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COURT RESUMES: 9. 11. 1960.

ACCUSED NO. 30 NOT PRESENT.

P.P. TO COURT:

Your Worship, with the exception of No. 30, all other accused are present. I was informed this morning by accused No. 39 that No. 30 was ill. The District Surgeon has examined her and I ask Your Worship's leave to call Dr. Lambinon.

LAMBERTUS LAMBINON b.v.s

VERHOOR DEUR P.A.s:

Dokteru, uis n geregistreerde mediese praktisyn en Distriksgeneesheer te Vereeniging?—Ja.

En u het vanoggend ene Anna Lethage, wie beskuldigde No. 30 is, onderseek by haar huis te Sharpeville? —Ja.

Wat is u bevinding, dokter? —Sal ek dit in Engels sê?

Neê sees u wif? —She has got slight heart failure due to a damaged valve of the heart as a result of rheumatic fever, and she has got rheumatic pains in her joints.

What is her approximate age?—About 45.

And is this a condition which was left — one of the ravages of rheumatic fever?—Yes.

Will she be able to attend Court, particularly today, I have in mind? —Yes, she can attend Court, but I would like her to sit down.

Is this a condition that will remain with her through the rest of her life?—Yes.

P.P. NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. UNTERHALTERS

Dokter, when you saw the accused this morning/..

morning she was lying in bed, was she?---Yes.

How did she appear generally, did she appear to be ill?---She is ill.

She is ill. So we can dismiss any question of her malingering at all?---No, it is not malingering.

Doctor, you've described her as having rheumatic pains in her joints?---Yes.

Would the present weather, namely the wet weather and the drop in temperature that we are experiencing today have brought on these pains?---Yes, most likely, yes.

Doctor, would you not say that as a result of that the pain she is experiencing today is sufficiently intense to warrant her remaining in bed and be kept warm rather than being brought into this cold Court room to sit here?---I don't think it would make much difference, it is a very chronic condition.

I am putting it to you specifically in regard to today, because she has attended Court regularly from the commencement of this trial?---Well, it would be better for her, but she is not so ill that she can't attend Court.

You don't think that being brought out of her bed during this morning, thight on one of these benches which you will notice are not upholstered, might cause her to undergo rather severe pain during the course of today? ---No, I don't think so, it won't make much difference.

Doctor, have you any view, generally, upon her condition being aggravated, possibly, through great strain that she may be undergoing and having to - in view of this long trial?---Possibly.

Do you think that if this trial goes on for some lengthy period in the future, that might then tend to aggravate her condition?---Yes, her heart failure.

MR. UNTERHALTER NO FURTHER QUESTIONS.

ACCUSED NOS. 3,4,8,38 and 39 NO QUESTIONS.

RE-EXAMINED BY P.P.:

Doctor, the pain that she is undergoing at the moment, is it likely at all to affect her ability to understand the proceedings against her if she is brought here?—No, I don't think so, it is not so bad.

The fact that she is brought from her warm bed in her house to perhaps a cold, draughty Court room for example, we will call it, is that likely to cause any complications or any worsening of her condition?—NO, I don't think so.

P.P. NO FURTHER QUESTIONS.MR. UNTERHALTER:

Your Worship, with the leave of the Court, may I ask one further question?

Doctor, is it possible that since yesterday her resistance might have been lowered as such that if she is brought into this Court room, with the draught and everything else, it might make her more liable to get a chill and expose her to other complications, in other words, if a person who appears to be ill although well enough, according to you, to attend Court, is brought here in a state of illness and exposed to the conditions in this Court room, might it lead to a chill which in turn might lead to other things?—It is possible.

MR. UNTERHALTER NO FURTHER QUESTIONS.BY COURT:

Doctor, is this Court room so full of draughts as we seem to be hearing? —I can't feel any? —No, I'm of opinion that she could be brought here safely.

It is quite quiet day today, it is cloudy and it is rainy and the temperature is down, that is true, there is no wind blowing....?—No, she has got no temperature. Her temperature is normal.

I may indicate to you, her usual seat is on the second row against the wall, in between two windows?--It seems to be fairly comfortable.

Is her position such that - a person who hasn't got to come to Court naturally wouldn't like to come out on a day like this - I'm talking about the normal person now with rheumatic pains, wouldn't like to come out on a day like this?--Yes, that is the position, yes.

And feels much more comfortable at home and in bed?--Yes.

She has pain?--Yes, she has pain, and having a weak heart, I suppose she likes to rest.

But in your view her being brought here wouldn't make much difference to her condition?--No, it won't make much difference.

Thank you very much.

P.P.:

I would like to apply for an order, Sir, I don't want to apply for a warrant that the accused, subject to Your Worship making such an order that she come to Court, make arrangements to bring her, Sir.

MR. UNTERHALTER:

Your Worship, with great respect for my learned friend, I would submit that notwithstanding what we've heard from the doctor, that in the circumstances of this case, she be permitted to remain where she is today, and that her comfort in this matter, in all the circumstances, should be placed before the requirements of continuing with this trial.

I put it on a very simple basis and it is this, this woman quite evidently is bona fide, in her absence, if she has absented herself today in the way she has done, must have been good reason for it in the sense that she is suffering

pains/

pains in her joints and apparently there must have been something else connected with the heart that almost forced her, one would say, to use her own judgment and to remain at home. I would submit to Your Worship that, in the light of her punctual attendance throughout the whole of these proceedings, and taking into account everything else, she would not likely have remained at home today, were it not for her condition. Your Worship, we have the objective assessment given by the doctor, on the other hand, of course, I haven't spoken to her, I can't say anything directly, but one would imagine there is also her subjective condition to take into account, and that subjective condition is that this is the way she feels, and she is probably, well, as the doctor himself said, it is not a matter of probability, it is a question of facts - she is in pain. Your Worship, in my submission this is one of the situations where perhaps kindness to the individual in this case should perhaps prevail over the ordinary requirements of continuing with the trial today. We will not be meeting tomorrow, in any event, and perhaps, given the chance today and tomorrow to recover, she will then be in a condition to attend on Friday. I do submit, that even though it may be that this is not an unduly drafty Courtroom, it is a cold day and the doctor has said that on a cold day people who suffer from rheumatic conditions, feel the pain more intensely. Although she will be able to attend to what is said, and indeed I might add that it really doesn't matter, by and large, if she does because she is represented by me, nevertheless, in fairness to her, if there is any matter that she wants to give her attention to, my submission is that she should not have to sit in the Court and be distracted by it, and that, however reluctant one is to adjourn proceedings

because/

because of this, in the special circumstances of today and having regard to her as an individual and possibly a suffering human being today, she should not be asked to come and I therefore oppose my learned friend's suggestion.

BY COURT:

I have listened very carefully to the evidence. I'm not going to deal with this matter in detail. I have listened very carefully to Mr. Unterhalter's views and submissions, but there have been delays already in these proceedings, small delays are going to take place for various causes, and as far as I am concerned, delays are going to be minimised as far as possible. I am now intimating that if Accused No. 30 is not at Court by 12 noon, which is an hour from now, I may have to consider issuing a warrant for her apprehension and having her brought here. The proceedings will stand down until 12 noon.

COURT ADJOURNS.

COURT RESUMES:

BY COURT:

Is accused No. 30 here now?

P.P.:

Yes.

BY COURT:

All right, they may sit down, I'll just make a note of that.

MR. UNTERHALTER:

Your Worship, the accused has been brought to Court. I may say to the Court that I have instructions from her to renew my application for her to return to her bed, but I propose, Your Worship, to defer that for a little while. She has requested that her own doctor come, and he will/

will be at Court presently, and I shall then ask the leave of the Court for him to examine her.

BY COURT:

The whole question is, she is here now, is she in her sound and sober senses, can she follow the proceedings? Is that the contention, that she is not in her sound and sober senses and therefore cannot defend herself properly?

MR. UNTERHALTER:

No, Your Worship, my instructions from here are to renew the application for her to return to her bed, she wishes to give evidence herself of her condition, and she wishes, Your Worship, to be examined here in Court by her own doctor, and that her own doctor's evidence will be likewise heard.

BY COURT:

When will her own doctor be here -- when can we hear this evidence?

MR. UNTERHALTER:

I'm awaiting him any moment, Your Worship, and perhaps in the meantime the proceedings could go on.

WYNAND JACOBUS WESSELS moves

KRUISVERHOOR DEUR MNR. UNTERHALTER (vervalg):

Sergeant, when proceedings stopped yesterday, I think I was questioning you about meetings in Sharpeville, and you had said there had been no public meetings, you said that an application had been made for a meeting and this had been refused, and I think you indicated that you rather thought the policy of the authorities was that meetings should not be held because it might incite the people, or words to that effect -- That is correct.

Now, I think I also put to you -- it was

probably/...

probably my last question - that because public meetings had not been held, this is not necessarily an indication that the people there were not interested to hear about the passes?---Dit is korrek.

Now Sergeant, in the course of your evidence yesterday, you suggested, I think, that there might have been private meetings held in the location?---Dit is korrek.

You had information about these meetings?
---Dit is reg.

Were they attended in any numbers by inhabitants of Sharpeville location? --- Deur klein getalle.

Were these meetings fairly frequent?---Ja. /

And approximately what were the numbers of the people who attended them?---Tussen ongeveer 20 en 30 persone. /

Are you able to say whether the same 20 or 30 people attended each of these meetings, or were they different people at different meetings?---Nee, ek kan nie se nie. /

And how often were these meetings held?---
Soms eenkeer n week, gewoonlik oer naweke. /

And I take it that among other things discussed at these meetings, there was criticism of the Pass Laws?---Dit kan ek nie se nie. Ek het nie die vergaderings persoonlik bygeween nie, of ken heer wat hulle se op die vergaderings nie.

Sergeant, I'm not asking you for your own personal information, I'm just asking you from the information you get from reports. Were there criticisms of Pass Laws?

BY COURT:

That is hearsay evidence.

NR./

MR. UNTERHALTER:

It is, Your Worship. My submission is it can be elicited in cross-examination.

BY COURT:

Proceed, let us hear.

GETUIE:

Edeelagbare, kritiek werd gewoonlik op hierdie vergaderings uitgespreek.

MR. UNTERHALTER:

That is in connection with the Pass Laws? — Nie noodwendig die Paswette nie.

Well, the Pass Laws, among others?—Among others.

Now, you've also told us that pamphlets were distributed in the Township in the days before the 21st of March?—Dit is korrek.

Were they fairly widely distributed? — Daar was nie in die strate veel van die pamflette rondgegee nie. Van die pamflette was egter op prominente plekke van-geplak, soos bushaltes en telefoon-spreepkanteertjies.

Weren't they also put into the letter-boxes of the inhabitants?—Ja.

So it was fairly widely known, would you agree, in the Townships, that something was brewing?—Ja.

In these three days, apart from information that you may have got from the sources available to you, did you yourself have any casual conversations with Africans in the Township, to get an idea of their attitude to the state of affairs?—Ja.

And what was the general impression that you formed from these conversations?—Ek het onder die indruk gekom dat bantees twyfel — dat hulle nie weet wat om op die

21ste/

BY COURT:

21ste Maart, 1960, te doen nie.

But they were greatly interested in what was pending?—Dit is korrek.

Now Sergeant, on the 21st of March, you were busy in Sharpeville, according to your evidence in chief, at about 6 o'clock in the morning?—Dit is korrek.

You'd been on duty the night before?—Dit is korrek.

Was that in the location of Sharpeville, or elsewhere?—Nee, ek was n tydjie in Sharpeville, en ek was in Vereeniging, en ek was by die kampens. Ek was nie net in Sharpeville gewees nie.

Now, for how long had you been on duty that night?—Ek was ongeveer 11 ure, op die nag van die 20ste, was ek tuis gewees.

You'd not yet gone to bed, had you?—Ek reken ek het kort daarna bed toe gegaan.

What time did you get up that night, to go out?—Ongeveer 4 uur die oggend, 4 ure, op die 21ste.

You had approximately 5 hours sleep?—Dit is korrek.

Now, you described to us what was taking place in Secise Street, I take it to be, outside the Municipal offices at Sharpeville location, in the early hours of March, the 21st?—Dit is korrek.

Have you recollected these events correctly?

—Ja.

There is no possibility of you having made a mistake in the descriptions that you've given to the Court in your evidence in chief?—Ek glo nie.

And when you gave that evidence, Sergeant, you were of course completely aware of the need for accuracy

because of the effect it can have upon accused persons?

—Dit is kerrek.

Now, you told us that you saw this crowd and you said that there were women and children in this crowd, and you said that they were in front?—Dit is kerrek.

Then you told us what you'd noticed in other demonstrations in connection with reference books and the position of women at these other demonstrations?—Dit is kerrek.

Now Sergeant, you are not suggesting, are you, that as far as this crowd that you saw that morning in Seeise Street is concerned, that the women and children were deliberately placed in front, so to speak, as a buffer between the main crowd and the police?—Ek reken hulle was net n deel verentee gebring.

In saying that, Sergeant, you have no information. This is just a guess on your part?—Dit is die opinie wat ek gekry het. Dit was vir my duidelik dat die optog veerafgegaan was deur bantevroue en kinders, jong kinders.

But you had no information in regard to this?—Nee.

You saw these women and children in front, and you drew the inference from this, such as you just...?—Dit is kerrek.

You didn't, for example, see them being deliberately singled out from the crowd and placed in front?—Nee, dit het ek nie gesien nie.

So it might have been just fortuitous that you had a group of women and children in front, it might not have been part of a plan at all?—Vir my het dit gelyk na n deel, dat die bantevroue en kinders is net n deel

veeraan/

veeraan die opteg gebring. Die opteg was reeds daar toe ek daar arriveer het.

But it might have been fortuitous. It might just have been a coincidence that these women and children were in front?—Nee, ek kan nie dink heeken se bantevreue en kinders aan 'n opteg waar daar gepretesteer werd teen die Paswette, aan die voertou van 'n opteg se loop nie.

You're not prepared to concede that it might just have been fortuitous?—Nee.

Were you present when the baten charge took place?—Nee.

Did you come back to that crowd after the baten charge took place, or did you not return to that crowd at all?—Nee, ek het na 'n ander punt gegaan.

This, to you, was something fairly obvious, was it, these women and children stationed in front? —Nee, dit was vir my - dit was nie so duidelik vir my heeken bantevreuens en kinders aan 'n opteg se deelneem nadat daar pamphlette versprei was en 'n bereep op bantemans gedeen is en hulle bewysboekies tuis te laat en hulle aan die polisie te oerhandig vir arrestasie nie.

Sergeant, perhaps I haven't made myself clear. Was it obvious to you that this group of women and children were in the front of the crowd?—Ja.

And was it also obvious to you that this seemed to be part of the demonstration?—Ja.

You see, we've had evidence from Captain Cawood, we've had evidence from Mr. Labuschagne, we've had evidence from Sergeant Grebler, and I haven't heard them draw any of these conclusions, of the conclusions that you've drawn, nor give the description that you've given. Now is it possible, in the light of that, that you may be mistaken/

mistaken?---Nee, ek het banteevrouens en kinders aan die
veerpunt van die opteg gesien vanwaar ek gestaan het, en
ek het nie daarmee n feut gemaak en enige ander persone,
velwasse persone, raak te sien instede van kinders en
banteevroue nie.

How was anything done wth this group of
women and children by the crowd as a whole? ---Daar het van
die velwasse bantees by die vroue en kinders gestaan, en
hulle aangepor om na verentee te stap.

So that, according to you, this mass of
women and children were used, as I've said before, as a
buffer, and were they moved forwards and backwards by
others?---Ek het nie gesê daar was n massa vrouens en
kinders gewees nie. Ek het gesê daar was banteevrouens
en kinders aan die veerpunt van die opteg.

About how many, Sergeant?---Ek sou reken
dat in distansies van 5 tot 10 treë was daar twee of drie
banteevrouens en dan banteemans weer, en dan weer bantee-
vrouens, 2 of 3 of 4 banteevrouens miskien byskaar, en so
aan.

Oh, then perhaps I misunderstood you. I was
under the impression that there was a whole line, group of
women and children in front?---Nee, ek het nie gesê daar
was n massa vrouens en kinders veer aan die punt nie.

Do you now say to me that women and children
were interspersed with the men in the front of the crowd?---
Aan die heel veerpunt van die opteg, ja.

8 In other words, there were some men, there
were some women and children, there were some men again, and
so on?---Dit is reg.

Now what leads you, Sergeant, in the light
of what you've just said to me, to say that these people
were/

were deliberately placed there?— As daar vrouens en kinders is - as daar n opteg gehou word en die polisie moes daardie opteg stuit, dan reken ek nie dat daar enige aksie van die polisie se kant sou gekom het, n knuppel-stermleep, byvoorbeeld, terwyl daar kinders en vrouens veer aan die opteg sou wees nie.

In other words, you're suggesting that this was part of a plan, if I heard you correctly, to prevent a baten charge because of the women and children being in front?—Dit is meentlik wat hulle beoog het.

You're quite clear about that?—Ek is heeltemal duidelik daarentrent.

You knew, in fact, there was a baten charge. I can't tell you what the position of the women and children then was, but they certainly charged that crowd, and if it was the intention of the leaders, or whoever it concerned, to have these women and children in front to prevent the charge, that plan certainly miscarried because the police charged the crowd. Do you wish to say anything in that regard? —Dit is nie noodwendig dat as daar n knuppel-stermleep uitgevoer word, dat die knuppels gaan gebruik word nie. Dit gebeur dikwels dat die polisie n stermliep - knuppel-stermliep uitvoer en gladnie hulle knuppels gebruik nie.

You knew, you gave evidence in respect of this matter at the Commission of Inquiry, did you not?—Ja.

And you were asked certain questions about the role of women and children, at page 647 and page 648 of the report. Now this is how it is put to you: "Now, is not that the conditional role of the women in any Pass Laws campaign, surely, Mr. Wessels? —The traditional role of the women I thought to be at this protest, where men were going to hand themselves over to the police, I could not define traditional role otherwise than that the women would

go in front with babies on their backs, and take other children with them. That was one of their roles"? --- Dit is korrek.

"To achieve what? --- No, I don't know to achieve what". --- Dit is korrek.

So at that stage apparently you didn't know what was to be achieved by women and children going in front. Today you suggest that what was to be achieved was that this was to act as a deterrent against a baton charge? --- Dit is so aan my gestel nou.

MR. UNTERHALTER: TO THE COURT:

Your Worship, my attorney instructed me that the doctor is here. I wonder if the Court would grant a brief adjournment for him to examine her?

COURT ADJOURNS.

COURT RESUMES:

MR. UNTERHALTER : TO THE COURT:

Your Worship, the doctor has examined her. He has informed me that she has high blood pressure and high temperature, but he says that nevertheless, in his opinion, if she is to sit in Court she can do so apparently without danger, and therefore, Your Worship, notwithstanding her instructions to me, I don't think I can persist in my application.

WYNAND JAKOBUS WESSELS, onder sy vorige eed, vervolg:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Sergeant, your reply to me was that I put that to you? --- Dit is reg Maelagbare.

I may have done so, I don't recollect it, but be that as it may, if this was something that appears to you

to/....

to be so obvious, why did you not suggest it to the Learned Commissioner at the Inquiry? --- Daar was nie op aangedring nie.

I am putting it to you Sergeant that it did not occur to you at the Commission because in fact it was not such that it could occur to you reasonably? --- Dit hetdaardie oggend, toe ek die optog sien; toe was dit vir my duidelik gewees dat die Bantoevrouens en kinders is met 'n doel aan die voerpunt van die optog.

There is no other explanation that you care to offer as to why you did not give that evidence to the Learned Commissioner? --- Nee.

Now, you told us that you saw somebody who appeared to be a leader about five paces from you, who was shouting "Afrika!", and he turned and beckoned to you and said "I am a leader!?. Why don't you arrest me? We are fighting!" --- Dit is korrek.

He was not apart from that doing anything unlawful?

--- Nee.

You say that you took this person away and you point him out as the first accused? --- Dit is korrek.

You say that thereafter you arrested No. 2 accused?

--- Ek het hom nie arresteer nie.

Well, you took him away? --- Dit is korrek.

He had said to you "What the hell are you doing here? Ek dra nie 'n donderse pas nie!" --- Dit is korrek.

You are sure about that? ---Dit is korrek.

Sergeant, I put it to you previously and I am putting it to you again, that you are aware of the very great care that you have to exercise in giving your evidence? You are aware of that? --- Dit is so Raclaghare.

And you adhere to what you have said? ---Dit is so.

1,064.

I am going to put it to you Sergeant, that when you gave the evidence at the Inquiry, it was not the evidence as you have just given it in Court? — Die vroe was nie so pertinent aan my gestel en aangedring op die verskeie antwoorde nie, d.i. op verskeie antwoorde wat ek gegee het hier nie.

I am going to put it to you Sergeant that it was not in response to questions, but you yourself volunteered information in regard to these two people, and it was in different terms to the terms that you have given it in Court here? — Ek glo nie; ek dink dit kon ooreen.

Do you know the name of the first accused? — Ek ken die eerste beskuldigde by die naam van Johannes Manyake, of Thaddeu Nteampe. Ek ken hulle nie baie goed nie Edelagbare.

Do you know the name of the second accused? — Thaddeu Nteampe Edelagbare, of Johannes Manyake. Soos ek net gesê het ek ken diepersone nie baie goed nie.

Now, I am going to read to you from page 627 of the record of the evidence that you gave before the Commission. „Op een stadium het ek gevind dat 'n Bantoeman met sy rug na die Polisie gekeer na die skare gekyk het, en hulle gewys het om aan te kom. Hy het met albei sy hande so gewink om nader te kom. Hy het geleop en skree. Van wat ek kon hoor wat hy skree was dit „Afrikal! Iswe Lethul! Hy het naderhand tot naby aan die Polisie beweeg. Ek het na hom gegaan. Hy was ongeveer vyf tree van my af. Ek het hom aan sy arm geneem en hom weggelei. Hy het aan my gesê „We are fighting for our freedom“. Ek het hom na 'n vangwa wat in die nabyheid gestaan het geneem en hom gevra „Wat maak julle?“ Hy wou nie verder antwoord nie. Ek het hom sy naam gevra en hy het sy naam gegee as Thaddeu Nteampe. Aan sy lapel van sy baadjie het hy twee kaartjies gehad, „Away with passes! P.A.C.“ „Africa for the Africans only! P.A.C.“. Ek het hom in die vangwa/....

vangwa laat aanhou en teruggegaan na die toneel waar die same-
dromming was. Dit was nóg dieselfde toneel. Talle Bangoes
het daar gestaan, en dit het blykbaar gelyk of hulle al nader
kom aan die Polisie. 'n Ander Bantoe het rondgehardloop en
tot tussen die Polisie gehardloop en geskree „Afrika! Iswe
Lethu!“. Wat beteken dit? — Iswe Lethu beteken „Ons land“.
'n Bantoe-konstabel het hom omarm en hom weggeneem, nadat hy
vir my gesê het "What the hell are you going here? Ek dra
nie meer 'n donderse pas nie!" Hy is ook na die vangwa geneem.
In die vangwa het ek hom ondervra. Ek het van hom vernem sy
naam is Mofe Monyake. Hy het ook kaartjies "Away with passes,
P.A.C." en "Africa for the Africans only, P.A.C." aan die lapel
van sy baadjie gehad, en hy het 'n lidmaatskapskaartjie van
die Pan Africanist Congress in sy sak gehad." You did give
that evidence at the Inquiry did you not? — Ek het.

And you gave it under oath did you not? — Dit is
korrek.

Now, you will observe that that evidence differs
from the evidence that you have given here? — Nee, ek kan
nie sien hoe verskil dit op die feite nie.

Well, let me explain to you immediately that
as far as accused No. 2 is concerned, you give evidence under
oath in this Court that accused No. 2 said to you "What the
hell are you doing here? Ek dra nie 'n donderse pas nie!" —
Dit is wat hy gesê het Mlagbare. Dit is wat die tweede
persoon gesê het. Die eerste persoon het aan my gesê "We are
fighting for our freedom!", en die tweede persoon wat deur die
Bantoe-konstabel omarm is het gesê "What the hell are you
doing here? Ek dra nie 'n donderse pas nie!"

Sergeant, I asked you the names of these people,
and you have told me that the name of accused was just
repeat it again? — Ek het gesê ek ken nie die twee beskuldiges
nie/....

1,066.

nie. Ek ken die twee beskuldiges as Johannes Manyake en Thaddeus Ntoampe. Ek was nie bereid om hulle op 'n identifikasieparade uit te wys nie.

Now, your evidence at the Inquiry in regard to the first person is in respect of a man who gave his name as Thaddeus Ntoampe, the man who said "We are fighting for our freedom"? — Dit is korrek.

The second man whose name you gave at the Inquiry as Manyake is the man who said "What the hell are you doing here? Ek dra nie neer 'n donderse pas nie!" — Dit is korrek.

Now, your evidence in this Court is exactly the opposite. You have said that No. 2 accused, who in fact is Thaddeus Ntoampe, is the man who said to you "What the hell are you doing here? Ek dra nie neer 'n donderse pas nie!" So you have made a mistake as regards accused No. 1 and accused No. 2? Do you concede that? — Ek sal nie sê dit is 'n fout wat ek maak nie. Ek ken die twee beskuldiges nie.

Sergeant, you are quite clear that whoever you spoke to at the time that you arrested him, gave his name to you? — Dit is korrek.

And one of them gave his name as Thaddeus Ntoampe? — Dit is korrek.

Are you then suggesting, in an endeavour to explain the conflict in your evidence, that the man who gave you his name as Thaddeus Ntoampe, was not in fact Thaddeus Ntoampe? — Dit sou nie aan my verakil maak wê hulle name sou wees nie. Hy kon aan my enige verstrekket.

It is certainly remarkable that accused No. 2, whose name is Thaddeus Ntoampe, is the man who you happened to arrest? — Dit is een van die twee persone wat ek weggenem het. Ek het net die twee persone daardie oggend weggenem.

Well/....

Well, I am going to suggest to His Worship that you have made a mistake in the evidence that you have given? ---
 Nee Edelagbare, ek het nie 'n fout gemaak nie. Ek het net die twee persone arresteer, ten minste weggeneem van die voerpunt van die optog, en hulle na die vangwa geseem.

And that your mistake consists in imputing to the one the remarks which apparently were made by the other? ---
 Ek het nie belang gestel in die persone se identiteit op daardie oomblik nie.

And I am going to suggest further that you are therefore careless in the evidence that you have given? ---
 Nee Edelagbare, ek is nie. Ek is gewis nie net 'n doel hier om getuieis te gee wat nie die oggend daar gebeur het nie. As die twee persone se name miskien dat ek Johannes Manyake verwar met Thaddeus Ntoampe, net sover as hulle name aanbegerf, dit kan gebeur. Dit is nie persone wat aan my bekend is nie, en al wat ek begaan oor was is dat dit die twee persone was wat aan die voortou was van die optog en hulle as leiers voorgedoen het, en ek het hulle weggeneem om hulle te ondervra.

You see Sergeant, it is not so easy for you to get out of this by saying that there is possibly a confusion on your part in terms of the names. The other difficulty that stands in your way is that you gave this evidence in a certain order? That the first person made certain remarks and the second person made other remarks, and that order is completely reversed in the evidence that you have given in this Court irrespective of the names of the people. How do you explain that to His Worship? --- Edelagbare, die twee persone het daar tussen 'n lawaai opmerkings gemaak, en dit is moontlik dat die een of die ander een van hulle hierdie opmerkings gemaak het, maar dit is die opmerkings wat hulle gemaak het. Ek het net belang/....

belang gestel in daardie opmerking wat hy gemaak het.

You see Sergeant, I was at pains, in fairness to you, to make quite sure as to the care that you were taking. Now, it was quite open for you to say to His Worship "Your Worship, I may be mistaken in regard to it because of the confusion and everything else", which will be readily understandable, but you have given a very confident answer here, as if the Court was to rely implicitly upon what you said, and I suggest that you were wrong in doing so? — Edlagbare, ek trek geen aandag op myself nie. Die feit bly nog die twee persone het aanmerkings, en ek het belang gestel in die twee aanmerkings wat gemaak was. Ek kan die persone nie identifiseer nie.

So that although you might be confused as to the sequence, although you might be confused as to the particular persons or their names, you are certainly not confused as to the remarks that you heard? — Dit is korrek.

This you speak to with the greatest of assurance and confidence? — That is correct.

And His Worship can place reliance on that? — Korrek.

According to the note that I took of your evidence-in-chief the first person, whoever he may have been, said to you: "I am a leader. Why don't you arrest me? We are fighting!"? — Dit is korrek Edlagbare.

Do you now wish to alter that? — Dit is woorde toet daardie effek wat hy gesê het. Ek het dit nie gaan neerskryf nie.

But I thought that you said that you paid such attention to the remarks that you were perfectly confident about them? — Dit is wat hy gesê het.

You don't wish to alter that? — Nee.

I/....

I think that I have already read this to you, but I will read it to you again, i.e. from page 627 of the record. You are describing how you saw this man five paces from you and you took him by the arm and you led him away, and he said to you: „Hy het aan my gesê "We are fighting for our freedom". That is all that you said. You did not tell the Learned Commissioner that he said "I am the leader. Why don't you arrest me?". Your evidence here is that he said "We are fighting". Your evidence there is that he said "We are fighting for our freedom". What do you say now? --- Dit is moontlik dat ek "freedom" uitgelaat het. Ek betwis dit nie, maar nog het hy die woorde "fighting" gebruik, "We are fighting".

Sergeant, you don't concede that there is a completely different meaning that attaches to the words "We are fighting" and "We are fighting for our freedom"? --- Dit kom vir my nog op dieselfde neer, dat hy baklei vir iets, vir 'n doel.

I am putting it to you that the purpose of your evidence "We are fighting" is an indication of some physical strife that is on the go then, whereas "We are fighting for our freedom" can suggest an endeavour on the part of a group of people to get freedom, but not necessarily through physical violence. Do you concede that?

BY THE COURT:

Mr. Unterhalter, you must be fair to the witness. My notes reads as follows: "I am the leader. Why don't you arrest me? We are fighting!" „Hy het ook neer gesê, ek ken nie alles hoor nie". That is the evidence-in-chief.

BY MR. UNTERHALTER:

I am indebted to Your Worship. I shall put that to/....

to the witness.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You heard what His Worship has said. "More was said, but I could not hear it because of the noise".

BY THE COURT:

"I could not hear everything".

CROSS-EXAMINATION CONTINUED:

New Sergeant, I can understand that if more was said you could not hear it, but the evidence that you have given today, and the evidence which you gave at the Commission, obviously was both given after the event of the 21st March? — Dit is korrek.

If you heard the phrase "We are fighting for our freedom", and you gave that as evidence at the Inquiry, why did you not give it today? — Edlagbare, die doel bly nog daar. Hulle het baklei. Ek het meer belang daarin gestel, "We are fighting".

I don't think really you answered my question earlier as to the difference in the context. I will just put it to you. Do you agree there is a difference in the context? — Edlagbare, dat ek 'n woord moontlik uitgelaat het erken ek. Daar kan 'n woordjie uitgelaat word. Die idee was om min of meer te sê. Die persoon het daar aan die veertien geleef as 'n leier. Ek het gehoor wat hy gesê het tot 'n sekere mate, en daardie getuigenis het ek gelewer.

So you may be mistaken in regard to some of the details of the evidence that you have given in this Court? — Een of twee woordjies miskien Edlagbare.

And also perhaps one or two events? — Nee Edlagbare. Dit is ook moontlik dat daar mag verskille wees, maar nie om die velle sin 'n hele ander betekenis te gee nie.

Well/....

Well Sergeant, I am going to put it to you now specifically that accused No. 2 did not say to you "What the hell are you doing here? Ek dra nie 'n donderse pas nie?" — Eëlagbare, dit is wat hy gesê het. Hy het by my gestaan.

Was he very prominent, very noticeable? — O ja.

Describe his gestures to us for a moment again please? — Hy het vinnig rondbeweeg tussen die voerpunt, en hy het tussen die Polisie ingeleep.

Are you quite sure that he gesticulated at the moment he was in the forefront of the crowd, without moving and without gesticulating? — Nee, ek sou hom dan nie opgemerk het nie.

You see, this event was described by another witness. I think it was Sergeant Grebler, I am not sure, and it was put to that witness "Is it possible that this man who was arrested was among those in the front but not gesticulating or moving about?" and he conceded it was possible? — Nee Eëlagbare, vir party getuies mag baie dinge meentlik wees. Ek neem aan dat Sersant Grebler het dit nie op daardie oomblik gesien nie. Ek was nie vir ure daar nie. Die oomblik waarop hy daardie gebare gemaak het en daar veer geleep het was 'n kwessie van 'n minuut.

Sergeant, at what time were you there? — Ek was daar ongeveer 6.30, of 5.30; ek kan die tyd nie onthou nie.

Was Captain Gawood in charge then? — Kaptein Gawood was daar gewees ja.

Had had the teargas attack already taken place? — Nee, ek kan nie onthou nie.

DEUR DIE HOP:

Waar was jy ten tye van die traangasaanval? — Dit was voor die traangas gegee was daardie.

Hierdie insident? — Ja, hierdie insident, d.i. net die twee beskuldiges.

Was/....

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Was jy daar toe die traangasbomme gegooi is, of was jy nie daar nie? — Ek was in die vangwa geweds.

Maar jy was in daardie omgewing? — Ja.

HOF VERDAAG.

HOF HERVAT:

WYLAND JAKOBUS WESSELS, onder sy vorige eed, vervolg:

CROSS-EXAMINATION BY MR. UNTERHALTERGCONTINUED:

Sergeant, at the adjournment I had asked you a question about the teargas bomb attack, and you said something about your being in the Police van at the time? — At the time yes.

And then His Worship asked you a question and I think you said that the arrests had taken place before the teargas attack? — Dit is korrek.

Sergeant, are you sure about that point? — Ja, ek is seker daarvan dat die traangas was gegooi na die eerste twee beskuldiges weggegaan is.

Sergeant, the second accused will say that he was arrested either after or during the teargas attack, because he had lifted his hands up to his eyes to protect them or rub them because of the effect upon him? — Ek weet nie of daar traangas gegooi was voor ek daar gekom het nie.

But was it not while he was in the act of so doing that you took him away? — Nee, toe ek hom weggegaan het, die eerste ene, het hy met sy rug na die Polisie gestaan eers, en hom toe omgedraai en hy het vir die skare gewoef en aan te kom, en toe hy hantendraai.....

Anyway, whatever happened, after that he was held in this Police van and he was not subsequently released? —

Dit/....

It is korrek.

Now, you said that he was wearing a badge? ---

Korrek.

And on it were the words "P.A.C. Africa for the Africans"? --- Dit is korrek.

You took that badge away from him did you? --- Dit

is korrek.

And that is one of the exhibits in the case? --- Dit

is korrek.

Now Sergeant, Exhibits 51 and 52 according to you are the ones that you removed from the lapel of accused No. 2? --- Hulle het albei kaartjies aangehad.

You said that they each had two badges, and now here are two others, Exhibits 38 and 39. Are you quite sure Sergeant that these were removed, Exhibits 51 and 52, from the lapel of accused No. 2's jacket? --- That is correct Your Worship.

You see, he is going to say that he was wearing a badge with the words "P.A.C. Africa for the Africans" on it. He is going to say that he was wearing only that badge, and he was not wearing one with the words "Away with passes" on it? He is also going to say that the one that he wore was made of blue paper? --- Nee, ek het onmiddellik nadat ek die etikette van die lapelle van hulle kaartjies afgehaal het, hulle name in my eie handskrif agterop geskryf.

Now, you handed in Exhibits 53 and 54 and 55. The one is a book, the other parts of a reference book, and the third five documents and two envelopes. You identified these in your evidence-in-chief? --- Ja.

Where did you come across these exhibits, 53, 54 and 55? --- Ek het dit uit sy kaartjiesak, die binnekant van sy kaartjiesak, geneem.

Are/....

Are you sure about that Sergeant? ---Ja.

You see, the accused will say that there were not any of these papers on him? ---Ek het dit in sy besit gekry.

Did you perhaps acquire them by searching the place where he lived? --- Nee.

Did you not ever go to his place? ---Nee, ek het dit aan sy perseen gevind.

So you never ever went to his place and you never took anything from him? --- Nee.

I want to show you a document Sergeant. I will put it in later, but I just want you to tell me whether the signature on it is yours? --- Nee.

BY THE COURT:

Mr. Unterhalter, I am afraid that document has to be exhibited now. How are we going to know in future, if there is any further evidence, what that signature is that the witness has denied. You have exhibited it to the witness, and as far as I am concerned I should want it. I'll just mark it and I won't look at it any further. It will be exhibit No. 58.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You said further, after having given evidence about these exhibits, that you found on accused No. 2, that you said "I am pleased to meet you". These are the words that you used? ---Dit is reg.

A rather unusual form of greeting for you to extend to the man when you have taken? --- Dit is reg Edelaghere, dit is sees u dit neem "unusual".

I beg your pardon? --- Dit is korrek; dit is sees u dit neem, "unusual".

Well, why did you use it at all Sergeant? --- Dit is sees u dit neem, "unusual".

man/....

naam het veerheen onder my aandag gekom.

Were you really pleased to meet him? --- Ja.

Why Sergeant? --- Ek het 'n ander aspek ondersoek
wat niks met hierdie saak te doen het nie.

You were realising one of your ambitions? ---

Korrek.

You did not tell the Commission about that? --- Nee.

Then you say you went away on other duties? Where
did you go to Sergeant? --- Ek het na Vanderbijlpark gegaan.

DEUR DIE HOP:

Is dit nou hier van die naturesledorp? --- Vanaf
Sharpsville.

Ja, maar van daardie omgewing, daar in Secisostraat?

--- Dit is korrek.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And it was there that you met Colonel Spengler
and Colonel Prinsloo, and that you came back with them? ---

Dit is korrek.

And was Sergeant Muller with you as well? --- Dit
is korrek.

You described briefly the route that you took
when you came into the township. If I understood it you
actually approached the Police station along Zwane Street?
--- Ek weet nie wat diennaam van die straat is nie. Dit was
van 'n suidelike rigting. Dit is 'n grenspad wat lei
vanaf die Vereeniging-Vanderbijlpark pad, wat nie onder gewone
omstandighede deur ons gebruik word nie.

Sergeant, do you know the road that runs to the
south of the Police station? It is the second main road
in the area. The principal street I gather is Seciso Street,
the one that runs outside the Municipal offices from the
entrance/....

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entrance on the Vereeniging side, down roughly in an east-west direction? — Dit is korrek ja.

The other one is Zwane Street, but perhaps we ought to show you the plans. Have you now placed yourself? —

Ja.

At a certain stage were you in Zwane Street? —

Dit is korrek.

And did you approach the Police station along Zwane Street coming roughly from an easterly direction? —

Dit is korrek.

And Colonels Prinsloo and Spengler were in the one car, and were they ahead of you? — Nee.

Were you leading them? — Korrek.

You were behind with Captain Willers sitting in the back of your car, and I understand you were driving until a certain stage when Sergeant Muller, who was with you, changed over? — Dit is korrek.

Did he change somewhere near the Police station? —

Dit was naby die Polisiestasie ja.

A few yards away? — Ja.

Were you keeping an eye on Colonel Prinsloo's car behind you, to see whether they were following you? — Ek het vir daardie deel uitgeklin.

Did you notice a contingent of uniformed Police in Zwane Street somewhere near the Police station? — Ja, dit is 'n "boulevard", en in die middel van die straat, van die "boulevard" het daar voertuie gestaan en daar was Polisie gewees.

Well, were they fairly prominently displayed there?

— Ja.

Anyone could notice them? — O ja, definitief ja.

Did/....

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Did Colonel Prinslee get out and talk to the Officer in Command? — Ek glo nie op daardie stadium nie.

Do you know if Colonel Prinslee at any stage approached the Officer in Charge of that group? — Nee, ek glo nie.

Colonel Spengler was asked a question in regard to this group of Police there, and he apparently did not observe them at all. Is there a possibility that they might have been obscured? — Daar was veertuie eek daar, en ek kan nie met sekerheid sê wat hy sou raakgesien, of wat prominent was wat hy sou raakgesien het nie. Dit was vir my egter duidelik, want ek het uitgeklim en gestaan langs die kar, en ek ken die Polisie definitief sien daar.

What was the reason that you got out of the car? — Daar was persone vee in die pad. Ons ken nie beweeg nie, en ek het aan Sersant Muller gesê „Skuif agter die stuurwiel in dan kyk ek net rond of alles in orde is”, en ons het onmiddellik verder gery, baie stadig.

And then you came into the Police station grounds?

— Dit is korrek ja.

I take it you were looking all around you? —

Korrek.

To the left and to the right and behind you, because this was a crowd that apparently required to be kept under observation? — Ja.

Now, I take it that nothing unusual happened, nothing unusual happened, throughout the period that you drove this car until you came into the Police station grounds? Would that be correct? — Ja.

If anything unusual had happened you would have noticed it, if it were immediately closeby to you? — Ja, as dit heel onreëlmatig was, en direk onder my aandag gebring is/....

is, of iets van die aard, dan sou ek dit opgemerk het.

You see Sergeant, we have had evidence in this Court from Sergeant Muller. Sergeant Muller said that he was driving this car, he agrees with you that you changed over at a certain stage, and he says that an attempt was made to seize him by a number of the crowd, who apparently put his hand through the righthand window and get hold of him, as if he was trying to drag him out of the car. He says he was able to wrench himself free and he put up the window of the car and drove on. Now, I gathered from what you have just said to us that you certainly did not notice that? — Nee Edelagbare, ek het definitief nie, en hy het ook geen melding daarvan aan my gemaak nie.

And being as close to him as you presumably were sitting next to him, this is a thing which in the ordinary course of events you should have noticed? — As ek na sy kant gekyk het ja, sou ek dit saakgesien het.

In any event, even if you were not looking, if there had been a sudden jerk or anything, you were so alert as to the presence of danger, that in the ordinary course you would have noticed this? — Edelagbare nee, daardie persone was so na aan die kar en daar was so 'n lawaai en 'n gestamp, dat ek dit nie sou geheer het of opgemerk het nie, want ek het net na my kant toe uitgekyk.

Sergeant look, you told me a couple of minutes ago you were looking to the left, you were looking to the right, and you were looking behind you. This was a situation that required you to be so to speak "qui vive"? — Dit is korrek ja, maar ek vermoed dat as dit gebeur het dan nees dit op 'n oomblik gebeur het wat ek nie gekyk het nie, en dit nees baie vinnig gebeur het, maar ek het dit bepaald nie gesien nie.

In/....

In the ordinary course, driving as you were in a state of tension with your nerves so to speak at full stretch, any unusual movement at a time like that must have attracted your attention? --- Ja, dit is moeilik om te sê, maar die insident waarvan u praat het definitief nie onder my aandag gekom nie.

You were really in a frame of mind where you were ready to react instantly to any emergency? If anyone had attacked you for example, you would have been ready immediately would you not? --- Ja, gewoonlik is ek baie keel onder enige omstandigheid.

You did not notice at any stage a woman who might have been brushed aside or knocked down by your car or the car that followed you? --- No.

And you arrived there approximately at one o'clock?

--- Dit is korrek ja.

I don't know if I have misunderstood ^{you,} but the note that I have made of your examination-in-chief is that you stated you did not see the Police contingent in Zwane Street because you were in a sitting position. Now, I may be at fault there Sergeant? --- Dit is waar Edelagbare. Met die inkem in Zwanestraat kon ek hulle nie sien nie. Daar het voertuie gestaan, maar op die oomblik toe ek uit die kar uitgeklim het en omgeruil het met Sersant Muller, toe het ek die Polisie daar gesien.

Oh, I see. Now, your impression of the crowd as you moved along Zwane Street and turned into that little street opposite the west gate, and moved through that gate into the Police yard, was it one of acute danger, not of great emergency, or....? --- Ja, dit is korrek. Met die inkem daar het dit nie gelyk asof daar op die oomblik gevaar was nie.

When/....

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When you get out you immediately looked around and you had the same impression? --- Dit is korrek ja.

Now, you went into the court yard for a few minutes and then you came out again, and you say that your attention was attracted by accused No. 3? --- Dit is korrek ja.

You said that he was outside the fence at the gate? --- Dit is korrek ja.

Did you at any time yourself see him inside before he was taken away? --- Nee.

Did you discuss him with anyone, mention him to anybody? --- Ja, ek het aan Kolonel Spengler hem uitgewys en gesê dit is een van die leiers van die Pan Africanist Congress.

Did you do this while he was outside? --- Dit is korrek ja.

I am wondering if perhaps there is a little error you may be making here. I am not certain of it, but I am under the impression that Colonel Spengler said in his evidence that he saw the third accused moving around somewhat aimlessly among the Police officials in the grounds, and it was then that you drew his attention to this person as some leader of the Pan Africanist Congress. --- Nee Edelagbare, toe ek hom aan Kolonel Spengler uitgewys het was hy nog buite die draad gewees.

You did not notice him moving around aimlessly among the Police officials? --- Nee.

Did he strike you as a person who had control of the crowd, i.e. accused No. 3? --- Nee, alhoewel dit was blykbaar vir my duidelik toe hy sy hande opgesteek het en sy hande heen en weer geswaai het, dat hy 'n poging aangewend het om die skare te bedaar of die uitroep of geskree tot bedaring te bring. Blykbaar wou hy iets sê.

You/....

You of course had known him from before? --- Kerrek.
Then you say that the fourth accused attracted your
attention? ---Dit is kerrek ja.

Now, here too you say he was walking along the fence
on the outside? --- Dit is kerrek.

And how did he come inside? --- Die hek was op 'n
stadium half oop gewees, nie heeltemal oop nie, en hy het
deurgebars. Ek sal nie sê dat hy alleen deurgebars het nie,
ek dink hy was meentlik gestoot eek van agteraf, want daar
was 'n sneedremming by die hek.

So it may have been an involuntary movement that
got him through because of the pushing of the crowd? ---
Dit is heeltemal meentlik ja.

And then how was it that he was removed from the
gate inside? Why was it? Let me put it this way. Why was
he....? --- Melagbare, hy is 'n leier, of bekend aan my as 'n
leier, en ek het vantevoren met hom gepraat al, en ek het geweet
ek kan weer met hom praat, ek wou met hom gesels.

What was the reason that at that stage you wished
to talk to him Sergeant? ---Ek wou aan hom gevra het heeken
die skare so oproerig was.

Did you do this entirely on your own initiative
--- Ja.

Nobody gave you any instructions? --- Nee.
And how did you take him? Did you place him
under arrest? --- Nee.

Did you touch his person? --- Ek het aan sy mou
gevat en hom gevra "Thomas, kom saam met my".

And when you took him by the sleeve did he not
resist? --- Nee.

No movement at all that showed protest? --- Nee.
Sergeant, we have had evidence in this Court that
the/....

the person who seized hold of him gripped him in such a way that apparently he reacted as if in pain? ---Nee, dit het bepaald nie gebeur nie.

The suggestion is that he ^{had} hurt his arm, and that whoever the person was who touched him, was touching him on a sore spot and it was for that reason that he reacted away from it? Is that not correct? --- Nee, hy het vrywilliglik saam met my gekom.

I am just having a check Sergeant. I am under the impression from what Colonel Spengler said, that Colonel Spengler played quite an active part in the arrest of accused No. 4, either by himself taking him away or he himself giving instructions. Now, assume that what I have put to you for a moment is true, would that be wrong? --- Nee, ek weet daarvan niks nie. Die beskuldigde het ek by die hek gekry. Ek het aangestap na hom toe toe ek sien hy kom deur die hek, en ek het hom weggeen.

9 Now, you then took him inside, and what happened when you did that? --- Ek het hom in die kantoortjie geneem. Die kantoortjie se deur wys na die binnekant van die binneplaas.

And you then immediately started to question him? --- Ek het hom net een vraag gevra.

And nothing happened between the time of your having removed him from the grass area outside, until the time that you brought him into the office for questioning? ---Nee, niks het gebeur nie.

Here again Sergeant, I am just having a check, but the impression that I have is that he was in the company of Colonel Spengler, according to Colonel Spengler's evidence. That Colonel Spengler met some Policeman in uniform and he told this Policeman to demand of him his reference book. ---

Dit/....

Dit is korrek Melagbare, maar dit was in die bestek van 'n oomblik gewees. Dit was net toe ons die binneplein rakom. Toe het Kolonel Spengler aan Hoofkonstabel Heyl gevra om aan die beskuldigde te vra of hy 'n bewysboekie het.

I won't press you unduly on it, but I take it that when you answered my question a few moments ago this was overlooked by you? — Dit is korrek.

I think perhaps I ought to read to you the section of the evidence of Colonel Spengler as it appears on page 709 of the record of these proceedings, and perhaps you could comment on it. „En wat het van More geword? U aandag was toe op hom gevestig? — Ja, Sersant Wessels het my verlaat en 'n rukkie daarna het hy met More by my aangekom. En toe hy More na u toe bring was daar enige gesprek tussen u en More? — Wessels het toe weer vir my gesê dat dit is More, die vise-Voorsitter. En wat het More, beskuldigde nr. 4, gesê? — Hy het gesê "I am the leader of these people". Het hy enigiets bygevoeg? — Hy het gesê "We want our freedom". Nou, hoe het beskuldigde nr. 4 die woorde of die sinnetjie uitgedruk? Kan u enige afleiding maak van sy houding teenoor u? — Ek het tot die insrak gekom dat hy beslis is in sy optrede. En wat het u besluit om met hom te doen? — Ek het hom oek na die kantore geneem en aan Kolonel Spanglo oerhandig. Hoe het u hom gekry om by die kantoor te kom? — Hy het saam met my gestap".

Now Sergeant, the whole impression of this evidence is as if you fell out of the picture, Colonel Spengler took over, and certainly there seems to be the incident, that whoever removed him, took him to Colonel Spengler and then took him outside. As I understood your evidence it conveyed that you took him from wherever he was without any intermediate steps, directly into the office. Now, what do you want to say about that? — Nee, ek kan nie met sekerheid sê wat het met Thomas More gebeur

mdat/.....

nadat ek hom verlaat het nie. Ek het hom....by die hek het
Hoofkonstabel Heyl aan hom toe gevra of hy 'n bewysboekie het.

DEUR DIE HOF:

By watter hek? — Dit is net by die ingang van die
binneplein van die Polisiestasie. Ek het daarsó my terug-
gewend. Ek het 'n paar tree daarvandaan gaan staan en weer
gekyk na die skare, en ek het onmiddellik my omgedraai na
Thomas More was nog daar gewees, en ek het hom ingesien na
die kanteer toe.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Well then Sergeant, is Colonel Spengler wrong
when he says that you brought More to him and they ^{then} had some
kind of conversation there? — Ek het More by die hek gaan
haal soos ek gesê het.

But did you bring him to Colonel Spengler? That
is the point. — Kolonel Spengler was by die ingang. Ek
het hom daar gekry, by MR. Heyl.

No, but you see that is not what Colonel Spengler
says. Colonel Spengler gives evidence to the effect that you
brought him, i.e. you brought More to Colonel Spengler, Colonel
Spengler then took More inside, and when he was either inside
or when he was en route, he then met Heyl and then that
instruction was given? — Dit is hoe dit gebeur het. Dit is
terwyl ek More aangebring het. Dit was op die pad na die
kanteer toe; die plek waar Kolonel Spengler vir my en More
ontmoet het was op die pad tussen die hek, die ingang van die
binneplein, en die kanteer waarheen ek hom geneem het.

Was there any object there where you and Colonel
Spengler were? — Nee, ek onthou van 'n jeep wat daar gestaan
het.

And who was standing at the jeep? — Nee, ek
onthou nie wie het by die jeep gestaan nie.

Were/....

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Were you standing at the jeep? ---Nee, ek het
naar net daar gestaan. Ek het nie gekyk waar ek staan nie,
dit was in die binneplaas.

Were Colonel Spengler ^{standing} at the jeep? --- Kolonel
Spengler het, sover ek kan onthou, onmiddellik nadat hy
vir mr. Hegl gesê het hy moet vir More vra waar is ^{sy} bewysboekie
toe het hy weggestaan daarvandaan af.

You can't remember being at any specific spot
together with Colonel Spengler? ---Nee.

You drew Colonel Spengler's attention to More
initially? --- Aan die begin ja.

Where were you when you did that? --- Ek was
in die buiteplein.

You were? --- Ek was buite die Polisiestasie toe
ek sy aandag daarop gevestig het.

Whereabouts? --- Wel, ek was naby die ingang van
die Polisiestasie, d.w.s. tussen die ingang van die Polisie-
stasie na die binneplein en die hek.

DEUR DIE HOF:

Omtrent in die middel.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

With nothing special near you? You were just
in the middle..... --- O, daar was Polisie rondom ons gewees
aan die linkerkant.

That is all? --- Dit is aljê.

You see the evidence of Colonel Spengler is that
the two of you were standing at a Saracen when you drew his
attention to somebody moving about outside this fence? ---
Ja, daar was "Saracens". As 'n mens 'n voorwerp moet in
aandagting neem wat in die omgewing was, dan was dit 'n
"Saracen". Daar het ene gestaan, daar hettwee of drie gestaan.

I want to read to you Colonel Spengler's evidence
at/....

at page 728 of the evidence given in this Court. "Now, as regards No. 4 accused did he just go with you willingly? -- Ja, hy het vrywilliglik gegaan. As far as he was concerned you did not touch his person at all? --No. On no occasion did you touch him? -- Nee. You see here Colonel is again a difference in the evidence. We were given to understand that No. 4 accused in fact had some injury to his arm and when you touched him he sort of recoiled as if in pain. This has led us to believe from the evidence so far given...." Then there is an interruption. Now Sergeant, I am putting it to you that from this evidence it seems quite clear that the man who did the escorting was Colonel Spengler and not yourself? -- U het netnou geles dat Kolonel Spengler se daar dat ek het Thomas More aan hom oerhandig. Ek het Thomas More vanaf die hek gebring tot by die ingang van die Pelisiestatie se ek gesthet, en daar het ek Kolonel Spengler gekry, en Kolonel Spengler het hom na mnr. Heyl geneem.

DEUR DIE HOF:

En verder van Heyl af binne na die kantoor toe? -- Het hy saam met my gegaan Melagbare.

CROSS-EXAMINATION BY MR. UNTERHAUSER CONTINUED:

So that the evidence you gave right at the beginning, or the impression that you gave us right at the beginning, that he came with you from wherever you took him directly inside, that you did it on your own initiative, that you received no instructions from anybody, that is not correct? -- Ek het van niemand bevele gekry nie. Ek het uit my eie inisiatief hom geneem van die hek af.

Now, apparently you were left inside interviewing the fourth accused when the shooting broke out? -- Dit is korrek ja.

Sergeant, I can assume therefore that as far as you/....

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you were concerned, up to the time that you had removed the fourth accused inside, the general demeanour and behaviour of the crowd was not dangerous? — **Blagbare**, ek het gesê dat die oomblikke wat ek die skare daar gesien het, was daar 'n verskriklike lawaai. Daar was 'n geskree.....

Do you wish to add anything? — **Nee**.

Do I understand you to say then that at the time of the removal of the fourth accused, the crowd was in fact dangerous? — **Nee**, dit was op dieselfde trant, soos ek dit gevaarlik beskou het voor ek hom weggeem het.

In other words, it was a noisy crowd but not a dangerous crowd? — **Wel**, ek weet nie hoe gevaarlik hulle was nie. Ek het nie..... as ek wapens aan hulle gesien het sou ek gesê het hulle is gevaarlik, maar....

You did not see any? — **Ek** het geen wapens aan hulle gesien nie.

You did not think they were a particularly aggressive crowd at that stage? — **Nee Blagbare**.

And Sergeant, obviously you would never have acted on your own initiative to take a man away if you thought in so doing you were going to strike a match that would set the crowd alight? — **Nee**, bepaald nie **Blagbare**.

If there was the remotest suggestion that that was likely to happen by your taking this man away, you would rather have left him? — **Ek** sou dit bepaald gedoen het.

It will interest you to know Sergeant that those are also the views of your senior, Colonel Spangler, but apparently Colonel Pienaar, when he was asked questions about this, had an entirely different view of the mood of the crowd. Do you want to say anything about that? — **Nee**.

BY THE COURT:

Do you expect the Sergeant to criticise the Colonel?

BY MR. UNTERHALTER:

Your Worship, there are brave men in the Police Force!

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You told us Sergeant that you attended an identification parade at Cinderella Prison was it, Boksburg? I don't know if it is Cinderella or Boksburg? --- Dit is Boksburg.

At Boksburg? --- Ja.

On the 17th of April, was it? --- Dit was in daardie ongewing gewees het.

Now, you pointed out accused No. 2 here in this Court room, on the assumption that he was on the parade on that date? You did not point him out there? --- Nee.

Sergeant, I am not challenging the fact that you arrested him, because it is common cause that he was in fact arrested by you outside the hostel in Secise Street. What I want to ask you is this. How does it come about that having arrested him as you did, having identified him in this Court as the man that you arrested, you were unable to point him out at the parade, assuming that he was on the parade? --- Ja, ek het nie hom uitgewys op die parade nie. Soes ek u vantevoren gesê het - ek het 'n paar keer gesê hier - hy was onbekend aan my, en ek mag dit duidelik stel aan u Betslagbare, ek het die persoon nie arresteer nie. Ek wou hom gaan ondervra....

DEUR DIE HOF:

Jy het hom saangeseem? --- Ja.

BY MR. UNTERHALTER: CROSS-EXAMINATION CONTINUED:

I am not suggesting you arrested him, that was a slip of the tongue on my part.

DEUR DIE HOF:

Hy was voorheen aan jou onbekend? --- Hy was voorheen aan my onbekend. Gean/....

BY THE COURT:

Gaan dan maar voort. As hy op die parade was hoekom is dit dat jy hom nie kon uitken nie? --- Edlagbare, dit is moeilik. As jy 'n persoon eenkeer sien is dit nie te sê dat jy hom gaan herken op 'n parade nie, en dit is baie moeilik om Bantoes onder mekaar uit te ken.

CROSS-EXAMINATION BY MR. UTTERHALTER CONTINUED:

Now Sergeant, if he was unknown to you, and if it is difficult to pick out one African from another, how is it you are so successful in doing it in this Court? He is still relatively unknown to you, he is still one among a group of 23 Africans, how can you go up to him so confidently and say "This is the man"? --- Ek het sedert hierdie Hof begin het, sedert die ondersoek begin het.... Ek sal dit so stel, sedert hulle vrygelaat is op borg, het ek veral hierdie observasie gehou in die omgewing van hierdie Hof.

Were you taking the opportunity of having a preview like a critic has? --- Nee, gladnie met die doel om hom in 'n Hof uit te wys nie.

Well then, why were you so busy about this? --- Edlagbare, dit is 'n vraag wat ek nie kant antwoord nie.

You mean it was in the course of your duties? --- Dit is korrek.

Can it be Sergeant that your failure to point this man out at the parade, is due to the fact that you may have a poor memory or poor ability in remembering details? --- Nee, ek glo nie. Ek het die beskuldigde net die een keer gesien. As ek hom op die parade raakgesien het en hom nie uitgewys het nie, dan sou dit die tweede keer gewees het dat ek hom sien. Ek sou hom definitief nie kon uitwys daardie eerste keer nie.

When you kept observation upon him after his release on bail, did you do it through an introduction to him, or through/....

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CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

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keer nie.

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on bail, did you do it through an introduction to him, or
through/....

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through having his name mentioned to you? — Nee, sy naam
is aan my genoem en hy was aan my uitgewys.

In other words, you are then relying upon informa-
tion that was given to you when you were about this Court?
You have not got an independent recollection of this man's
face in Seaiso Street? — Nee, ek het nie.

Sergeant, you gave a description of this parade.
You said it was a big crowd. There were about 90 to 100
people, all African males? — Ja Eielagbare.

Then you went on to say "They were in civilian
clothes and they were all more or less of the same height".
That is as I have noted it. — Dit het so vir my geblyk ja.

Sergeant, would you care to revise that and say
that in fact they were not all more or less the same height?
— Eielagbare, dit is moontlik dat daar persone was wat
langer was as ander persone, maar as 'n persoon wat kennis het
van witkenningsparades reken ek dat die parade op 'n baie
eerlike wyse opgestel was, en dat die persone min of meer
een lengte of naastebly diesselfde grootte of lengte gehad het.

You see, I am putting it to you that in fact this
was an identification parade that paid no regard to that
requirement, that there should be a similarity between the
people that are on parade? — Eielagbare nee, as dit die
geval was dat die mense almal naastebly een lengte gehad het
of nie uitersamtig een langer was as die ander een nie, dan
was dit pertoeval, maar ek kan u verseker dat ek was beïndruk
met hierdie parade. Ek het baie parades myself gehou, en dit
was 'n baie eerlike wyse waarop die parade gehou was.

You see Sergeant, it will be one of the complaints
of the accused, that this was an identification parade that
did not pay regard to this, that the whole lot of them, the
accused who are here and others who since have been discharged,

were/...

were just assembled willynilly on the parade ground, all shapes and sizes, a motley, mixed up crowd, with prisoners from the Boksburg gaol? — Nee, ek weet nie wie op die parade almal was nie, en ek het nie probeer persone uitwys wat ek normaal gesien het nie. Ek het persone probeer uitwys wie aan my bekend is.

You see, I don't know why Sergeant you are giving the evidence in this way. The same questions were put to Captain Cawood. I want to read to you from page 674 what he said. "How did these people who were assembled on the parade look to you? Did they look a mixed crowd of people, all sorts? — Well, they were all native males lined up there. Yes, they did look a mixed crowd. Various sizes and shapes? — Yes. Various types of clothing? — Yes." Do you disagree with him? — Melagbare, wat ek bedoel dat die parade, dat die persoon min of meer saamgestem het... Daar was baie persone wat kort is, en daar was baie persone wat 'n ander lengte het. Dit was 'n groot parade, en as 'n persoon na 'n kort persoon daar gesoek het, en net te gaan soek na 'n persoon wat kort is, dan moes hy 'n twintigtal kort persone uitgewys het, en as hy na 'n lang persoon moes gesoek het dan sou hy 'n twintigtal lang persone moes uitgewys het, as hy die persoon se gesig nie geken het nie.

Since we are discussing this Sergeant, and it may become relevant later on since you were there and you are a Mice Officer with experience in these matters, I want to put something else to you. Do you not think that in the circumstances it might have been fairer to all concerned, to instead of bringing a motley crowd of 90 to 100 on the parade, the authorities were more careful and they selected, they should have selected rather, 15 or 20 people more or less of

the/....

the same height, size and build, taken a much longer time about the parades granted, but ensured that there was a similarity of all the people on the parade? What do you say to that? --- Nee Edelagbare, ek reken dat hoe groter die parade is hoe moeiliker sal dit wees vir 'n getuie om 'n persoon, 'n beskuldigde persoon, of 'n persoonlike hy op 'n plek gesien het, uit te wys, dan op 'n parade waar daar 'n kleiner aantal persone is.

Did you attend an identification parade for women as well? ---Ja.

What do you say to that? Were they all also similar? --- Ja.

No criticism that you could suggest in regard to them, or to that parade? --- Nee.

You see here again you disagree with Captain Cawood. I asked him at page 675 about this, and he says: "They were a mixed crowd. They were young and old and all sorts. Were there any young children too? -- Yes, small kids, small children. About two, three, four, five years of age? -- Yes". --- Edelagbare ja, dit is waar, daar was kleiner en groter persone, maar dieselfde soos in die vorige geval reken ek dat as 'n persoon daar na 'n kort persoon nie gesoek het dan was daar talle kort persone wat hy nie uitwys.

In other words, they were not all of the same appearance, the same height, the same build, but there were startling differences? ---Ja, daar was verskille.

BY THE PUBLIC PROSECUTOR:

I would like to correct my learned friend Sir. Perhaps if he reads page 675 ... I think something might have gone wrong with his context Sir, because Captain Cawood carries on. The question is: "It is correct, is it, that there were among/....

among the crowd outside the hostel also a lot of women and children".

BY THE COURT:

Yes, I don't recollect Captain Cawood saying anything about a parade of women or children.

BY THE PUBLIC PROSECUTOR:

No Your Worship, nothing of the kind.

BY THE COURT:

He certainly did not give that evidence, and I rely on my memory only in saying so.

BY MR. UNTERHALTER:

I beg Your Worship's pardon. My attention was drawn to this, and it was apparently thought that this was about a parade.

BY THE COURT:

I don't remember Captain Cawood saying anything about a parade of women.

BY MR. UNTERHALTER:

No, that is quite correct. No, I withdraw all those questions Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you told us as well Sergeant of the formula that was used towards you when you came in as regards what you were to do, and as I have noted it ^{it} is as follows. That you were to point out the persons who were present at Sharpeville during the unrest? — That is correct yes Your Worship.

Now Sergeant, I want you to think about that carefully, as I want to know whether that was in effect the formula that was used? — Nee, ek kan nie sê wat is die korrekte woorde wat gebruik was nie.

Give the meaning of it as nearly as you can, bearing in mind Sergeant that you are a man apparently who

knows/.....

knows something about identification parades, and the requirements of identification parades? — McLaughlin ja, die persoon wat my by die parade ontmoet het het aan my gesê dat ek moet die persone of persoon wat ek op die 21ste Maart tydens die onluste op Sharpeville gesien het probeer identifiseer.

Anything else? — Nee, hy het niks verder met my gepraat nie.

You are satisfied that more or less that conveys everything as you heard it? — Ja, ek het die deel van die parade gewees. As 'n lid van die Mag ken ek die deel van 'n parade.

Do you know yourself what the formula is that ought to be pronounced to a man who is invited to point people out? — Ja, ek weet nie watter formules gebruik werd nie, en of daar 'n sekere formule gebruik werd nie, maar die persone wat die parade hou ken nie die persone op die parade nie. Hy is 'n onpartydige persoon, hy is nie die ondersoeker van 'n saak nie, en dit is 'n heeltemal onpartydige aspek.

But generally you have conveyed to His Worship these words or the effect of these words as you heard them? — Dit is korrek ja.

You are satisfied? — Ja.

Can I therefore assume Sergeant - and again I want you to listen carefully - that the formula therefore was not pronounced in this way: "Point them out if they are on the parade"? — Wel, dit is vanselfsprekend McLaughlin, dat ek moet hom uitwys as hy op die parade is.

I know, but were these words used to you? — Ek kan nie....

Not to point them out, but point them out if they are on the parade? — Dit is meentlik dat hy dit gesê het.

Ek/....

Ek sal dit nie betwis nie.

I am not saying that it is so. I am not putting it to you Sergeant. I want to be satisfied that they were not said! --- Edelagbare, ek het probeer verduidelik hier dat ek en die prosedure van 'n parade, en ek het geweet dat toe ek op die parade kom moet ek die persone uitwys toe hy praat van Sharpeville.

But you cannot assure His Worship this afternoon that the man who used these words to you, said to you "If they are on parade"? --- Nee, ek kan nie hier sê of hy die woorde so gebruik het nie.

It is correct is it Sergeant, that subsequently the second accused was taken to the Sharpeville Police Station, and you ordered that he should be charged with public violence? ---Nee Edelagbare.

Is that not right? --- Ek het nie die saak ondersoek nie en ek het absoluut niks verder met die saak te doen gehad nie.

Then is it not correct that you told an African Policeman to charge No. 2 accused with public violence? --- Nee, ek het geen klagte verkies teen die beskuldigdes nie.

Well, I just want to be clear on this. In fact you did not arrest him for any charge, you just took him away? --- Dit is korrek ja.

Do you have any recollection of what accused No. 2 was wearing when you arrested him? ---Nee, wat ek wel kan onthou is dat een van hulle twee, van die eerste twee daardie oggend, het 'n oorjas aangehad, 'n valerige oorjas, wat amper soos 'n reënjas lyk.

Who was in charge in Seeiso Street at the time that you took the second accused and the first accused away with you? --- Ek reken Kaptein Cawood was in bevel gewees.

Was/....

Was Major van Zyl not there then? --- Majoor van Zyl mag daar gewees het. Ek het op 'n sekere punt gekom, en ek het nie veel belang gestel in hoeveel Polisie of watter Polisie daar was nie.

You did not have any doubts about it Sergeant at the Inquiry, because at page 638 this was said to you: "Do you know who was in charge at that stage of the Police and of the situation in Secise Street?" and you said "Major van Zyl", and this was in the context of the because the question immediately before that was: "You did not arrest them under any offense, you merely took them away? --- That is correct". --- Dit is korrek ja. Die offisiere was daar. Ek het nie geweet wie van hulle in bevel was op daardie oomblik nie; dit het nie my belange betref nie.

During the time that you were outside the Police station in that fenced in area and near the crowd, did anyone ask to be arrested? --- Nee.

And none of them handed themselves over to the Police? --- Nee.

I take it Sergeant Shetty and large thereafter very few members of the Pan Africanist Congress in Sharpeville itself? --- Dit is korrek.

Thank you Your Worship.

KRUISVERHOOR DEUR BESKULDIGDE NR. 1:

Ken u vir my? --- Ek ken hom nou.

Voor vandag het u my nie geken nie? --- Voor die 21ste Maart het ek hom nie geken nie.

Is u seker dat ek die woorde gepraat het wat u alreeds vir die Hof vertel het? --- Ja.

Nadat u die name van die loiers gekry het, en nadat u ook die uitkenningsparade bygewoon het, het u nog my naam gehad/....

gehad, of het u dit nog in u besit? --- Ja.

DEUR DIE HOF:

Het jy sy naam gehad vanaf die 21ste Maart? --- Ja.

Ja maar ek dink hy wil weet of jy daardie aangeke-
ning of wat dit ookal was in jou besit gehou het? of het jy dit
net geken? --- Ek het dit net geken Edeleagbare.

KRUISVERHOOR DEUR BESKULDIGDE NR. 1 VERVOLG:

Omdat u geweet het dat ek die leier is van die
menne, waarom kon u my nie uitwys daar op die uitkenningsparade
nie? --- Ek het reeds daardie verduideliking gegee.

Maar u het nie daardie verduideliking aan my gegee
dit
nie. Ek wil nou weet van u?

DEUR DIE HOF:

Ja, hy kruisvra jou. Hy kan jou die vroe weer stel.
Verduidelik aan hom waarom jy hom nie op die parade uitgewys
het nie. --- Ek het hom nie so goed geken Edeleagbare en hom
sonder twyfel op 'n uitkenningsparade uit te wys nie.

BESKULDIGDE NR. 1:

Nou, hoe het dit dan geken dat u my nou kan uitwys
hier by die Hof, of is dit miskien as gevolg van die kaart
wat ek nou hier op my bors het? --- Nee.

DEUR DIE HOF:

Dit het nie 'n naam op nie. Daardie kaart het
nie jou naam op nie, dit het net 'n nommer op.

KRUISVERHOOR DEUR BESKULDIGDE NR. 1 VERVOLG:

Kan u miskien se hoe het u dit reggekry om my
vandag uit te wys? --- Ek het hom nie uitgewys sees hy my
vra nie. Ek het hom nie so uitgewys nie.

DEUR DIE HOF:

Jy het hom uitgewys toe jy jou hoofgetuienis gegee
het. --- Ja.

KRUISVERHOOR DEUR BESKULDIGDE NR. 1 VERVOLG:

Ek wil weet waarom is u nou in staat om my uit te
wys/....

wys hier?— Soos ek gesê het ek het sedert hy vrygelaat is
verkenning gedoen, en ek weet wie hy is nou.

Ek wil nog weet hoe het dit gekom of hoe het u
my geken nadat ek vrygelaat is? — Ek het dit duidelik gestel
dat ek het verkenning gedoen hier en observasie gehou, en ek
weet nou wie hy is.

Ek stel dit aan u dat u het my voor die 21ste
Maart geken? — Nee.

Kan u miskien die woorde herhaal wat ek daar by
die hostel gesê het of daar in die omgewing van die munisipale
kanters? — Edelagbare, hy het gesê "I am a leader. Why
don't you arrest me? We are fighting!"

Het u daarop geantwoord of het u onmiddellik daarna
my weggenoen of arresteer? — Ek het hom onmiddellik daarna
weggenoen.

Voordat u my weggenoen het het u iets gesê of het
u niks gesê nie? — Nee, ek het niks gesê nie Edelagbare.

Waarom het u nie daarop geantwoord nadat ek die
woorde gespreek het soos u dit herhaal het nie? Waarom het u
my nie 'n antwoord daarop gegee nie? — EK WAS nie by daardie
opteg en antwoorde te gee of betogers se vertel wat hulle rig
nie.

Ek wil weet waarom het u nie daarop 'n antwoord
gegee nie, omdat toe u die gesprek geveer het met die ander
leiers het u daarop 'n antwoord gegee? Waarom het u my nie
'n antwoord gegee nie, dli. toe ek die woorde gepraat het nie?
— Nee, ek het nie met hom gepraat nie. Ek het geen rede gehad
om met hen te gesels nie.

Ek stel dit aan u dat u het nie daarop 'n antwoord
gegee nie, omdat ek nie die leier is soos u dit probeer stel
nie? — Hy het hom voorgedoen as 'n leier.

Ek stel dit aan u dat by 'n toekomstige geleentheid

sal/....

sal ek ook miskien getuienis aflê, en ek sal dit ontken dat ek myself voorgestel het as 'n leier? Wat sal u daarop sê?

— Wel, ek weet nie wathy gaan ontken nie, en wat hy gaan beken nie. Hy het hom daardie dag voorgedoen as 'n leier, en dit is die enigste rede waarom ek hom weggeen het.

Onthou u nog op watter stadium het u die aanklag teen my gelê of geskryf? — Nee, ek het geen aanklag teen hom gelê of geskryf nie.

Ek stel dit aan u dat toe die aanklag teen my geskryf het, het u navraag gedoen by die nie-blanke Konstabel, en hom gevra watter aanklag kan u teen my lê? — Nee, ek het dit nie gedoen nie.

Ek stel dit aan u dat dit het gebeur daar te Sharpeville, en u het 'n groot boek daar voor u gehad toe u die aanklag teen my wou lê of skryf? — Nee, ek skryf nie registers in aanklagkantore op nie.

Maar ek stel dit nog aan u dat u het dit gedoen op die betrokke dag? — Nee, ek het nie.

Die mense van wie u alreeds melding gemaak het, wat daar versamel het by die kantore, was die mense vol gewag gewees of nie? — Hulle het veglustig voorgekom. Melagbare.

Het u die toneel verlaat of wat het u eintlik gedoen? — So het ek gesê ja.

Nadat u die houding van die mense daar gesien het, waarom het u die toneel verlaat? — Omdat ek dieselfde houding verwag het in ander gebiede in die distrik.

Het u dit miskien beskou dat al die mense wat te Sharpeville was kon baklei, maar u sal die ander mense miskien probeer beskerm en soiets te doen? — Ek sou alles in my vermoë doen en enige perseon te beskerm teen soiets, en ek het na ander sentra gegaan en vas te stel wat die posisie daar is.

Onthou/....

1,100.

Onthou u nog dat nadat ek weggegaan was vanaf die plek waar mense geld het wat dood was of beseerde persone, d.i. na die kanteer toe, het u my gedreig daar in die kanteer en gesê dat as ek nie erken dat ek 'n leier is van die mense u en die andere my sal skiet nie? --- Edelagbare, dit is onsin.

DEUR DIE HOF:

Het iemand daar dood geld waar hy weggegaan is?

--- Nee, Edelagbare.

KRUISVERHOOR DEUR BESKULDIGDE NR. 1 VERVOLG:

Ek verwys na die voorval wat plaasgevind het die volgende dag by die lykshuis dink ek, waar ek gehaal was en na die Vereniging Polisieostasie gegaan was, en daar het u my gedreig dat as ek nie 'n erkenning maak dat ek die leier is nie, dan sal u en die andere my skiet? --- Dit is onsin Edelagbare, dit is nie waar nie. Nee, dit is nie waar nie.

DEUR DIE HOF:

Het jy hom die volgende dag gesien? --- Ek het hom gesien moontlik. Daar was 'n paar van hulle by die lykshuis daar gewees.

KRUISVERHOOR DEUR BESKULDIGDE NR. 1 VERVOLG:

U het my gaan haal, d.w.s. op die 22ste? ---

Nee, ek weet nie Edelagbare.

Ek stel dit aan u dat u het my gaan haal en was vergees deur 'n natuurlike spoor, in 'n Volkswagen kar? ---

Nee.

--- Ek stel dit aan u dat dit is so? --- Nee, ek het reeds gesê dit is nie so nie.

Geen verdere vrae nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 3:

Voor die 21ste Maart 1960, het u enige klagtes ontvang in verband met die P.A.C. te Sharpeville? --- Ek het geen/....

geen klagtes ontvang nie.

Ek het verstaan dat u in u hoofgetuienis melding gemaak het van die feit dat die P.A.C. het vantevoren vergaderings gehou, of het hulle miskien nie openbare vergaderings hier te Sharpeville gehou nie? — Ja, ek het so gesê.

Was u miskien by een van die P.A.C. vergaderings, of was u nooit daar nie? — Ek was by plekke waar vergaderings gehou werd, maar ek kan nie sê dit was P.A.C. vergaderings gewees nie.

Kan u miskien sê waneer het u die boeke ontvang van die Superintendent van die Sharpeville dorpsgebied? wie sou beweer het dat hy die boeke van beskuldigde nr. 4 gekry het? — Dit was ongeveer die begin van Februarie gewees.

Kan u miskien die verhouding tussen beskuldigde nr. 4 en die Superintendent van die Sharpeville lokasie vir ons sê? Is dit vriendelik of miskien anders? — Nee, ek wil nie kan sê nie.

Ek stel dit aan u dat dit kan miskien gebeur dat as gevolg van die verhouding tussen beskuldigde nr. 4 en die Superintendent, dat die boeke wat aan u oerhandig was deur nr. Labuschagne, dat hy hulle miskien by ander persone kon gekry het en nie van beskuldigde nr. 4 nie? — Nee, ek weet nie.

U het alreeds gesê dat daar is ander organisasies van 'n politieke aard hier te Sharpeville. Het die Superintendent miskien op vorige geleenthede ander dokumente van die organisasies aan u gegee of nie? — Nee.

Onthou u nog op 'n dag voor die 21ste Maart 1960, toe u my na u kantoor geroep het vir 'n gesprek? — Ja, ek onthou.

Ek wil van u weet, toe u my geroep het of geroep het, het u alreeds kennis gedra dat ek miskien 'n mens is

wat/....

wat aan die P.A.C. behoort of nie? --- Ja, ek het gewest.

Het u dieselfde ^{tyd} miskien gewest latter posisie ek gehad het in die P.A.C. organisasie? --- Ja, ek het gewest.

Maar u het gesê in u hoofgetuienis dat ek het u gesê dat ek die Sekretaris van die P.A.C. is? --- Ek het dit so aan hom gestel toe ek hom ondervra het, of hy die Sekretaris is van die Pan Africanist Congress, waarop hy dit erken het.

Op die tydstip toe u my gevra het, het u alreeds gewest dat ek ene was, of wou u van my die inligting ingewin het? --- Ek het gewest.

Ek sal nie vir u vra om die naam van die persoon te noem van wie u die inligting gekry het dat ek 'n lid is of die Sekretaris van die P.A.C. is nie, maar is u tevrede dat die persoon by wie u die inligting gekry het, dat ek en daardie persoon is op goeie voet, of is dit u mening dat die verhouding tussen myself en daardie persoon sleg is? --- Ek stel nie daarin belang of hulle vriende is of vyande is nie.

Dit bedoel dan dat die getuienis ^{wat u} nou hier voor Sy Edelaagbare gee is hoorsê getuienis, d.w.s. dit is getuienis wat u.....

DEUR DIE HOF:

Maar jy het die hoorsê getuienis vraag gevra, en nie die getuie nie. Maak aan die beskuldigde duidelik dat as die getuie ^{se} dat die beskuldigde self dit erken het dat hy is die Sekretaris, dan is dit nie hoorsê getuienis nie, maar dan is dit direkte getuienis teen die beskuldigde. Wat andere se is hoorsê getuienis.

KRUISVERHOOR DEUR BESKULDIGDE NR. 3 VERVOLG:

Is dit nie juis datgedurende die gesprek wat ek met u daar by die kantoor gehad het, wou ek nie vir u die inligting gee oor watter posisie ek in die organisasie het nie of soietsvan die aard, en dit het ⁱⁿ 'n sekere mate 'n argument/....

wat aan die P.A.C. behoort of nie? — Ja, ek het geweet.

Het u dieselfde ^{tyd} miskien geweet watter posisie ek gehad het in die P.A.C. organisasie? — Ja, ek het geweet.

Maar u het gesê in u hoofgetuienis dat ek het u gesê dat ek die Sekretaris van die P.A.C. is? — Ek het dit so aan hom gestel toe ek hom ondervra het, of hy die Sekretaris is van die Pan Africanist Congress, waarep hy dit erken het.

Op die tydstip toe u my gevra het, het u alreeds geweet dat ek ene was, of wou u van my die inligting ingewin het? — Ek het geweet.

Ek sal nie vir u vra om die naam van die persoon te noem van wie u die inligting gekry het dat ek 'n lid is of die Sekretaris van die P.A.C. is nie, maar is u tevrede dat die persoon by wie u die inligting gekry het, dat ek en daardie persoon is op goeie voet, of is dit u mening dat die verhouding tussen myself en daardie persoon sleg is? — Ek stel nie daarin belang of hulle vriende is of vyande is nie.

Dit bedoel dan dat die getuienis ^{wat u} nou hier voor Sy Melagbare gee is hoorsê getuienis, d.w.s. dit is getuienis wat u.....

DEUR DIE HOF:

Maar jy het die hoorsê getuienis vraag gevra, en nie die getuie nie. Maak aan die beskuldigde duidelik dat as die ^{se} getuie/dat die beskuldigde self dit erken het dat hy is die Sekretaris, dan is dit nie hoorsê getuienis nie, maar dan is dit direkte getuienis teen die beskuldigde. Wat andere sê is hoorsê getuienis.

KRUISVERHOOR DEUR BESKULDIGDE NR. 3 VERVOLG:

Is dit nie juis datgedurende die gesprek wat ek met u daar by die kantoor gehad het, wou ek nie vir u die inligting gee oor watter posisie ek in die organisasie het nie of soietsvan die aard, en dit het ⁱⁿ 'n sekere mate 'n argument/.....

argument veroorsaak tussen die twee van ons? --- Nee, daar was geen argument nie. Hy het ruitelik erken dat hy die Sekretaris is van die Pan Africanist Congress.

Is dit nie juis dat die gesprek was in Engels gevoer, d.i. toe u my gevra het of ek die Sekretaris is van die P.A.C., en ek het toe geantwoord en gesê "That is the duty of the Special Branch to investigate"? --- Nee, hy het nie soiets gesê nie.

Op die 21ste Maart 1960 het u nie na my woonplek gegaan en my huis deursoek nie? --- Ja, ek het.

Kan u nou sê waarom het u nie melding gemaak van daardie feit toe u u hoofgetuienis hier gegee het nie, d.i. dat u op die 21ste Maart my huis deursoek het nie? --- Ek het dit nie nodig geag nie.

Ek stel dit aan u dat ^{dit}sewer/my betref was dit nodig, omdat u het beslag gelê op my groot boek wat ek daar in die huis gehad het, en ek sien dit nie nou voor die Hof nie? --- Dit is korrek, maar die dokumente wat ek in sy besit gevind het het geen betrekking gehad op wat op die 21ste Maart gebeur het nie.

DEUR DIE HOF:

Geen betrekking op wat nie? --- Op wat op die 21ste Maart gebeur het nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 3 VERVOLG:

Waarop het u dan daareop beslag gelê as dit niks te doen gehad het met die 21ste Maart nie? --- Ek het 'n lasbrief gehad vir sy huis se deursoeking. Ek het 'n order van die Magistraat en die dokumente waarop ek beslag gelê het te hou tot tyd en wyl ek die ondersoek, waarvoor ek daardie dokumente gaan gebruik, afgehandel het.

My laaste vraag aan u is dit. As daar miskien klagtes sou wees te Sharpeville dorp, sou u die eerste persoon

wees/....

