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31st OCTOBER, 1960.

COURT RESUMES : APPEARANCES AS BEFORE.

BY THE PUBLIC PROSECUTOR:

Your Worship, before calling the next Crown witness I would like to mention that accused No. 39 approached me this morning and informed me that on the 11th at 2 p.m. and on the 14th at 2 p.m. he is writing examination. I did not enquire from him exactly what the nature of the examinations were.

BY THE COURT : TO ACCUSED NO. 39:

Well, just explain what the position is? What are these examinations? --- Your Worship, I will be writing the national examinations.

What is the exam.? Repeat it? --- The national examinations, only one subject, i.e. English.

What is your occupation? --- I mean I am going to write the examinations on the 11th and the 14th, i.e. one subject in the afternoon.

Yes, I want to know for what? --- It is just for educational purposes.

Just for educational purposes? --- Yes.

Are there any other examinees or examination writers?

BY MR. UNTERHALTER:

Your Worship, I represent accused No. 63. He is a teacher and he wishes to write examinations similarly on the 11th and 14th.

BY THE COURT:

At what times? --- In the afternoon at two o'clock.

The same time? --- Yes, but at different places.

He also wishes Your Worship to write examinations on the 16th
and/....

and the 17th. These will be in the morning. I am not sure, but I think the Court will not be sitting on the 17th.

On the 16th and 17th at what times of the day? ---

In the mornings.

What hours? --- From nine to twelve.

Well, all I can suggest is that we must sit on these days. If an accused is writing an examination in the forenoon we must sit in the afternoon, and if he is writing in the afternoon we will sit in the forenoon. Is that all right?

BY MR. UNTERHALTER:

As Your Worship pleases.

DIE PUBLIEKE AANKLAER ROEP:

HENDRIK GERT THERON, betdig verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Kaptein, u is 'n Kaptein in die Suid-Afrikaanse Polisie gestasioneer te Springs Hoofkwartiere, Streeksafdeling Suid-Transvaal? --- Ja, ek is.

Heveel jaar diens het u as 'n Polisiebeampte Kaptein? --- So 'n rapsie oor 'n twee-en-twintig jaar nou.

En gedurende u termyn van diens was u ooit in enige naturelle-afdelings gestasioneer of waar? --- Ek was ja.

Watter afdelings was dit? --- Ek was in die Transkei gestasioneer, en ek was in Bapediland gestasioneer; dit is in Noord-Transvaal. Ek was ook in die Siskei gestasioneer, en in Suidwes-Afrika.

En praat u enige naturelletale? --- Nee, ek praat nie naturelletale nie.

Verstaan/....

Verstaan u enige van die naturelletale? — Ek
 verstaan so 'n bietjie van Iosa.

En gedurende die tydperk toe u in hierdie afdelings
 gestasioneer was waar u in noue aanraking gekom het met
 naturelle, was daar enige moeilikheid of moeilikhede wat u
 teëgekem het in verband met naturelle? — Daar was dikwels,
 maar dit was van minderwaardige gehalte gewees, die moeilikhede
 wat en tevere teëgekem het.

Ja, ek neem nou aan u maak 'n vergelyking tussen
 daardie moeilikhede en Sharpeville? — Ja.

Nou, was dit wat hulle noem "faction fights"? —
 "Faction fights" ja.

Het u ooit enige ondervinding met blankesskares?
 — Blanke skares? Nie wat ek nou op die oomblik kan aan
 dink nie.

DEUR DIE HOF:

Miskien by 'n voetbalwedstryd of soiets! — Ja
 Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Op die 21ste Maart hierdie jaar, as gevolg van
 instruksies van die Distrikskommandant te Springs, het u
 gery na Vereeniging toe met 'n Polisie-eenheid? — Ja, ek het.

En het u omtrent 10.30 v.m. vertrek vanaf Springs?
 — Dit is reg.

En het u by u een blanke Hoofkonstabel, drie blanke
 Sersante, twaalf blanke Konstabels, en nege Bantelede
 van die Polisie gehad? — Dit is reg, hulle het my vergesel.

Altesaam vier-en-twintig manne? — Ja.

En hulle was in 'n treepdraer of wat hulle noem
 'n opruktrek, een bakkie en 'n motor? — Dite voertuis;
 dit is Reg, Edelagbare.

En is dit reg dat die blankes was gewapen met twee
 Stengewere/....

Stengewere, sowel as die uitreikwapens, d.w.s. 'n. 303 geweer en 'n rewelwer? — En rewelwers ja.

En genoeg ammunisie vir hierdie wapens? — Vir al daardie wapens ja.

En die bantelede van die Mag, het hulle vuurwapens gehad? — Nee.

Wat het hulle gehad, kieres of....? — Hulle het kieres gehad.

En toe u by Vereeniging gekom het u eers uself by die aanklagkantoor te Vereeniging dorp self aangemeld? — Ja, ek was daar.

En daarna het u na Sharpeville naturelledorp vertrek? — Ek het onmiddellik na Sharpeville gegaan.

Was dit die eerste keer wat u by Sharpeville naturelledorp gekom het? — Dit was die eerste keer.

Ek wil u bewysstuk 3 wys. Dit is 'n fotostatiese afskrif van 'n lugfoto van Sharpeville naturelledorp, en ek neem aan dat u het vanaf Vereeniging gery in 'n noord-westelike rigting met 'n teerpad en toe uitgedraai by 'n gruispaadjie? — Ja, ek het op 'n gruispaadjie gery.

En toe kom u en u het by die munisipale kantore stilgehou? — Heel voor ja.

Nou, is dit die munisipale kantore aan die noordkant, aan die noord-oostelike hoek van bewysstuk 2? Dit is geneuk "Kantore". — Ja, dit is die plek daarse. (Getuie lui aan op die foto).

Nou, ek sal u net sê dat die naam van daardie straat net buitekant die munisipale kantore is Secisestraat, en daar het u met Majoer van Zyl gesels? — Ek het met hom daar gepraat.

En het u enige opdrag ontvang van Majoer van Zyl? — Majoer van Zyl het my gesê - hy was natuurlik bewys dat ek ontbied is na Sharpeville - hy het vir my gesê dat ek kan nie sender/....

sonder begeleiding van 'n "Saracen" die lokasie binnegaan nie.

Nou, ontrent hoe laat was dit Kaptein? — Ek reken dit was so twintig veer elf gewees, twintig veer twaalf. Verskoon my, twintig veer twaalf.

En was daar toe 'n "Saracen" beskikbaar wat u begelei het na die lokasie? — Daar het toe net een aangekom, toe ek daar stilhou.

En het u met daardie hoofstraat opgery? — Ek het met die hoofstraat opgery ja.

En die "Saracen" veer? — Die "Saracen" veer ja.

En was daar enige Bantees in daardie hoofstraat?

— Daar was baie Bantees gewees in daardie straat.

Nou, het hulle net daar in greepies rondgestaan, of was daar een groot massa van hulle? Wat was die posisie?

— Hulle het in die straat in greepies rondgestaan.

Was hulle mans of vrouens? — Die meeste was mans gewees.

En het hulle wapens by hulle gehad? — Ek het nie wapens gesien nie, maar wat ek gesien het is dat hulle hul duime in die lug gehou het, en wat ek kon hoor met die ry is hulle het "Afrika!" geskree.

En wat was hulle houding teeneor die Polisievoertuie wat by hulle verbygegaan het? — Daardie skare op pad na die Polisiestasie bedoel u?

Ja? — Hulle het gemaak soos teeneor die voertuie, hulle duime indie lug gehou en "Afrika!" geskree.

Is dit al? — Ja.

Daar was geen insidente met die ry in Seeisestraat nie? — Nee, behalwe by die Polisiestasie nie.

Nou, as u net na Seeisestraat opgaan in 'n westelike rigting, sal u vind daar aan die linkerkant 'n plek gemerk "Winkels". Het u daardie geboutjie? — Ja.

Het u daar vanaf Seeisestraat uitgegaan, agter die "Saracen"/....

"Saracen"? Ek wil nou net die reeste probeer vasstel? --- Ons het van daardie Seeisestraat links afgedraai. Ek kan nie sê met watter straat of by watter plek presies ons afgedraai het nie; u weet ek was 'n bietjie vreemd daardie dag gewes.

DEUR DIE HOU

Julle het links afgedraai na die Polisiestasie? --- Links na die Polisiestasie Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En toe u links draai uit Seeisestraat, kon u 'n gesig van die Polisiestasiery? --- Ja, toe ek 'n taanlike enjje nog was het ek gesien wat daar aangaan.

En was daar enige persone in die nabyheid van die Polisiestasie? --- Daar het duisende Bantees saamgedrom rondom die Polisiestasie, dit het ek gesien.

Nou, u het toe met hierdie onbekende straat afgekom - dit het nie 'n naam nie - en het die veertuie binn in die Polisiesperseel ingegaan by 'n groot hek? --- By die groot hek ja.

Nou, daardie hek is aan die westekant van die Polisiestasie? --- Ja.

Nou, toe u ingaan was daar enige moeilikheid om 'n pad te kry, om deur die naturelle te kom om by die hek ⁱⁿ te gaan? --- Ja, dit het vir my geskyn asof die Bantees ons wou verhinder om in te kom by die hek. Hulle het selfs veer die "Saracen" ingespring en ook veer my veertuig ingespring, en methulle duine in die lug "Afrika!" geskree. Ons was definitief vertraag daar, ons het moeilikheid gehad om in te kom.

Afgesien van dit was daar enige insidente, of was enige geweld gebruik deur die naturelle toe die veertuig ingaan? --- Toe die veertuig ingaan nie geweld nie, behalwe dat ek gesien het daar is 'n greep wat hul kleres in die lug swaai, maar hulle het nie na ons geslaan nie, d.i. na ons self nie,

... 11.45 va. ...

na die veertuie nie.

Waar was daardie greep, Kaptein?—Dit was ook aan die Westekant.

En uiteindelik, ek neem aan, het die veertuie geslaag daarin om binne in die persele te kom?—Ja, ons het daarin geslaag om in te kom.

En u het toe uitgeklim, en het u eers die hele toneel besigtig, of het u eers na iemand geseek, toe u uitklim, wat was die eerste ding wat u gedoen het?—Ja, toe ek uitklim het ek natuurlik eers rondgekyk, en ek het toe vir Luit. Visser van die Speurdiens daar aangetref.

Neu, toe u rondkyk, ken u sien of daar enige Bantoeskare was aan die Suidekant van die Polisiestasie? As u net na die Plan kyk sal dit miskien help. Die hek is nes aan die Westekant en die Suidekant is in Zwanestraat, dit is die ander hoofstraat. Net onmiddellik ten Suide van die Polisiestasie is daar 'n groot straat, dit is die Suidekant.

DEUR DIE HOF:

Kan u die Polisiestasie daar gemerk sien?

--Hier is die Polisiestasie, ek sien die Polisiestasie.

Dan die woord 'hek', dit is die hek wat julle ingegaan het?—Ja.

En dan hier aan die Suidekant, onderkant die Polisiestasie, die lang straat, Zwanestraat. Neuja die kwessie is of daar Bantoes aan daardie kant gewes het?—Ook aan daardie kant-gewes, ja.

Dit is aan die Suidekant.

P.A.:

Neu, ek wil u Bewysstuk 13 teen, dit is 'n lugfoto van Sharpeville Polisiestasie self, met 'n hee veelheid skare en die Polisiestasie. Neu, eerstens, toe u daar aangekom het entant 11.45 vm. by Sharpeville Polisiestasie self,

was/

was die skare wat u daar opgelet en die Polisie-stasie, meer of minder as daardie foto? ---Ek dink hier aan hierdie kant het baie meer mense gestaan - aan die twee kante, as wat hierdie foto wys.

Watter twee kante is dit?---Dit is die Westekant en die Noordekant.

Die Weste en die Noordwestelike kant?--- En die Noord-Westelike kant.

Wat is u skatting van die bantees wat u daar gesien het ten tye van u aankoms?---Toe was hulle na my mening ongeveer 10,000 gewees.

Neu, watter metode het u om n skare te skat? ---Wel, dit is moeilik vir my om te sê. Ek kyk natuurlik na die digtheid van die massa. Die digtheid van die massa. Sees ek alreeds gesê het, hulle het baie dig gestaan. Daar was meer bantees gewees aan die Noorde en aan die Westekant as wat hierdie foto nou wys, maar as ek n skatting mees gemaak het daardie tyd, sou ek gesê het 10,000, met my aankoms daar.

Ek neem aan u het al weerheen voetbalwedstryde bygewoon?---Ek het baie, ja.

En u het toe uitgeklim en Luit. Visser gekry?---Ek het hom gekry, ja.

Was hy die enigste Polisie offisier op die stasie, op daardie tydstip toe u daar aangekom het?---Op daardie punt was hy die enigste polisie offisier wat ek ken / kry daarse.

As u sê op daardie punt, bedoel u op die Westelike kant?---Op die Westelike kant, by die hek.

Het u die Suidelike gedeelte van die stasie ooit besoek, d.w.s. die kant aan Zwanestraat?---Nee, later het ek in daardie rigting geloop tussen die mure deur, en die skare, het ek beweeg daar, later. Nie op daardie oomblik nie/

nie.

En ek neem aan u en Luit. Visser - was daar n gesprek oor die skare, of seiets?—Ons het die posisie daar bespreek, ja, en ek het hom gevra waar die aanvoerder van die skare is.

Nou wat was die houding van die skare nadat u daar gekom het en u hulle besigtig het?—Die houding van die skare was freigend, in die opsig dat die sekere seksie / het met die kleries in die lug bly swaai, wat vir my gelyk het na dreigemente, en die skare was besig om hard teen die draad te druk. Daar was n verskriklike lawaai.

Waar was die klomp met die kleries, wat die kleries in die lug geswaai het?—Aan die Westekant.

Hee greet was die greep wat die kleries - was dit n besondere greep tussen die skare of..?—Dit was nie n besondere greep nie, hulle het se versprei gestaan.

En ken u enige weerde of dreigemente heer vanaf die skare?—Ja, nadat ek met Luit. Visser gepraat het, het ek tussen die polisie, sees ek gesê het, en die skare deurbeweeg om die posisie daar oop te hou, en toe het ek verskillende weerde geheer daar.

Kan u met vir die Hof meld wat u geheer het? —Ek weet dat die meide het in die rigting van die polisie / binnekant die draad gespuug, en hulle het 'Jeu meer' geskree. Dit is sommige van die bantoevroue wat dit geseen het. En 'Afrika' Was geskree...

En wat neg?—En ek het geheer "We will kill all you bastards today" "Africa for the African".

Nou, van watter kant het u daardie dreigement geheer, "we will kill all you bastards today"? —Dit het meer of min aan die Weste en die Noordekant gewees daar. Dis persone wat naby die draad gestaan het.

Ontrent/

Omtrent hoeveel manne was toe teenweerdig by die Polisieestasie op daardie tydstip? —Op daardie tydstip, toe ek daar gekom het, was daar ongeveer 30 blankes en ook 30 nie-blankes, dit is ongeveer 60 polisie-manne.

Hou Kaptein, as die skare daar en dan besluit het om die Polisieestasie aan te val, wat sou gebeur het? —Wel Edellagbare, ons was se min polisiemanne, ek het reeds gesê omtrent 60, die skare was soveel dat hulle sou ons heelde baie maklik kon oerrompel het.

Daar was natuurlik vuurwapens wat die polisie gehad het maar sou die polisie kon gebruik gemaak het van die vuurwapens as die skare met hulle handgemeen geraak het of...? —As die skare ons skielik teegesak het, want ons was naby hulle gewees, net aan die binnekant van die draad — ek glo nie ons sou kans gehad het om ons vuurwapens effektief te kon gebruik nie, tussen die skare nie.

Die groot hek waardeur u veertale ingekom het aan die Westekant, was dit toe gehou of het dit oopgestaan nadat u ingekom het, natuurlik? —Nadat ek ingekom het was dit toegemaak gewees.

En was daar enige polisie besnytes naby daardie hek gestasioneer miskien om te sien eer die hek toe hou of soets? —Nee, nie naby die hek nie. Die naaste polisie was seker se 20 treë van die hek af.

En nadat u die gesprek met Luit. Visser gehad het, wat het u besluit om te doen? —Ek het toe besluit om — ek het gesien dat die polisie is daar baie nêrelik en ek het besluit om tussen die manskappe en tussen die skare rend te stap, tussen hulle te beweeg, om te probeer keer vir enige insident wat daartoe aanleiding kon gee het dat daar nêrelikheid ontstaan tussen die polisie en — dat die skare met die polisie handgemeen raak, of die

polisie/

polisie met die skare handgemeen raak.

Het u besluit om op daardie stadium enige pogings aan te wend om die skare uitmekaar te kry, of weg van die Polisie-stasie af?—Ek het gedink dit sou beter wees as ek liever wag. Ek was bewus daarvan dat versterkings sou opdaag en ek het dit wys geag om nie met die skare te tel op daardie stadium nie.

Se u wou eers wag vir versterkings?—Ja.

En het die skare staties gebly of..?—Ek het die skare noukeurig dopgehou. Dit was natuurlik my plig gewees om te kyk wat die posisie daar is. Soos ek sê, ek het gekyk en gesien die skare was sterk besig om aan te greei. Hulle het altyd meer - ek het op die Saracoen opgeklim, op 'n gedeelte van die Saracoen, toe kon ek sien dat die skare, het ek gesien hulle kom uit die lokasie uit, kom hulle nog altyd aan.

En op 'n sekere stadium, het duikvliegtuie daar gekom oor die skare?—Hulle was reeds daar toe ek daar gekom het.

En watter effek het hulle gehad op die skare?—Absoluut geen effek gehad op die skare nie.

Nou hee het die skare reageer toe die vliegtuie oorkom?—Hulle het geskree en geraas, na die vliegtuie gewys met die duim, in die lug op.

Nou die polisiebeamptes, die kenstabels wat daar was, was hulle ervare manne of jong manne?—W, 1, sommige van hulle het reeds baie jare diens gehad, soos hoofkenstabel Miller wat my vergesel het..

Maar ek praat net van die kenstabels?—O, die kenstabels, ja, hulle diens het gewissel. Sommige van hulle was blykbaar ervare en die ander het minder diens gehad en minder ervaring.

En/

En die meeste van hulle, sou u sê, was taamlik jong manne?—Die meeste was jong manne, ja.

En heelank was dit voor die volgende polisie offisier daar aangekom het? —Kol. Prinslee en Kol. Spengler, die twee kolonels...

Hulle was die volgende...?—Hulle het eerste gekom.

Heelank was u al daar by die Sharpeville polisiestasie gewees toe hulle daar aangekom het?—Seker se n driekwartier. Hulle het entree 12.30 daar aangekom.

Het u miskien opgelet wat die reaksie was, of die houding was van die jong konstabels wat nou miskien n driekwartier, of party van hulle langer daar gestaan het en die dreigende skare was toe al om hulle, hoe hulle daar reageer het, wat hulle houding was, enige tekens van wat hulle emosionele toestand was? —Ja, daar was een of twee wat na my toe gekom het en hulle wou hê ons moet n plan maak, ek moet nou optree, sien.

Hoe het hulle vir u gelyk?—Hulle was, het dit vir my gelyk, n bietjie vreesbevange, daardie kerels.

En hoeveel karre was daar toe Kols. Prinslee en Spengler daar gekom het. Kan u entree met hoeveel karre hulle gekom het? As u nie seker is nie, sê net se?—Ek dink hulle het met twee karre gekom.

En toe hulle deur die skare gekom het om by die Westelike hek in te gaan, waar was u?—Ek was by die Westelike kant nog gewees al die tyd, toe hulle gekom het.

En was daar enige insidente seker as die skare of lede van die skare aambetref, teenoor die voertuie wat ingekom het, wat u gesien het?—Al die voertuie wat wou inkom was verhinder gewees, ook die van Kol. Spengler en van Kol. Prinslee.

Maar/

Maar was daar enige openlike daad van geweldpleging op die meterkarre toe hulle ingekom het, of is dit net dat hulle verhinder was deur om veer die kar in te spring en 'Afrika' te skreef?—Toe Kol. Spengler hulle ingekom het?

Ja?—Nee, ek het niks openlike daad gesien van geweld toe hulle daar gekom het nie.

En wat het gebeur nadat Kol. PRinslee en Kol. Spengler daar ingekom het. Het hulle met u gesels, of wat?—Hulle is in die kanteer in, ek weet nie of hulle met my gesels het nie - ek kan nie meer onthou of hulle met my gesels het nie. Dit mag wees, ek dink ek het met Kol. Prinslee n paar weerde gesels oor die toestand daarse.

En daarna, ek verstaan, het Kol. Pienaar toe opgedaag met versterkings?—Kol. Pienaar het om onstreeks 1.30. op die 21ste Maart daar opgedaag met versterkings.

Nou toe hy opgedaag het, wat was die houding van die skare in vergelyking met die houding toe u daar aangekom het om 11.45vm.?—Toe het die skare natuurlik baie aangewas al, seker byna tweekeer as wat dit was sedert ek daar gewes het, want ronden die polisieostasie het daar bantees gestaan en dit het verskriklik geraas en geskree op daardie stadium toe Kol. Pienaar daar aangekom het.

Was dit n vriendelike skare of hee...?—Dit was geensins n vriendelike skare nie, geensins n vriendelike skare gewes nie.

Wat was die posisie van die draadheining daar aan die Westekant toe Kol. Pienaar daar gekom het?—Die draadheining het se na vere gely op baie plekke was die draadheining na vere gedruk.

Kan u net meld watter graad dit was wat...?—Ek kan nie sê watter graad dit was nie, maar hy het taalikh

orgehel/

oorgehel.

En toe Kal. Pienaar se veertuig deur die skare aan die Westekant wou inkom, was daar enige insident by sy motorkar?—Ja, die het ek gesien. Sommige van die bantees het met stekke na sy veertuig geslaan, of hulle hem raakgeslaan het weet ek nie, maar ek het gesien hulle slaan na hem en na sy veertuig.

En Kal. Pienaar het uniform gedra?—Hy was in uniform gewees.

Was daar enigiets aan die pet van Luit. Kal. Pienaar — het u Luitenant Kolonel die goue band en die blau 'Tabs'? —Hy het die blau band en die pet en hy het die blau bandjies op die lapelle. Hy kan maklik uitgeken word.

Dit is nie elke offisier wat dit dra nie? — Nee, dit is van u Luitenant Kolonel af wat daardie drag dra.

En het Kal. Pienaar met u gesels toe hy uitgeklim het?—Hy het met my gesels, ek het na hem toe gegaan.

Wat was sy vraag wat hy aan u gestel het toe hy uitklim?—Hy het vir my gevra hoe lyk die besigheid dan so ernstig hier vandag, wat is dan die moedlikheid. So, in daardie rigting, het hy met my gepraat.

En het u hem ingelig oor die situasie?—

Ek het hom gesê "Kolonel, u sien self, die posisie is gevaarlik vandag hierse en ons het lank uitgehou".

En wat het Kal. Pienaar besluit om te doen onmiddellik na hy met u gepraat het?—Hy het toe besluit dat die manne moet aantree daarse binnekant die polisiegronde.

En hoe was die manne opgestel, in enkele lid, of in drie of...?—Wel, hulle was feitlik nog nie klaar opgestel nie, ons was bezig om hul op te stel in enkel gelid toe die...

Toe die skietery plaasgevind het?—Toe

die/

die moeilikheid kom.

Maar het Kol. Pienaar dadelik toe hy daar gekom het, gesê dat die manne moet nou opgestel word?—
Hy het se gesê, ja.

Nou, het enige lede van die polisie bajonette gehad daardie dag - was dit deel van hulle uitrusting? ---Ek het hulle nie gesê om bajonette saam te neem nie, en ek het werklik nie opgelet of hulle bajonette het nie. Ek weet hulle was gewapen met daardie wapens wat ek net nou genoem het.

Het u op een plek bly staan nadat u met Kol. Pienaar gepraat het, of het u beweeg op die Westelike gedeelte van die Polisiestasie?—Ja, ek het beweeg, want ek was besig om die manne op te stel, maar ek het altyd naby / Kol. Pienaar gebly, meer of minder.

Maar u was ook besig om die manne op te stel?—Ja.

En as gevolg daarvan, grotendeels in watter rigting het u gekyk - na die hek se kant, of was u aandag gevestig op die ry manne wat u besig was om op te stel - oer die algemeen?—Ek het gewissel. Ek het dan na die manne gekyk, met my rug na die skare gestaan, en dan weer andersom.

En wanneer het u weer Kol. Spengler gesien. Hy het nes binne gegaan en toe kom Kol. Pienaar daarse en u het 'n gesprek met hom gevoer. Wanneer het u weer bewus van Kol. Spengler se teenwoordigheid geword?—Dit was nadat Kol. Pienaar bevel gegee het dat die manne 5 rondtes / moet laai.

Was hulle al klaar toe in gelid opgestel?
---Hulle was nog besig, maar hy het kort daarna gesê hulle / moet laai.

U se kort daarna het u Kol. Spengler gesien?—Ek het gesien hy is daar by die hek aan die Westekant.

En het u enige spesiale aandag geskenk aan wat hy daar by die hek gedoen het, of..?—Ek het nie baie aandag geskenk, om die waarheid te se nie, want ek was besig om die manne op te stel, maar dit het my veergeken daar of hy besig was om iemand te ondervra of andersinds om iemand te arresteer daarse, het dit vir my veergeken. Hy was besig met iemand daarse, by die hek.

Het u opgelet of hy heeltyd daar by die hek gebly het nadat hy hierdie perseen ondervra het, of het hy weggeken, of wat het hy gedoen?—Hy was n slaggie weg gewees vir n paar minute, n minuut of twee of se, en toe sien ek hy is weer by die hek daarse.

Nou, toe Kol. Spengler weggaan, het u gesien of hy alleen was, of was hy van enige ander perseen vergesels?—Daar was n ander perseen inburgerlike drag saam met hem gewees.

n Blanke perseen of n naturel?—n Blanke perseen.

Wat ek wil probeer uitvind is dit, het jy op enige tyd opgelet of Kol. Spengler n bantoe in sy geselskap gehad het toe hy terugstap na die kantore?—Nee, ek het op een tydstip gesien dat hy is besig om iemand daar in te trek by die hek, maar of hy iemand kanteer-toe gevat het, die het ek nie gesien nie.

En Kol. Spengler was toe blykbaar na binne, en toe het u aangegaan, en toe het u hom weer by die hek gesien?—Ek het hom tweekeer by die hek gesien.

Tweekeer by die hek gesien. En die tweede keer, wat het by die hek plaasgevind?—Die tweede keer

het/

het die hek oopgegaan.

Die hek het toe oopgegaan, maar het u gesien heeken die hek oopgegaan het?—Van die bantees buitekant het daar tregtervernig ingekom by die hek, na binne toe.

Wat het u aandag getrek op die feit dat die hek oopgegaan? Wat ek wil weet, het u na die hek gestaan en kyk, of was dit net per teeval dat u op daardie tydstop in daardie rigting gekyk het en gesien het die hek gaan oop en die bantees kom in?—Ek het dit net gesien, ek weet nie of dit per teeval was. nie. Sees ek gesê het, ek het sentyds na die hek gekyk en sentyds na die manne gekyk.

En ken u sien waar Kel. Spengler was toe die hek oopgegaan? — Hy was voor die bantees gewees, aan die binnekant van die polisiestansie.

Ja, maar was hy naby...?—Hulle het hom ongedruk daar.

Het hulle hom ongedruk?—Ja, hulle het hom ongedruk daarse, binnekant toe in, ongedruk.

Watter indruk het u gekry toe die bantees daar inkom en Kel. Spengler wegdruk daar. Watter indruk het u gekry wat die bantees nou besig is om te doen?—Toe het dinge baie vinnig gebeur, sien u, op daardie tydstop, ek het gedink die moeilikheid is nou hier wat die hele more gedreig het, blykbaar, ons gaan nou aangeval word.

En toe die natuurlike by die hek inkom, wat het toe verder gebeur? — Toe het ek twee - dit was so gelyktydig gebeur - ek hoor toe twee skete sees van n geweer van buite af afkomstig, het dit vir my gegaan.

Nou, ons sal nou verder aangaan met die skete, maar toe u daar by die polisiestansie gekom het, het u opgelet of daar enige klippe op die grasperkie was, aan

die/

die Westelike kant?---Nee, daar was dit skeen gewees.

Daar was net gras, seker ek entheu, en 'n paadjie daar,
en daar het nie instrumente daar seggels nie.

En toe die hek oopgebars het en die natuurlike
het begin inkom, was daar enige tekens van geweld of...?---
Toe kom daar klippe en kieries en ander instrumente van die
skare se kant af na die polisie toe, werd dit geslinger.

Was dit baie of min klippe wat gegee was?
---Dit was klippe en kieries deurmekaar, dit was heelparty
gewees.

En dit het van die Westelike kant gekom?---
Van die Westelike kant.

Die twee skete wat u geheer het, die eerste
twee skete, wanneer het u hulle geheer in vergelyking met
die klipgeeriery?---Dit was net, ek reken net onmiddellik
veer die klipgeeriery gewees.

En van watter rigting het die twee skete
gekom - van watter kant af, van die polisie se kant af of
van die skare se kant af?---Nee, dit is beslis nie van die
polisie wat geskiet het nie, nee, dit het van die skare se
kant af gekom.

Van die skare se kant?---Ja.

As u na die lugfoto kyk, Bewysstuk 13 wat
veer u 18, kan u miskien net probeer vasstel, die Hof die
indruk gee van watter omgewing daardie skete gekom het? Was
dit van die Noordwestelike heek, die Suidwestelike heek, of
die Noordoostelike of Suidoostelike...?---Dit was van hierdie
hoek af, die Noordwestelike heek, na my mening, wat die skete
gekom het. Hier is die veerkant van die Polisiestasie....

DEUR DIE HOF:

Laat ek nou net sien waar u aantoon, asseblief?
--- Daarse, se, het die skete vandaan gekom.

U/

U wys na die Noordwestelike heek.

P.A.:

U sê die was beslis nie deur die polisie
gevuur nie?—Die eerste twee skete was beslis nie deur
die polisie afgevuur nie.

En nadat die eerste twee skete gevuur is,
wat u nou melding van gemaak het, wat het daarna gebeur?
Wat is die volgende ding wat u gehoor of gesien het?—
Ja, ek weet nie wat het daardie polisieman gedink nie,
maar toe skiet daar een van ons polisie daarse - een van
ons manne het geskiet.

Watter seert skete het hy afgeskiet - hee
het die skete begin afgaan?—Hy het een skeet daars -
daar het eers van ons kant af een skeet afgegaan.

Kan u miskien vir die Hof sê of dit n
rewelwerskeet of n gewoenskeet is wat geklap het van die
polisie?—Dit is baie moeilik om te sê, daar was so n
lawaaï dat jy ken nie meer onderskei nie.

En nadat die eerste lid van die polisie
gevuur het, ek dink dit is gemene saak dat daarna toe het...?
—Toe het daar n sarsie gevolg - toe het hulle geskiet.

Ten tye van die polisie skietery, waar het
u gestaan? Voor die gelid, of agter hulle, of tussen hulle?
—Net voor die skietery het ek tussen die manne gestaan en
die skare, d.w.s. voor die polisiemanne.

En het u gesien hee die skare reageer het
toe die polisie op hulle skiet?—Ja, ek sal u sê ek het toe
agter deur die polisiemanne gegaan deur die ry, agter hulle
geken, en sommige het onmiddellik na die skietery begin het,
ongedraai. Ander het blykbaar verward gewees, of miskien die
posisie nie meer besef nie, en het nog bly staan.

Ek dink dan die posisie is so dat die eerste

ry/

ry van die skare wat verreedelik teen die draadheining was, hulle het onmiddellik besef wat plaasgevind het en hulle was besig om om te swaai en weg te hardloop?—Ek sal nie se almal van die eerste ry nie. Dit is moeilik om daardie saak te beskryf soos dit daar gebeur het, maar daar het van hulle omgesprong, ander het weer gestaan. Die skare was baie dig gewees.

Neu, op daardie tydstip toe u sien dat die skare wou neu wegspring en party aarsel neg, was daar enige gevaar vir die polisie op daardie tydstip? Kyk, die polisie was onder klippe gesteek?—Ja.

Hulle het gevuur; die skare het neu begin wegspring en weghardloop. Toe hulle begin weghardloop, was daar enige gevaar vir die polisie?—Wel, dit is moeilik — nie almal het weggespring nie, hulle het nie almal gereageer op die polisie se skete nie.

Maar was die toestand toe die skare begin omvlieg, so gevaarlik soos die toestand voor hulle omvlieg het?—Nee, dit was seker nie so gevaarlik gewees nie.

En op daardie tydstip, het u daardie dinge besef, dat die polisie is neu nie meer so erg gevaarlik nie? —Ek het onmiddellik besef dat die skare gee neu geheer oor die algemeen, toe het ek begin skree hulle moet 'halt', ophou vuur, die vuur staak.

En het die polisie toe uitenedelik gestaak? —Hulle het geheer gegee en die vuur gestaak.

Wat is die eerste ding wat u geseen het, Kaptein, het u dadelik buitekant die polisie perseel gegaan om te sien wie leef en wie is dood, en se aan?—Onshet maar almal uitgegaan.

Was dit die eerste reaksie, en buitekant te gaan?—Ja.

En na u buitekant en gekyk het, het u toe weer/

weer teruggegaan? ---Ja.

En het u opgelet of daar enige wapens of klippe gelê het op die polisieperseel, op die Westelike gedeelte?---Tee was daar heelwat wapens, stekke en klippe, binne in verstreel in die polisiestatie, naby die draad, nie ver van die draad nie, aan die binnekant.

En weet u wat het van daardie klippe en stekke gewerd?---Kel. Pienaar het opdrag gegee dat dit moet bymekaargemaak word en ek het ook vir die manne tee daareop gesê en daardie wapens bymekaar te maak wat binnekant in die polisiestatie lê.

Daardie dag, was enige lede van die polisie raakgegee deur die klippe of stekke wat op hulle greeën het? ---Daar was ontrent tien polisie - blanke polisiemanne wat raakgegee was.

Het jy - hoe weet u dat daar was tien. Het u hulle name laat neem, of het hulle by u kom kla?---Hulle het gestaan en oepmaak - een man het ek gesien het die hemp oepgemaak en die ander manne gewys wat daar gebeur het en ek het dit onder Kel. Pienaar se aandag gebring en hy het vir my gesê ek moet diemanne se name afskrywe wat beserings opgedoen het.

En het u een van die hoofkenstabels gevra om die name te neem, of het u dit persoonlik geded?---Ek reken ek het dit persoonlik afgeskrywe - daardie name van die beserings het ek persoonlik afgeskrywe.

En die man wat u sê u het gesien by het sy hemp oepgemaak, was daar enige beserings aan hem?---Dit was Kous. Joubert van Springs gewes.

Was daar enige bloed of was dit n kneuswend? ---Hy het vir my n reël kel op die linker kant van sy bors / gewys.

Nou, tee die klippe geval het op die polisie, het/

het u gesien of enige perseen getref is, of enige beweging maak om te wys dat hy getref is?—Ek het een seun gesien, dit is net kort voordat ek deur die manne gegaan het, het ek gesien vang hy hier na sy linkersy, op die manier, en hy het so veereer gebuk sees ek nou hier staan. Dit het vir my gelik iets het hem hier getref op die linkersy. Ek weet egter nie wie die man was nie.

Die manier wat u nou wys, u sal nie n rewelwer uit die 'helster' trek op daardie manier om se te buk nie?—Nee, hy was definitief geraak met n veerwerp. Hy was veereer gebuk gewees.

Nou, ek weet nou nie of u vir ons kan help nie, Kaptein, maar te enige tyd voor die skietery plaasgevind het.....

HOF VERDAAG:

HOF HERVAT:

HENDRIK GERT THERON n.o.o.o.:

P.A. vervolg:

Kaptein, wat ek wil weet is, voor die pelisie gevuur het, is enige pegings aangewend om met die skare te praat, voor die skietery?—Ja, Kapt. Brunner het daar aangekom met se bietjie voor die skietery, of net voor Kel. Pienaar - n rukkie voor Kel. Pienaar daar gekom het, het hy daar aangekom.

En watter gereedskap het hy by hom gehad, of wat..?—Hy het n luidspreker by hom gehad.

Is dit - bestaan dit uit n 'megaphone'...?

—Ja...

Hierdie lang vorm wat voor die mond geplaas word...?—Wat verentoe wys, ja.

En weet u hoe dit werk?—Dit is n batterystel.

Batterystel?—Batterystel.

En/

En in watter rigting - het jy gesien Kapt. Brummer staan met hierdie voorwerp voor sy mond?—Ja, hy het n endjie van my af weg gestaan en ek het gesien hy praat binne in die ding in.

En in watter rigting het hy gewys toe hy in die ding praat?—Na die Westekant, na die skare.

Na die skare. Omtrent hoe ver was hy van u af? —Hy was seker so 20 treë van my af.

En kon u hoor - kon u die geluid van Kapt. Brummer se stem hoor, of wat hy wel gesê het?—Nee, ek kon dit nie hoor nie.

Kon u enigiets hoor?—Ek kon niks hoor nie.

Hoekom nie?— Wel, vir die simpele rede dat elke slag as hy praat, as ek sien hy probeer praat, dan skree die skare, dan skree hulle meer, en probeer hy weer praat dan skree hulle nog meer.

So watter indruk het u gekry wat doen die skare as hy besig was of probeer om te praat?—Wel, hulle was besig om hom dood te skree, doelbewus dood te skree. Hulle wou hom nie gehoor gee nie, dit was my konklusie van die saak / gewees.

Doelbewus gewees?—Doelbewus doodgeskree.

Nou, toe die polisie geskiet het, d.w.s. hulle was met klippe gegooi en die skare het by die hek ingekom, was daar enige gevaar toe die polisie geskiet het - gevuur het?—Daar was definitief gevaar. Ek sou sê die feit dat die skare by die hek ingestroom het, en dit het ook gepaard gegaan met die twee skote uit die skare afkomstig, en die instrumente, die klippe en kieries wat oer die draad gekom het, ek dink dit was baie gevaarlik gewees.

En vermoedelik het die skietery die gevaar afgewend?—Dit is wat ek vermoed wat gebeur het.

P.A. GEEN VERDERE VRAE.

GROSS/...

CROSS-EXAMINED BY MR. UNTERHALTER:

Captain Theron, when you arrived outside the municipal offices in Sharpeville, you saw Major van Zyl there?—Ja.

And was it on his instructions that you proceeded to the Sharpeville Police Station?—Ek het toe alreeds instruksies gehad om na Sharpeville te kom.

You had instructions to come to Sharpeville itself?—Sharpeville, ja.

But having arrived at the entrance to Sharpeville, did you proceed further towards the Sharpeville Police Station upon the instructions of Major van Zyl?—Nee. Nee, ek het nie - hy het my nie instruksies gegee om in te gaan nie.

How did it come then that you decided to go to the Sharpeville Police Station, rather than to remain with Major van Zyl at the municipal offices at the entrance to the location?—Ek het hom gesê ons het gekom van Springs af as versterking, en ons wil ingaan na die Polisie-stasie toe. Hy het geen beswaar gehad nie, en hy het my net gesê dat ek en my manne kan nie sonder begeleiding van 'n Saracen die stasie ingaan nie.

I take it then that you had received specific instructions from someone than Major van Zyl to go directly to the Sharpeville Police Station itself?—Maj. van Tonder, die Distrik-kommandant van Springs, het my gesê ek moet Sharpeville toe gaan, daar is moeilikheid met bantoes. Ek moet Sharpeville toe gaan.

Did Major van Tonder tell you to go to Sharpeville or to Sharpeville Police Station?—Hy het gesê na Sharpeville.

Now how was it, if he told you to go to

Sharpeville/

Sharpeville, that you then decided to proceed to the Police Station? ---Majoor van Zyl het my gesê die bantoes is rondom die Polisiestatie in Sharpeville.

So did he merely inform you that the Africans were round the Police Station without instructing you to go there?---Ja.

Did you have the impression that Major van Zyl was in charge of the whole operation in Sharpeville? ---Ek weet nie wat ek gedink het nie, ek het net geweet dat Sharpeville val onder sy bevel.

Isn't the proper procedure, Captain, in cases like that, for you to present yourself to your superior officer and say you've now come, what are the instructions that he has to give you? ---Ja, dit is - ek het hom gesê ek is hier, ek het van Springs af met my manne gekom.

Well then, isn't it a fact the following that happened, you presented yourself to Major van Zyl as your superior officer, he then told you what he wanted you to do?---Hy het aangeneem seker dat ek wil ingaan na die lokasie waar die moeilikheid is.

You say he didn't specifically direct you to go to the Police Station?---Nee.

And he gave you no specific instructions about what you should do in the Sharpeville location?---Nee.

Did you not expect to receive any instructions from him?---Nee, ek het nie, ek het gedink daar is iemand anders wat bevel het daar, n heër offisier as Majoor van Zyl het ek gedink is binnekant.

Major van Zyl, however, warned you that you shouldn't go in unless accompanied by a tank - by a Saracen? ---Saracen, ja.

Did you duly proceed down the main road
and/

and finally got to the Police Station? — Ja.

Now, when you got into the area - the grass area on the Western side of the Police Station, you, in fact, found nobody superior to yourself in rank in charge of the Police Station, isn't that so?—Bedoel u buitekant of binnekant?

I'm saying in the area to the West of the Police Station - the grass area?—Ek het net Luit. Visser binne in die polisiestacie aan die Westekant gekry.

Did you go inside the building to find out if there was a superior officer there?—Nee, ek het nie binnekant gegaan nie.

Now, you've told us that you expected to find some person senior to yourself in charge of the Police Station?—Ja, ek het gedink hy sal buitekant wees.

You thought you would find him outside, but you didn't find him outside?—Nee, ek het hom nie gekry nie.

Why didn't you go inside to find out if there was one, or made enquiries?—Wel, Luit. Visser het my gesê hy is die enigste man hier aan die Westekant, daar is niemand binnekant in die polisiestacie nie.

So you realized very shortly after your arrival that you, in fact, were the senior man there?—Ek het dit gou gesien, op daardie plek, daardie besondere plek aan die Westekant.

Did you understand from Lieut. Visser that in fact, in that whole area, whether inside or outside, you were in fact the most senior man there?—Wel, ons het dit nie so gediskusseer nie. Ek het hom net gevra watter ander offisiere is hier, toe sê hy sien niemand nie.

Did you understand from that that, therefore, both outside and inside, there was no one senior to yourself?

—Nee/

---Nee, ek het dit nie so aangeneem nie. Daar kon iemand gewees hetj maar daar waar ons gewees het, was ek die senior gewees vir n tydjie.

Captain, if you realized that you were the most senior man as far as the outside area was concerned, did it never cross your mind that you ought to go inside to find out if there was a more senior man from whom you could take instructions, or did it just not occur to you?

---Nee, ek het nie so geding nie, ek het geweet daar sal gou-gou versterkings opdaag, ek sal bietjie kyk wat ek intussen kan doen aan die toestand hier om die vrede te bewaar.

You weren't disturbed to find that there was a man not senior - you were not disturbed to find that there was no person senior to yourself there, it didn't worry you?---Ja, dit het my ietwat bekommer, maar ek het dit aanvaar ek is nou op daardie plek die senior man, ek moet nou maar uithou daar.

The Saracen that had accompanied you, was that the only Saracen there, or did you find other Saracens on the spot?---Ek dink daar het een binnekant gestaan toe ek inkom, een aan die Westekant gestaan, binnekant in die polisiegronde.

Did others come subsequently?---Ja, die ander het later gekom, saam met Kapt. Brummer het die ander gekom.

How many? ---Drie, sover ek weet.

And those three, when they came with Capt. Brummer, where were they stationed? ---Ook aan die Westekant. Hy het hulle opgestel aan die Westekant.

And I correct in saying then that with yours there was another one, and with Capt. Brummer there was three,

so/

so that there was in the end a total of five Saracens there is that right? —Nee, ek dink daar was vier, want sover ek weet nog is die een wat my gebring het weer terug.

The one that you — the one that brought you may have returned, but nevertheless, while you were waiting for reinforcement, there was still another Saracen on the spot?—Ja, daar was een geweest.

You've told us that as far as you were concerned, you decided that your duty was to see that the peace was kept?—Ja, dit is die beste wat ek kon doen onder die omstandighede.

And was that in effect what you did, you moved around among the police, you had a look at the crowd, and you observed things?—Ja, ek het na hulle gekyk, ek het hulle gekyk, hulle gedrag dopgehou.

Nothing special beyond that that you did during the time that you were waiting for the reinforcements?—Nee.

I take it then that you didn't try to establish radio communication with the senior officer elsewhere in the location?—Ja, dit het ek op een tydstip gedoen, om met Majoor van Zyl te praat oor die radio van die Saracens wat binnekant gestaan het, ja.

When did you do that?—Dit was seker nie lank voor Kol. Pienaar se aankoms geweest wat ek dit gedoen het nie.

When I asked you just now if what you were doing was just watching the crowd and so on, I presume you overlooked the fact that...?—Nee, ek het nou nie daaraan gedink dat ek dit gedoen het nie, maar ek het dit definitief gedoen.

You did it after you'd been there some time — when you'd been there about an hour or something like that?

—Nee, ek glo nie dit was al so lank gewees nie, sê so n driekwartier, daar rond, was ek daar gewees. Ek kan nie die tyd definitief nou sê nie, want ek het nie so opgelet nie, maar ek was n hele ruk daar gewees.

You certainly didn't do it immediately?—

Nee.

Now, you didn't think it necessary, I assume, to use the radio to report to a superior officer as soon as you came to the Police Station?—Nee, ek het gedink, seos ek reeds gesê het, n senior offisier sal by daar die plek aankom met versterkings. Ek het daarvoor gewag.

You didn't think it was necessary immediately you came, to give a description to your superior officer of what you found there?—Ek het dit vir hom gesê hoe die skare hulle gedra, en hy kon dit sien.

You don't understand me Captain. I'm asking you whether, immediately upon your arrival, when you saw this crowd, you didn't deem it necessary to get into radio communication with your superior officer to describe that crowd to him?—Nie op daardie stadium nie.

Can I put it to you, Captain, that one of the reasons why you didn't do so was because, in fact, at that stage the crowd was not a dangerous crowd, and therefore such a report was not necessary?—Nee, ek sal nie saamstem nie. Ek sal nie saamstem dat dit is die rede waaroor ek gewag het nie. Ek het reeds gesê ek het besluit om observasie te hou, na die beste van my vermoë het ek dit gedoen, om die posisie dop te hou.

Captain, I want to put it to you that if, in fact, you'd found a serious and dangerous situation, the obvious thing that you would have done was to report

it/

it by radio immediately to your senior officer a couple of miles down the road, outside the municipal offices. What do you say to that? — Ek sê weer wat ek gesê het, en dit is dat ek het gewoet daar sou versterkings kom en daarom het ek gewag. Ek het dit nie nodig gevind met my aankoms daar om aan 'n senior offisier te rapporteer nie, want ek het nie gewoet waar is een nie.

You've told us, Captain, that you left Major van Zyl outside the municipal offices? — Dis reg, dis daarheen wat ek op 'n later stadium met hom gepraat het.

So that you knew that when you left the municipal offices at the entrance to the location, the major was available there for communication? — Ek het nie gewoet hoe moet ek met hom in aanraking — toe ek by hom weg is het ek nie gewoet hoe moet ek met hom in aanraking kom nie.

DEUR DIE HOF:

Meen u nou u het nie gewoet hoe nie, of u het nie gewoet waar om met hom in aanraking te kom nie? — Ek het gewoet hy sal moontlik nog by die munisipale kantoor buite wees, maar ek het nie gewoet hoe moet ek met hom in kontak kom nie.

MR. UNTERHALTER:

Three-quarters of an hour later you used the radio and you spoke to him? — Omtrent so 'n driekwartier.

How was it that three-quarters of an hour later you knew that you could get into contact with him by radio, whereas apparently you didn't know that upon your arrival at Sharpeville? — Sien, die lawaai het toe baie erg geword by daardie tyd, en dit het vir my gelyk die draad word al platter gedruk, die skare word meer opstandig, en ek het toe vir die manne gevra hoe kan ek in kontak kom

met/

met Majoor van Zyl.

And what were you then told?—Toe was ek gesê ons kan probeer om met die Saracoen - die radio van die Saracoen met hom in aanraking te kom.

Before that, did you not know that you could use the radio of the Saracoen?—Ek het nie daaraan gedink nie.

Just answer my question, Captain. Did you know or did you not know. I'm not asking you whether you thought about it, did you or did you not know that the Saracoen has a radio by means of which you could communicate with the outside world?—Ek het dit geweet, ja.

You did, so it wasn't necessary for you really to ask your junior men "How am I going to reach the outside world? You knew yourself that the Saracoen was equipped with a radio that you could use for that purpose, isn't that so? — U sien, ek moet u so antwoord, dat in daardie omstandighede werk mens se gedagte nie altyd soos dit normaalweg werk nie as ons buitekant gesels nie. Dit is bietjie moeilik om vir u te sê wat ek alles gedink het en wat ek nie gedink het nie.

Captain, you're not surely suggesting to us that at that stage you lost your head and you didn't...?—NEe, dit is nie wat ek voorgee nie, dat ek my kop verloor het nie.

If you hadn't lost your head - I'm putting it to you again, you knew well that there was a radio in the Saracoen that you could have used to report to Major van Zyl if you wanted to?—Ek het geweet, ja.

You didn't use that radio although you knew about it, when you arrived on the scene?—Ek het eers later daaraan gedink dat ek kan nes die Saracoen se radio gebruik, en toe het ek vir die manne gevra of die ding in werkende

orde/

orde is, toe het hulle vir my gesê "Meneer, gebruik hom".

That is a different thing, asking them whether it is in order, to asking them "how can I get in touch with the outside world"? — Dit is n logiese vraag wat ek hom sou gevra het, of did ding reg is, nadat ek hom gevra het of daar n radio is soos hy my gesê het.

Captain, didn't I understand you to tell me five minutes ago that the question you put was whether the radio was in working order. I understood you to say that you asked "how can I get into touch with Major van Zyl"? — Ja, toe het een van die manne dit onder my aandag gebring, dit is reg, dat ek kan mos die Saracene se radio gebruik.

So did you ask whether the radio was in working order....? — Ek het gevra vir iemand by die Saracene of die ding reg is.

And did you ask somebody else "how can I get in touch with Major van Zyl", and did that other person then say "By way of the radio in the Saracene"? — IEM And het vir my so gesê.

And do you still persist in saying that you didn't get into touch with Major van Zyl when you came first to the Police Station, even though this crowd was in your opinion dangerous? — Ek het nie onmiddellik toe ek daar gekom het nie, het ek nie met hom in aanraking gekom nie.

You've told us that you knew that reinforcements were coming. How did you know that? — Wel buitekant het Major van Zyl vir my gesê — hy het iets aangehaal dat hy is besig om met Kō. Pienaar te onderhandel.

Now, you waited three-quarters of an hour before you communicated with Major van Zyl? — JA, omtrent driekwartier.

When you finally spoke to him, what did you say/

say? ---Ek het vir hom gesê dat die skare kom vir my nou baie, baie opstandig voor, en die draad word baie platter gedruk, is nou baie platter as wat dit vanoggend was toe ek hier gekom het.

Did you communicate with him, Captain, not because the attitude of the crowd had changed, but because the crowd, in fact, had got very much bigger? ---Die skare het intussen nog altyd aangegroei. Dit het my alles beweeg - die feit dat die skare besig was om aan te groei, en die groter lawaai wat daarmee gepaard gegaan het, het my beweeg om later met Majoor van Zyl te praat.

But the most obvious thing that appeared to you was the increase in the size of the crowd, not the increase in the hostility of the crowd. Would that be the correct way of putting it? ---Alles het toegeneem, ek sê die aangroei van die skare en die lawaai van die skare het tegelyk toegeneem, na my mening.

Does that mean that the hostility of the crowd had been increasing throughout the whole three-quarters of an hour that you had been there? ---Die lawaai het altyd toegeneem.

Just answer my question, I didn't ask you if the noise got bigger, I asked you if the hostility of the crowd increased throughout the whole of that three-quarters of an hour? ---Ja, dit het altyd meer geword.

In that case, Captain, why did you wait a full three-quarters of an hour, if you saw that hostility beginning to increase, why didn't you immediately report? ---Dit het baie geleidelik toegeneem, dit het nie sommer meteen so - namate die skare aangegroei het, het dit so geword.

It gradually increased in hostility? ---Ja,

dit/

dit het nie sommer dadelik so geword nie. Namate die skare aankom het dit meer so geword.

A gentle increase in hostility, is that what you're getting at, imperceptibly getting worse and worse and worse. Is that what you're suggesting?—Ek kan dit nie vir u antwoord nie, hoe dit gewees het daar. Ek kan net sê dat namate die skare grotergeword het, het hulle ook eproeriger geword.

When Colonel Spengler arrived, had you already been in communication with Majer van Zyl? —Ja, toe het ek al met hom gepraat, dit is seker ek onthou, ja, toe het ek al met hom gepraat.

So by that time, as far as you were concerned, you were very perturbed about the hostility of the crowd which was now very large?—Ja.

Col. Spengler arrived on the scene?—Ja.

Just before we go on to that, is it correct that at a certain period a box of cool drinks was brought into the area, the grass area, by some Africans from the crowd? —Ja.

Approximately when was that?—Nee, ek kan nie meer onthou op watter stadium dit gewees het nie, ek kan nie meer onthou nie.

Well, I want you to try. Was it shortly after you came or shortly before the firing, was it about the middle?—Ek dink dit is eerder dat Kol. Spengler en Kol. Prinsloo gekom het.

Just a few minutes before, would you say, ten minutes before?—Nee, ek kan nie onthou nie, ek weet nie heelank was dit gewees nie.

Well, let's put it this way, it was certainly not 15 minutes after you arrived, it was later than 15

minutes/

minutes after you arrived. Is that possible? I don't know, I'm just trying to assist you?---Ek weet nie heelank nadat - ek kan nie onthou nie, ek weet net ek het gesien dit kom in.

But it wasn't immediately after you arrived?
---Nie onmiddellik nie.

You'de been there some little while...?)--Ja, ek was n rukkie daar gewees.

Now, what happened please - they brought in these - was it a box of cold drinks?--Ja, dit was n kassie.

Was it the usual box that you get at the cafe with a few dozen drinks in it, 2 or 3 dozen bottles?
---Nee, ek weet nie of daar 12 of 24 botteltjie in was nie.

1 or 2 dozen?)--Ja, 1 or 2 dozen - hy was se breed en omtraat selank, ja.

It was the standard box of cold drinks with the standard number in it, would that be correct?--Nee, ek weet nie, ek sal net sê dit is n kassie met koel drank.

Was it half full, or was it completely full..?
--Ek het die botteltjie binnekant opgelet, ek het nie opgelet of hy vol was en of dit half was nie.

Now, this man brought in this box and what did he do with it - presented it to the police? JUst tell us about it?--Hy het die koel drank daar voor die blanke polisiemanne kom neersit op die grond.

The European policemen were just standing about, they were not yet in line?--Hulle was nie toe al opgevoerm gewees nie.

I believe it was a hot day, is that not so?
--Ja, dit was warm op die 21ste Maart, 1960.

DEUR DIE HOF:

In meer opsigte as een? --In meer opsigte as een.

MR./

MR. UNTERHALTER:

And the men had been standing about for some little while in the sun, have they not?—Hulle het gesit in die skaduwee eek.

None was standing then? —Nee, daar was n paar man wat seker gestaan het eek, daar was n paar man wat gestaan het.

You wouldn't call that area a protected area, would you Captain? It hasn't got lots of shady trees in the shade of which you could be protected from the sun? —Nee, ek het nie bene daar gesien nie, maar daardie geboue het seker skadu gegee daar.

It is a fairly exposed area - it is exposed to the sun?—Ja, sees enige ander woning is hy aan die son blootgestel.

What happened when these drinks were put down? Were they accepted, used? —Nee, hulle was nie aangeneem daardie keeldranke nie.

Why weren't they accepted, Captain? —Ek weet nie heken was hulle nie aangeneem gewees nie, maar as hulle vir my gebring gewees het, sou ek hulle definitief nie aangeneem het nie.

May I ask why not?—Omdat ek sou nie iets van daardie skare af geneem het om te drink nie.

You see, Captain, it seems to me, subject to anything that you say, that this was a friendly gesture made by people in the crowd to people who were exposed there to the hot sun. Now am I wrong in suggesting that to you? —Wil u hê ek moet vir u antwoord of u verkeerd is?

Yes, I am asking you? —Ek dink u is verkeerd daar. Ek het dit nie so beskou nie.

Tell us why you don't agree with me?—Ek

het/

het dit definitief nie so beskou dat daardie paar bettel-
tyies keeldrank deur n klemp polisiemanne meet gebruik
word, so n 60 polisiemanne wat ons gewes het daar entrent
nie.

Oh, do I understand then Captain, that you
are saying the gesture was not a friendly one because there
were five dozen policemen and there were only two dozen
cold drinks? Have I understood you correctly?---Dit is nie
net daareer nie.

But that is just one of the reasons. We'll
come to your others in a moment...?---Ek kan nie sê...

Just one moment, don't interrupt me please,
just let me complete my question, I'll ask you for your
other reasons in a moment. Am I correct in understanding from
you that when you say the gesture was not a friendly gesture,
your reason for saying that is because there were 5 dozen
policemen and there were two dozen cold drinks. That is
not a friendly gesture, have I understood you correctly?
---Ek sê dat ek het dit nie beskou sees u dit beskou nie,
dat dit n 'friendly gesture' was nie. Ek het gedink dit
was n daad van uittarting.

Yes, I gathered that from what you said,
but I want you please to be specific in regard to the
question I am putting to you. Did you think it was a
prevacative gesture because two dozen cold drinks were
brought in and there were five dozen policemen in the
area. Is that your reason?---Nee, dit is nie die
rede nie. Dit is miskien een van die redes, maar dit is
nie die rede nie.

That is one of the reasons you say?---Dit
kan een van hulle wees.

Let us examine it first. Did it perhaps

occur/

occur to you or does it occur to you now, that if these cold drinks had been accepted, there might have been other supplies forthcoming that people would have bought for the rest of the policemen, or is there anything that you can tell me, to show otherwise?--- Ek het net een kassie gesien en ek weet nie wat ek gedink het, of daar nog een of nie een nie.

You only saw one, but you didn't know whether others were coming or not?---Dit het nie so gelyk nie.

It didn't look like it, but you didn't know? --Ek het nie geweet nie.

For all you knew others might have been coming if this first gesture had been accepted. That is possible, isn't that so, others might have been brought?--- / Dit is moontlik.

Then why, Captain, do you say that the supply of two dozen cold drinks in one box, because there are five dozen policemen there, was a provocative gesture?---Omdat daardie kassie het lank daar gestaan op die grond, in die warm son, en die ander koeldrank het nie gekom nie.

Captain, might I ask why that box stood for so long in the sun, instead of being accepted immediately and being drunk by the people to whom it was offered, who were nearby and who could have taken it if they wanted to?---Nee, dit was nie vir my gegee nie, ek kan nie daarop antwoord nie. Die manne wat dit veer gegee was sal seker daarop kan antwoord.

I'm sure you can't give what was in these people's minds and I'm not asking you that, but why I am asking you this, Captain, is because you yourself, has ventured to express an opinion that this was a provocative

act/

act?---Ek het dit so beskou.

IT might well not have been. It might have been a genuine friendly gesture on the part of people, might it not? ---Ek kan nie so se nie want ^{tee} die polisiemanne daar se die keeldrank moet asseblief teruggaan vanwaar dit kom, tee het die skare buitekant by die hek harder geskree en hulle het geobjekteer dat daardie keeldrank moet teruggebring word.

That I take it, is your second reason why you reckon this was provocative? You don't think that the reason why the crowd objected was because they resented the rejection of their friendly gesture, as if something had been thrown in their face after they were trying to be courteous. Does that occur to you as something that might have acted on the crowd?---Dit mag so wees, ek kan nie - ek weet nie wat hulle gedink het nie.

It might be so. Captain, I want to ask you a question. You've had considerable experience in the Police force. That is correct?---Ja.

You've handled many situations with crowds in your 22 years?---Ja, taanlik.

You realize that perhaps one of the greatest assets of a policeman is the use on a proper occasion, of tact and diplomacy, isn't that so?---Ja.

Did it not occur to you, when you saw this event happening, that it might have been far wiser to have accepted this ~~hand~~, so to speak, figuratively throw it back in the face of the crowd. Did that occur to you?---Ek het nie gehandel met daardie keeldrank nie.

I'm asking you as the officer who was in charge, didn't it occur to you that it might have been far more tactful, and diplomatic, and useful, to have said, or

given/

given instructions "Let this be accepted", and not for someone to have given an order to "Take it back again". Did that occur to you or didn't it? --- Ek het nie die bevel gegee nie, Luit. Visser was ook daar by die keeldrank gewees. Luit. Visser was daar gewees en ek het dit aan hom oorgelaat om te maak sees hy wil met daardie keeldrank.

You saw that Lieut. Visser had ordered that these cold drinks be returned?---Ek weet nie of dit hy is nie.

But I understood you just now to say so?--- Hy was daar gewees by die keeldrank, hy het daar met die kassie keeldrank gehandel.

You assume that because he was there, that it might be him? ---Dit kan hy wees wat gesê het dit moet teruggaan.

What I want to know from you Captain, is this. You were the senior man in charge. When you gathered, as I assume you must have gathered, that this box of cold drinks was ordered to be returned to the crew, why didn't you alter that order and say "No, leave it there, accept it. If you don't want to drink it, at least leave it there". Why didn't you do that?---Nee, ek kan nie sê hekkem het ek dit nie gedeel nie, ek het dit net nie gedeel nie.

Didn't you think that that perhaps might have established a bond of good humour and good fellowship between the police on the one hand and the crew, if you had been gracious about it. Did that not occur to you?---Nee,

It didn't occur to you. Are you prepared, in the light of everything that has since happened, and the questions I'm putting to you, to concede that it might have been wiser to have accepted these cold drinks rather than to have rejected them in that way. Do you concede that

today/

today? —Nee, ek kan nie sien dat dit enige verskil gemaak het, daardie kassie keeldrank nie.

You are still of the same opinion, that it was wiser to reject the gift that was given by the crew? —Ek sal nie sê dat dit was n wyser stap gewees nie. Dit het net teruggegaan, die keeldrank, dit is al.

You don't express any opinion...?—Nee, nêe niks, ek het nie - Luit. Visser het net daardie keeldrank gehandel en ek het daar niks mee te deene gehad nie, ek het dit net gesien.

Now that is one aspect of your behaviour where apparently, rightly or wrongly, you didn't take any steps to try to establish a bond with the crew? I want to ask you something else. Did it occur to you that if you were to control that crew, come into communication with that crew, the best way to do it might perhaps be through a communication with its leaders. Did that occur to you?—Ja, dit is daareen dat ek vir Luit. Visser gevra het waar die aanveerder is toe ek daar gekom het.

Did you find no leader there?—Hy het my gesê die leier is weg vir etc.

It is an interesting observation that, he told you that the leader had gone off for lunch?—Ja.

There was no other leader who was there to take his place while he was...?—Dit weet ek nou nie, want toe hy vir my gesê het die aanveerder is weg, toe het ek aangeneem hy is weg. Ek het hom gesê hy moet kyk wanneer hy terugkom en my sê wanneer hy terugkom.

Did he at any time report to you that this leader had come back?—Nee, hy het nie vir my kom sê hy het teruggekom nie.

You yourself, of course, were keeping a
very/

very careful observation upon this crowd?---Ja.

That was your principal duty?---Ja.

Did you look out for any leaders?---Ek het gesien iemand binnekant die draad daarse. Ek het nie met hem gaan praat nie.

You saw a person inside the fence, didn't it strike you as a bit strange that he should be there rather than among the crowd?---Ja, dit is so.

Did it occur to yourself, Captain, that if he was inside the fence, there might have been a special reason why he was there?---Ek het so gedink, ja, dat daar meet n spesiale rede wees.

Namely that he was possibly leading the crowd, or he was in some responsible position?---Nee, hulle het gesing daar, en dit het vir my gelyk by het hulle laat sing daar in die een heek van die draad.

Would you say he was directing them like a conductor conducts an orchestra? --- So op die manier en dan het hy weer gepraat en dan het hulle geskree.

Captain, this must have given you atleast some notion that this musical conductor was a kind of leader, didn't it?---Ja, dit het, ja.

Now I ask, in the light of that, why you didn't approach this man?---Nee, ek het nie vir hem gevra nie, Eke het vir Luit. Visser neg altyd gewag om vir my te kom se wanneer die regte aanveerder terugken.

Captain, I can't understand why you should wait for Lieut. Visser to tell you when the real leader was coming, when some apparent leader was conducting his activities inside the wire fence that you yourself, personally, saw?---Ek het dit nie geseen nie, en met hem te gaan praat nie.

Well Captain, wouldn't it have been wiser

for/

fer you to have gone up to this man and said to him "Look, you seem like some kind of a leader, let's try and co-operate to quieten this crowd"? ---Daardie skare het later van tyd se gewerd dat ek het gedink dit sal neu niks meer help om met een van hulle te probeer praat nie.

Dees that mean that you abandoned the attempt without making even an effort, without even trying it out?--- Tee Luit. Visser nie vir my kom rapperteer het dat die leier terug is nie, tee het ek dit geles om met enigeen van hulle te praat.

So you really didn't know, as far as this conduct was concerned, whether he was a man who would or would not co-operate with you. You didn't know that?---Nee, ek het nie geweet nie. As hy wou ge-co-operate' het, sou hy na my toe gekom het.

You assumed that he would not co-operate because he didn't come to you?---Didn't come to me.

May I ask, Captain, why should he have sought you out for de-operation? It was you who wanted someone to help you?

P.P.: No, I object to that.

BY COURT:

I can't see anything objectionable in the question.

MR. UNTERHALTER:

Captain, let me just resume for a moment. According to you there was a serious situation. Correct? --- Correct.

You would have welcomed any means to assist you in the control of that situation? Correct? ---Ja.

One of the means that in fact you were waiting for every minute, was reinforcements?---Dit is my

heefsaak/

oefsaak waarveesrek gewag het.

If it had come to your attention that there were other means also available to you, you would have used them?---Ek sou dit gebruik het.

In fact, Capt. Brummer had a loudspeaker, and was trying some other means by apparently talking to the crowd?---Ja, maar ek het nie dit gehad nie, ek ken niks probeer nie.

Captain, I'm not criticising you for not having used the loudspeaker, I'm only saying to you that Capt. Brummer was making use of that as a means to try and control the situation. You'll agree with me?---Dit is reg, hy het van hom gebruik gemaak.

What I want to know from you is this, why didn't you seek out this additional means, namely this man who was apparently a leader. Why did you wait for him to come to you? That is what I don't understand?---NEE, ek was daar om moeilikheid te voorkom daarse. Ek het baie dinge gehad daarse en dep te hou, sien, nie net alleen die skare nie, ek het ook my manne gehad en dep te hou daarse. Ek het die man daar gesien, hy het hulle laat sing, die skare, en ek het my nie veel aan hom gesteur nie.

Cel. Spengler gave evidence on Friday, and he told us of some of the things that took place. I take it that you didn't do anything that would provoke the crowd? ---Ek het probeer om dit nie te doen nie.

Are you perhaps worried - were you perhaps worried that if you had gone up to this man who was inside the fence, your mere conversation with him might have provoked the crowd?---Ja, ek het gedink hulle het nou so geraas, die man sal tog nie na my luister nou nie, die skare is te opstandig, dit het ek gedink, ek moet hom maar liewers

les/

Vertical text on the left margin, including: "BY COURT:", "MR. UNDERLYN:", "P.P.:", "I am", "question.", "MR. UNDERLYN:", "Correct.", "You", "You in the center", "One", "waiting for every".

les.

You didn't think that in talking to him you would upset the crowd further?—Nee, ek sal nie se as nie, ek het net gevoel ek meet hom maar les.

This man actually of course really had no business to be inside the police grounds, did he? It was rather an exceptional thing to find the one man inside and all the others outside, he had no business to be there? —Nee, hy het daar niks te doen gehad nie.

Did you think that by means of this conducting of the crowd, he was in a way assisting in inciting them? — Dit kan se gewees het, ek het miskien se gedink, ja.

In other words, his presence there, instead of assisting the situation, according to you, was making the situation get a little more out of hand. Would that be correct?—Sal u net herhaal asseblief?

The presence of this man inside the fence was not assisting to control the situation, apparently by his conducting this crowd, he was assisting to make them even more out of hand? Is that correct or not, I'm just asking you? —Ek weet nie wat in sy gedagte was nie, wat hy nou eintlik daar gemaak het nie, ek het hom net daar gesien.

He wasn't working the crowd up, would that be correct? He wasn't exciting the crowd? —Ek weet nie, dit lyk vir my - hulle het geskree, partykeer wanneer hy praat het hulle harder geskree. Ek weet nie of hy hulle opgesweep het met wat hy gesê het nie.

Did you have any opinion that he was in fact inciting this crowd?—Nee, ek weet nie...

You have no opinion about it?—Dit kan wees dat ek se gedink het ook, ek weet nie, regtig, daar is baie

dinge/

dinge in mens se ke p daardie tyd.

Anyway, whatever you thought, Captain, you didn't deem it necessary at that stage to arrest this man? ---Ek het dit nie nodig geag om hom te arresteer nie, ek het ook nie...

Even though technically, he was trespassing on police ground?---Nee, ek het nie gedink dit is nodig om hom te arresteer daar nie.

And even though you saw that when he demonstrated towards this crowd, apparently, this crowd shouted even louder?---Ja.

Now, if he was doing these things, Captain, is there any reason at all you can give us, why you didn't? ---Ek sal u sê, daar is absoluut geen rede nie. Die kwessie is net dat ek het in my gedagte self gedink ek meet die man maar les. Ek het nie rede gehad heekem ek juis besluit het ek meet hom nie arresteer nie, ek het hom net geles daarse.

So Captain, I take it I can therefore assume that it didn't cross your mind that you'd better leave him alone because if you did arrest him, you would excite the crowd. That didn't cross your mind?---Dit kan se wees, eerlik, dit kan se wees dat ek miskien dit gedink het, maar ek kan nie nou meer sê nie - ek kan regtig nie nou meer sê wat was in my gedagte gewees nie, dit mag heeltemal meentlik wees.

Whatever it was, it wasn't so permanently in your mind, that you can remember today that "that was the foremost thought in my mind, I mustn't arrest him because I might excite the crowd". That certainly wasn't foremost in your mind?---Ek weet nie, ek het net besluit ek met hom les.

You see, I want to tell you, Captain, you haven't/...

haven't got a clear recollection, but that was precisely the attitude of mind of Col. Spengler himself, that he didn't think at that stage that the removal of these people might inflame the crowd. So that is - I'm now putting to you what Col. Spengler told us on Friday. In the light of that you want to express an opinion in the calmness of this Courtroom this morning, that in fact your serious opinion, looking back on it, is now that if you had removed this man, you would have inflamed the crowd. Do you agree with Col. Spengler?—As ek hem verwyder het dan sou hy hulle nie verder opgesteek het nie? Dit is moeilik om te sê, ek weet nie.

Captain, I want to put this to you, it relates to the earlier question about radio communication. That in fact, you didn't remove this man for the simple reason that at that stage the state of the crowd was not so dangerous, was not so serious as to warrant any sort of action like that. Do you agree with that?—Nee, daardie tyd ken ek miskien in gedagte gehad het sees u netnou gesê het, dat dit see moeilikheid verder gemaak het, ek weet nie.

Captain, you've told us in describing the incident about the cold drinks that a lot of the police were sitting in the shade?—Ja.

Just informally?—Ja.

I want to put it to you that they could only have done that because, in fact, there was no serious threat coming from the crowd, and that that is why they were in that relaxed attitude?—Ek dink die meeste wat daar gesit het na die agterplaas van die polisiestasie waardie skadu was, is seker ek onthou, nie-blankes gewees. Daar mag n paar blankes ook tussen hulle gewees het, ek weet nie, maar ek het gesien polisiemanne sit, en n paar staan.

But/

But most of the people were relaxed, they were standing at ease, isn't that so?---Nee, ek kan nie daar sê nie, ek weet nie. Ek weet nie of hulle op hulle gemak was of nie op hulle gemak was nie, ek kan nie sê nie.

Well, let me put it to you this way, they weren't assembled in a line as they were later on after Col. Pienaar arrived?---Nie so nie, dis heeltemal reg, hulle was nie so nie.

They were just standing around?---Ja, hulle het bymekaar gestaan.

Any of them smoking? ---Ek weet nie..

They might have been smoking?---Dit is meentlik, daar is baie manne wat reek, hulle het seker maar greek.

I'm putting it to you Captain, that if they were standing round and you can't say definitely that they weren't smoking then there was by and large a fairly relaxed attitude among the men before Col. Pienaar arrived? ---Nee.

Now, you've told us that for the whole three-quarters of an hour there was a gradual increase in the hostility of the crowd?---Ja.

You used the radio to communicate with Majer van Zyl before the arrival of Col. Pienaar?---Ja.

Did Majer van Zyl give you any instructions, tell you what to do?---Ja.

What did he say?---Hy het gesê ek moet probeer nog bietjie aanhang, die ander mense sal nou-nou kom.

His words were really an encouragement to you rather than a specific instruction as to what to do. Would that be correct?---Nee, ek dink dit was n instruksie. Hy het gesê ek moet aanhang, nog n rukkie aanhang, die ander versterkings/

versterkings sal eer n rukkie kom, of sal nou-nou kom.

He didn't tell you to do anything other than to wait? ---Ja.

You, yourself, accepted that instruction? ---Ek mees, ek het natuurlik onder druk verkeer en ek mees maar daardie instruksie onder druk uitvoer.

I'm not suggesting Captain that you should disobey it. What I was going to say is you didn't make any counter proposal to Majer van Zyl, as the man on the spot, as to what should be done?---Nee.

So the men remained in the same groups as they were, after this radio message to Majer van Zyl? ---Ja, ek het niks met hulle gemaak nie, hulle was neg daar / gewees.

Can I suggest to you Captain, that if there had been a serious increase of hostility over this three-quarters of an hour, at the end of that time you would have assembled your men into some kind of order, or into some kind of preparation?---OM die waarheid te sê het ek later daaraan begin dink en die manne op te vern. Ek het self al daaraan begin dink later, net veer Kol. Pienaar gekom het.

The fact remains, Captain, that you did not do it until...?---Ek het dit nie gedoen nie..

JUST allow my question to be finished otherwise we'll confuse them on the machine..?---Ekakus.

You, in fact, did not do it until Capt. Pienaar arrived?---Ja.

Then you did it under orders from him?---Ja.

Now, did you pay any particular attention to the movements of Col. Seengler?---Nee, nie in besonder het ek hom ag geslaan op wat hy gedoen het nie. Hy is van die veiligheidsstak. Hy is nie in uniform geklee by ons nie.

This/

versterkings sal eer n rukkie kom, of sal neu-neu kom.

He didn't tell you to do anything other than to wait? ---Ja.

You, yourself, accepted that instruction? ---Ek mees, ek het natuurlik onder druk verkeer en ek mees maar daardie instruksie onder druk uitveer.

I'm not suggesting Captain that you should disobey it. What I was going to say is you didn't make any counter proposal to Majer van Zyl, as the man on the spot, as to what should be done?---Nee.

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JUST allow my question to be finished otherwise we'll confuse them on the machine..?---Ekskuus.

You, in fact, did not do it until Capt. Pienaar arrived?---Ja.

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This man that you'd seen inside the fence, did you notice when Col. Spengler arrested him, or removed him?---Eerlik, ek weet nie. Ek weet werklik nie.

Apart from this one man whom you described was inside the fence, did you at any time see any other man inside the fence, directing the crowd or addressing the crowd?---Nee.

You only saw one man? ---Ek glo nie, ek dink ek het maar net die een gesien.

Now, you say that there was something you witnessed at the gate when Col. Spengler was there?---Ja.

I wonder if you could try to describe to us what you saw on the first occasion, between Col. Spengler and somebody at the gate?---Die eerste geleentheid was hy besig om met iemand te praat daar by die hek - n bantee. Daar was n baie groot lawaai gewees daar, en ek weet nie wat het hy met die man gemaak nie. Ek glo nie by die eerste geleentheid wat hy daar was, het hy niemand ingevat, seker ek gesien het nie. My oë was nie op hom altyd nie.

Did you at any time see him physically seize anyone, in the sense of putting his arm on his shoulder or on the person of anyone and take him away?---Nee, hy ken dit gedeen het maar ek het dit nie gesien nie, want op daardie tydstip was ons besig om die parade op te stel.

At any time did you see Col. Spengler do what I've just suggested?---Nee, ek het dit nie gesien nie.

Captain, I would like you to think about it a little more carefully. I have an impression that in your evidence in chief you said that "Hy het iemand ingetrek". Now, I may be wrong in putting this ...?--- Ek het gesê hulle het hom ingesteek. 763

Do you mean by that that the crowd...?---

Doe/

---Die tweede keer....

The crowd pushed Col. Spengler?---Ja, terug in die polisiestatie gronde in.

I'm under the impression that you said at some stage that Col. Spengler himself "Het iemand ingetrek". Am I wrong in suggesting that to you? ---Ek glo nie - as ek net kan lees, maar ek glo nie ek het seits / gesê nie.

BY COURT:

The witness did say "Op een tydstip sien ek hy is besig om iemand by die hek in te trek", in his evidence in chief.

MR. UNTERHALTER:

You heard that Captain?---Ek het geheer wat Sy Edelagbare sê...

Were you mistaken when you said that?---Ek het miskien bedeel hy was besig om n arrestasie te maak of te endervra daarse by die hek.

Well, do you want to correct your evidence?--- Ek veel dat ek wil dit in die opsig wysig, Edelagbare, met u toestemming, dat dit het veergeken asof hy benig was om een daar te arresteer of te endervra. Dit is sees vir my veergeken het, seker ek onthou. Dit is nie onmoontlik nie, ek wil dit by my kerreksie voeg, dat hy iemand arresteer het en ingemeen het daar, maar my sê was nie altyd op hem gewees nie.

Captain, there has been a description by certain of the witnesses of what I might describe as a tug of war between Col. Spengler on the one hand and the crowd on the other, in regard to an African that was at the gate. Did you at any time see such a tug of war? ---Nee, toe ek onkyk - ek weet nie waar was sy - of ek na die polisiemanne

gekyk/

gekyk het daardie tyd, en of ek na die skare gekyk het nie, maar op een tydstip het ek gesien Kol. Spengler kom in, so half op hande en voete - so half hande en voete kom hy terug...

That was right at the end, just immediately before the shooting?—Ja, dit is reg.

Just immediately before that, were you looking at the gate?—Ek kan nie entou of ek toe na die hek gekyk het nie.

If there had been a serious tug of war at the gate at that time, I take it you surely would have noticed it, wouldn't you?—As daar seits was, dan was daar. Ek sal dit nie betwis nie, maar dit het vir my gelyk daar was n argument, seert van, by die hek gewees daarse.

Captain, I'm not putting it to you that that did happen. I'm only telling you what other witnesses have said to us. What I'm asking you is this, if there had been a tug of war going on, I take it it would have been such an important incident at that stage, indicating danger, that you would surely have noticed that there was this tug of war, would you not?—As ek gekyk het.

I take it every couple of minutes or so you were looking towards the gate?—My aandag was nie altyd by die hek nie.

No, I'm not suggesting that you concentrated your attention on the gate all the time, but from time to time you cast a glance in the direction of the gate?—Ja, ek het van tyd tot tyd na die hek gekyk, ja.

You never saw such a tug of war going on?—Nee, ek het nie gesien nie - daardie het ek nie gesien nie.

Now, you say that you saw Col. Spengler on his hands and knees, crawling backwards, as it were from..?

—Nee/..

---Nee, ek het nie hem op sy hande en voete gesien nie, ek het net gesien hy is so gebukkend, so half op hande, gebukkend, terug in die polisiekant in het hulle hem gedruk.

Can you tell us how it came about that Col. Spengler got into that position?---Nee, ek weet werklik nie. Die bantees was agter hem deur die hek gewees en hy was so veer gewees, ek weet nie.

I take it there were no guards at this gate?

---Nee, polisiemanne het ek nie daar gesien nie.

Throughout the whole period of three-quarters of an hour that you were there, there were no guards?---Nee, daar was nie polisiemanne by die hek wat ek gesien het nie.

Captain, I want to put it to you that the reason that no guards were stationed there during the three-quarters of an hour during which you were in charge, was because in fact there was no serious need to place guards at the gate. Do you agree with that? ---Ek het nie gedink om wagte daar te sit nie. Die draad was in so n mate platgedruk dat hulle ken semmer maar inkem sender dat hulle deur die hek gaan. Ek het nie op die hek ag geslaan en daar iemand te sit nie.

Captain, you will agree with me, I'm sure, it would have been far easier to come into that area by pushing open the gates and going through, than by climbing over the fence. It's obvious, isn't that so? ---Om die hekke oop te maak as om oer die draad te klim?

Yes?---Ja.

And if anyone had therefore threatened to come through that gate at any time during these three-quarters of an hour, you would have wanted to do something to prevent it, and the obvious way to do it was to post guards at that gate, and you didn't do so?---Ek het nie

wagte/

wagte by die hek gesit nie, ek het die draad dopgehou.

I want to repeat what I put to you a couple of minutes ago. The reason why you didn't put any guards at the gate was because the attitude of the crowd was such that it was not necessary to do so?---Nee.

Captain, did you pay any regard to what was going on in Zwane Street, that is on the southern fence? ---
Kan ek net na die plan kyk?

DEUR DIE HOF:

Miskien is dit beter as jy na Bewysstuk 13 kyk, hier aan die enderkant? ---Zwanestraat is hierdie straat?

Dis reg, ja? ---Ek het net hier van die heek af het ek n klemp mense gesien so staan, saamkaar, enerals het ek hulle gesien staan maar ek het nie daar ag op geslaan nie, ek het my meer bepaal by hierdie plek hierse.

MR. UNTERHALTER:

Do I assume from that, Captain, that you weren't seriously worried about the behaviour of the crowd on the southern side, in Zwane Street?---Wat my betref was dit een skare, want hulle was saamkaar gewees. Ek het my net hierveer bepaal, hierse by die heefingang, by die heefhek.

Leek Captain, you knew that there were two portions of that crowd, although they were one crowd, one situate on the South in Zwane Street, and one situate in the West, opposite the big gate. That was obvious to you as the man that was in the area. Correct?---Daar was aan die Noerdkant ook mense.

And there were also people on the North?---
Ja, aan die Noerdkant ook.

Your duties concerned the whole of that crowd?---Heeltemal reg.

People on the North, people on the West and

the/

the people on the South?—Ja.

You were paying attention to all portions of that crowd?—Ja, ek het nie ver gestap na - ek ken die skare sien vanwaar ek gewees het. Aan die westekant ken ek die skare sien aan die suidekant en ek ken die skare aan die noordekant sien.

Did you, at any time, go down to the southern side to look at the gate from the entrance into the Police Station, into Zwane Street?—NEE.

I take it, Sergeant Grebler has said this too, that no guard was posted at that gate?—Ek het nie...

The gate on the South side?—Ek het nie daarin wag gesien nie.

I'm putting it to you again that no guard was posted at that gate for the same reason, that the behaviour of the crowd didn't warrant your posting a guard to watch that gate. Do you agree?—Nee, die skare se gedrag was baie, baie ernstig gewees.

In that case, Captain, why did you not post guards at the gates on the South side and on the West side?—Omdat ek het dit nie nodig gegag nie. Daardie draad, as hulle wou inkom ken hulle hom platdruk, want hy was al feitlik plat gewees, ken hulle ingekom het sender om die hek oop te maak.

So you reckoned that because they could smash the fence level, it wasn't even worthwhile preventing their streaming through the gate?—Hulle ken dadelik ingekom, het, as daardie draad geval het. Hulle sou ingestroom het want hulle het mekaar so hard gedruk teen daardie draad vas, dat hierdie veerstes lyk dit vir my was so half platgedruk.

Captain, just tell me if you agree with me.

Did/

Did you consider it was not necessary to post guards at the gate because the fence could have been smashed anyway?

---Ja, ek het gladnie die hekke in my gedagte gehad nie, ek het nie aan die hekke gedink nie.

It so happens, does it not, Captain, that when the crowd came into the area, they came in through the gate, they didn't come in across the fence, most of the crowd?---Wanneer was dit?

Just before the shooting, the crowd that came into the police grounds came in through the gate, they didn't come jumping over the fence, isn't that so?---Hulle het by die hek ingekom waar Kol. Spengler was, ja.

They came in through that gate because for some reason or other the gate was open?---Iemand het die hek oopgemaak seker, ek weet nie.

And the first thing that happened was that the crowd streamed through the gate?---Dit het ek gesien.

Yes, they didn't press the fence flat and stream in there?---Nee, nee, hulle het by die hek ingekom op daardie stadium.

I'm putting it to you that, whatever the reason was, they came through the gate because the gate was, in fact, the weakest point in the barrier between the police and the crowd outside?---Nee, dit sal ek nie saamstem nie, eerlikwaar, want iemand ken daardie hek oopgemaak het.

Anyway, you can't give any reason at all as to how that crowd came through that gate just before the firing?---Nee, ek weet nie, dit het nou net dieselfde tyd gebeur wat Kol. Spengler daar was, ek weet nie wat het eintlik veroorsaak dat hulle daar ingebars het nie.

Captain, is this possible, there was a huge pressure of people against the fence, that is true, isn't

it/

it?---Ja.

Throughout the whole of the length of the fence?---Ja.

Is it possible that the pressure on the gate was such that when someone carelessly opened it at that stage, the people just had the support removed from them and stumbled into the police area. Is that possible?---Dit is moontlik.

Now, when that happened, apparently some stones were thrown, and some knives, I think you said, were thrown?---Ja.

You said they were thrown fairly near the fence?---Ja, nie diep in die polisie-stasie gegee gewees nie.

What would you say, 2 or 3 feet inside?---Nee, hulle het nie almal in n lyn gelê nie, hulle het verspreid gelê, maar dit is nie diep agter in die polisie-stasie in nie, dit is hier voor op die gras rand.

Well, measuring it from the fence towards the police station building, would you say that they lay two paces from the fence, three paces from the fence, generally?---Dit is moeilik om te sê, die klippe het enige plek gelê daarse..

You're quite certain they weren't at the police building?---Biankant?

Yes, right up - new windows of the police building was smashed by stones, for example?---Dis weet ek nie, die het ek nie gesien nie.

What was the maximum distance, as far as you could judge, that any one of these weapons or stones travelled from the fence into the area?---Nee, dit is vir my regtig n onmoontlike vraag daardie om te beantwoord, ek kan hom nie beantwoord nie.

The majority of these stones and weapons,

did/

did they lie nearer the fence or nearer the police building?
 --Hulle het versprei gelyk, ek weet nie of dit nader aan die draad is of waar nie, maar ek het hulle daar binnekant ook gesien lê.

Now, you saw these stones come over, and then I believe you said that you heard a couple of shots, was it?
 --Ja, dit het se alles gelyktydig gebeur, twee skote het ek gehoor.

And you said that you heard them to the North-west, as you pointed out on the Exhibit?--Dit is nou sees ek geoordeel het daardie dag. U sien, dit was n vreeslike lawaai gewees natuurlik daarse, en wanneer n skoot afgevuur werd kan jy net heer daar gaan n skoot af, maar sees dit vir my geklink het, het dit van my linkerkant af gekom, die Noordweste, as ek met my rug teen die draad gestaan het.

Well, Col. Spengler said the same, that he thought the shots came from the North. As far as you're concerned, before you heard these two shots from the North, I take it you heard no shots before that?--Nee, beslis nie.

If there had been such shots, you would have heard them?--Ek sees dit darna seker be daardie lawaai uit gehoor het, ja.

Mr. Labuschagne, the Location Superintendent, gave evidence. He said he heard two shots coming from the South in Zwane Street direction. You certainly heard no shots from Zwane Street? --Van die Suide? Dit het vir my geklink dit kom van die Noorde af, die twee skote.

Were they loud shots, would you say, or soft shots?--Ek ken heer dit is gewere of een of ander vuurwapen wat daar skiet, ek het dit bekant die lawaai uit gehoor, ek weet nou nie hoe hard dit gegaan het, ek kan nie vir die Hof beskryf nie, ek ken uitmaak dit is n vuurwapen wat daar
 gevuur/

gevuur werd.

Of a fairly high caliber? It wasn't a .22, would it be?—Nee, n .22 was dit nie gewees nie.

If anything, it was a .303 or a .38? —Dit ken n .38 gewees het of n .303, hulle maak ontrent dieselfde geluid.

Might it have been, I don't say fired by a policeman, but fired from a police weapon. By that I mean not that it was necessarily fired by a policeman who was there on the spot, but from a police revolver or a police rifle? —Ek weet nie watter geweer het geskiet nie, of dit n polisie vuurwapen was nie, ek kan nie se nie, maar dit was nie van die polisie wat gevuur het nie.

Now, the line of men was spread out along the whole of that Western area? —Hulle het meer of min die hele wetelike kant gedek, meer of min.

There were a couple of Saracens standing at an angle in the northern portion of the area, and pointing in a North-westerly direction? —Dit is reg, ek dink een in die heek.

The men were posted from approximately where that Saracen was, in a single line, all the way down, beyond the gate? —Ja.

Would you say, Captain, that the line of men reached to the fence at Zwane Street, or not quite so far?—U sien, ek dink daardie manne was nog besig om aan te kom, daar. Ek kan nie se nie, dit het toe baie vinnig gebeur, en of hulle tot teen die draad by Zwanestraat aan die suidekant gestaan het, weet ek nie.

Captain are you sure about that, that they were still busy being assembled in a line when the firing started?—Ja nee, ek is nie se deesdae nie, en die

waarheid/

waarheid te sê, maar hier by die hek waar ek was by Kel. Pienaar, daar het die manne al gestaan.

You see, I rather understood from your evidence in chief, that you said the men were not already lined up. Did you say that in your evidence in chief?—Ek dink ek het gesê ons was nog besig gewees om hulle op te stel.

You see, it conflicts with what you said to the Commissioner when you gave evidence at the inquiry. Is it possible you may be making a mistake?—Dit mag moontlik wees.

I'll read you what was said at page 259: "Toe Kel. Spengler die arrestasie uitvoer was die manne alreeds in gelid? —Hulle het reeds in gelid gestaan, ja." Now that I've refreshed your memory, do you...?—Toe Kel. Spengler...?

"Die arrestasie uitvoer, was die manne alreeds in gelid? —Hulle het reeds in gelid gestaan, ja". AND from that I understand that all the men were lined up? Is it possible that you made a mistake?—JA, ek het die lyn nou gesien n end op na Zwanestraat se kant toe, nou kan ek nie presies sê of almal op hulle plekke gestaan het nie, maar ek het die lyn gesien, natuurlik.

You say it didn't reach to the fence at Zwane Street?—Ek is nou nie meer seker nie.

Where were you standing when the firing commenced, at the gate, or to the North, or to the South? —Ek dink ek was na die noordekant van die hek gewees.

How many paces would you say, to the North past of the gate? — Seker maar n vyf tred, daar rond, ongeveer.

5 Paces away from the North...?—Ja, van

die/

die neerdelike paal van die hek.

Does that mean that you were right at the Saracens?—Nee, ek het nie so ag geslaan waar was die Sasmeens van my af gewees nie, sien, hulle was verskillende plekke opgestel, ek weet nie...

I was telling you just now about a Saracen that was pointed slanting in a North-western direction in the northern portion of the area?—Ja.

About how far from that were you?—Sees ek se gestaan het was die Saracen so links van my gewees, so so 15 treë seker.

About 15 paces?—Ja, ontrent 15 treë.

And there were men close by that Saracen, in the line?—Ja.

Now isn't it possible Captain, that when you heard these one or two shots fired from the North, that they may have been fired by one or two policemen right at the northern end of the line, near the Saracens?—Nee, dit kan ek nie aanneem dat dit so is nie, dit het nie vir my so geklink het nie. Dit kan ek nie sê dat dit meentlik is dat dit 'n polisieman is wat daar geskiet het nie.

There was, according to you, a very loud noise at that time?—Ja.

There was a great deal of confusion?—Ja.

When you saw this crowd either stumble or run into the ^{crowds?} crowds, you were very disturbed?—Ek kan nie meer beskryf hoe was ek gewees nie. Ek weet nie hoe was ek gewees meer nie.

Well, you were a bit worried, I take it?—Ek was maar dwaarsdeur bekomerd gewees.

Is it not possible, Captain, that in the light of that whole situation, you may not be completely accurate/

accurate as to the direction in the North from which these shots came?—Nee, ek glo nie ek het daar n feut gemaak nie. Daardie skete het ietwat dof geklink, maar vir my het dit gekom van n noord-westelike rigting, en ek sal u sê, dis skeet wat daarna gevolg het het n pelisieman gevuur - die eerste skeet wat die pelisiemanne gevuur het, die het n pelisieman definitief gevuur, maar daardie twee eerste skete was nie deur die pelisie afgevuur nie.

Anyway, you can't be absolutely and completely sure. It may be that it came from North of the line and you may have been confused?—Nee, hy het bietjie ver geklink, daardie skete. As hy by ons gewees het sou ek dit geheer het, want daardie een skeet het ek uitgeken, dit is n pelisieman wat daar skiet, dit is een van ons manne, daardie een enkel skeet veer die sarsie, toe het ek geweet dit is nou een van ons manne wat nou daar skiet.

It is quite clear, of course, that whoever fired these shots, no policemen were injured by firearms?—Nee.

Now, immediately after these two shots I understood you to say there was another shot fired, this definitely from a policeman?—Dit was van a pelisieman.

Did you actually see the man fire?—Nee, eerlik, ek het nie gesien wie dit is nie, ek het nie gesien nie.

Now, was it one shot that you heard, or two shots?—Wanneer?

As far as the policeman is concerned? — Hy het eers een skeet gevuur, toe het daar weer n skeet gekom, en toe die sarsie agtermekaar.

From which direction did this first shot of a policeman come, from the North, South, from the front of you?—Daardie het vir my gegaan hier van die Noorde,

naby/.

naby die Saracen.

I take it you didn't see which particular policeman it was who fired?—Eerlikwaar, ek weet nie.

When you heard the shot, did you turn your head in that direction to look?—Dit mag wees, ek weet nie meer nie, ek kan nie sê nie.

You didn't, looking along the line of the policemen, say to yourself "Oh, it must have been that one because I see that he has got his weapon pointed", or anything like that?—Nee, ek het nie iets gesien nie. As ek dit gesien het sou ek wel vir u gesê het, maar ek het dit nie gesien nie. Ek het nie gesien wie gevuur het nie.

People who came in through the gate, approximately how many of the crowd spilled over into the Police Station area? —SEker so ongeveer 50, daarin daardie engewing.

There has been evidence that 100, or 150 or 200 people came in, that would be wrong?—Ja nee, dit is nie wat ek waargeneem het nie. Ek sou sê so 50 het ingekom.

A maximum of about 50?—Ja, natuurlik, die ander was teenaan agter hulle vas, die skare, heeltemal vas aanskaar, dit het so n tuit gemaak daardie 50 wat ingekom het daarse.

Those over the boundary line at the gate and into the area, were approximately 50?—Ek sou sê 50, ja.

When that shot went off, nobody among these 50 or so fell? —Nee, ek sal u sê die eerste persoon wat ek gesien val het, was so n vet banteevrou gewees, sy het hier by die hek gestaan - die eerste een.

That was outside on the pavement?—Outside.

Did she fall where she stood?---Sy het net daar neergeslaan, seker ek weet, net by die hek het sy gels.

It may be difficult for you to answer this, Captain, but just immediately before she fell, had she been standing on the pavement side, and then, did she receive a shot and fall there? --- Ja, dit is vir my moeilik, ek sal vir u sê ek het net - mens neem nie waar daardie tyd presies hoe dit gebeur nie, maar ek het gesien, sy is die eerste een wat my oog gevang het, wat val.

Was she facing towards you as you saw her fall?---Ek weet nie, ek het net gesien daar val n bantevrou.

She wasn't shot in the back, I take it, as far as you could notice?---Ek weet nie, ek het nie opgelet waar sy die skoot gekry het nie, want sy was - ek ken haar, want sy was dik, sy het daar by die hek gestaan en sy het eerste geval, wat ek gesien het.

Now, you say that one or two shots, did I understand you to say, come from the police somewhere to the northern part of the line, near the Saracens, and then there was a valley of shooting?---Toe ken daar n 'valley' - toe ken daar n sarsie.

You had not heard any order to fire?---Nee, beslis nie.

If there had been such an order, I take it, you would have heard it? ---Ja, ek dink so, ek sou dit seker ken heer as dit van Kol. Piennar afgekom het, want hy was naby my altyd gewees, entrent 5 toes. Ek sou dit geheer het, maar ek het nie so n bevel geheer nie.

In these circumstances, with Col. Piennar the man in charge, it is the proper standing order that only the senior man can give the order?---Dit berus by hom, ja, as senior man daar, om te sê 'vuur'.

You/

You couldn't have taken it upon yourself to give the order without consulting the Colonel?—Nie selank as hy daar is nie, glo ek nie dit sou reg gewees het van my nie.

You didn't go up to him in those few minutes before and suggest to him "Colonel, I think that we ought to give an order to fire"?—NEe, beslis het ek nie seiets gedeem nie.

He didn't invite an opinion from you or from any other officer as to whether he ought to order firing?—Hy het my nie gevra nie.

Captain, might a stage have been reached where it was so dangerous that you might have felt that you should take it upon yourself, even though you were junior to Col. Pienaar, to go up to him and say "Look Colonel, I think that we must fire"?—Could that ever have happened?—Net voordat hy gekom het, het ek gevoel die posisie is gevaarlik, ek het bang gevoel, daar gaan nou iets vreeslik gebeur - dit is net voor hy gekom het - maar terwyl hy daar was het ek alles aan hom tevertrou.

You had respect for his judgment as an experienced officer?—Ja, ek weet, hy het baie by sulke dinge deelgeneem in sy tyd, ek sal na hom luister.

Captain, I'm asking you this question because a little earlier you've told us that some of the young policemen, I think it was, came up to you and they made certain suggestions, they seemed to be frightened?—Ja.

Did they suggest to you that they should be firing, or that you should do something about it?—Ek weet nie, ek dink wat hulle my gevra het is "Wat sal ons doen?" - dit het daarop neergekom, die presiese woorde kan n mens nie se nie, maar dit was duidelik gewees dat hulle

was/

was vreesbeveange gewees.

But Captain, I'll put it to you again, do you agree that things might have reached the stage where, if Col. Pienaar had delayed, you might have taken it upon yourself to go up to him, even though he was your superior officer, and say "But Colonel, we must do something new, it is getting too hot". You might have done that, might you not?---Ja, ek sou dit seker gedoen het, as ek dit gesien het dit word nou te warm, sou ek seker vir hom gaan vra het "Kan ons nie iets doen nie, kan ons nie maar skiet nie"? ---

But, in fact, at no stage did you do that?---/

Nee, ek het nie.

COURT ADJOURNS.

COURT RESUMES:

HENDRIK GERT THERON a.o.o.:

MR. UNTERHALTER continues:

Captain, I think that you were at the stage in your description of what happened on the 21st of March, when the firing had just started, you heard these two shots, according to you, somewhere North of the line, and then there was a valley. How long did the firing last, approximately?---Seker van 10 na 15 sekondes, maar beslis nie langer as 20 sekondes seker nie.

Now, when the firing started, you were actually between the line of men and the crowd?---Ja, seker ek weet was ek tussen hulle gewees toe die eerste skote kom.

You later went round to the back of the men?---Ja.

But as soon as you heard this firing you shouted 'Stop'? ---Ja, ek het vir hulle gesê hulle moet stop./

I/..

I take it you were surprised to hear this firing? ---Ek was tot n mate, maar ek het besef daar - ek het nie n order gegee om te vuur nie.

And you didn't expect to hear that firing at that particular moment?---Ek sal sê ek het nie verwag dat daar sal gevuur word sonder dat daar n order gegee word nie.

In the same way as you wouldn't have expected to hear firing five minutes before or ten minutes before?---Ek het dit nie verwag vyf minute voor dit nie.

Now, the firing didn't immediately stop when you shouted stop?---Nee, nie onmiddellik nie, dit het nie onmiddellik opgehou nie.

Would that be because your command had not been heard by the men?---Ja, dit kan wees.

Might it have been that despite your orders the men were in such a frame of mind that they determined to disobey your order?---Ek sal sê dit sê nie, ek dink as hulle geheer het n offisier sê stop, dan sou hulle gestop het, as hulle dit geheer het.

You didn't see in which direction - you knew that they were firing in a westerly direction?---Ja.

You didn't see specifically into what part of crowd the firing was being directed?---Nee, dit het my gelyk die meeste word na die Westekant geskiet.

Do you think, Captain, that the intrusion of this 50 people into the police grounds, was what started the firing off? --- Dit kon medewerkende faktor gewees het.

Together with the fact that somebody fired right at the top of the line, and it might have triggered the whole thing off?---Ja, en dit mag ook wees die klippe wat oorgegeen het, kon ook dit veroorsaak het.

I understand that not a single person from

among/

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 was verbaasde gewees
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 de you agree that thing
 if Col. Pienaar had del
 yourself to go up to hi
 officer, and say "But
 it is getting too hot"
 you not?---Ja, ek sou
 gelei het dit word na
 the het "Kan ons nie
 nie?"
 But
 Nee, ek het nie.
 COURT ADVISERS.
 COURT RESUMES:
 HENDRIK GERT THERON
 MR. UUTERHAUPT
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 shouted 'Stop'?

among the crowd was found in the police grounds, either wounded or dead, is that correct?---Ja, ek weet nie van een nie.

Which means that of that approximate number of 50 people who had come through the gate, not one of them, so to speak, fell in his or her tracks as he came through that gate? ---Nee, daar het niemand binne gels nie.

I suppose you can offer no explanation in regard to that? ---Ek kan werklik nie sê nie of op hulle gevuur was, meentlik was van hulle raakgeskiet wat buitekant oers gaan vval het, neg ken wegken voordat hulle geval het, ek weet nie wat het daar eintlik gebeur nie, maar beslis het niemand binnekant gels nie.

Now, did you notice the kind of weapon that was used for firing?---Ja.

These were rifles, I take it?---Dit was Stengewere, .303 gewere en die rewelwers.

Now, when you say that Sten guns were used, do you say that because you saw the Sten guns in action, or heard them fired?---Ek het hulle geheer, ek het hulle gesien oek, die manne staan met hulle daar. Ek het hulle geheer vuur oek.

I'm not challenging you on that, Captain, but I think there was some evidence that you gave in connection with the Sten guns at the inquiry. At the bottom of page 268 you were asked how long the firing went on, and you said "Volgens my gedagte daar geregistreer het daardie dag, meet ek sê dit was beslis nie langer as 20 sekondes gewees nie". You said that?---Ja, ek het se...

And then you were asked whether the machine guns - whether there were machine guns on the Saracens, and you said "Browning and machine guns", and you were asked

if/

if these fired and you said they did not, and then you were asked this question: "Het van die Stengewere geskiet? ---Die Stengewere het nie geskiet nie". Then the next question is "Was die stengewere ook in dieselfde linie gewees as die ander manskappe met die .303? ---Hulle was ook in dieselfde linie gewees", did you say that? --- Ek wonder of daar nie feut gekem het met die Browning masjiengeweer wat op die Saracen gemeenteer was nie. Ek dink ek was gevra of die Browning geskiet het?

Yes, you were, and you said "Die het nie geskiet nie". Then the next question was "Het van die Stengewere geskiet? ---Die Stengewere het nie geskiet nie? --- Nee, daar nees ek darn seker n lelke feut gegaan het en dit te erken want ek - dit was gterna, net onmiddellik na die skietery, nadat ons buitekant gewees het, was dit vasgestel hee veel man meer of min geskiet het, en waarmee hulle geskiet het, so die Stens het definitief geskiet.

So if you said this, then you said this in error?---Daar is n feut begaan daarse, die Stens het definitief gevuur.

It wasn't a mistake you were making when you gave this evidence, because you haven't been observing closely enough what was happening? ---Ek het nou nie gesien die man wys die ding nie, maar ek het hom geheel skiet, want hy skiet opmekaar, die skote, ek ken heer dit is n Sten wat skiet.

Captain, is it possible that you now acknowledge it is a mistake in the light of the information you get after the firing when you took a report and you then heard that seven men had fired with Sten guns, so you then realized that Sten guns were used?---Dit kan ook wees, maar hulle was definitief gebruik. As ek veerheen gesê het hulle was/

was nie gevuur nie, dan het ek n fout begaan, maar hulle was gebruik gewees.

You see, Captain, I'M putting these questions to you, not to suggest that you were untruthful, I don't suggest that at all. In the confusion of what was happening anyone could make a mistake. I'm putting it to you to suggest to you that perhaps your powers of observation are not as - are not of the best. Would you perhaps agree that perhaps you don't observe detail as clearly as other people would?---Ja, ek sal dit toegee dat op daardie dag sou ek dit nie miskien so goed onthou het, alles nie.

Or have seen everything as clearly?---Ja, ek weet nie, ek sal sê dat mens kan natuurlik nie alles raaksien nie, onder daardie omstandighede.

In the light of that, Captain, won't you perhaps admit that your observation was perhaps at fault in regard to the Sten gun, your observation was also perhaps at fault in regard to the direction from which the first two shots came. Isn't that possible?---No, daarvan kan ek nie - sees ek dit geheel het, het dit van daardie rigting afgekom, dit is nie meentlik dat - dit het nie van die teeneergestelde rigting gekom nie.

Now, I suppose it would be correct, wouldn't it, to say that when you saw what was happening, with this firing, and people falling, and turning around and running away, you were horrified? ---Ja, ek was ontsteld tot n mate, sal ek sê.

Your feelings as a human being were affected, I mean that goes without saying, surely? ---Ja.

In fact, you put it in a rather eloquent way, if I may say so, at the inquiry, page 274, you were asked/

asked if you directed your attention towards the wounded and the dead, and you said "n Mens is darna n mens", I mean, we wouldn't have to argue about that, isn't that so?
 ---Ja, enige mens sou sleg gevoel het daarse.

I want to put it to you, Captain, that you really felt that way because your attitude was this, that perhaps this crowd had been mowed down and shot at when it wasn't really justified. What do you say to that?
 ---Nee. Nee, ek sal anders vir u sê. Ek het gevoel - daar het baie mense gely die dag, dit is die eerste maal in my loopbaan wat ek soveel mense dood gesien het, gelyk.

Captain, to go back for a moment, were you aware that there were police stationed in Zwane Street?
 ---Is dit aan die Suidekant?

The South side, yes? ---Ek dink ek het daar polisie by die deur gesien, van die polisiestasie, aan die Suidekant.

Uniformed men? I'm talking about outside in the street, were you aware that there was a group of policemen outside the police station, in Zwane Street, to the South?---Nee, ek kan nie onthou daarvan nie.

No report was given to you that such police were there?---Nee, niemand het vir my so ken rapporteer nie.

You didn't yourself notice any police in Zwane Street? ---Nee, seker ek vandag kan onthou het ek hulle nie gesien nie.

Anyway, the firing stopped and immediately you went to the assistance of the wounded, you and the men?
 ---Ons het gegaan, ja.

Col. Pienaar gave an order in regard to the weapons and the stones that were lying about in the grass plot inside the station grounds?---Ja.

Did/

Did he give the order to you?---Hy het vir my gesê, ja.

What steps did you take to carry out the order?---Ek het vir die manne daar in die algemeen gesê, reken ek, dat die wapens moet bymekaargemaak word, die wapens wat daar lê binnekant, moet bymekaargemaak word. Ek glo nie ek het met 'n besondere persoon gepraat vir sover ek weet nie.

And did the men themselves then start picking up these sticks and kleries or...?---Ek het gesien van die manne tel veerwerpe daar op.

What about the stones - did Col. Pienaar instruct you about the stones, whether they were to be picked up?---Alles wat binnekant lê moet opgetel word.

When did you see picking up these stones?---Ek het van die manskappe gesien optel, ek weet nie, ek het nou nie ...

There was nobody supervising the picking up to make quite sure that the job was being done?---Nee, ek glo nie, ek glo nie daar was - miskien van die sersante wat daar teenwoordig was, die kan ek nie sê nie.

It may be, but you don't know?---Nee, ek weet nie.

You don't know what happened to these things when they were picked up, did you see them again? ---Nee, ek glo nie ek het hulle weer gesien nie - meentlik het ek hulle agterna gesien in die Polisiestasie op Sharpeville, agterna, maar ek het nou nie ag geslaan daareop nie, ek het net die bevel oorgedra dat hulle moet opgetel word.

Were there many very small stones as well, that you may have noticed? ---Ek weet nie, dit mag wees, maar ek het nie ag geslaan op die klippe wat daar lê het, van watter/

watter grette dit was nie. ...
 described as You see, we've heard evidence of what was
 picked up, and I will show you Exhibit 36. Do you see the
 size of them?—Ja, ek sien.

Some of them are exceptionally large, aren't
 they?—Ja, hulle is, maar daar is seker kleineres ook. Ek
 meet so ek het so min of meer so 'n grette sees daardie een
 op die regterhand, het ek binnekant gesien is?

You saw stones of that size?—Ja.

Did you see any stones very much smaller than
 that? —Hulle was verskillende grette, hulle was verskillende
 grette.

Would you say that there were many stones
 much smaller than what you see in Exhibit 36?—Nee, die kan
 ek werklik nie so nie, ek het nie so opgelet nie, ek is jammer.

Now, the injuries that you noticed, I think
 you described it in your evidence in chief, was a red bruise
 on the left side of the breast of one of the policemen?—Ja.

Did that appear to you, if you can express
 a view, to have been caused by a very large stone or a small
 stone, is it possible for you to say?—Beslikwaar, ek weet
 nie hoe groot moet daardie klip wees om daardie merk te maak
 nie, ek weet nie. Ek het net so 'n reël gek gesien.

Did you yourself personally take the names
 of the people who reported to you...?—Ek het hulle per-
 seen Ek afgeneem.

In addition to taking their names, did you
 take a description of their injuries?—Nee, net van twee -
 twee man wat saam met my gekom het.

If you didn't take the description of the
 injuries, did you ask them to show you where they were in-
 jured?—Ek het hulle nie gevra nie, sommige het gewys uit
 hulle eie uit.

I take it that none of them could be described as having been seriously injured?--Nie een nie.

It seems remarkable, Captain, that with this long line of people so close to the fence, and with these very large rocks that you see in Exhibit 36, that there should have been comparatively minor injuries suffered by the police. Can you make any comment on that?--Nee.

Now Captain, I'm not sure, did you say in a portion of your evidence, when answering questions by me, that a portion of the crowd was sitting? --Van die skare buitekant?

Yes? --(Before reply) Do you remember, when I was questioning you about the cold drinks, you were saying that some of the policemen were sitting in the shade. Now, I understand that you said that a portion of the crowd were also sitting, my attorney tells me that? --Nee, ek twyfel daaraan - ek twyfel of ek dit gesê het dat van die skare gesit het. Ek het van skaduwee gepraat.

One small point, you did tell us that Capt. Brummer addressed the crowd through the loudspeaker, to the West?--Ja.

Is that all that he did, to talk to them through the loudspeaker to the West?--Ja, dit is wat hy gedoen het.

No other - nothing else that he did?--Nee, ek het hem niks verder gesien doen nie.

You see, at the inquiry, I think that your evidence was that he addressed them on the South side. If that is so, were you mistaken in your evidence? --Nee, het ek nie gesê hy het na die Suidekant toe gestap miskien nie? Dit is wat ek bedoel het, hy het daar na die Suidekant toe gestap van my af weg, met die luidspreker.

I'll/

I'll read to you what is recorded here, at page 290 - at the bottom of page 289 where it starts: "You thought the main danger, if there was danger, was from the West because there were more people there, I take it - more people on the West than on any other side? -- Daar was meentlik meer mense aan die Westekant, dit kan ek nie nou onderskei nie want dit het vir my gelyk die Suidekant het net soveel mense as aan die Westekant". Do you remember saying that?---Ja.

"But you...? ---Maar die meeste lawaai was aan die Westekant"? --- Ja.

"Can you give any suggestion, Captain, why Captain Brunner, in that case, went and addressed the crowd on the South side? --Hy het dit op sy eie inisiatief gedoen". "Are you not prepared to explain his actions? --Dit meethy ken se". "VOORESTTER: Was dit die enigste poging wat hy gedoen het om die skare toe te spreek? --- Wat hy gedoen het". "Voorsitter: Aan die Suidekant? ---Ja". "Hy het nie byvoorbeeld daarna probeer aan die Westekant nie? ---Hy het begin praat nadat hy entrent 15 treë van my af weg is, nog op die Westekant, het hy na die Suidekant gestap. Sever hy gegaan het het hy gestap"? --- Ja, ek het nou ook gesê dat hy het na die Suidekant toe gestap, weg van my af na die Suidekant toe.

I want to read to you what you said at the top of page 289. You were questioned as to whether Capt. Brunner took over from you: "Didn't he take over from you?-- Die posisie was daar gewees hy het die luidspreker gevat, hy het nie van my af eergeneen nie. Hy het die luidspreker gevat en na die Suidekant gestap en eer die luidspreker gaan praat met mense aan die Suidekant". "Oh, that was the time you'd spoken of, when he tried to address the crowd

on/

on the South side? ---Ja, toe was hy entrent 20 treë van my af, toe hy gepraat het". Now, it seems to me that it is quite clear that what you were saying is that he was addressing the crowd on the South side and pointing towards them. Now, are you mistaken in what you said then, or are you mistaken in what you said today? ---Sien, dit was nie so aan my gevra nie. Hy het tweekeer probeer - wat ek gesien het, wat hy probeer praat en elke slag skree die skare vir hom deed. Die eerstekeer wat ek hom gesien praat het was toe hy sowat 20 treë van my af was aan die Westekant, toe het hy gaan staan. Toe het hy verder aangestap na die Suide toe en toe het hy weer gepraat.

Is it possible that here again you may not have been observing very closely and you haven't got a good memory for the detail? ---Ja, dit kan so wees, maar sees wat ek hom nou sien stap, hy staan stil so 20 treë van my af, entrent 20 treë weg is, en hy probeer praat, en hy stap weer aan na die Suidekant met daardie luidspreker van hom.

Was it pointing in a southerly direction, talking to the people?---Ek weet nie hoe het sy lyf gestaan nie, ek kan nie sê nie.

Just one last question, it is quite clear that up to the time that the crowd poured in through the gate, there had been no stone throwing whatsoever?---Nee, dit is waar.

As a man who was on the spot and saw everything that was going on, can you say whether something must have happened at the gate to make the crowd start throwing at that particular time?---Nee, ek weet nou werklik nie. Ek kan nie sê wat het hulle gemaak goed op daardie tyd-stip nie, ek weet nie.

M.J./

May it have been that the crowd saw something happening at the gate that angered them, and because of the anger they then started to throw? ---Dit kan wees, ek sal heeltemal toegee dit kon so gewees het, ek weet nie.

MR. UNTERHALTER NO FURTHER QUESTIONS.

BESKULDIGDE NO. 1: GEEN VRAE.

KRUISVERHOOR DEUR BESKULDIGDE NO. 3:

Is die kaptein seker dat die skare wat daar by die polisiestasio vergader het, almal hulle stekke of kieries epgelig het?---Nee, nie almal nie.

Maar daar was party van hulle wat kieries..?---
Ja, ek het gesien party van hulle het die kieries in die lug.
ja.

Kan u asseblief na Bewysstuk 13 kyk, dit is die foto wat die skare daar aandui by die polisiestasio. Na u na die foto gekyk het, u kan my miskien een van die persone wat daar is in die skare, wys, wat sy hand in die lug het?

DEUR DIE HOF:

Ek dink ons sal n vergrootglas nedig hê..?---
Ek weet nie, dit is baie moeilik hierse vir..

Ja gaan aan, jy kan nie persone met die hand in die lug sien en...?---Nee.

BESKULDIGDE No. 3:

Seu daar miskien in hierdie foto, Bewysstuk 13, persone wat hulle kieries in die lug het, miskien u sou dit daar gemerk het?---Nee, ek kan nie dit met my blote oë onderskei nie.

Vanaf die kantore tot by die polisiestasio, u het alreeds gesê dat u het greepies daar teëgekom. Het u nie miskien onder die indruk verkeer dat die greepies kon miskien vir julle aanval gief? ---Nee, hulle het my nie daar die indruk gegee nie.

Tee/

Tee u net daar by die kantere ingery het, was u nie toe bevrees dat hierdie skare sou miskien moeilikheid bring met u nie, of met u baklei nie? — Ek was miskien daarvoor bevrees, hulle het veer ons veertuie ingespring en die duime in die lug gewys en 'Afrika' geskree. Ek kan nie sê wat hulle wou doen nie.

Het u nie geweet dat op die 21ste Maart, 1960, daar sou mense wees wat by die polisiestacie sou gaan en hulleself daar op te rig nie? — Ek het seits geheer, ja.

Tee u die mense daar by die polisiestacie aangetref het, u was toe nie seker of u het daardie insident verbind met die informasie wat u gekry het? — Ja, ek het die twee verbind, ja.

U het alreeds gesê dat toe u by die eerste skare daar verbygery het, d.w.s. by die kanteer, die skare se houding was tot n sekere mate sleg gewees, maar nou wil ek weet, as dit die feit was, waarem het julle toe dan so bevrees geword, hoe meer julle in die lekasie gery het? Maar in die eerste instansie was julle nie bevrees vir die eerste skare daar by die kanteer nie? Wat het u bevreesheid versleg? — Dit is die geaardheid van die skare - die houding van die skare by die polisiestacie, dit was heeltemal anders as die van die mense in die straat.

Dink u dit sou baie raadsaam gewees het, na u die houding van die skare daar gesien het, dat dit sou beter gewees het vir u om daar by die enigste plek daar u kar te parkeer sender om seentoe te ry waar die skare daar vergader het, d.w.s. by die polisiestacie? — Nee, dit sou nie beter gewees het nie.

Ek het u hoor sê dat daar was n sekere perseen
daar/

daar wat mense laat sing het - die skare laat sing het?—
 Die instruksies wat ek gekry het was om te sê
 ja.

Tee die perseen die skare laat sing het,
 het die skare geheersaam? -Met ander woorde, het hulle
 gesing?—Daar het mense gesing ja, van die skare het
 gesing. Partykeer het hulle weer gepraat eek.

Wat ek nie kan verstaan nie, na u die per-
 seen gewaar het wat die skare laat sing het, waarom het u
 nie die perseen genader en met hom n gesprek geveer nie,
 omdat ek dink u was onder die indruk dat dit een van die
 leiers was? —Nee, ek was nie onder die indruk dat hy die
 leier was nie, hy mag een van die leiers gewees het, miskien,
 maar ek het besluit om nie met hom te praat nie.

Nou, as die werklike leier teenwoordig
 was daar, sou u met die leier n gesprek geveer het?—Ek
 sou seker, ja, want toe ek daar gekom het het ek navraag
 geding waar hy is.

Kan u nou verduidelik waarom dat u aandag
 meer gevestig was op die skare wat op die Westekant van die
 polisiestasie gewees het, as ^{die} aan die Suidekant van die
 polisiestasie? —Daardie skare was vir my n nietjie meer
 as die aan die Suidekant en die meeste lawaai was eek daar
 gewees..

Sal dit reg wees as ek dit aan u so stel
 dat tee u Springs verlaat het, u was - u het sekere in-
 struksies gekry vanaf die Distrikskonnandant? —Ja.

Kan u miskien net verklaar wat die instruk-
 sies - was u en andere geê dat as u onmiddellik hier kom
 op n sekere stadium, u moet die skare daar uitmekaar maak,
 of wat was u instruksies?—Nee, ek het nie sedanige in-
 struksies gekry nie.

Het u enige van die pligtes wat aan u gegee
 was/

was - u instruksies, gedeen hier op Sharpeville, daardie dag?—Die instruksies wat ek gekry het was om na Sharpeville te kom, en ek het gekom.

Het u net daar by die polisiestansie dan gestaan? —Gestaan? Ek het geleep oek.

Ek sal u sê waarom stel ek die vraag. Ek stel die vraag aan u omdat u het nie met die skare daar n gesprek geveer nie, met hulle gepraat nie, en u het nie met die leiers van die skare gepraat nie, dit is waarom ek hierdie vraag aan u stel, wat het u werklik gedeen nadat u hier aangekom het?—Ja, ek het die Hof al gesê wat ek gedeen het, ek sal dit vir hom weer sê, ek het probeer die vrede bewaar tussen die polisiemanne en tussen die skare.

As n perseen vrede probeer te bewaar, dan daardie perseen, sees ek dit aanneem, sal die perseen met een van die groepe daar n gesprek veer. Het u dan die vrede bewaar deur met die polisie n gesprek te veer, of met die skare om deur met die skare n gesprek te veer?—Nee, ek het nie gesprekke geveer nie, ek het net dopgehou dat hulle nie aan weerskante iets doen wat verkeerd is, wat kon moeilikheid maak nie.

Ek verstaan dat Kapt. Brummer het met die skare deur n luidspreker gepraat. Is dit so?—Ja.

As n perseendeur n luidspreker praat dan staan hy hier by die Hof, en as ons miskien by die hoofstraat staan, sal die perseen wat daar staan by die hoofstraat kan hoor wat die perseen sê deur die luidspreker, wat hier staan by die Hof? —Dit is moeilik, dit hang af hoe sterk daardie luidspreker is en hoe stil dit is in die omgewing seker, ek weet nie.

Die tydstop toe Kapt. Brummer besig was om deur die luidspreker met die skare te praat, ek stel dit

aan/

man u dat dit sou baie makliker gewees het as u eek naderge-
 ken het om te heer wat hy sê, maar nou sê u u het nie ge-
 heer wat die Kaptein gesê het deur die mikrofoon nie?—Hy
 wou nie heer wat hy gesê het nie. Hy het gesê wat hy wou,
 seker, ek weet nie, ek het nie belanggestel in wat hy
 gesê het daar nie want my aandag was by ander dinge bepaal.

Waar het Kapt. Brunner gestaan terwyl hy
 met die skare daar gepraat het. Was hy op die grasperk
 of was hy langs die venster van die gebou van die polisie-
 stasie, of was hy in die middel, of waar was hy - waar het
 hy gestaan?—Hy het taanlik naby die skare gestaan, seker
 ek onthou, maar hy was nie by die venster van die polisie-
 stasie nie.

U het alreeds gesê dat - ek sal dit se stel -
 dat daar twee redes is wat veroorsaak het dat die polisie
 moet skiet, d.w.s. na die mense daar na die mense daar in
 die hek ingekom het, aseek na die klippe gegee was. Kan
 u nou sê wat het werklik vir die polisie gemaak skiet? ---
 Dit is die redes daardie, seker, seker ek weet. Daardie
 manne wat geskiet het, natuurlik, hulle het miskien besef
 hulle het in groot gevrees verkeer daar en die enigste uit-
 weg daar is om te vuur?

Kan u miskien verklaar na hoeveel sekondes
 of minute was die klippe gegee vanaf die skare, d.w.s. na
 die twee skete wat van die Noordweste kant van die skare, sees
 u gesê het, gekom het?—Daardie dinge het se gelyktydig
 feitlik gebeur dat mens kan dit net nie by n sekondewyser
 vasstel nie.

U het alreeds melding gemaak van die persone
 wat doodgeskiet was, wat daar gelê het in die omgewing daar.
 Het u miskien ander persone gesien in Zwanestraat, wat
 geskiet was, wat alreeds dood was?—Nee, in Zwanestraat...

DEUR DIE HOF: Dit wi sê die Suide? —Nee, ek het nie
 daar/

daar mense gesien seker ek entou nie, nee.

As u miskien na die beskuldiges wat nou voor die Hof hier sit, kan kyk en sê of u miskien entou of u een van die beskuldiges daardie dag gesien het?

DEUR DIE HOF:

Dit is die klemp wat hier deuskant sit - buiten die polisiemanne in uniform daar agter?--Nee, ek kan nie vir hulle entou nie, ek kan nie vir hulle entou nie.

BESKULDIGDE No. 3:

Ingesluit ek, Kaptein?--Nee, vir jou ook nie.

BESKULDIGDE NO. 3 GEEN VERDERE VRAE.

KRUISVERHOOR DEUR BESKULDIGDE NO. 4:

DEUR DIE HOF AAN TOLK:

Mar. die Tolk, sê bietjie vir die publiek daar wat Kapt. van der Berg nou vir hulle gesê het dat hulle hulle moet gedra. Dit is nie n kwessie van lag en grappies hier nie. Dit is n ernstige saak.

BESKULDIGDE No. 4:

Ek wil net weet van u of Bewysstukke 36 en 37, d.w.s. die kleries, was al die Bewysstukke versamel dieselfde dag na die skietery?

DEUR DIE HOF:

Die een Bewysstuk is die emmer vol klippe en die ander is die bondel kleries, stekke en so meer?-- Ek het net gesien die manskappe raak besig daar binne die polisiestase en op te tel. Ek weet nie of hulle ander dae neg opgetel het nie. Ek dink toe ek daar weg is was dit skeen gewees.

Ek wil van u weet omdat u n Kaptein is, n senior van die polisiemang, waarem u nie teesig daarop

gehad/

DEUR DIE HOF:

gehad het terwyl die klippe opgetel was, aseek die kieries, en te sien hoeveel klippe is opgetel en hoeveel kieries en stekke is opgetel? ---Ek het seveel ander pligte daar gehad dat ek ken nie orals wees nie.

Die tydstop toe die klippe aseek die kieries daar opgetel was na die skietery, was dit dan nie u plig om te sien dat die klippe opgetel was en hoeveel is hulle en hoeveel is die stekke, omdat u nog in diens gewees het?--- Nee, ek glo nie dit was van my verwag om dit te tel nie.

DEUR DIE HOF:

Jy kan maar daardie vraag aan enige van die 70 polisie vra wat daar was. Ons het alreeds geheer van die Sersant wat sy pligte was. Hy is vir jou by het teesig geheer oor die optel van alles.

BESKULDIGDE No. 4:

Ek sal u se waarem stel ek die vraag aan u. U het alreeds gesê dat deel van die klippe nou veer die Hof is, aseek deel van die stekke wat nou veer die Hof is, het langs die draad van die polisiestatie daar gelê? ---Ek weet nie of dit die stekke is of daardie klippe nie, ek kan nie se nie, maar daar het klippe binnekant gelê. Ek het nie die klippe geïdentifiseer nie.

Ek wil van u weet, die tydstop toe u daar by die polisiestatie ingery het, was u deel om die skare daar uitnekaar te maak, of wat was u deel gewees? ---My deel waarveer ek seentoe gegaan het is om van hulp te wees as daar polisiemanne in die moeilikheid is. Dit is seker ek weet.

Watter hulp ken u daar gegee het, daar by die polisiestatie, as daar moeilikheid veroorsaak was, as lede van die polisiemag? ---Ek was maar deel van n ander mag wat sou gekom het - van een mag wat sou gekom het.

Het/

Het u nie besef nie, toe u daar die eerstekeer ingekom het by die polisiestacie, dat u die enigste effisier daar gewees het, en dat u mees beheer daar oorneem?—Ja, ek het Luit. Visser daar binnekant gekry, sees ek gesê het, en toe het ek naderhand besef dat ek is toe nou die senior daar.

Na u daar aangekom het en die houding van die skare gesien het, as ons nou in aanmerking nee n u ervaring, was daar nie iets wat u sou kon gedoen het om die skare te kalmeer nie?—Nee, daar was niks gewees nie.

BESKULDIGDE NO. 4 GEEN VERDERE VRAE.

BESKULDIGDE No. 8 GEEN VRAE.

BESKULDIGDE NO. 38 GEEN VRAE.

BESKULDIGDE NO. 39 GEEN VRAE.

HERVERHOOR DEUR P.A.:

Kaptein, aan watter kant van die polisiestacie was die meeste blanke lede van die Mag gewees? — Dit was aan die Westekant.

Aan die Westekant. En van watter kant het u die meeste moeilikheid verwag?—Van die Westekant.

Nou, u het melding gemaak dat u geheer het dat dit die deel was van persone om by polisiestacies aan te meld daardie dag en hulleself eer te gee vir arrestasie, is dit reg?—Ja.

Nou, hoe sou u opgetree het as henderde van die uit die skare gekom het en daar gekom het en gesê het "Ons wil onself oergee vir arrestasie, ons het nie paste nie", hoe sou u opgetree het?—Ashulle stil was, dan sou ek n peging aangewend het om hulle gesamentlik toe te spreek.

Maar dit is nie heeltemal die antwoord op my vraag nie. Sê nou byvoorbeeld u hele klomp naturelle of bantees, sees hulle vandag geneem word, het daar by Shapville polisiestacie gekom en het vir u gesê "Kyk, ons het nie

passé/

passee nie, arresteer ons? Hee sou u opgetree het? --- Dit is natuurlik die eerstemaal in die geskiedenis, dink ek, wat so'n situasie sou plaasgevind het. Dit is o- dit sou n eenreentlike situasie vir my geskep het en almal toe te sluit.

Ek dink jy beter dit ernstig oorweeg vir die teekens.

DEUR DIE HOF:

Maar weet u nie of daar instruksies was wat die polisie mees doen nie. Kyk, die polisie het van hierdie kampanje geweet, en jy weet nie wat hulle instruksies was, of hulle mees weier om die mense te arresteer, en of hulle hulle mees arresteer nie?--- Nee, ek weet nie.

Ons sal dan een van die Kolonels of die Generaals of iets kry om dit vir ons te kom vertel.

P.A.:

Ja, maar ek kan se aanneem dat niemand het daardie voerstel aan u gemaak op hierdie besondere dag nie? ---Om in hegtenis geneem te word? Nee, beslis nie / een nie.

Neu, veronderstel dat Kol. Pienaar was nou nie teenwoordig nie en jy was toe besig om die manne in gelid te laat intree en jy het alreeds die bevel gegee dat hulle mees 5 rondtes laai, en skielik bars die 50 mense daar by die Westelike hek in, en klippe was toe op die polisie gegee, watter bevel sou u gegee het aan lede van die polisie wat daar in gelid gestaan het, en reeds gelaai het? ---As ek in bevel was, dan sou ek gesê het hulle mees / vuur.

Het u enige waarberg of enige indikasie gehad dat as die skare die polisiestasie wel aanval, hulle sou hulle inkom beperk tot by die twee hekke op die stasie?

---Geen/

833.

THERON/

---Geen waarberg nie.

En as - as byvoorbeeld u het twee konstabels by elk van die twee hokke gestasioneer, en die skare het toe wel die polisiestacie aangeval, wie sou die eerste persone wees om in die moeilikheid te wees?

DEUR DIE HOF:

Ek kan nie sien wat hierdie vrae omtrent wat hy sou gemaak het my help nie. Dit het nie gebeur nie

P.A.:

Ek sal dit terugtrek, Edelaagbare.

In verband met die keeldranke, was die lede van die polisiemag vry om buitekant - uit hul eie vrye wil buitekant die polisiestacie by n naburige winkel keeldranke te gaan koop? ---Hulle was seker vry om een perseen te stuur, die sou ek seker toegelaat het as dit dan noodwendig moes gehad het.

n Blanke konstabel of...?---n Blanke konstabel of n nie-blanke, as hulle dit wou gekoop het sou ek seker een perseen toegelaat het, alhoewel ons min was.

En hee sou hy daar gekom het, deur die mense wat by die polisiestacie was?---Nee, die weet ek nie, hee sou hy deurgekome het daar nie, dit is bietjie moeilik.

Het Luit. Visser die naam van die leier wie hy gemeld het gaan eet het, gemeld?---Nee, ek glo nie / hy het dit gemeld vir my nie.

P.A. GEEN VERDERE VRAE.

DEUR DIE HOF:

Is u bewus van enige polisie buitekant die perseel van die polisiestacie ten tye van hierdie steuring daar by Sharpeville polisiestacie? ---Nee, van buitekant weet ek nie.

Jy weet nie van polisie buitekant die perseel nie?---Nee.

Jy/

---Geen waarberg nie.

En as - as byvoorbeeld u het twee konstabels by elk van die twee hekke gestasieneer, en die skare het toe wel die polisiestasie aangeval, wie sou die eerste persone wees om in die moeilikheid te wees?

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Het Luit. Visser die naam van die leier wie hy gemeld het gaan eet het, gemeld? ---Nee, ek glo nie / hy het dit gemeld vir my nie.

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Jy weet nie van polisie buitekant die perseel nie? ---Nee.

Jy/

Jy ken die skare aan die Westekant sien, gedeeltelik aan die Noordekant en gedeeltelik aan die Suidekant? ---Ja.

Neu kan ek dus aanvaar dat u nie polisie buitekant tussen die skare gesien het nie?---Nee.Nee, ek kan nie dink daar was polisie tussen hulle nie.

Kan u my n beskrywing gee van die man wat saangleier gespeel het, of hy n greet man was, of n kleinere rige perseen, of nie? ---Sever ek onthou was hy nie n uitstaande greet geboede perseen nie. Ek sal hom beskryf as n middelmatige mens as ek my gedagtes kan terugstuur, middelmatiggeboede perseen.

Dankie Kaptein, u kan maar afstaan? --- Mag ek terugkeer na Springs?

Ja, seker.

HENDRIK CHRISTOFFEL MULLER b.v.:

VERHOOR DEUR P.A.:

U is n speurder sersant in diens van die S.A.Polisie, verbode aan die Veiligheidstak en gestasieneer by The Greys, Johannesburg?---Ja.

U het nie getuienis gegee by die G_oregtelike Onderseek nie?---Nee.

Neu, op die 21ste van Maart, hierdie jaar, was u by van der Bijlpark gewes?---Ja.

Tee Kolonels Spengler en Prinslee daar aangekom het, is dit reg?---Dit is korrek.

En u is tee saam met hulle veertuie na Sharpeville? ---Ja.

Is dit reg dat Kol. Spengler en Kol. Prinslee was in een motorkar en u was tee in n ander veertuig tesame met Kapt. Müller van die veiligheidstak?---Dit is

reg/

reg. ja.

Sersant, waar in die motorveertuig het u gesit? ---Ek het bestuur.

U het bestuur? ---Ja.

En toe-u hier by Sharpeville....?---Verskeen my, ek het bestuur by Sharpeville. Van van der Bijlpark af tot by Sharpeville het ek nie bestuur nie. Ek was n passasier op die veerste sitplek langs die bestuurder. Ek het na ons aankoms op Sharpeville, het ek die motor verder bestuur.

Dit wil sê, het u met die hoofstraat van Sharpeville Naturelledepp gery - Secisestraat? As u na die P₁an kyk, Bewysstuk 2, die een wat egerel is? ---Ons het nie met hierdie straat egerel nie. Ons het die polisiestacie genader met n agterstraat langs. Ons het met die hoofpad wat lei vanaf van der Bijlpark na Vereeniging, het ons iewers in die veld afgedraai en deur die veld gery na die Sharpeville lokasie.

Ek sien hier aan die agterkant - u het aan die Suidwestelike kant ingekom, deur wat hulle noem 'Erf en diens', dit is al daardie sinkpendekkie?---Dit is kerrek.

En ek neem aan u neem links draai om by die Westelike kant van die polisiestacie te kom, vanuit die groot straat links draai in daardie klein straat om weer reg by die polisiestacie in te gaan. Is dit reg?---Hee ons gedraai het en hoeveel draai daar was, kan ek nie enthou nie. Die terrein is vir my heeltemal vreemd, en toe ek maar sien was ons by die polisiestacie gewees.

Wêl, in elk geval neem u by die Westekant van die polisiestacie ingaan, by die Westelike hek daarse? ---Ja.

En omtrent hoe laat was dit toe u daar gekom/

gekom het, kan u entou of nie?—@Mtrent 1 nm.

En daar was n groot skare by die polisie-
stasie?—Daar was n skare saangedren, n baie groot skare.

En was dit moeilik of maklik om deur die
skare te kom by die hekke?—Baie moeilik.

Het enigiets met u perseenlik gebeur terwyl
u besig was om die kar te bestuur en om by die hek te kom?
—Op daardie stadium het ek bestuur. My venster aan die
bestuurderskant was oop. n Banteeman tussen die skare het
my aan die arm gegryp en my geruk. Ek het die indruk gekry
dat hy poeg om my uit die motor uit te ruk. Ek het my arm
loosgeruk en die venster tegedraai.

En waar het Kapt. Willers gesit, was hy
langs u of agter?—Hy het agter gesit, as ek reg entou.

Het u opgelet of Kapt. Willers enige wapens
by hom gehad het?—Ek het nie opgelet nie.

En het u toe sonder verdere moeite by die
hekk ingekom?—Sonder enige verdere insidente, ja.

En wat het daarna gebeur - was u toe saam
met Kol. Spengler?—By die polisiestasie, in die polisie-
stasie jaart het ons geparkeer, en ek was toe op my eie,
en dit se uit te druk. Ek het daar rondgestaan en rond-
gestap, en Kol. Spengler ook op sy eie.

Was dit warm gewees, Sersant?—Ja.

Het u n baadjie aangehad?—As ek reg
entou, ja.

Het u dit ooit uitgetrek?—Nee.

EN het u ooit enigiets om u nek gehad, n
sakdoek of iets?—Nee, ek het n das aangehad.

En het u op enige stadium vir Kol. Spengler
gesien by die Westelike hekk, en wat daar plaasgevind het?—
Kort nadat ons aangekom het, om n weergawe te gee van wat
daar/

daar gebeur het, het ek, Kol. Spengler en Sersant Wessels in die binneplein van die polisiestasie met 'n banteeman sien staan en gesels.

DEUR DIE HOF:

Bedeel u nou jy het vir Spengler, Wessels en die banteeman gesien?—Dit is korrek.

In die binneplaas, nê?—In die binneplaas.

P.A.: Sal u daardie banteeman kan uitwys?—Ek sal hom nie kan uitwys nie.

Wat het van die banteeman geword? —Kolonel Spengler het hom daar aan Kapt. Willers oerhandig om te ondervra.

Het u opgelet of die banteeman enige papiere of iets aan sy baadjie gehad het - sy lapelle?—Ek kan nie onthou nie.

En na dit, het u enige gebeurtenis by die Westelike hek waargeneem? —n Wyl daarna het ek Kol. Spengler en Sers. Wessels weereens met 'n tweede banteeman vanaf die hek na die binneplein van die polisiestasie sien stap.

Sal u daardie banteeman kan uitwys? — Beskuldigde No. 4.

Het u opgemerk of hy enigiets aan sy baadjie-lapelle gehad het?—Ek kan nie onthou nie.

En daarna, was daar enige verdere gebeurtenis by die hek wat u gesien het?— n Wyl daarna weer, het ek by die een Saracen gestaan, ek sou sê ongeveer tien tref van die hek af. Kol. Spengler het by die hek gestaan toe 'n derde banteeman by die hek inbars. Ek het gesien dat Kol. Spengler met hom praat en ek het daarheen gestap. Wat Kol. Spengler vir hom gesê het kon ek nie hoor nie. Ek het gehoor dat hy antwoord in Engels, waardeur dit hierdie effek "We do not want passes, we want our freedom".

En/

En wat het van daardie bantee gewerd?---

Kel. Spengler het my beveel om hom na die binneplein geleide te doen. Ek het so gedoen.

Sal u daardie naturel of bantee kan uitwys?

---In die agterste ry, ek kan sy nimmer nie sien nie. Die een in die middel in die agterste ry.

DEUR DIE HOF:

Gaan na agterste - wat is sy nimmer? ---

Beskuldigde No. 76.

Jy het hom ingeneem?---Ek het hom ingelei

na die binneplaas.

P.A.:

En het u hom by n kanteer ingeneem by n gebou?---Nee, ek het met hom op die steep gestaan van die gebou.

En vanaf daardie posisie op die steep, ken u sien wat daar by die Westelike hek gemaak het?---Ek ken sien as ek in daardie rigting gekyk het, ja.

Op daardie tydstip wat u op die steep gestaan het, het u in daardie rigting gekyk?---Nee, ek het nie. Ek het nie ag geslaan op wat daar gebeur het nie.

En wat is die volgende ding wat u aandag getrek het?---Skete het ek heer klap, n sarsie skete.

DEUR DIE HOF:

Ek wil graag weet waar die getuie juis gestaan het?---Op daardie spesifieke oomblik het ek...

Kan jy vir my hier op die portret wys - die portret van die polisiestasie, Bewysstuk 13, waar jy nou met die man gestaan het toe jy skete heer skiet het? ---In die binneplein van die gebou...

O, in die binneplein? HOÛ ken jy dan die hek aan die Westekant sien van die binneplein?---Ek ken

nie/

nie die hek sien nie, ek ken die skare sien aan die
Watekant, deur n hek wat na die binneplein lei.
Jy was in die binneplein en het skete
geheer.

P.A.:

Neu u het gesê - die eerste ding wat u
aandag getrek het, was dit n marsie, of was daar enkele
skete voor dit, of hee?---Dit kan ek nie entheu nie. Ek
entheu net ek het skete geheer.

Wat het u gedeen toe u aandag getrek is deur
die skietery?---Ek het onmiddellik na buite gegaan om te kyk/
wat plaasvind.

En toe u - het u gehardloop of gestap? ---
Ek het sy gehaas. Of ek gehardloop het of gestap het kan
ek nie entheu nie.

En hoeveel passe of treë het u geneem voor
u ken in n posisie kom wat u ken buitekant sien - ek wil
net die tyd probeer vasstel?---Wel ek ken, vanwaar ek was,
ken ek sien wat gebeur het, maar om beter te sien was ek
geneedsaak om die hek heeltemal uit - ek sou sê omtrent
15 treë.

Onmiddellik toe u omgedraai het, wat is die
eerste gesig wat u gekry het voor u begin hardloop het deur
die...?---Die skare wat padgee.

Die skare wat padgee. En ek neem aan daarna
was u toe behulpsaam met die gewondes en so aan?---Daarna
het ek na binne gegaan en ek was Kapt. Willers behulpsaam
gewees met die endervraging.

Van hierdie persone wie u ingebring het?---

Ja.

Neu, terwyl - Edelaagbare, mag ek miskien op
n later stadium, as ek wil, enige van die verklarings

inhandig/

inhandig, wat die beskuldigde perseen of persone gemaak het, die getuie kan herreep op daardie posisie as dit betwis word, wat vrywilliglik gemaak is of nie, anders moet ek dit nou lei?

DEUR DIE HOF:

Wat wil jy nou gedoen het?

P.A.:

Wel, as die Hof my die geleentheid op 'n later stadium sal gee, as dit nodig is, om die getuie te herreep vir daardie deel?

DEUR DIE HOF:

Ek neem aan dat jy wil dit nie op hierdie stadium inhandig nie?—

P.A.:

Nee, nie op hierdie stadium nie.

DEUR DIE HOF:

Lateraan, as jy iets anders wil doen sal jy moet aansoek doen om die getuie te herreep.

P.A. GEEN VERDER VRAE OP HIERDIE STADIUM NIE.

CROSS-EXAMINED BY MR. UNTERHALTER:

Sgt. Muller, are we to understand that you didn't enter Sharpeville Location at its entrance, that is where the municipal offices are situated?—That is correct, I did not enter it there.

DEUR DIE HOF:

Jy kan Afrikaans praat of Engels, net soos jy wil.

MR. UNTERHALTER:

You say you don't remember the route?—No,

I don't.

There is a road that runs to the South of the Police Station. Do you remember travelling along that road

at /

at all, it is called Zwane Street?

DEUR DIE HOF:

Kyk maar net na die kaart dan sal jy hom sien, dit is Zwanestraat - een van die twee hoofstrate op daardie Bewysstuk? ---If I remember correctly, we drove along, or we stepped in Zwane Street before we entered the Police Station with our vehicles. We stepped in Zwane Street, that is.

MR. UNTERHALTER:

Did you have any hold-up along the road - vehicles not interfere with your passage?---No.

Were you following close behind Col. Prinsloo and Col. Spengler?---If I remember correctly, we piloted them from van der Bijl Park to Sharpeville Police Station.

And were they then following close behind you?---Yes.

You see, I rather understood from the evidence Col. Spengler gave, that somewhere shortly before reaching the Police Station, there was a blockage, cars impeding the progress of your vehicles, and it was that that made the deviation necessary? ---That might have been I do not remember.

So when you said a few moments ago there was no blockage, you may have been mistaken?---I recall no blockage.

So you led into the Police Station? ---No, into the Police Station itself Cols. Prinsloo and Spengler led in their vehicle.

And that is by car?---By car.

How is it that you were piloting them, that they get into the lead?---We stepped in front of the Police

Park to Sharpeville Police Station. Sgt. Wessels was in the car with me, if I remember correctly he was driving the car to the Police Station and he is familiar with the terrain and he knew where we were going and he led the way.

In whose car did Sgt. Wessels lead the way?

---In my car.

Do I understand you correctly, that Sgt. Wessels drove the car up to the Police Station itself?--Yes.

And then he drove the car into the Police Station grounds following Cols. Spengler and Prinslee?-- I drove it from there.

I was under the impression that you had taken over the car when you entered the location itself. Is that wrong?--We stopped in front of the Police Station - not directly in front, but a short distance off, in Zwane Street, and from there I took the vehicle into the Police Station grounds.

Why did you change over there? --I have no explanation for that.

And at the point where you stopped, were Col. Prinslee and Col. Spengler behind you, and did you wait for them to come up and pass you?--If I remember correctly.

Did you follow immediately behind them?-- Yes.

Did they drive slowly?--Very slowly.

When they came to the Western gate, were you immediately behind them? -- 5 - 6 paces.

You say in your car there was Capt. Willers? --Yes.

And where did he sit?--In the back, if I remember correctly.

Did anyone sit in the front with you?--Sgt.

Wessels//

Wessels sat in the front with me. It might be that he sat in the back and Capt. Willers sat in front, but the three of us were in the car.

Is it a right hand or a left hand drive?---A right hand drive.

Now, you say that your arm was dragged by an African from among the crowd?---That is correct.

Did he grab it on your side, i.e. the right hand side of the vehicle?---On my side, through the window on the driver's side.

Is it possible for you to say whether he grabbed with his right hand or with his left hand?---I do not remember.

Do you remember what he looked like?--- I did at the time - I saw him thereafter - from that specific period until the shooting occurred, I saw him amongst the crowd on a few occasions.

Can you remember how he was dressed?---No.

A tall man, short man? ---Tallish, stout. I identified him in the mortuary the next day.

Did Sgt. Wessels notice what took place?--- I don't know, he might have.

In the ordinary course there was nothing to impede him noticing this? ---We were driving through what I would consider a hostile crowd, and I think he was busy with his own mind and he was making his own observations. Whether he saw it, I don't know.

As far as Capt. Willers was concerned...?--- I don't know.

You didn't say anything when this man grabbed you?---I made a report to Cpt. Willers thereafter, after entering the Police Station yard proper, I made a report/

report to Capt. Willers.

But immediately upon being seized, you didn't make an exclamation? ---No.

Nor did you say anything to this man who had seized you? ---No.

He merely used his bare hand, grasping your arm?---That is correct.

Would it be correct to say that what he did was insistent but not dangerous?--- I? at that time, in the state of mind I was in, I get the impression that he was endeavouring to pull me out of the car.

Was there any prospects at all of his succeeding? --- I am unable to say.

It was a fairly small window, I take it?---Yes.

What was the model of the car? --- A Zephyr.

Did he pull you with any violence, or did he just reach you?---No, he gave a violent tug on my arm.

You were able to wrench yourself free without any difficulty?---I wouldn't say without any difficulty. I wrenched myself free.

You didn't have occasion to call upon either of your passengers to come to your assistance?---No.

Did this happen immediately outside the gate, or in Zwane Street, or where? ---Immediately outside the gate.

You don't know if the people in the leading car noticed this - Col. Spengler or Col. Prinsloo?---No.

Did you then immediately drive on, or did you have to wait for a little while after this event before you could proceed?---No, the vehicle was in motion all the time while this was happening. We were moving very, very slowly.

You proceeded past this man and he remained where/

where he was when he'd seized you?---He could have, or he could have walked along with the car, I did not notice him any further. I turned up the window and I took no further notice.

Now, did you immediately go into the courtyard, as I understood you?---We parked the car outside the courtyard and if I immediately went into the courtyard, I cannot remember. We stood around.

By courtyard, do you mean the yard surrounded by the walls of the Police Station?---That is correct.

Not the open area that was protected by the fence?---That is correct.

Now, for how long did you remain in this courtyard?---I cannot remember.

You can't say that immediately upon your arrival you went out into the open area to look around, to see what was going on?---I parked the car in the open area, and I looked what was going on. I came into the courtyard and came back to look what was going in and went into the courtyard - I was coming and going all the time. I can't remember when I was in the courtyard and when not.

Did you notice any African marching up and down on the inside of the fence, gesticulating to the crowd? ---No.

Did you keep in the company of Col. Spengler? ---No.

In fact, someone was handed over to you by Col. Spengler?---That is correct.

How many people altogether?---One person.

Now, he was the last of others who had been brought into the Police Station buildings or closely? ---I saw one person before him, being brought into the building.

In/

In all, how many people did Col. Spengler concern himself with? ---I saw him talk to one person in the courtyard. Thereafter I saw him lead a second, accused No. 4, into the courtyard, and then I saw him talk to accused No. 76, at the gate.

Did you see the Colonel effect any arrests?

---No.

Did you, when he was escorting accused No. 4, see whether the Colonel had his hand on any portion of the body of accused No. 4?---I can't remember.

Do you know why these first two people were removed?---I have no idea.

You had nothing to do with interrogating him? ---I assisted Capt. Willers thereafter.

BY COURT:

Did you say thereafter?---Thereafter.

MR. UNTERHALTER:

Does that mean after the firing?---After the firing.

Now, were you at the gate when a person to whom Col. Spengler was talking was brought through that gate? ---Which person is that.

The person whom you identified among the accused?---I was standing about ten paces away when I saw this person burst through the gate, and I saw Col. Spengler talk to him. I then walked up.

You had a clear vision of everything that happened?---Of that particular incident, yes.

This particular person's dress, can you describe it to us? ---It is difficult, if I remember correctly he had on a black bow tie and a white shirt. I don't remember what else.

before You/

You don't remember any red trousers about him or waistcoat or anything?---No.

Would you then be definite in saying that he was not wearing a red waistcoat?---I cannot say that with any degree of ..

He might have been wearing a red waistcoat?--- He could have been.

Did you see Col. Spengler go down to the gate before this man was brought in through the gate?---No.

Where were you before that?---I could have been in the courtyard or I could have been standing about outside.

Did you at all see Col. Spengler as he approached that gate?---No.

Was he at the gate when you first saw him? ---Yes.

Now, you said that this person burst in. What do you mean by that, that he burst in?---I got the impression that he forced his way through the gate, to gain admittance to the grounds.

Did Col. Spengler make a grab at anyone else before this person...?---I did not see him do so.

Is it possible that the person who was subsequently brought in, was endeavouring to open the gate for Col. Spengler, and not bursting through?---That was not the impression I got.

Was a demand made for a reference book by Col. Spengler of this person at that time? ---I did not hear it.

If it had been made, were you within hearing distance - could you have heard?---There was some conversation going on between Col. Spengler and this bantu

before/

before I walked up. What I heard when I arrived there was the bantu saying - I did not hear what Col. Spengler said to him before - I just heard the bantu saying that "We want our freedom, we do not want passes", or words to that effect.

When he said that he was outside the gate?---

He was inside.

Now, when he burst through that gate, as you describe it, what did Col. Spengler do?---Nothing.

Didn't he seize him?---No.

He didn't take any steps to prevent him going any further?---No.

Did you form any impression of the purpose this person had in bursting through that gate?---I got the impression that he wanted to talk to Col. Spengler.

And was there no other means, as far as you could see, that was available to this man to address Col. Spengler, other than bursting through the gate?---He could speak to him over the fence or over the gate, as it were.

But notwithstanding that, according to you, he burst through?---That is correct.

As far as you're concerned, Col. Spengler did nothing to draw this man inside?---I did not see the Colonel do anything to do so.

No physical contact at all between this person and Col. Spengler?---I witnessed none. I did not see any physical contact.

If there had been, you would have noticed it?---Had I looked that way, I could have possibly seen it.

You see, we're not quite certain - I'm not, rather, as to the number of people but certainly one witness this morning at a certain stage in his evidence, spoke about the Colonel pulling somebody in?---I saw no such incident.

Did/..

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Did Col. Spengler hit this man at all?--No.

Or attempted to trip him?--No, I didn't see him doing so.

When you took over, did you assault him?--

No.

You are quite sure about that?--Positive.

Were you wearing a hat?--I can't remember.

You don't remember perhaps a hat being

kneeked off and falling on the ground?--No.

When this person came inside, what happened to the gate?--I don't know, I can't remember. Whether it was closed or whether it remained open, I can't remember.

You can't remember any other people coming in behind this man?--No other people followed him in.

You didn't hear this person say to Col. Spengler "It is unnecessary to hit me"? --No.

You were in plain clothes?--Yes.

Were you wearing grey?--I don't remember what I was wearing.

You may have been wearing grey?--I may have been.

You, yourself, did not try to trip this man and find that you fell yourself?--I fell in the courtyard while leading this man. It was not from trying to trip him.

Now, how did you fall then?--I tripped myself.

How did that come about?--I was leading this man in, and he wasn't really passive. I get the impression that he was trying to indicate to the crowd that the police are really nothing. I had a firm grip on his arm and he was jerking all the time. As we entered the courtyard I tripped myself and fell.

So/

So there was no struggle between you and him?---No.

This man had not been placed under arrest by Col. Spengler?---I don't know, he asked me to lead him into the courtyard, that native.

Did Col. Spengler tell you to take hold of this person's body?---No.

Well then, why was it necessary for you to lead him, why couldn't you give him an order to accompany you?---I can't explain that at all.

Now, when Col. Spengler handed this man over to you, Col. Spengler, according to you, had at no stage had any contact with this man's body?---That is correct.

You had no reason to believe that there was any difficulty as between Col. Spengler and this man, other than the exchange of words? ---That is correct.

You weren't told to arrest him?---No.

You weren't told to hold him in custody?---No.

You were merely told to take him inside?---

That is correct, and question him.

And question him. Now, in the light of that, why didn't you just walk along and have this fellow walk along beside you?---That I can't explain.

Well Sergeant, is it your usual custom when you get orders from someone to take anyone elsewhere, to grip him or seize him?--- I won't call it usual custom. I did it in this particular instance and I don't know why.

Would you be prepared to concede this afternoon that it was irregular for you to have laid your hands on this man?---I wouldn't call it irregular. It was just an act. It wasn't an act of aggression, it was just a laying a hand on him to lead him in.

Why/...

Why couldn't you have said to him, whoever he was, "Come with me"? ---I could just as easily have done so.

And you didn't do so?---No.

You won't concede to me that having failed to do that - that having so seized his person, that is not irregular, you're not prepared to concede that?---No.

Why don't you concede it this afternoon in the calmness of this courtroom? How do you justify it?---As I had explained, I considered it just an act. I took him by his arm to lead him in, that was all.

As a result of this, I understand the man became somewhat restive - would that be a correct way of putting it?---It could be explained that way, I can't say he resented my leading him.

You became aware of the fact that he resented it?---Yes.

There were approximately a hundred policemen in the neighbourhood, weren't there, while you were doing this? ---I don't know how many there were but..

There were a large number?---Yes.

When you became aware of it, why didn't you just release your hold on him and let him walk alongside of you?---I saw no necessity in doing so.

Once the man indicates to you that he resents this aggression upon his person, you still don't think that it was necessary for you to cease?---My aggression, I considered at the time, wasn't such to give him any reason to resent it. There was no aggression really on my part, it was merely leading him in.

But he communicated it to you by becoming restive - he'd shown you that he didn't like your gripping him at a time when apparently you shouldn't have been doing

it/

it?---I have explained to this Court that that particular incident gave me the impression that this person was trying to convey to the crowd that the police really are nothing, and for that specific purpose, well, I decided to maintain the grip I had on his arm.

I see. In other words, you had formed the idea that he was staging a demonstration with you for the benefit of the crowd?---That was what I thought.

And you then decided that you would stage a demonstration with him for the benefit for the crowd?---I decided that I would not permit him to stage any demonstration.

I take it that you were aware that there was a fairly grave situation that had brought these senior officers of the police into Sharpeville?---Yes.

You were aware, as you made your way through the crowd, that things were not calm, let me put it that way? ---Yes.

You were also aware, I'm sure, that it was necessary to be tactful in the situation and not to provoke people?---Yes.

In the light of that, would you please explain to us why you yourself were party to a provocative act as against this man, in the way you've just described? ---He was - after entering the grounds I no longer considered him one of the crowd. He was an individual. Any reason for my acts, apart from those I had given, I can't explain. I, at the time, thought that we were in danger, I heard cries of "Cato Manor" from amongst the crowd, several of the crowd, well not several - of the crowd had their fists raised, there were shouts. I apprehended violence. I can give no explanation for what I did, whether it was rational or not rational, I can't explain it, I

did/

did it, that's all.

If I may say so, you seem to have a singular lack of explanations for a series of important acts that I've been discussing with you this afternoon, and I want to suggest that your lack of explanation indicates a complete lack of responsibility in your conduct. Do you agree with that?---I wouldn't agree with that.

Well, the evidence, if it is given, is going to be to the effect that you brutally assaulted this man?---I did not.

Did you hear Col. Spengler have a conversation with accused No. 76, after the firing?---No, I can't remember.

Is it possible that Col. Spengler may have said to him that No. 76 must thank Col. Spengler for having saved his life?---It could have happened, I didn't hear him say so.

I must say I still have difficulty in understanding how you could have tripped yourself as you were walking along with this man? He did nothing to cause the tripping, did he?---No, not that I remember.

You don't think it is possible that in the course of assaulting him there was a struggle between the two of you and he was resisting illegitimate force exercised on him and that caused you to fall?---There was no assault on him.

When did you hear these words "Cato Manor, Cato Manor"? ---Just before this man burst through the gate, I would say, I heard such words.

You're sure about that?---The absolute time, I'm not absolutely certain, although I did hear them. It was at one stage of what happened there that I did hear these/

these words. I did hear them though before my incident with this man.

But the words, whenever they were said, were said before this man came through the gate?---Yes.

The man himself offered no resistance at all, once he was through the gate. He was handed to you by Coll Spengler and he went on his way with you?---That is correct.

How many people were handed to you by Col. Spengler?---Just this one man.

You know, Col. Spengler gave evidence about various people coming through the gate, and he has also described how one of them was handed over to you. Now his version in regard to the detention or escorting in regard to the particular person he handed over to you, was to the effect that he ordered the constable to open the gate, and he asked this man to come in, and the man came in. He did not speak at all of the fact that this man burst through the gate?---My impression was that he burst through the gate.

Now you say it is an impression?---It is an impression.

In the light of what I told you of what Col. Spengler said, may it be that you are wrong and Coll Spengler is right, and that he came in through the gate in obedience, if not to an order, at least to a request?---No, my impression was that he burst through.

Col. Spengler gave evidence here under oath, you're giving evidence here under oath. You're not suggesting that the Colonel is lying, are you?---It might well be that this man was asked to enter. My impression was that he burst through.

Is it possible he came through quickly, perhaps/

perhaps?---That is possible.

So that, in fact, he may not have burst through?---Yes.

But you're perfectly satisfied that having come through, he went peacefully with you along his way?---Yes.

You've no doubt whatsoever about that?---None whatsoever, apart from him resenting my leading him.

Now, the words that this man used, you say are "We don not want passes, we want freedom". Did he say that directly to Col. Spengler?---Yes.

Just as in the course of a conversation between them?---I thought at the time that it was in reply to a question.

But in the same way as you and I are conversing this afternoon, something would have been said and then he said "Well, we don't want passes, we want freedom"? ---That is correct.

I am conveying fairly accurately, am I, the tone of voice, the atmosphere and so on? ---I wouldn't say he used a mild tone of voice, he was rather loud.

Well, loud in the sense of making himself heard to Col. Spengler?---No, I wouldn't say only to Col. Spengler. It wasn't necessary for him to speak loudly at all to make himself heard to Col. Spengler.

Despite the noise of the crowd?---He was standing with Col. Spengler and I didn't think it necessary for him to speak loudly at the time.

Well, he didn't shout at the top of his voice?---Not at the top of his voice, no.

And he addressed himself to Col. Spengler?---

Yes.

Is/

Is it possible that here again you may have been incorrect in detail in the words that was said?
 --Yes, I specifically said "Or words to that effect", in my evidence in chief. It was words to that effect, I don't know whether those were the specific words. It boiled down so that that he conveyed that they did not want passes, they wanted freedom, or they wanted freedom, they did not want passes.

It wasn't perhaps that he said this "The people are grieving because of the passes"? --No, I didn't hear him say that.

Are you quite sure about that?--I am positive.

You see, you made a mistake about bursting through the gate and I am inviting you, before I continue my questioning, for you to consider your answer to me? --Two short phrases, "We do not want passes, we want freedom" or "We want freedom, we do not want passes", ^{was} what was said by the accused.

He certainly didn't incite the crowd, did he?
 --I don't know what he did before coming through the gate.

No, at that particular moment in that conversation, he certainly didn't incite the crowd, he was having a conversation with Col. Spengler, which you overheard?--The tone of voice that he used, he could have used it with the intention of - well, I'll say inciting the crowd.

He could have, but in fact you can't say whether he did or not?--No.

What about the state of the crowd nearby at that stage, weren't they quiet in the presence of Col. Spengler?--No, throughout the crowd appeared to me violent, they appeared aggressive.

There/

There was a reference in the evidence of
ol. Spengler to a man in a red shirt. Do you remember
seeing a man in a red shirt?—No.

(REMANDED TO 3. 11. 1960.)

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