gesê "Hulle het ons uitgetart deur op ons te skree, om hulle vuiste vir ons te wys, oor die draad te spring, hulle vuiste te wys, en terug te spring". Is dit reg? ---Dit is reg ja.

BY THE COURT:

Mr. Prosecutor, I must point out that I am not concerned with the evidence which the witness gave before the Judicial Commissioner; I am concerned with the evidence which he gives me today, and the way you are putting questions to him now they are utterly leading questions; nothing else but / utterly leading questions.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Laat ek dit nou so aan u stel Sersant.....

BY THE COURT:

You can re-examine the witness and ask him what happened, but to put it to him "You said so before the Judge, therefore do you say so now" is ^a leading question.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, sal u enigsins sê dit is hoflikheid, daardie toedrag van sake? --- Dit is nie hoflikheid nie.

Nou, in verband met die emmer klippe. Hou u 'n kampinspeksie/....

kampinspeksie elke dag? --- Ja.

En watter gedeelte van die stasie sluit daardie inspeksie in? --- Dit sluit die hele stasie in.

En aan die westekant van die stasie wat wou u groei of maak daar, watter soort tuin? -- 'n Grasperk met bome en struik tassenin, en ook bome as 'n omheining.

En hoe word die gras gesny? --- Die gras word met 'n grassnyer gesny.

En watter effek het klippe op 'n grassnyer? --- As daar klippe is dan belemmer dit die sny van die masjien, hy gaan staan.

En wie is verantwoordelik vir die grassnyer? Ek meen as enigiets verkeerd gaan met dit? --- Dit is Staats-eiendom maar ek is verantwoordelik daarvoor.

Nou, as u miskien die skare wou gespreek het daar by die Polisiestasie, waar sou die beste plek gewees het? Reg daar voor die hek of bo-op iets? --- Dit sou miskien beter gewees hetas jy bo-op iets gestaan het, dat hulle jou beter kon sien.

En was daar enigiets daar waarop iemand miskien kon gestaanhet, byvoorbeeld Kolonel Spengler, as hy die skare wou toegesprek het? --- Ja, daar was verskillende "Saracens" waarop hy kon gestaan het.

Dankie Edelagbare.

DEUR DIE HOF:

Sersant, asis gevra wat van die emmervol of die kan vol klippe geword het, en dit is later uit u sorg uit? Is dit reg? ---Dit is uit my sorg uit.

Soos daardie kan klippe jou daar staan, hee vergelyk dit met die kan klippe wat jy laat bynekaar maak het en in die stoorkamer weggesit het, sover dit hoeveelheid en grootte en saam-bette en/....

soaan betref? --- Dit vergelyk dieselfde as die wat ek laat
bynekaar maak en weggesit het; dieselfde hoeveelheid en
dieselfde ^{of} soortgelyke klippe.

Dankie, u kan maar afstaan.

HOF VERDAAG.

HOF HERVAT:

EDWARD GEORGE CAWOOD, duly sworn, states:

EXAMINED BY THE PUBLIC PROSECUTOR:

You are a Captain in the South African Police
stationed at Vereeniging? --- Yes Your Worship.

Captain, just a little bit about your career.
How long have you been in the Police Force? --- Twenty-five
years.

And how long have you been stationed at Vereeniging?
--- Oh, at the moment ten months. I arrived here on the 1st
January this year.

And during your service with the Police Force did
you have any experience anywhere with natives in general? ---
Yes, I have been stationed all my service on the Reef, and
the last six years since 1954 I have been stationed in what
is commonly known the black spots, Orlando, Kliptown, Maroka,
Newlands, those spots.

So during that period did you come into contact
with native mobs and crowds? --- Yes.

Now, do you speak any native languages Captain?
--- I would rather say no. I know a smacking of Zulu, and I
would not say I would be able to speak it fluently. I know
a/....

a bit of that, and that is about all.

Now, what is the exact nature of your position at Sharpeville, or rather at Vereeniging during March? --- I would say I was second in command of Vereeniging district.

And Sharpeville naturally falls under your command?

--- Yes.

Now, did you ever at any stage before the 21st receive any reports concerning Sharpeville? --- Yes, on the 18th at about half past six I received a report about Sharpeville.

And was that as a result of a telephone call from Lieutenant van Eeden? --- Yes.

And did you collect a unit together and then move off towards Sharpeville? --- Yes.

And when you entered Sharpeville I take it it was by means of Seciso Street? --- Yes.

And did you notice anything at all once you entered the native township? --- Yes, on my way towards the Police Station - I should say about at the second bus stop, i.e. almost in the central location - we came across quite a number of natives standing about in small groups. It was not one central group, they were all spread out in small groups.

And approximately how many were there altogether? How many were they altogether, i.e. your estimation of the total number of persons who comprised the groups? --- Oh, small groups; ten, twelve, round about there, in a group.

And approximately how many groups did you find?

--- Oh, it is difficult to say at this stage. A dozen or so.

From your knowledge was that anything unusual at that time of the night? --- It was a bit more than a person would expect under normal circumstances at that time of the evening.

And/....

And how did they behave as the Police vehicles drove past? --- Well, nothing unusual happened. We just drove past them on to Sharpeville Police Station.

And I take there at Sharpeville Police Station there were a number of Bantu females and men who made certain reports to you? --- No Your Worship, not on the 18th.

I beg your pardon, we are dealing with the 18th. Yes, I am sorry. Did you drive straight to the Sharpeville Police Station? --- Yes, I passed them and drove straight to Sharpeville Police Station.

And at Sharpeville Police Station, from there did you go anywhere else? --- Well, we remained a little while and we patrolled a bit about, but we did not go anywhere particularly.

And later on were any exhibits brought in by a Police member or by somebody? --- Yes, as a matter of fact when I came there there were some torn reference books in the Station Commander's office, and some were later also brought in as far as I remember by a Bantu detective named..... Malakia? The Special Branch man? --- The Special Branch man yes. That is Malakia.

You say these pieces that you noticed were in the Station Commander, Mr. Grobler's office? --- Yes.

And did you go to the bus terminus at all on the 18th after you had seen the remnants of the pass books? --- Yes, I passed there later again.

And was there any further trouble that night? --- No, no further trouble; it was all quiet.

And the following day, the 20th, I understand everything was in order and peaceful? --- Very peaceful yes.

When is the next date and time that you received any report of something unusual? --- Yes Your Worship, on the Sunday/.....

Sunday night, which will be the 20th, at about 11.20 I received a report.

And did you again proceed to the Sharpeville Police Station? --- Yes Your Worship, I got together a small unit and went over to the Sharpeville Police Station.

On your way through the native township did you notice anything unusual taking place? --- Yes, on our way there I passed two fairly large groups of natives in Seciso Street.

What was the numerical strength of these two groups? --- Well, I suppose about more or less 100 each.

And were they armed at all? --- Yes, they were armed. I did not take particular notice of them, I just drove past them to the Police Station first. They had their arms, i.e. kieres.

Is it usual or normal to see groups of 100 carrying arms on a Sunday night? --- Not at that time.

And when you got to Sharpeville Police Station did you notice anything about the telephones? Did you use the telephone at all? --- Yes, I could not use the telephone; all the wires were cut. At least the telephone was out of order Your Worship.

And were there any people there who made reports to you? --- Yes, in front of the office I encountered a number of native males who made reports to me.

Were there any females at all who made reports? --- No, there were no females.

And as a result of the reports you received did you go anywhere specifically? --- Yes, we then proceeded further on in the location in the direction where we heard shouts and noises coming from, whistles being blown.

Now, did you encounter a group of natives there?

Yes/....

---Yes, we did eventually come across a group of natives in one of the streets there.

Was that directly south of the Police Station, this group that you encountered? ---Yes, more or less south of the Police Station.

And what was this group doing? --- Well, this group was moving apparently along the left side of the road that I was proceeding. Some were on the sidewalk and some were at the doors of the houses. Most of them were armed and were shouting, and some of the women were crying, and knocking at houses. That is what they were more or less doing.

So they were banging on houses? --- Yes, and they were speaking to people. They were spread out. It was not only at one house, there were several houses there.

And where did the women come from that were crying? --- Well, I met these women before I encountered these natives. There I came across the women who were crying and the kids were screaming, and they made reports to me.

And did you examine any of the houses where the members of this group had been banging? --- Well, at two different houses doors were pointed out to me by native women and I could see that these doors had been damaged.

How had they been damaged? --- The one door was apparently forced. It was hanging on one hinge, and the other one the paint had been beaten off to open; the paint had been beaten off, and it looked as if it had been recently damaged.

Recent damage? --- Yes, it was so I think. The one was off, the one hinge, and it was open.

And what was the strength of the group that you noticed that was banging on the houses? --- Well, they were plus minus about I should say a hundred.

Were they armed? --- Yes, they were armed. Most

of/.....

of them were armed with kieres and sticks and irons. I noticed one carrying a chopper also.

Now, at that stage was your unit comprised of Sergeant Grobler and a few others? Head Constable Hale and so on? --- Yes, I took some men - and Head Constable Hale - from Vereeniging, and at the Sharpeville township about 15 non-European Police also joined our group.

Was Mr. Labuschagne, the location Superintendent, also with you on this occasion? --- Not then. He did arrive later.

And what steps did you take when you noticed this crowd and received the reports and saw the damage? --- I stopped more or less where the centre of the crowd was, and I got out of the car and I told the men there that they must put down their weapons and stop what they were doing and go to their homes.

Now, what language did you speak? --- I spoke I think English or Afrikaans; I did not speak in the native language.

Now, before you carry on. What is your knowledge of the inhabitants' ability to understand English or Afrikaans for example? --- In the location I should say practically all the young generation can speak English or Afrikaans.

And how did they react when you asked them to put down their weapons? --- Well, when I stopped the car those who were at these houses and doors also came to us. They left whatever they were doing and they came to us, and I then told them they had better put down their weapons and things and go home. They did not say anything. They just stood there with their weapons and some were shouting "Afrika!". Some of them had badges on, and so I told my men they had better disarm these men and let them go home.

Will/....

UTNEY/....

Will you just pause there a moment Captain. You said some of them had badges on? --- Yes, there were a few with badges on.

What sort of badges? Could you just describe the badges? --- Well, I should say the badge of the late.....

Did you notice the colour or what was written on the badges? --- I can't remember the colour Your Worship, but some of them had P.A.C. on them.

Now, at that time did you know what P.A.C. stood for? --- Yes.

What? --- Pan Africanist Congress.

And just carry on from there? What happened then about disarming this group? --- Well, I told my men they had better disarm these men so that they can go home, and that these people who were not armed, they could also return to their homes. There were quite a number on the sidewalk which had no arms.

What was the emotional state of these ones who were on the side who had no arms? --- Well, they were just standing more or less; they did not do anything, they were just standing quietly there. They did not do anything. I told the men to disarm them, and then there were a few struggles; they did not want to allow themselves to be disarmed, and so I told the men they had better charge them and chase them.....

Charge them with batons? --- Yes, a baton charge.

And was the baton charge successful in dispersing them? --- Yes Your Worship.

And did they all run away? --- Oh yes, all of them went. A few were most probably knocked down, but they jumped up and they also ran away; there was nobody seriously injured.

Did anybody remain there at all? --- Oh yes, quite a number remained there standing and did not run away. Those who/.....

who were not armed, most of them remained there.

Those that remained there did they make any reports to you? --- I spoke to some of them.

And did they make reports to you? --- Yes.

Now, how did those reports compare with the reports that you had received from the Bantu females previously? --- They were more or less the same; they bore it out.

And from there what transpired Captain? --- Your Worship, we patrolled the location further and we met as far as I remember ^{about} fifteen of these different groups all over the location, large groups, which we dispersed, and just shortly after this first group we found a large group on an open space there. They were a bit further on my right....

Could you state this a bit more specifically, i.e. where this second group was? Will you have a look at Exhibit 2, which is a photostatic copy of an aerial photograph of Sharpeville, and could you just orientate or pinpoint to the Court the spot? --- Your Worship, the difficulty is this. I was not at the taking of this, but I will try. It was near a football ground.

You say it was near the football field? --- Near the football field.

Near the sports grounds? --- Yes, near to the football field on the other side of the road, or a rugby field; I think it was a football field, yes a football field.

And was this group dispersed as well? --- What actually happened is this. They were moving in open order down to some houses. I rode round them and got out of the car and shouted and told them they had better go home and that. They came nearer; they had kieres, they were arm armed and carrying kieres in the air, and they blew whistles and they shouted "Afrika!" I then got out of the car and I took one of/.....

of the rifles and I fired two shots in the ground in front of me. I did this Your Worship..... it was dark, and I did this just to let these people know that ^{were} we armed, we were carrying fire-arms. After I had fired the two shots they moved over to the fence, and they crept through the fence there and they went onto the football field there. We went round and into a gate, and we later dispersed this gathering there.

Did you follow any set procedure before violence was used to disperse the crowd? --- Yes, I told them that if they did not move on or go home, we would disperse them, we would use force. It was difficult at some moments to actually carry ^{it} out one hundred percent, but as far as possible I tried to. I gave them a fair warning, every crowd, before we did disperse them.

And approximately how many crowds did you disperse during your patrol there? --- I think it was fifteen I counted.

And at a later stage did you ever see Mr. Labuschagne? --- He arrived there later too Your Worship, i.e. he and some members of his staff.

Approximately what time was that when he arrived? --- I should say it was round about between twelve and one. That is the nearest I can come to.

And did Mr. Labuschagne accompany you at all on your further patrols? --- Yes.

What was the object of him accompanying you? --- Well, he is the Location Superintendent, he knew the location well, he knew the inhabitants, and he had some men also, and I thought it would be advisable that he should accompany me in the location.

And when he accompanied you did you meet any other/....

other group anywhere? --- Oh yes, quite a number of these groups we met after he had arrived.

Of these groups that were dispersed after you met Mr. Labuschagne, will you be able to point out anybody at all as a member or a leader of these groups? --- Your Worship, there is only one particular - it was not a group - a meeting, where there was one of these leaders who came to me and told me who he was.

Now, if we could just take that one. Where did you come across this meeting as you call it Captain? --- On this football field I spoke about just now. I was at the Police Station and I received a report that there was a large meeting there. I proceeded up to this football field and we came there and I saw there was a meeting of about 500 people on this football field. I turned my car so that the lights were on this gathering. I got out and I went towards this gathering. There was a native male standing in front of them, and when I came near after I had got out of the car he was speaking to the group and he came towards me. When he was about halfway he stuck up his hand and he said "Afrika!" and he told me he was Thomas More. He said he was holding a meeting there. Mr. Labuschagne, the Location Superintendent, was with me. I asked Thomas if he had permission to hold the meeting there, and he did not say yes or no. What he said was this. He said "I have applied in writing for permission to hold a meeting, but I have received no reply yet". Mr. Labuschagne was listening, and in his presence he then told me that they had received this application, but it had not been approved of.

And did Thomas More mention at all for what purpose he was holding the meeting? --- He said he was speaking to the people; he was holding a meeting and speaking to the people. He did not really mention what the particular purpose was.

Did/....

Did you notice whether he had any badges on at all?

--- Your Worship, I cannot remember whether he had a badge or not.

And what action was taken there? --- After Mr. Labuehagne informed me that he had no permission I told him that he had no permission to hold a meeting there, and the meeting was illegal and he had better tell his people to disperse. He argued with me and I said "Man, it is just impossible. Your meeting must break up, and your people must go home, and if you do not do so I will have to use force." I did shout out very loud to the people to go. Most of them were armed with sticks or kieres, whatever you call it. Thomas then, after he had spoken to me and argued with me, turned round to his people and went up to them. He put up his hand, and he did this. (Witness demonstrates). I really don't know what he meant by that, but after he pushed up his hand and did this they shouted "Afrika!" and they lifted their sticks. Well, it appeared to me that we may be attacked and I ordered the men to disperse them. They did a baton charge and dispersed them.

Now, what to describe the motion that Thomas gave. You have got both your hands raised above your shoulders and then.... was he facing the crowd? --- Yes, he turned and faced the crowd. He turned round and as a matter of fact he was standing right in front of them then and did this. (Witness demonstrates).

Could you demonstrate to the Court just exactly what Thomas More did with the hand actions? --- (Witness demonstrates to the Court). The wrist was right up against him, right in front of him.

And how did this crowd react? --- They came nearer.

And what did they do? Were they armed, this crowd?
Yes/....

---Yes, most of them were carrying kieres. They put their kieres right up in the air. (Witness demonstrates).

You demonstrate they were waving their kieres up in the air? --- Yes, and apart from waving their kieres right up in the air they were shouting "Afrika!" and whistles were being blown all over the place too.

And when that was done you say you feared an attack? --- Yes.

And did you order a baton charge? --- I ordered a baton charge.

And they were dispersed? --- They were dispersed yes. I think just at the moment when they were about to be dispersed two shots were fired from their side. Well, I won't say towards the Police, but two shots were fired from their side.

And after that approximately how many other groups did you encounter and disperse? --- I don't know how many I did disperse before and after, but it was about fifteen groups and these two what I will call meetings; about seventeen groups all along, but I cannot precisely say how many before and how many after this.

Now, after the dispersal of this last gathering of Thomas More, were any weapons or any sticks collected? --- Yes, we did collect sticks and weapons from several places; weapons thrown down or taken away from these people.

Now, are these the sticks and weapons which you collected that night Captain, exhibit 37? --- Your Worship, I will say it looks like them.

There is a bundle of sticks Your Worship, exhibit 37. ---I could have a look there. There should be a chain, or there is a piece of bicycle chain attached to a piece of wood, and then there must be a stick with a bolt on the point.

By/.....

BY THE COURT:

Mr. Prosecutor, in due course somebody had better count them exactly and let me know how many there are exhibited.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Is this the one with the bolt on which you were referring to Captain? --- Yes, there should be a piece of bicycle chain too, attached to.... At least there was one I should say Your Worship.

Anyway, these exhibits, Exhibit 37, were they collected as a result of sticks gathered throughout the night after each group had been dispersed? --- Yes.

I mean you can't for example say that these belong to any particular group? --- No, you can't.

And after your patrols did you go off duty for a rest at all? --- No, we kept on right through the night, but I may add that I think after 2.30 it was, after 2130 things were quiet. We did not encounter anymore groups and that, although we kept on patrolling.

Is this after 2.30 a.m. on the 21st? --- On the 21st yes.

And did you remain on duty at Vereeniging or at Sharpeville? --- Sharpeville yes.

At Sharpeville? --- Yes.

And when was your next source of trouble encountered on the 21st? --- Your Worship, I may just add that Major van Zyl arrived at about 3 a.m. that morning with more reinforcements, and we kept on patrolling the township. At about 5 o'clock, or from half past two to five I should say it was very quiet. You found here and there a Bantu walking about, going home; you found that he had been taken by them etc., but there was nothing, it was very quiet then, but at five o'clock then the people started coming out to the bus stops and/....

and some were on their way to work with bicycles.

Were there any buses waiting for them at the bus
stop? --- There was not a single bus.

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BY MR. UNTERHALTER:

Your Worship, the witness did make - I am sure
unintentionally - a hearsay report about what this man said
whom he found going home. I just draw Your Worship's attention
to that.

BY THE COURT:

I did not even hear it.

BY MR. UNTERHALTER:

But it will appear on the record.

BY THE WITNESS:

I realized it Your Worship, and I stopped as soon
as I realized it.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

You got as far as saying there was a man who said
he had been taken etc. --- Yes, but I realized it and I
stopped.

And then where did you encounter your next large
group after that time? --- Your Worship, these people, more
and more gathered at these bus stops. They continued to come
there and the crowd grew and grew, and I should say at about
seven o'clock there were I should estimate about 7,000 people
gathered in this

Bus stop? --- Well, I should say in this Seese
Street.

Now, these people that gathered there, this 7,000
that you are referring to, could you tell whether they were
obviously people who were on their way to work carrying a
packet of sandwiches or anything like that? --- No, they were
mixed.

Mixed/....

Mixed? --- Yes, they were women and children and working men, and it was not just men going to work.

And what transpired after that, i.e. after they had started to collect there and there was a group of 7,000? --- Eventually.... we were patrolling and patrolling, and eventually I withdrew the patrols. The crowd grew on and they started moving in the direction of Vereeniging.

Now, what was the numerical strength of the crowd that started to move in the direction of Vereeniging? --- I estimated it at not less than 10,000.

And from your impression of the behavior of the crowd, was there anything at all sinister in this? --- Yes Your Worship, they were moving this way. A lot of them were displaying these P.A.C. badges. Some were armed, although not as many as during the night. They were shouting "Afrika!" and some were marching up and down singing songs. Well, they were definitely defiant and not appeaseful, peace-loving crowd.

And what steps did you take? --- At the municipal offices there I tried just to force them back by taking the men and pushing them back etc. I moved them back a bit and I could not go any further. They became very defiant then and I could see that I was looking for trouble, so I sent for the teargas bombs and I dropped several teargas bombs there in the street.

Just let us pause there a moment Captain. So you went out to the municipal offices and there with your unit you forced this crowd back a certain distance? --- Yes.

Now, how did you force them back? --- We just pushed them back. You know "Get back, move back, move back!" and pushed them back. There was no baton charge or any violence used. We just told them "Get back, move back, move back!".

So you just moved forward with the line of your men and so pushed them back? --- Yes.

Now prior to that, did you notice whether there were any leaders or people responsible for this? --- Well, there were people shouting and talking and urging the others on.

And did you address the crowd at all before you tried to force them back? --- It was impossible for me to address the crowd, but I told these people who could hear me near that they had better go back, they must go back.....

You say it was impossible to address the crowd. What was the difficulty there? --- They were shouting and screaming, shouting "Afrika", and when you tried to address them then they would only shout at you.

Were you in full Police uniform? --- Yes.

And you say you sent for teargas bombs? --- Yes.

Was there any reason why you did not try a baton charge before sending for the teargas? --- I estimated the number of men that I had were not sufficient.

To disperse them in a baton charge? --- Yes, and I also saw in the street small groups of stones stacked there.

Just to get it on record. This teargas affects the glands of the eyes and the eyes water, and it makes it difficult to see and that is generally demoralising experience? ---Yes.

And the use of teargas I think, coupled with a baton charge, is an effective Police method of dispersing crowds? Would that be correct? --- Yes Your Worship. If you have tried teargas and it does not help, then you generally order baton charges.

Now, when you sent for the teargas, were there any other Police officers there? I mean where was the District Commandant? --- He was at that moment at Vereeniging Police/....

Police Station.

At? --- Vereeniging Police Station.

When you sent for the teargas bombs? --- Yes, that is correct. Major van Zyl.

And when the teargas bombs were brought back from Vereeniging, who brought them back? --- A driver, Sergeant Annandale, the car driver.

When did you see Major van Zyl in relation to the teargas bombs being brought back? --- Oh, after I had used the teargas then Major van Zyl arrived.

BY THE COURT:

After you had used the gas? --- Yes.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Approximately how many teargas bombs did you use? --- As far as I remember four Your Worship.

How were they used Captain? Were they fired from a gun? --- No, thrown onto some hard object and it breaks and the gas escapes.

Is it a glass container? --- A glass container Your Worship.

And were they thrown into the crowd? --- No. Well, amongst the front part of the crowd onto the ground so that they could break.

Now, your teargas bombs were thrown on the ground just before the front row of the crowd? --- Well, amongst the front portion of the crowd.

And what effects did the teargas have? --- They moved back a bit Your Worship. There was an open space more or less between the Police and the crowd.

Was there any wind blowing at all? --- At that moment, or just before I tested it and there was hardly any wind. The wind that was there was actually in our favour,

it/....

it was very slight.

When you say in your favour do you mean it was blowing towards you or not? --- No, no.

Away from you? ---Yes. It was very slight .

And after the crowd moved back a little distance as a result of the teargas, what took place? --- They remained there, they stood there. They still were shouting, etc.

And what steps did you take then to disperse them? --- Major van Zyl then arrived and he took over. I then left and went to Vanderbijlpark.

Now, before you left to go to Vanderbijlpark, did you notice whether Major van Zyl spoke to anybody, i.e. any of the crowd or members of the crowd? --- No.

Now, before you left for Vanderbijl, or let me put it this way. Will you be able to point any of the persons out that you saw amongst the Bantu crowd before you left to go to Vanderbijl? --- There was one in particular whom I Well, there were quite a number of people shouting and screaming. At a later parade I did point out one of these people, whom I saw there at the compound I shall say, who obviously was a leader there.

Is he here today, that person whom you pointed out on the parade? --- I would like to have a look.....

Would you like to step down and have a look Captain? ---Yes.

BY THE COURT:

Just go down and come back to the microphone before you speak.

BY THE WITNESS:

Your Worship, I should say it is No. 3.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

No. 3 accused? --- Yes.

By/....

What sort of a mark is it? Is it a beauty spot or what sort of mark? --- It is obviously an old scar or something.

A scar. I take it you had not seen accused No. 3 prior to this occasion, or you did not know him? --- No, I did not know any of them.

And after you left for Vanderbijlpark you did not return to Vereeniging at all? ---No.

Now, on the 19th April this year, did you attend an identification parade at the Boksburg gaol? ---Yes.

And were you able to see or hear what was going on whilst the parade was being constituted? ---No.

And when you were brought to the parade was there a long line of persons standing there? --- Yes.

And what question was put to you when you were brought onto the parade Captain? ---They asked me if I would be able to point out any of the people on the parade who were that day at Shappeville.

And did you point out anybody? --- Yes, I pointed out No. 3 accused.

Did you have any difficulty in pointing him out? ---No, I would not say I had any difficulty. I walked up and I came back and I pointed him out.

And was that the first time that you had seen accused No. 3 again subsequent to the day that you last saw him? --- Yes.

CROSS-EXAMINED BY MR. UNTERHALTER:

Captain, during your various patrols on the night of the 20th March, did you notice whether any people were able to escape from others who might have been detaining them?

--- At these various groups I found people there - this is hearsay/....

hearsay - who had told me that they had been brought there by these armed natives? they had been forced to come with them.

As far as you are concerned, as an experienced Police officer, you would only use fire-arms as the last possible resort in controlling a crowd? --- Yes.

And with the exception of the shots that you fired into the ground as a warning, there was never an occasion where you had to shoot to kill? --- No Your Worship, not at Sharpeville.

Even though you were patrolling in the darkness? --- Yes.

And you were meeting what appeared to be large crowds of armed people? --- Yes.

And it never came about at any time during the hours of darkness that these crowds were near you, that you had genuine fear for your lives? --- Well Your Worship, I would say this. I was never afraid ^{of my life} if I could put it that way.

Captain, I don't mean this at all in the sense of your own personal courage. I am sure you demonstrated it very well that evening. I mean just from the point of view of general safety, it never reached that stage? --- Not the use of fire-arms, as far as I am concerned.....

Now, you described what happened at the football field when you say Thomas More came towards you? --- Yes.

You estimated that crowd at 500? --- Yes.

That in fact was a fairly accurate estimate was it? --- I had only the lights of the cars to see with, and I did estimate it at 500. I would not say it is accurate, but that is my estimate.

I think I am correct Captain when I say that in describing the same crowd to the Commission, you have an estimate/....

estimate of a crowd of 1,500. I want to read to you from page 145..... --- Your Worship, I estimated it at 500. It cannot be correct, that Thomas More crowd, if the record says 1,500; it is 500, not 1,500.

So if it appears as 1,500 in connection ^{with} this particular one that you saw? --- It is wrong.

Now, you have told us in regard to Exhibit 37 that those were the sticks that were picked up that night? --- Yes.

I take it that you personally did not superintend the transport of these sticks to wherever they were later stored? --- Your Worship, what happened is this. These sticks were thrown into cars and lorries. Later at the Police Station they were taken off, thrown into a small room that is adjoining the charge office, ^I they tied them up there, and that is the last I did see of them until at the time of the Commission, when it started.

Were you present personally when they were placed in this storeroom at the Police Station? --- Yes. This is not the main storeroom. Next to the charge office is a small little store there, and we threw the sticks into there. There I tied them, and I told them they had better write it in the register, and that is where I left them.

It was under your personal supervision? --- Yes. From there I did not see them again until the day with the Commission.

Now, you have also described to us your activities outside the hostel where you encountered this big crowd, the crowd that you later had to attempt to disperse by means of teargas bombs? --- Yes.

Now, when you said in your evidence-in-chief that you pushed that crowd back, did that mean that your men

linked/....

linked their arms together? --- No, they were just in a more or less straight row on the street, and we sort of pushed them "Go back, go back, go back!" and moving along slowly.

In other words, each individual Constable or Police Officer did his own pushing? ---Yes, told them to "Move back, move back, move back!"

It was not as if the men made themselves into one long chain by linking their arms and then pushing forward? --- No.

And when each individual Policeman attempted to push them back, those against whom the Police were pushing responded by going back? ---Yes, they did move back. I should say we drove them back about 50 to 100 yards, round about there.

Was it difficult to move the people in front back because of the pressure from the people behind? --- At the beginning it was not so difficult. They were not so thick, the foremost, but eventually with a crowd that thick you could not. Well, the crowd became too big, you could not eventually move them backwards.

So you could not continue this backward pressure all the way along Seise Street, because of the large number of people at the back who were not responding to the pressure in front? --- Yes.

And I take it that there were no fights between the people in front who were being pushed back by individual Policemen, and these Policemen? They just moved back? --- No, there were no actual fights. There was abusing and that, but no actual fights.

One could therefore describe the crowd at least at that stage as an obedient crowd? --- No, I would not say they/....

they were obedient.

Well, let me put it this way. They were obedient at least in this respect that they were moving back because they were being pressed back? --- Yes, they did move back because we pressed them back. All these men had fire-arms in their hands too Your Worship.

You did not observe any arrests there I suppose?

--- No.

Certain of the crowd I understand were wearing paper badges on the lapels of their coats? --- Yes.

Did you notice the colour of that? --- I did not notice the colour of it. If I had to describe the colour now I just could not do it.

You saw a fair number of these badges? --- Yes.

Would you say a couple of dozen or a couple of hundred? --- Well, I should say a couple of hundred.

You read the wording on quite a few of them? --- Yes.

And that wording was "P.A.C."? --- Yes.

Anything else besides that? --- Well, on some of them I think were "Away with passes!", a bit below on that, or there was something else. I think "Away with passes!" some of them had also on them. Some of them just had plain "P.A.C." and others had something just below that.

Now, was it "Away with passes!" or was it perhaps "Africa for the Africans!"? --- Your Worship, I really cannot help you. I do not know. I am under the impression it was "Away with passes!"

But it might have been "Africa for the Africans!"? --- It could have been. Yes, I will admit that.

If you did see whatever the words were, the words about which you are doubtful, were they always with the other words/....

words "P.A.C."? ---Not always. Some of them just had "P.A.C." and some of them had "P.A.C." with these smaller letters below that.

Were there any that just had whatever these words were, without "P.A.C."? --- Yes.

There were some that had no "P.A.C." on it at all? --- Yes.

Now, it was your own decision was it not to make use of the teargas bombs? --- Yes.

Have you had occasion to use them in the past? --- Yes Your Worship, I have used them.

If they are used in sufficient numbers are they an effective means of dispersing a crowd? --- If you have sufficient they could disperse a crowd.

Does that mean irrespective of the numbers? If you had a crowd say of 15,000, and you threw a sufficient number of these teargas bombs into such a crowd, would that result in your dispersing that crowd? --- Yes, it would disperse them.

Will they disperse just because their eyes are affected, or does it require anything in addition to the teargas bombs to get them to disperse? --- It all depends on the circumstances. This teargas makes their eyes water, it actually burns their eyes. It is difficult for me to say, it all depends on the circumstances, and perhaps the mood that the people are in, etc., etc. It may be necessary to use it, it may not. I could not say. Every crowd has its own peculiarities most probably.

Is the effect of the teargas temporarily to blind people? --- Well, I would not say actually blind them, but it smartens the eyes, it burns, and you burn by it, and the more you rub it the more it burns. It does temporarily cause/....

cause ... well, I will say ^{it} blinds you to a certain extent.

You could not defend yourself against someone if you were suffering from the effects of teargas? --- No.

For how long does this teargas last in its effects upon its victim? --- Your Worship, I should say about half an hour.

Now, if the effect of the teargas was widespread throughout a crowd of about 15,000, do you think a well directed baton charge by about 100 policemen, could get a crowd like that dispersed? --- Your Worship, if you have once thrown teargas amongst the crowd, you could not really then use Police to baton charge, because they will get the teargas in their own eyes. You would have to look for some more suitable opportunity to get them away from the gas first, because as soon as the Police charged into this crowd they would have the teargas in their own eyes, and they would not be able to see properly.

Well, what does one do in a situation like that? --- Well, you throw the teargas, and if it does not help you wait for the proper opportunity to do a baton charge.

I suppose if you had thrown the gas in a certain area of the crowd, and there was a certain area of the crowd that was free of the gas, then the Police would have to put their pressure on that area that was free, and then they would move the crowd away from them? --- Yes, but when you throw the teargas they clear off, they clear away from that area.

They do? --- Yes.

Is that what usually happens? --- Yes, if it is thrown they clear away.

Now, I rather gathered from the evidence that Sergeant Grebler gave - I think it was today - that the use of the teargas was just a preliminary to the use of the baton charge/....

charge, but I take it from you that it does not necessarily follow? --- No, it does not necessarily follow. If the teargas is effective there is no necessity of ordering a baton charge.

And it can often happen that the teargas by itself would disperse the crowd? --- It is quite sufficient yes.

What were the stocks of teargas bombs like at Vereeniging where you were stationed? --- We had, as far as I remember, twenty-four; twenty-four bombs.

Was that considered a sufficient stock for any normally emergency? --- Normally sufficient.

If 18 teargas bombs had been thrown among a crowd estimated at 15,000, surrounding the Sharpeville Police Station, in the area opposite the clinic and round the corner in Zwane Street, what do you think the effect of eighteen teargas bombs would have been? --- Your Worship, it all depends on the weather conditions, the wind that was blowing; the wind affects it. If there is a strong wind blowing it is hardly of any use whatsoever; it is blown away all at once.

Assume favourable conditions? --- I suppose they would disperse from that particular area where the bombs would actually explode.

And would the crowd in these circumstances have become manageable do you think? Not manageable in themselves, but in the sense of a Police Force of 100 men then being able to control them or move them away? --- I cannot say. It is impossible. It all depends on the circumstances, the mood that the people are in, the effect the teargas had on them, what your are actually going to do on the spot there, etc. So many circumstances have to be considered, I could not tell you.

Are there any depots for teargas bombs in the district/....

district? Not necessarily at Vereeniging, but nearby? ---
Police depots?

Yes? --- We have none in Vereeniging. Stocks are kept at Divisional Head Quarters, Johannesburg, and the large stocks are at Pretoria at the Quarter-Master's stores.

No large stocks at Vanderbijlpark or Evaton? ---
No, not at that time.

Now, you described to us what you did that evening on the football field in discharging shots into the ground. What was the effect upon the crowd? Were they scared and did they run back as soon as they heard the shots? --- They were coming with their sticks, and as soon as I fired the shots they stopped. Whistles were blown, and they all turned and they went through the opening in the fence onto the football field. They did not come any nearer after I had fired the shots.

Would you say that the turning was the direct result of your having fired? --- Yes.

Did you have occasion to use that method previously in your experience? --- I had used it before.

And has it had the same result? --- At times it had and at times it had not.

Generally is it successful? --- It all depends on the mood that the people are in. I had occasions where we fired with the Sten gun a number of shots and it did not help.

Into the ground? --- Into the ground, and I eventually had to shoot into the crowd.

I had occasion again at Pimville where we took a rifle and we had to fire about 25 or 30 shots over the crowd. It did not help and I took a rifle and shot and killed the two leaders, and then only it helped. It all depends on the mood the people are in and all the other circumstances.

And/....

And the firing of shots into the air, is that an effective means of checking a crowd? --- Your Worship, it is about the same as firing into the ground. It all depends on the crowd, the mood they are in, and the number of shots fired, and all the other circumstances. I suppose it would be the same, whether you fire into the ground or into the air. I just fire into the ground because the ground is soft and a shot would not ricochet and hurt anybody.

I take it that if you have the opportunity of enlisting the support of the leader of the people, to talk to his own people and get them to go away, you would obviously use that method? --- Yes.

In fact I rather gathered from what you said in describing your conversations with Thomas More, that you were trying to use him to influence the people to go away? --- Yes.

And did you attempt the same method with any of the people who seemed to be the leaders in front of the hostel in Seeiso Street early the next morning? --- I was right at the front of these people. I told a number of them "Tell your people they must go, they must return back, they must go back to their homes and stop this nonsense," i.e. quite a number of them. I cannot point out any particular one, but all these in front of us, I did tell them that.

Now, you said to us that Major van Zyl in due course joined you near the crowd that was assembled in the hostel area in Seeiso Street? --- Yes.

And you also said to us that he came after you had made use of the teargas. Sergeant Grobler said that he is quite definite that Major van Zyl was present before the throwing of the teargas bombs, or during the throwing. I take it he is wrong? --- Yes, Major van Zyl left I suppose about

half an hour or more before I threw these bombs, and he only returned after I had used the bombs. When Major van Zyl came there I warned him, I pointed out to him, I said "You had better be careful. I have thrown gas there".

Now, you attended this identification parade at Boksburg gaol? --- Yes.

I suppose as part of your long experience as a Police Officer you know something about the routine of identification parades? --- Yes.

How did these people who were assembled on the parade look to you? Did they look a mixed crowd of people, all sorts? --- Well, they were all native males lined up there. Yes, they did look a mixed crowd.

Various sizes and shapes? --- Yes.

And various types of clothing? --- Yes.

I take it that you came in by one entrance and you left by another? Is that right? --- Yes.

Now, this is an important question that I am going to ask you. I would like you to answer it carefully Captain. When you were invited by the person in charge to do what you were required to do on the parade, what, as far as you can remember, were the exact words this man used? --- Your Worship, he told me that I must go down the parade and identify anybody..... if I could identify anybody I had seen at Sharpeville on the morning of the 21st March, 1960. That as far as I remember are the words he used to me.

He did say at Sharpeville, but he did not say specifically at Sharpeville Police Station? --- No Your Worship, he said at Sharpeville. I was never at the Police Station during the time the actual trouble was there.

Who was the man, if you knew him at all, who addressed these words to you? --- No, I do not know the gentleman. I think he was the Head Constable in the C.I.D.

A/.....

A plain clothes man? --- A plain clothes man yes.
I don't know the gentleman.

And those were the words that were used as far as
you remember? --- Yes, more or less the words.

He did not, in using this formula, add the phrase
"If he is on the parade?" --- Yes, if he is present on the
parade I must ^{point} him out. If there are any of the people I
recognise I must ~~point~~ this person out.

Perhaps I have not made myself clear. You see,
a person can say "Go and identify anyone whom you saw at
Sharpeville", and then a person can say "Go and identify
anyone, if he is on the parade, who was at Sharpeville"? ---
Yes, he used the words on the parade, if I see him there I
must point him out.

It is correct is it that there were among the crowd
outside the hostel also a lot of women and children? --- Yes,
they were mixed; woman and children, they were mixed.

Were there any women carrying babes in arms or
on their backs that you may have noticed? --- It is probable
that there were.

Do you have any recollection of seeing that? ---
No, I cannot recollect, but they were a mixed crowd; they
were young and old and all sorts.

Were there any young children too? --- Yes, small
kids, small children.

About two, three, four, five years of age? --- Yes.

Thank you Your Worship.

CROSS-EXAMINED BY ACCUSED NO. 1:

I understood you to say Captain Cawood that you
received a report on the 18th concerning Sharpeville? --- Yes.

From whom did you receive this report? --- Lieutenant
van/....

van Edden.

Can you disclose the contents of the report, what did he say about Sharpeville? --- Yes, the report that I received was that Bantu men were destroying reference books at the main street in Sharpeville.

What time was it when you received this report? --- Twenty past six on the 18th of March.

Then you proceeded to the place, and did you then find out that it was as the report had stated? --- I did not stop nor examine the place which had been reported to me, but later at the Police Station I was shown a number of reference books which had been torn and some burnt.

Did the report disclose that these reference books were being torn at the bus stop? --- Yes, at what we call the second or last bus stop in Sharpeville.

On your way to the Police Station, when you drove past the spot were there any people there in that vicinity or not? --- Your Worship, there were small groups of people still standing about in that area there, in the vicinity there.

As a Police Captain what steps did you then take when you saw this crowd of people who were gathered there in that vicinity? --- I did not consider it necessary to take any steps. I just drove through them and past them onto the Police Station; no steps were taken there.

When you found that crowd gathered there in that vicinity, did you then find it to be something appreciable? --- I did not find a crowd, I found small groups of people. I said not a crowd but small groups. These groups were just standing and talking and they were doing nothing which was as far as I could see unlawful at that moment, so I just passed them. I did not do anything, I just drove past them.

But still, having realised that it was something unlawful/....

unlawful, you drove past? Is that what ---- When I passed these people I did not see anything unlawful they were doing.

But still you already had information that the passes had been burnt at that same spot? ---Yes, that is quite correct, I did receive the information.

And still you drove past after you had received the report that persons had been burning their passes there? ---Yes, that is quite correct, I did drive past.

In other words, by your passing there and not doing anything to the groups there, it means that you were in fact agreeing with their action of burning their passes? --- No, definitely not. If I had seen the people burning passes when I passed I would have done something else, I would not have bypassed the people there, but I saw no fires or no burning or no tearing of passes when I passed. If I had seen that I suppose most probably I would have taken other steps.

But then prior to your leaving the office or the place where you left to proceed to the Police Station, you had already had information and that report, then you should have stopped there to make enquiries as to what these groups were doing? --- At twenty past six I received the report. I first went down to the Vereeniging Police Station, and I did not arrive there at least about twenty minutes after I had received the report. When I came there the people were standing in small groups, there was no centre group, there was no burning of passes, or any fires or tearing of pass books, as far as I could see. I drove very slowly past them to see if I could observe any of this burning of pass books or damaging of pass books.

Who is the person whom you have said in your evidence-in-chief who brought the torn reference books to you? ---

Bantu/....

Bantu Detective Constable Malakia.

What time was it when he brought these reference books? --- It must have been about, I should estimate about / between twenty to seven and seven.

Does that imply that this person must have got those torn reference books or picked them up at the spot where you later on proceeded to?

BY THE COURT:

You are asking the witness to suppose and to guess now. Perhaps Malakia is being called as a witness - I don't know at this stage.

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

Perhaps I did not put my question in the right way. I will put it this way. Did you ask Malakia on his arrival, when he brought these reference books, as to where he had obtained them, where he had got them from? --- Your Wership, it is hearsay....

BY THE COURT:

You did ask him though? ---Yes, I asked him.

You asked him? --- Yes, I did ask him that.

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

After he had made a report to you why did he not accompany you to that spot where he alleged he had seen people burning the reference books? --- I did not consider it necessary to go there, because the report that I had received was that nothing unlawful was then going on there.

In other words, we can then say that you had perhaps come to an agreement that these passes should be burnt? --- No, definitely not.

Then you see I am a little bit suspicious, because you did not do anything to these people after you had received the report? --- Your Wership, after I had gone to the Police

Station/....

Station I quite agree I did not do anything to these people.

I already heard you make mention about reports you received from people who came to complain. Is that so? That you received complaints from people who brought reports to you? --- Would he just put it more clearer. I don't know what he is asking?

Is it true that you received some complaints from certain people whom you came across or who came to you? --- Is that now that night, or the night of the? I would just like to get it more clearly.

That is to say on the 20th? --- Yes, I did receive a number of complaints from people.

Who was with you when you received these complaints? --- Oh, there were a number of other Policemen with me. One that I can remember well is Sergeant Grebler who was with me. I remember him being present. He is the Station Commander of Sharpeville.

The Superintendent Mr. Labuschagne, was he present or was he not present? --- When I met the first people who complained he was not present, but later in the night he was present when we came across them.

Can you perhaps recall what complaints were made to you in the presence of the Superintendent, Mr. Labuschagne? --- The women complained that their husbands had been forcibly taken from them, the houses and doors damaged; some children cried and wept and said that their fathers had been taken from their homes, and men complained of being forcibly taken from their homes, and some complained of being assaulted.

They complained that they had been taken. When the women complained did they say where the husbands were taken to? --- No, they did not say where. They just pointed out a direction, and said "They have gone up this street or down

this/....

this street". They did not mention any particular place where their husbands had been taken to, they were just taken away from their homes; that is all.

If I remember well Mr. Labuschagne, the Superintendent, said that these women complained that their husbands had been taken to the sports grounds? Is that correct, do you agree with that or do you not? --- When we met the first crowd of women they complained that their husbands had been taken away, and they pointed out the street leading towards the sports field. They showed the direction of the sports field, and said they had been taken up that street.

BY MR. UNTERHALTER:

Your Worship, I am not able to object to this. Obviously the accused seeks to adduce hearsay evidence in his cross-examination, and I must hold my peace, but I merely mention this to Your Worship at this stage. I may have in due course to address the Court on the effect of this evidence on the accused when I represent. I am not able Your Worship to say anything to the Court in regard to the effect of this evidence on the accused. I just wish to make the observation to safeguard myself if and when I address the Court.

BY THE COURT:

Mr. Prosecutor, are you calling any of these people who lodged complaints with the Police?

BY THE PUBLIC PROSECUTOR:

Yes Your Worship, I intend calling certain of them.

BY THE COURT:

Well, then I must allow the evidence purely on the grounds of the accused wishing to test the credibility of these people, otherwise it is hearsay evidence and I will have to regard it as such. Explain to this accused that I don't know why/....

I am referring to the incident which occurred

Why he is asking these questions, because if he really wants to know what the complaints were about he must wait until he gets the complainants into the witness box, but to test what these complainants may say he may ask this witness what they told him, and then I must compare whether the person who complained is telling the truth or not. I am allowing the evidence in the meanwhile, but we are not so happy about the position; it is very close to hearsay evidence now. Of course you may want to know from this witness what the people who complained to him said, and then you may want to ask him "If they said this why did you do that?" I don't know. You may proceed now.

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

Why I am putting these questions Your Worship is because I heard the witness make mention of the doors which had been damaged.

BY THE COURT:

Is that what you are leading up to? Yes, all right, very well. I expect the owners of the doors will be called, is that right?

BY THE PUBLIC PROSECUTOR:

Several of the women that the Captain received complaints from will be called.

BY THE COURT:

Will you be calling some owners of damaged doors?

BY THE PUBLIC PROSECUTOR:

Yes Your Worship.

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

Who arrived first at the offices there? Was it you who arrived first, or did you find the crowd of people there? ---Is that on the night of the 20th?

I am referring to the incident which you made mention/....

mention of, when you then requested your unit to push back the crowd.

BY THE COURT:

That was in front of the hostel on the Monday morning? Is that what you are talking about?

ACCUSED NO. 1:

Yes, in front of the hostel on Monday morning.

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

Did you arrive first at the hostel, or did you find the crowd there at the stage when you requested ^{your men} to push the crowd back that was gathering there? --- Your Worship, it actually happened like this. We were patrolling the location, and the people or the crowd became bigger and bigger in the location. Eventually at the hostel, where all these young natives live, they congregated in front of the hostel and they were the whole street full. Then we came and we took up a position on this side of this ground.

BY THE COURT:

That is the Police took up a position on the Vereeniging side? --- On the Vereeniging side yes. A number of them were there before we arrived there.

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

Can you then describe the attitude of the crowd you then came across there? Was it a crowd in a fighting mood or a calm crowd or what? --- Your Worship, they were not a calm crowd. They were I would not actually say in a fighting mood, but definitely not in a calm mood; they were aggressive.

Did you then speak to that crowd or address them in any way? --- I could not address the crowd, there were too many of them, and the noise was too much, but I did speak to the people in my immediate vicinity. I asked them to go back and to tell the people to go back.

If/....

If you again saw the persons who were in front of that crowd, will you be able to recognise them? --- Your Worship no, so far I have only recognised one of these people who were there.

If I heard you correctly, you said it was accused No. 3 who was in front of this crowd? --- No, accused No. 3 were one of the people in the front of the crowd. I may just add there was not one particular or one single leader.

Was there any fighting then? --- No, there was no fighting between the Police and the crowd.

Until the stage when these people were then dispersed, there was no fighting? There was no fighting until the stage when this crowd was dispersed? --- I was not there when the crowd was dispersed. I left the crowd standing there, I left before the crowd was dispersed.

No further questions.

CROSS-EXAMINED BY ACCUSED NO. 3:

I would like to know from you Captain Cawood whether you regard an ordinary stick or a "knepkierie" as a dangerous weapon if it is being carried by a native? --- Well, it is a dangerous weapon. A "knepkierie" is a dangerous weapon, or a thick stick is a dangerous weapon.

I will tell you Captain why I am asking this question. It is because I have already seen Exhibit 37, and I notice that there are some abnormal sticks amongst the sticks there, i.e. the "knepkieries". --- Yes, they are "knepkieries", and there are ordinary sticks amongst those.

I heard you say in your evidence-in-chief after you had ordered your unit to do a baton charge then you started picking up these sticks now before the Court, Exhibit 37? --- Yes, that is quite correct. Some were picked up after the baton charge, and some were taken from the people.

Taking/....

Taking into account the number of the people who gathered there, and also taking into account the length and the thickness of these sticks, or of the "knepkieries" which were being carried by the Police, would you then say that the crowd which gathered there could or should have run away when they were being attacked by the Police, seeing that they had carried these weapons? --- Your Worship, they did run away.

I heard you say in your evidence-in-chief that you saw me in the morning, being one of the people who were standing in front of the crowd which gathered there before the hostel? --- Yes, I said so.

When you saw me there did you then take me to be one of the ordinary members of the crowd, or did you take me to be the leader of that crowd? --- I took him to be one of the leaders.

Did you know the leaders? --- No.

But according to you - I will just summarise what you said just now - that you took me to be one of the leaders, but still you did not know the leaders. How then do you come to that conclusion? --- No, I do not know the leaders. I heard names etc., but to be quite candid I do not know the leaders. I only say he was one of the leaders because he was right at the front, and he took quite an active part there.

Can you just give an example or demonstrate to His Worship what I did whilst standing there in front of the crowd? --- You were shouting there, you were putting your hands up in the air and shouting "Afrika!", and when they were singing you were one of the leaders, singing there loudly. I don't think he carried.... I can't remember, I don't think he had any weapons with him.

But Captain Gweed, I take you to be one of the highest/....

highest officials in the Police Force, and that you have perhaps more experience than other members of the Police Force? --- I am a Captain in the Police. I could not say I am a very high official, I am a Captain, and I have some experience as far as ~~the~~ concerned.

BY THE COURT:

What is your question?

BY ACCUSED NO. 3:

The question is I take you to be the highest?

BY THE COURT:

That is a statement, I have heard that. What is your question that you want to ask?

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

Having put the preliminary question to you, I am surprised, being the Captain, why you did not make enquiries from the people who were standing in front of the crowd, so that you could ascertain who the leader is, so that you may have some evidence? --- Your Worship, I did not ask them who the leaders were, but there was this mighty big crowd there and they were screaming and shouting, and there were members of the Special Branch and C.I.D. men, and I had all my time to be in control of the uniform men, and I did not ask anybody their names or anything.

In the confusion which took place at that time here in Sharpeville, you were only able to see me and to recognise me, i.e. only I alone? --- Yes, quite correct, he is the only man whom I could recognise there.

You had already heard about the Pan Africanist Congress prior to the 21st March? --- Yes.

What did you hear about it? --- Well, it was actual original men who broke away from the A.N.C. That is about all I knew about it.

By/....

By then had you not gathered information that the Pan Africanist Congress people would surrender themselves on the 21st of March to be arrested in regard to passes? --- Yes, I had that information.

I also believe that you must have heard that the men had to leave their passes at home, or alternatively if they did not leave them at home they should give them to the Police Station? That the men should leave their passes at home and then surrender themselves at the Police Station, so as to be arrested, and that was to be called the non-violence campaign? ---Yes, we had information that they would do it.

I believe then on the 18th when you came across the torn pieces of reference books, you did not connect that incident with what you had already heard concerning the P.A.C., because the P.A.C. was still going to surrender itself at the Police Station and leave the reference books at home? --- We had received other information also that the reference books would be burnt.

Did you receive that information from the President of the Pan Africanist Congress or from the newspapers?

BY THE PUBLIC PROSECUTOR:

Your Worship, I object.

BY THE COURT:

The Prosecutor is quite correct. Tell the accused we can't have too much of the information this man had. The Prosecutor objects now because it means that the Captain might be disclosing the sources of his information, and that is privileged. What are you driving at? What do you want him after you have heard his reply to this question?

BY ACCUSED NO. 3:

The point I am driving at Your Worship is that it

is alleged that it was the work of the Pan Africanist Congress, i.e. to say the burning of these passes there. That is why I am putting these questions.

BY THE COURT:

Well, this witness is not a member of the P.A.C. I am sure, and he does not know what their aims are. Neither did he attend their meetings like the other detectives that we have heard so far.

BY ACCUSED NO. 3:

I have no further questions.

COURT ADJOURNS UNTIL 28.10.1960.

By the
the Pan Africanist
on the 21st of March
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