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14 NOVEMBER 1960.

HOF HERVAT : VERSKYNINGS SOOS VOORHEEN.

BY MR. UNTERHALTER:

Before Mr. Heyl continues with his evidence Your Worship, there is a matter that I should like to bring to the attention of the Court, which was reported to me this morning. Perhaps I should do so immediately. Your Worship, I have been instructed by accused No. 43 that this morning the Constabla Orderly in this Court came to him and demanded of him his name and his accused number, and seized him roughly by his arm, and the accused did not give him this information, because the accused does not know the reason for this request that has been made. Your Worship, I may say I don't know it either. I merely bring it to the attention of the Court for this reason. Identification may be important issues in this trial, and I am not suggesting that the Policeman is doing it for this purpose but if he is doing it for this purpose, it may perhaps affect the weight of the evidence of any person in the future who is called to identify accused No. 43, and who may perhaps have been assisted in so doing by having had the name given to him by a person who is present in this Court and can see what is going on. As I say Your Worship, I am not suggesting that that is so, but it does seem strange to me that a Policeman, who is an Orderly of this Court, should apparently without any reason at this stage go up to an accused at this trial and demand his name in the way that I am instructed he did do, and seize the accused in the way that he did. I am merely placing these facts before Your Worship. I don't know if the Court feels that it wishes to do anything at this stage. I have also informed my learned friend of what has happened, and/....

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and I told my learned friend that I shall report this to Your Worship.

BY THE PUBLIC PROSECUTOR:

Your Worship, I was not present when this took place. I just entered the Court room when my learned friend informed me that he intended to make a complaint to Your Worship, which he has just done, and I at that stage thought it wise not to do anything, but first to await until a report had been made. Sir, I don't wish to meddle with these things in a Court, i.e. if a complaint is going to be made to Your Worship. I thought perhaps Your Worship might like to give specific directions as to what the Crown should do before I take it upon my own to investigate the matter further.

BY THE COURT:

I don't see that there is anything that I can do about it, except to tell the Constable not to seize accused persons by the arm. He must arrange the prisoners I take it, I don't know.... He must be sure that they are all here, or be sure who is here and who is not here.

BY MR. UNTERHALTER:

Well Your Worship, I didn't understand that it was in the course of arranging them. My instructions are that this took place outside the Court premises, and apparently it would seem for some other reason. If it has any bearing on the question of identification then perhaps if Your Worship so pleases this Orderly could be directed not to interfere with the accused, in so far as matters like that are concerned.

BY THE COURT:

No, I am not prepared to make any order. Your complaint is on record. I suggest Mr. Prosecutor that a statement should be taken from the Constable, and to keep that/....

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that available should it ever become necessary.

Gerhardus

JOHANNES GIDEON HEYL, onder sy vorige eed, vervolgt

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Mnr. Heyl, Vrydag het ons die stadium bereik waar u gesê het dat beskuldigde nr. 3 het buitekant gegaan, hy het 'n sekere teken gegee, die skare het opgewonde geraak, en toe later het hy hulle kalmeer? Is dit reg? --- Dit is reg.

Het u toe binne die Polisiegebou ingegaan? --- Dit is reg.

Na watter kant het u gegaan? --- Ons het in die kantoor van die Stasiebevelvoerder gaan sit.

En hoe lank na hierdie voorval het Luitenant Visser opgedaag? --- Dit was omtrent half-elf wat Luitenant Visser by die Sharpeville Polisiestasie aangekom het.

Hoe lank na die voorval met beskuldigde nr. 3 het hy daar aangekom? --- Ongeveer so 'n halfuur of 'n veertig minute nadat ek met hom gepraat het.

En tussen daardie tyd, d.i. die tyd van die voorval met beskuldigde nr. 3, en toe Luitenant Visser opgedaag het, was daar enige ander gebeurtenisse of voorvalle daar by die Sharpeville Polisiestasie? --- Nie wat ek my kan herinner nie.

Gedurende daardie tydperk, d.w.s. totdat Luitenant Visser gekom het, het enige ander versterkings daar aangekom? --- Die eerste versterkings was die wat Luitenant Visser vergesel het.

En hoeveel manne het hy saam met hom gebring? --- Ek is nie bewus van die presiese aantal nie. Ek het Luitenant Visser daar gesien, hy het na my toe gekom, en 'n ander Hoofkonstabel en nog 'n paar blankes, blanke Polisiemannes.

Was Luitenant Visser in burgerlike drag? --- Hy was in burgerlike drag gekleed.

En/....

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En het hy die bevel van u oorgeneem, d.i. van die stasie? --- Hy het.

Hoe groot was die skare by die Polisiestasie toe Luitenant Visser daar aangekom het? --- Ongeveer in die omgewing van 5,000 sou ek sê.

Nou, voordat Luitenant Visser daar gekom het het u enige manne geos by enige hekke by die Polisiestasie? --- Nee, al wat ek op daardie stadium gedoen het was nie lank voor Luitenant Visser daar aangekom het nie, toehet die skare nog groter geword as toe ek daar aangekom het ongeveer halftien, en ek het toe twee Bantoe-konstabels genader om as vrywilligers op te tree om 'n boodskap aan Majoor van Zyl te neem.

Was hulle in uniform? --- Hulle was in uniform.

En was daar enige marseling aan hulle kant voordat hulle die boodskappe geneem het? --- Hulle wou glad en gehêel nie opmy versoek ageer nie, hulle het uitdruklik gesê hulle is bang, hulle wil nie gaan nie.

En het hulle uiteindelik gegaan? --- Ek het toe met hulle baie taktvol te werk gegaan, en vir hulle verduidelik hoe hulle moet maak, en hulle het toe ingewillig dat hulle sal gaan met die boodskap.

Wat was die instruksies wat u vir hulle gegee het, hoe om daar te kom? --- Ek het vir hulle gesê hulle moet aan die Majoor sê dat daar 'n groot samedromming van Bantoes by die Polisiestasie is, en dat ons net die paar blankes daar is wie ek reeds in my hoofgetuienis gemeld het, en dat ek versoek dat hy moet versterkings hiernat toe stuur so gou doenlik.

Die boodskap moes aan Majoor van Zyl gegee word?

--- Aan Majoor van Zyl.

Kan u die name van daardie twee Bantoe-konstabels onthou mnr. Heyl? --- Edelagbabe, ek dink die een Bantoe-konstabel se naam was Richard Mafeleba, maar die tweede een

se/...

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se naam kan ek ongelukkig nie meer onthou nie.

Is hulle twee Bantoe-konstabels wat by Sharpeville gestasioneer is? --- Dit is reg.

En toe Luitenant Visser by u gekom het, wat het hy gedoen nadat hy oorgeneem het? --- Ek was toevallig buite op die stoep voor die Polisiestasie, waar Nyakane Tsolo teenwoordig was, en Luitenant het by my gekom en gevra „Wie is hierdie man?“ Ek het hom toe meegedeel wie die persoon was en wat sy status was en wathy daar gedoen het.

Was beskuldigde nr. 3 by gewees toe u die verduideliking aan Luitenant Visser gegee het? --- Nyakane Tsolo was alleen daar teenwoordig.

Maar was hy binne gehoor van die gesprek? --- Hy het by my gestaan op daardie stadium.

Wat het u vir Luitenant Visser gesê? --- Nadat hy vir my gevra het wie die persoon was?

Ja? --- Toe het ek vir hom gesê dit is Nyakane Tsolo, hy beweer dat hy 'n plaaslike Sekretaris van die P.A.C. is, en hy is hier in verband met die wegdoen of aansoek vir wegdoen van bewysboekies ens.

En was daar enige reaksie van beskuldigde nr. 3 toe hy die bewerings gehoor het wat u aan Luitenant Visser gemaak het? --- Hy het niks geantwoord op daardie gesprek nie.

Het Luitenant Visser daaren dan met hom gepraat? --- Luitenant Visser het toe met hom gepraat en vir hom gevra wat die mense hiesammaak, en wat hulle wil hê, en waarom hulle so raas en skree, en hy het daarop vir die Luitenant gesê dat hulle is hier om die bewysboekiesdit moeg weggedoen word mee.

Watter taal het beskuldigde nr. 3 gebruik? --- Hy het Engels gepraat.

Kan/....

Kan u sy Engelse woorde gee? Nie die juiste woorde nie, maar min of meer wat hy gesê het? --- Ek kan dit ongelukkig nie meer herinner wat hy presies gesê het, hoe hy dit gesê het nie.

En wat sê Luitenant Visser toe hy hierdie rapport van nr. 3 ontvang het? --- Die Luitenant het toe vir hom gesê "Jong, maar kyk, as die mense so aanhou daar teen die draad aandruk, dan mag dit wees dat daardie draad kan breek, en as daardie draad gaan breek dan gaan hier beslis baie groot moeilikheid wees vandag."

Wat was nr. 3 se antwoord? --- Hy het bygevoeg dat hy moet die skare aansê om weg te staan van die draad, of om heeltemal huistoe te gaan.

En wat was nr. 3 se houding? --- Die beskuldigde het geredelik op die versoek gegee. Hy het albei sy hande met die palms na vore in die lug gesteek, waarop die skare 'n geweldige ovasie vir hom gegee het, en hy het toe na die draad toe gestap en sy teenwoordigheid en Luitenant Visser s'n, en met die skare in Bantoetaal begin praat.

En na die gesprek in Bantoetaal het u gesien wat die skare gedoen het? --- Ons het teen die draad langs afgeloop en hy het herhaaldelik - ek het ook en Luitenant Visser het ook in Afrikaans en in Engels - vir die skare gesê om terug te staan van die draad af. Hulle het ongeveer ses voet, ses duim, of twaalf duim, teruggestaan van die draad af. Party het 'n sittende houding ingeneem, en andere het eenvoudig 'n bietjie terugbeweeg van die draad af.

En hoe lank het hulle gehoorsaam gebly en van die draad weggestaan? --- Dit was nie vir baie lank nie. Ek sou sê ongeveer 'n vyf of 'n tien minute, en toe het hulle maar weereens hier teen die draad aangedruk en aangeleun, met die gevolg dat die draad met tye.... party het teen die draad half opgeklim/....

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opgeklim, sodat die draad met tye baie gevaarlik oorgehel het na die kant van die Polisiestasie.

En hoe het Luitenant Visser verderopgetree na hierdie gebeurtenis? — Ek het die Luitenant toe daar by die beskuldigde gelaat en ek is toe verder in die Polisiestasie in.

Het u gesien wat die volgende Polisie-eenheid was om daar sante kom? — Ja, ek wil net graag aan die Hof verduidelik dat 'n rukkie later het die Luitenant na my toe gekom en vir gesê dat die posisie lyk vir hom nou baie gevaarlik, ons moet nou iets doen omtrent die saak. Toe het ek vir die Luitenant gesê dat ek het reeds twee Bantoes gestuur na die Majoor toe vir versterkings. Hulle het reeds geruggekeer en aan my 'n rapport gemaak dat hulle die boodskap afgelewer het, maar as u voel dat 'n tweede boodskap geregverdig is op hierdie stadium, dan kan ons weer daardie twee Bantoes nader om 'n verdere boodskap aan die Majoor te neem".

En was daar toe 'n verdere boodskap gestuur? — Die Luitenant het toe 'n geskrewe boodskap vir die twee Bantoes gegee, en hulle het daarmee vertrek.

En wie was die volgende Polisie-eenheid wat daar arriveer het? — Ek meen dit was 'n aantal manskappe onder bevel van Kaptein Theron. Dit was ongeveer half-twaalf die middag.

En het hy toe bevel oorgeneem? — Die Kaptein het toe bevel oorgeneem van die Luitenant, maar ek was natuurlik nie in hulle teenwoordigheid of gesprek om die reëlings waar te neem wat hullegetref het nie.

En die skare, wat is u skatting van die skare om 11.30 v.m.? — Daar was goed ongeveer 'n 10,000 of 8,000 tot 10,000 by 11.30 gewees.

En watter geslag was in die meerderheid in die groot skare/....

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skare wat daar om die Polisiestasië was, d.i. mans of vrouens?

--- Ek sou sê dat daar nie juis 'n spesifieke meerderheid aan enige kant was nie. Dit was min of meer mans en vrouens en kinders, ongeveer eweredig verdeel.

Bedoel u hulle was eweredig/alkante van die Polisiestasië? --- Nee, nee, ek bedoel sover as wat die persone aanbetref.

En is u in staat om te sê wat die gemiddelde ouderdom was van die skare wat die Polisiestasië omsingel het mnr. Heyl? --- Volgens my waarneming was dit meestal jongmense gewees van ouderdomme... kinders van ouderdomme 15, 17, opgegroeide mense van 20, 25 totom en by 30, 35.

En om 11.30 v.m. wat was die houding van die skare en vergelyking met hulle houding vroeër die oggend? --- Dit was vir my asof die skare al meer en meer opgewonde geraak het.

Het u gesien wat die oorsaak was van die feit dat hulle opgewonde geword het? --- Ek kan nie sê dat daar 'n oorsaak juis was nie. Die beskuldigde was nog steeds aan die suidekant van die Polisiestasië, en hy het etlike kere met die skare gepraat. Wat hy gesê het weet ek nie.

U bedoel beskuldigde nr. 3 mnr. Heyl? --- Beskuldigde nr. 3 ja.

En elke keer as hy met die skare praat, hoe het hulle reageer? --- Hulle het elke keer baie opgewonde geraak en deurgaans opgewonde gebly. Hulle het liedere gesing. Een byvoorbeeld was "Nkosi Sikulele Afrika". Hulle het nog ander Bantooliedere gesing, en so tussen die een lied en die ander een het hulle duime in die lug opgesteek, en "Afrika! Afrika!" geskree.

Wat beteken "Nkosi Sikulele Afrika"? Weet u? --- Ek meen dit is die volkslied van die Bantoe.

Was u ooit bekommerd oor die optrede van die skare?

Ek/....

--- Ek was wel bekommerd ja Edelaagbare.

Hoekom was u bekommerd? --- Veral in die beginstadium, toe ons net 'n paar Polisiemanne daar was. As daardie skare, wat in 'n opgewonde stemming was, op die Polisiestatie sou afstom dan is ek bevrees sou daar niks van ons oorgebly het nie.

Nadat Kaptein Theron gekom het - hyhet seker versterkings met hom saangebring? ---Hy het versterkings saam met hom gebring ja.

Weet u wat het van Luitenant Visser geword addat Kaptein Theron gekom het? --- Wel, Luitenant Visser was, sover ek kan onthou, deurgaans by die Polisiestatie.

En wie was die volgende Polisie-eenheid om daarte kom? Was dit Kolonel Spengler se eenheid of was daar 'n ander eenheid of eenhede? --- Ek kan nie sê dat ek spesifiek opgelet het hoedat elke eenheid aangekom het nie. Ek kan spesifiek onthou die aankoms van Luitenant Visser en van Kaptein Theron. 'n Rukkie later die oggend- ongeveer hier in die omgewing van half-een of kwart-oor-twaalf - het ek vir Kolonel Spengler daar opgemerk, en vir Kolonel Pienaar, en lateraan vir Kaptein Brümmer, maar in watter volgorde hulle daar arriveer het weet ek ongelukkig nie.

Hou, waar was Kolonel Spengler toe jy hom opgelet het? --- Ek het Kolonel Spengler in die gronde van die Polisiestatie gesien.

Aan watter kant was dit? --- Dit was aan die westekant gewees.

Het u gesien wat Kolonel Spengler gedoen het? --- Ek was op die agtersteop van die Polisiestatie, en toe het Kolonel Spengler na my toe gekom met beskuldigde Nyakane Tsolo.

Dit is nr. 3 beskuldigde? --- Dit is nr. 3.

Ja? --- En hy het vir my gevra wat my naam is, en waar/....

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waar ek gestasioneer is, en ek het hom dit meegedeel. Hy het toe vir my gesê ek moet die beskuldigde vra vir sy bewysboekie.

En het u vir beskuldigde nr. 3 vir sy bewysboekie gevra? — Ek het die beskuldigde vir sy bewysboekie gevra, en hy het gesê hy het dit nie, en hy kon dit ook nie aan my toon nie.

En wat het van beskuldigde nr. 3 geword nadat u hom gespreek het? — Kolonel Spengler ^{het} beskuldigde nr. 3 aan 'n ander Veiligheidstak Offisier oerhandig.

Het u gesien vanwaar Kolonel Spengler vir beskuldigde nr. 3 gekry het voor hy hom na u gebring het? — Nee, toe ek die Kolonel die eerste keer met beskuldigde nr. 3 gesien het was hulle reeds ook op die agtersteop van die Polisiestasie.

Was dit ^{net} Kolonel Spengler en beskuldigde nr. 3, of was daar enige ander lede van die Mag ook saam? — Hulle was alleen bymekaar.

Was enige ander Bantoes na u gebring deur Kolonel Spengler? — 'n Paar minute later het Kolonel Spengler met beskuldigde More ook by my gekom, en vir ^{my} dieselfde instruksie gegee as ten opsigte van beskuldigde nr. 3.

Het u More al uitgewys by die Hof by die laaste verhoor? Ek het so 'n idee u het. Watter nommer beskuldigde is dit? — Op Vrydag Edelagbare?

Ja? — Ja.

Kan u net na sy nommer verwys mnr. Heyl? — Ek meen hy is nr. 4.

DEUR DIE HOF:

Is hy die vierde in die ry daar af? — Nr. 4 in die ry, die eerste ry Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Was Kolonel Spengler alleen met More? — Hy het

ook/....

ook alleen met More na my gekom.

Het u nog op die agterstoep gestaan van die Polisie-
stasie? — Ek was nog steeds op die agterstoep.

En daarna, wat het van More geword? — Die Kolonel
het vir More ook by dieselfde kantoor ingeneem waar hy flussies
vir beskuldigde Tsolo ingeneem het.

En het Kolonel Spengler weer ingekom? — 'n Rukkie
later het die Kolonel

DEUR DIE HOF:

Ons het nog ^{nie} die antwoord van nr. 4 beskuldigde
toe hy gevra is vir sy pas nie? — Ek het ook beskuldigde
nr. 4 vir sy bewysboek gevra, maar hy het dit nie aan hom gehad,
nie, en hy het so gesê, en hy kon dit ook nie aan my toon nie.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Daarna is hy ingeneem by dieselfde kantoor as
beskuldigde nr. 3? — Dit is reg.

En u was besig om te sê 'n rukkie daarna? — Toe
het ek gesien die Kolonel kom weer op die agterstoep met 'n
ander persoon, 'n Bantoesman, en ek het gehoor dat die Kolonel
vir 'n ander Hoofkonstabel wat ook daar op die stoep teenwoor-
dig was, aansê om die persoon vir sy bewysboek te vra.

Ken u die naam van daardie Hoofkonstabel? — Ek
weet nie wie hy was nie.

Sal u in staat wees om die derde Bantoe uit te wys?
— Ongelukkig nie Edelaagbare. Ek het gehoor dat sy naam
genoem was as Dhlamini, maar die persoon sal ek self nie kan
uitwys nie.

Waar het u dit gehoor? — Ek het dit daar tussen
die Bantoes wat daar op die stoep rond was gehoor. Ek het
gehoor hulle praat van More en Dhlamini.

Ja, maar op watter tyd was dit? — Dit was net
kort nadat Kolonel Spengler na my toe teruggekom het met More

en/....

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en vir my gesê het ek moet die twee persone laatoppas, laat bewaak.

En toe hoor u die gesprek van iemand met die naam van Dhlamini? — Dit is reg.

En was die derde Bantoe nog nie ingebring nie?— Ja, dit was nadat die derde Bantoe deur die Kolonel daar gebring was.

BY MR. UNTERHALTER:

Your Worship, I submit that this will be evidence of what the witness has heard, but not evidence as to whom that third person is.

BY THE COURT:

Mr. Prosecutor, that is quite correct. I am not taking that point myself, but what is evidential value of that sort of evidence?

BY THE PUBLIC PROSECUTOR:

Your Worship, I am unaware of this. I had no previous knowledge of this....

BY THE COURT:

And yet you seem to be stressing it all the same.

BY THE PUBLIC PROSECUTOR:

Well, I must investigate the matters with respect Your Worship.

BY THE COURT:

Well then your investigations must not be done with the witness in the witness box, but outside somewhere.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Mr. Keyl, u het die sekere gesprek gehoor — ek sal nou nie verder saggang daarmee nie — maar.....

BY THE COURT:

I must rule that that evidence that some body vaguely/....

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vaguely said that a person is Dhamini is inadmis.

BY THE PUBLIC PROSECUTOR:

As Your Worship pleases.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Daarna, nadat die derde persoon ingeneem is, het enige verdere persone gekom, of was enige verdere persone ingebring? — Nie wat ek van weet nie.

Daarna het daar toe 'n skietery plaasgevind by die Polisiestasie? — Dit is reg.

Waar was u ten tye van die skietery mnr. Heyl?

— Ek was aandie heeltemal noordekant van die gebroke linie van Polisiebeamptes wat aan die westekant van Sharpeville, aan die binnekant van die termin opgestel was.

En wat was u besig om te doen? Ek praat van net kort voor die Polisie gevuur het? — Ek was behulpsaam met die uitvoering van die instruksie deur Kolonel Pienaar dat die lede van die Mag in linieformasie opgestel moet word.

Nou, het u enige iets gesien gebeur voor die Polisie gevuur het? — Onmiddellik voordat daar 'n skietery gekom het het ek gesien dat 'n persoon in privaatdrag 'n Bantoesman by die hek, by die westelike hek van die Polisiestasie arresteer.

Ken u daardie persoon? — Ek kon nie die persoon uitken nie omdat hy met sy rug na my toe was.

En wat het van die persoon geword? — Ek weet nie, wat van hom geword het nie.

Wat het by die hek plaasgevind? — Nadat die persoon by die hek gearresteer was, het albei die hekke.... hulle was oopgemaak, en 'n groot aantal Bantoes het by die hek ingekom.

Op watter manier was die hekke oopgemaak? — Ek het nie gesien toe die hekke oopgemaak was nie, ek het net gesien/....

gesien die oomblik toe die hekke oop is en die privaatpersoon houvas die Bantoe aan sy skouers.

Het u gesê dat mense het toe by die hek ingekom mnr. Heyl? — Van die Bantoes wat teen die draad aangedrom was het toe by die hekke ingekom.

Op watter manier het hulle ingekom? Wat was hulle houding, en hoe het hulle hulself gedra toe hulle inkom? — Dit het vir my voorgekom asof die Bantoes wat by die hekke ingekom het die persoon wat daar gearresteer was wou ontset.

Omtrent hoeveel Bantoes het by die hek ingekom? — Ek skat ongeveer 'n veertig.

En toe hulle inkom wat het van die man geword, d.i. die blanke man wat besig om vermoedelik 'n arrestasie uit te voer? — Die blanke persoon met die gearresteerde Bantoe was 'n paar tree binnekant die hekke, en die ander Polisiebeamptes wat daar in die onmiddellike omgewing was, het toe die Bantoes wat by die hekke ingekom het teruggedruk en weer die hekke toegemaak.

Toe hierdie gebeurtenis plaasgevind het, het u gesien waar Kolonel Spengler was? — Ek het Kolonel Spengler nie gesien nie, en ek kan alleenlik vermoed dat dit hy is wat die arrestasie gedoen het.

Ja maar hoekom.... — Maar ek kan nie met sekerheid sê nie.

Hoekom sê u u vermoed dit is hy wat die arrestasie uitgevoer het as u hom nie gesien het nie? — Omrede die liggaamsbou van die persoon het vir my soos die van Kolonel Spengler voorgekom, maar ek kon nie sy gesig sien nie, en ek kan dus nie met sekerheid sê dat dit wel hy was nie.

En die hek was toe weer toegemaak of gesluit? — Hy was toegemaak.

En/....

En het u gesien wat het van die persoon geword wat in hegtenis geneem was deur hierdie persoon? — Ek het nie gesien nie.

En wat het daarna gebeur? — Kort hierna was daar klippe na die Polisiemanne gegooi wat in linie opgestel was vanuit die skare. Eers het net enkele klippe uit die skare oorgekom en binne 'n paar sekondes was daar 'n hele sarsie van die klipgooiery gewees. Byna gelyktydig met die same klippe wat oorgekom het, het ek twee skote van 'n vuurwapen vanuit die skare in die onmiddellike omgewing van die hek waargeneem.

En na die skote? — Byna gelyktydig nadat die twee skote afgevuur was het die Polisie ook op die skare begin skiet.

En toe die Polisie skiet, wat was die volgende ding wat gebeur het nadat die Polisie gevuur het? — Die skare voor aan die westekant van die Polisiestasie waarop die Polisie geskiet het het weggehardloop.

Het u enige beserings opgedoen mnr. Heyl as gevolg van die klipgooiery? — Nee Edelaagbare.

Nou, het u op 'n latere stadium uitkenningsparades bygewoon? — Van die persone wat op die terrein teenwoordig was?

Ja, hoeveel parades het u bygewoon, een of meer? — Ek het een uitkenningsparade bygewoon op Boksburg.

Dit was die parade wat gehou is op die 19de April 1960? — Dit is reg.

En terwyl die parade opgestel is kon u sien of hoor wat aangegaan het? — Glad en geheel nie. Ons was heeltemal buite sig van die parade en buite hoorafstand van die parade.

En/....

1,176.

En toe u na die parade gebring is omtrent hoeveel mense was op parade? Gee die getal as u kan? --- Ek meen daar was ongeveer 'n 70 of 'n 75 persone op parade, d.i. Bantoemans.

En was enige vraag aan u gestel deur die persoon in bevel van die parade? --- Die persoon in bevel van die parade het vir my gesê ek moet voor die parade op en nêr gaan, en as ek enige persoon daar herken dan moet ek hom op sy skouer tik en aan die persoon in bevel uitwys.

Maar net as u enige persoon ken? --- As ek enige persoon uitken wat op die parade is.

DEUR DIE HOF:

As u enige persoon daar herken? --- Herken ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En het u enige persone uitgewys? --- Ek het beskuldigdes Johannes Manyake, Thomas More en Nyakane Tsolo op daardie parade uitgewys.

Dit is beskuldigdes nrs. 1, 3 en 4, is dit reg? --- Dit is reg Edelagbare.

CROSS-EXAMINED BY MR. UTTERHALTER:

You occupy the position of a Head Constable in the Police Force? --- Dit is reg.

What are the specific duties, if any, of a Head Constable compared shall we say with a Constable, with a Sergeant, or a Lieutenant? --- Die dienste van 'n Hoofkonstabel is baie uiteenlopend en hang natuurlik af op watter stasie hy gestasioneer is. Party Hoofkonstabels is Stasiebevelvoerders op stasies, ander Hoofkonstabels is in bevel van dienste op stasies, op ander stasies is daar Hoofkonstabels in bevel van aanklagkantendienste, en selfs ook in bevel van aflerings wat op rondte-dienste werk.

It is a fairly senior position in the Police Force would/....

would you say? --- Tot en by die Hoofkonstabelrang ja.

I take it it is a position, however, that is junior to that of a Lieutenant? --- Dit is so.

A man is not appointed a Head Constable as soon as he joins the Force? There are many years of service in front of him before he gets that rank? ---Dit hang af hoe gou hy sy eksamens slaag tot daardie rang.

But ordinarily it would take some years before a man got promotion to that of Head Constable? ---Dit is so.

Now, you have described somewhere towards the beginning of your evidence-in-chief, that you were on duty during the night of the 20th March and the early morning of the 21st March, in Sharpeville Location, and you were assisting in the dispersing of various crowds? --- Dit is reg.

And you said at one stage you came across a crowd of people on an open piece of ground, and the fourth accused, Thomas More, was there, and there was a discussion about a meeting having taken place, and his not having had permission to hold that meeting? Do you remember that? --- Dit is reg.

Now Mr. Heyl, you have a fairly clear recollection of that particular incident? --- Binne menslike geheue ja Edelagbare.

In your evidence Mr. Heyl you said that this took place while Lieutenant Fourie was in command? --- Dit is reg.

Now, throughout the whole of this discussion until that crowd departed, was Lieutenant Fourie the man in charge? --- Dit is reg.

You see, we have had evidence describing the same event.....

BY THE PUBLIC PROSECUTOR:

I would not say it is the same event Sir.

By/....

BY THE COURT:

Just put your question. Carry on Mr. Unterhalter. It could be the same event, it could be a different one; I don't know.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

I'll put it in a slightly different form Mr. Heyl. We have had evidence of the following event. That the Police encountered a crowd on an open piece of ground, that a man came forward who identified himself as Thomas More, i.e. the fourth accused, that he stated that this was a meeting that he was holding, that a question was put to him as to whether he had permission, and he said that he had made application and it transpired that the City Council of Vereeniging had not given permission for that meeting, and thereafter the crowd was told to disperse. Now, this took place under the command of Captain Cawood? --- Nee, dit was Luitenant Fourie wat teenwoordig was op daardie stadium.

As far as you are concerned the incident that you recollect was one where Captain Cawood was absent? ---Ja.

Do you know if Mr. Labuschagne was with you? --- Nie sover ek weet nie.

You don't remember any shots being fired on that occasion? --- Gedurende die nag?

No, this particular occasion when there was a discussion about a meeting? ---Nee, daar was beslis geen skote gevuur daar nie.

BY THE COURT:

Mr. Unterhalter, I do think there is a difference in the times given by the witnesses.

BY MR. UNTERHALTER:

I think that Sergeant Grobler similarly spoke to two different ones. It may well be. I won't pursue it,

Your/....

Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

As far as you could notice there were no weapons that you observed in that crowd, i.e. the crowd that I have been describing to you? --- Ek kon nie sien of van diemense wat die skare gevorm het gewapen was nie, omrede hulle was in die buite ligkring van die Polisievoertuie gewees.

Now, you then went on to tell us of a crowd at the football ground? --- Dit is reg.

You went there and you found about 200 or 300 people, and the Officer said that you must perform baton charge, which you did? --- Dit is reg.

Now, who was that Officer? --- Op daardie tydstip meen ek was Kaptein Cawood sowel as Luitenant Fourie in bevel van ons gewees.

Are you not sure as to whether it was Captain Cawood or not? --- Ek is nie heeltemal seker omtrent die punt nie.

Was Mr. Labuschagne there then? --- Ek kan dit nie onthou nie.

Did you hear any shots fired then? --- Geen skote was gevuur op daardie tydstip nie.

Did you not even perhaps see Captain Cawood take a rifle and discharge a shot into the ground to the forefront of the crowd? --- By die voetbalgronde?

Yes? --- Ek weet daar nie iets van af nie.

Then throughout the night you dispersed various other crowds, and these crowds obeyed commands to disperse did they? --- Dit was nie 'n kwessie dat daar vir die groepe gesê was om op te breek nie. Die groepe was op plekke gewees en sodra as wat die Polisievoertuie stilgehou het, het die

Polisie/....

Polisie die groepe begin uitmekaar uit jaag. Daar was op een of twee geleenthede, sover ek my kan herinner, in Seelisostraat, in dwarsstrate van Seelisostraat, van die groepe wat toe die Polisievoertuie stilgehou het, het hulle na die voertuie gekom, en die Offisier het die instruksies gegee om hulle uitmekaar uit te jaag.

Without ordering them to disperse beforehand? ---
 Nee, terwyl ons hulle uitmekaar gejaag het is hulle gesê hulle moet huistoeggaan en uit die strate bly. By die busstaanplek was die mense bymekaar, maar die busse het nie gekom nie. Die skare het beweeg in die rigting van die hostels, maar ek glo nie hulle bedoeling was om werk toe te gaan nie. Dit het tot die kennis van die Polisie gekom dat persone wat wel wou met die busse ry, aangerand was en verhoed was om van die bus wat daar was gebruik te maak, en ook omrede die algemene houding van die skare nie die van mense was wat vreedzaam op pad na hulle werk toe stap nie.

Did you personally see the people who wished to go to work and who were apparently prevented from going on their way by others? --- Ek het nie van die mense self gesien nie.

But it might well be that people were on their way to work, some of the population of Sharpeville at that time? --- Ek sal nie sê dat daar gladnie onder die skare mense was wat wou werktoe gaan nie, maar die algemene houding van die skare self by die hostel was nie die van mense wat vreedzaam na hulle werk toe gaan nie.

You were not really able to assess the number of people who really would have wanted to go to work if they could have, and those who had decided not to go to work anyway, because you could not judge it? --- Ek kon dit natuurlik nie vasstel/....

1,180(a).

vasstel nie, maar ek sou sê dat die persone wat in die
omgewing van die hostel was, dat hulle nie die doel gehad het
om na die werk te gaan nie.

That is an assumption that you make? --- Presies.

HOF VERDAAG.

HOF HERVAT:

JOHANNES GERHARDUS HEYL, onder sy vorige eed, vervolgt:

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

I think that you had been describing to me just
before the adjournment this crowd that had assembled outside
the hostel in Seelie Street? --- Ja.

And/....

1,181.

And you said in your evidence-in-chief that men, women and children were mixed up together in this crowd? —

Dit is reg.

Was there anything special that you observed about the fact that there were women and children in the crowd? —
Ek verstaan nie hoedat u bedoel nie, of ek iets spesiaals opgemerk het nie?

Anything that you care to tell the Court about having observed women and children in the crowd? —Alleenlik die feit dat daar baie Bantoevrouens en -kinders van beide of van alle ouderdomme, seuns en dogters, in die skare teenwoordig was, en dat hulle net so oproerig was soos wat die ouer mense wat ook daar teenwoordig was, gewees het.

Nothing else that you could add to that? —En soos ek in my hoofgetuienis gesê het dat daar gedurig deur hulle die duimteken gegee en "Afrika!" geskree was.

In other words, the women and children played their part in the crowd in the same way as the men did? — Almal het dieselfde houding ingeneem, mans, vrouens en kinders.

Now, you observed that Sergeant Wessels arrested No. 1 accused? — Dit is reg.

You said at the time that accused No. 1 was arrested there was already in the Police van some other person that had been arrested? — One other person in the van.

Did you know of that other person being arrested because you saw another African sitting in the van, or had you already seen the earlier arrest? —Ek het geen vorige arrestasie gesien nie. Ek het net die arrestasie van beskuldigde nr. 1 waargeneem.

How is it that you knew that there was another person in the Police van? — Omdat ek by die voertuig

teenwoordig/....

teenwoordig was toe Sersant Wessels beskuldigde nr. 1 in die voertuig geplaas het.

So that there can be no doubt whatsoever as to the order, i.e. that when No. 1 accused was brought into that van, somebody else, presumably under arrest, was there before him? — Dit is so.

You noticed no other arrests beyond accused No. 1, and I am not saying that the person whom you saw in the van was arrested, but beyond that other person? As far as you were concerned only those two persons were there? — Ek het geen arrestasies by die hostel gesien die oggend van die 21ste, behalwe die van beskuldigde nr. 1 nie.

But if the evidence of Sergeant Wessels is that No. 1 accused was arrested first, and that somebody else was arrested afterwards, that would be wrong? — Ek kan nie sê of dit verkeerd is nie, maar die persoon daar was een persoon in die Polisievoertuig toe beskuldigde nr. 1 ook in die voertuig geplaas is. Of hy 'n gearresterde was al dan nie, dit kan ek nie sê nie.

You did not hear any conversation taking place between No. 1 accused and Sergeant Wessels? — Ek het nie ag geslaan op enige gesprek nie, en of daar 'n gesprek was tussen die twee persone nie.

You are clear in your mind, or reasonably clear in your mind, as to the way No. 1 accused was dressed, namely in a jacket and trousers? — Soos ek in my hoofgetuienis gesê het, soos ek my kan herinner, het ek gesê dit mag wees dat beskuldigde nr. 1 ook 'n jas aangehad het, maar ek kan dit nie baie goed onthou nie. Wat ek wel kan onthou is dat hy 'n pak klere aangehad het.

Would you at least go so far as this, i.e. to say that No. 1 accused was not wearing a long fawn-coloured raincoat/....

raincoat? ---Dit kan ek nie sê nie. Ek sê dit mag wees dat hy 'n jas ook aangehad het, maar ek kan dit nie baie spesifiek onthou nie, en dus kan ek nie sê of hy 'n grys reënjas aangehad het al dan nie.

But as far as you can recollect you would say that it seems to you that he was wearing a short ordinary jacket rather than a raincoat? Would that be a fair way of putting it to you? --- Edelaagbare nee, ek kan nie my getuienis verander nie. Ek het gesê dat die beskuldigde nr. 1, sover ek kan onthou, het 'n pak klere aangehad. Dit mag wees dat hy ook 'n jas aangehad het, of dit mag wees dat hy gladnie 'n jas aangehad het nie. Ek is nie duidelik of baie seker op daardie punt nie.

You just can't assist us because you have no distinct, clear memory of it? --- Ek kan nie presies onthou of hy 'n jas aangehad het al dan nie.

Then you say the teargas was thrown, the crowd retreated somewhat, and it was not effective, and the crowd remained there? ---Dit is so.

You also witnessed the subsequent baton charge? --- Dit is reg.

This baton charge was performed under the command of Major van Zyl? ---Dit is reg.

Approximately what time would that have been Mr. Heyl? --- Dit was ongeveer in die omgewing van half-agt; kwart-oor-sewe, half-agt, om en by.

Now, you moved to and fro? You were not always at the hostel. You have described how later you went up Seeiso Street, you came back again at a certain time to the hostel, more or less round that time, before you finally departed for the Police Station. Was Major van Zyl in the neighbourhood of the hostel for the whole period until you/....

you finally went off to the Police Station? — Nee Edelagbare, ek het reeds gesê dat nadat ons die knuppelloop uitgevoer het, het ons op in die suidelike rigting van Seeisostraat beweeg, en by die eerste of tweede dwarsstrate in Seeisostraat het ons stelling ingeneem, vanwaar Majoor van Zyl my gestuur het om te gaan navraag doen in verband met die Polisievoertuig wat vermoedelik vasgekeer was, en nadat ek teruggekeer het van daardie voertuig af, het Majoor van Zyl, wat nog steeds min of meer op dieselfde plek in Seeisostraat was, my gestuur na die Vereeniging Polisiestasie om 'n boodskap aan Kolonel Pienaar oor te dra.

But he was in the area between the hostel and the cross streets to which you have referred, for the whole period until you went to Vereeniging to send a message to Colonel Pienaar? — Nie tussen die gebied van die hostel en die eerste strate nie, by die eerste, tweede strate wat afdraai van Seeisostraat af.

Now, you have told us that you went into these cross roads, the Police were attacked by stones, and I think that you mentioned that Constable Coetzee was wounded in the head? — Dit is reg.

And then you have described what appears to be an exchange of shots between the Police and people who were in the houses in these side streets? — Dit is reg.

Mr. Heyl, are you perfectly sure about this? —

Baie seker.

And you are perfectly sure that as far as you are concerned the shots were coming from the houses into the street? — Die skote wat ek gehoor het was afgevuur in die omgewing van die huise en agterplase soos dit vir my voorgekom het, want grens aan die straatjies.

And the shots were directed into the street where

the/....

the Police were moving about? — Ek kan dit nie sê nie, want ek het nie die skote gesien trek nie, of ek het geen Polisiermanne gesien wat raakgeskiet was as gevolg van sodanige skietery nie.

So you can only go to the extent of saying that you heard shots? — Dit is reg.

Is it possible Mr. Heyl, if you heard these shots, that they were being fired by other contingents of Police in other cross-streets closeby? — Nee.

Why do you say that Mr. Heyl? — Omrede die paar Polisierbeampies wat in daardie straat ingehardloop het was die enigste wat daar was op daardie oomblik. Daar was nie Polisierbeampies wat hoër op in die systraatjies in ken wees nie. Hulle was slegs op die systraatjies van Secisostraat.

But Mr. Heyl, you were not in the side streets that were higher up, and therefore how can you be so sure that Police were not there present? — Omrede toe ons by die begin van die huise in Secisostraat tot stilstand gekom het, was al die Polisierbeampies daar bymekaar, en onmiddellik het hulle toe vanaf die systraatjies en vanaf die systrate die Polisierbestoek, en ons het in die naaste systraatjie waar ons was ingehardloop, en by die tyd wat ek die skote gehoor het vanuit die huise en die agterplase, sou die ander Polisierbeampies wat hoër op in die systrate moontlik ingegaan het, nog nie in daardie omgewing ken wees nie.

Anyway, this must have been a very disturbing thing to you, as a Policeman? — Dit was beslis ja.

It is by no means a usual thing to encounter fire from the houses of the residents in an African location? —

Dit is so.

It would have startled any Policeman or any official who was present in that neighbourhood at that time? — Dit is so/....

so.

Mr. Heyl, we have had the evidence of Sergeant Grobler in this Court. Was he with you at the time of Constable Coetzee's injury? —Nee, Sersant Grobler was nie by my gewees toe Konstabel Coetzee besêr was nie.

Is it possible that he may have been there perhaps and you did not notice him? — Dit mag moontlik wees, maar persone wat ek spesifiek kan in geheus roep wat daar was is Konstabel Coetzee, wat besêr was, en 'n endjie vorentoe het ek Konstabel van Rensburg gesien, wat met die Stengeweer bêwapan was.

The evidence that Sergeant Grobler gives is in effect a description of Constable Coetzee having been hit on the head with a stone. That is at page 571 of the record in this case. I have not been able to find in this record, and nor do I recollect his giving evidence of this shooting coming from the houses or the stands in the location, from people other than the Police? — Ek het beslis vuurwapenskote gehoor vanuit die agterplese en huise in daardie omgewing.

Which could not have come from the Police? — Wat heelwaarskynlik nie van die Polisie afkomstig was nie.

You see, there is a reference on this page to shots having been fired by the Police? —Dit is so.

But he makes no mention at all of shots being fired by people other than the Police. Now, can you comment at all on that? — Ek kan geen kommentaar daarop lewer nie. As dit nie vir hom gevra was moontlik nie dan sou hy dit nie gemeld het nie.

I am not able to say this without refreshing my memory from the record, or I am not able to say definitely, but I am under the impression that Mr. Labuschagne gave a similar description of a man or a Policeman being injured by

a/....

a stone, and that he likewise does not describe the shots as coming from the houses or stands in the way that you have done?

--- Edelagbare, seker ek my kan herinner was mnr. Labuschagne nie by ons teenwoordig op daardie stadium toe Konstabel Coetzee 'n besering opgedoen het nie. Hy mag daar gewees het, ek kan dit nie met juistheid sê nie.

But on the assumption that Sergeant Grebler and Mr. Labuschagne were there, the one a Police ^{official} in charge of a station and the other the Superintendent of the location, does it surprise you that they make no reference to this in their evidence

--- As hulle op daardie oomblik daar teenwoordig was, dan is dit vir my verbasend dat hulle nie daarvan gemeld het nie.

As far as the number of shots is concerned, what do you say Mr. Keyl was the estimate? --- Op daardie punt?

Yes? --- Ek sou reken ongeveer tussen 'n vyf of 'n tien skote.

No more than that? --- Ek glo nie meer nie.

Was that from the side of whoever it was in these houses, or would you say altogether? --- Van weerskante.

That is from the Police and from the other side? --- Ja.

And was it a long time or a very short time? --- Van die moment wat ek by Konstabel Coetzee gekom het waar hy op sy knieë gewees het nadat hy deur 'n klip getref was, tot nadat die Polisie of die algemene skietery daar opgehou het, sou ek sê was nie langer as ongeveer twee of drie minute op die uiterste nie.

As far as the Police were concerned, were they aiming? --- ^{Ne,} hulle het gladnie na iets spesifiek korrel ^{sien} gevat seker ek kon nie.

There were rifles that they were using? --- Party van die kerele het gewere gehad, byvoorbeeld Konstabel Coetzee wat

ek/....

ek kan onthou. Hy het 'n .303 geweer gehad, en wat ek ook kan onthou is Konstabel van Rensburg wat met 'n Stengeweer gewapen was.

Now, although they did not aim, was the direction of the fire-arms more or less towards the houses, or if not, where? — Ek het nie so spesifiek op daardie punt aandag gegee op daardie moment nie, onrede ek was met ^{Konstabel} Goetzee bezig, om hom van die grond af op te help, en soos ek gesê het toe hy van sy knieë af opstaan toe het hy 'n skoot afgetrek met sy .303. Of dit per toeval was, en of dit was om die persone wat op daardie stadium half uit die huise uitgekom het in sy onmiddellike omgewing af te skrik, dit kan ek nie sê nie.

But as regards the discharge of shots by other Policemen, i.e. Policeen other than Constable Goetzee, could you see in which direction the fire-arms were pointed? — Ek het nie spesiaal opgelet na watter kant toe of na watter rigting die ander Polisiebeamptes geskiet het nie. Wat ek spesifiek kan in herinnering roep is die skoot deur Konstabel Goetzee, en wat Konstabel van Rensburg gedoen het. Hy het met sy Stengeweer een of twee, 'n halwe sarsie in die, of so voor hom afgeskiet. Hy het nie spesifiek met sy geweer aangels na iets nie.

Well, when Constable van Rensburg discharged the shots with the Sten gun, did they go off more or less parallel with the ground, and at about say the height of his arm? — Sover ek kan sê het hy die Stengeweer afgetrek in die rigting van die straat, soos die straat geloop het.

In other words, in the same direction as the street is running, and not across the street towards the houses? — Nie sover ek kon sien nie. Ek het natuurlik nie 'n honderd persent opgelet presies hoe hy sy Stengeweer houvas het, hoe hy hom gehad het nie, maar sover ek kan onthou het hy hom in sy heup/....

geup gehad en nie aan die skouer nie.

Now Mr. Heyl, I understood from what you told us a little while ago, that these shots were coming either from the back yards or from the houses on one or other side of this cross street in which you found yourself with Constable Coetzee? — So het dit vir my voorgekom Edelaagbare.

And only from those directions as far as it concerns people other than the Police? — So het dit vir my voorgekom. Dit is nie onmoontlik dat daar laer af in die straat of in die straat op ook deur persone kon geskiet gewees het nie.

9 But you know nothing of that? — Maar dit het vir my voorgekom asof die geweervuur in daardie onmiddellike omgewing was waar ons gewees het, vanaf die huise en die agterplase.

There were also people in these streets I take it, i.e. Africans? — Heeltemal laer af in die straat was daar Bantoes gewees ja.

In front of you in the street and presumably also behind you in the street? — Nee, agter ons was daar nie op daardie stadium Bantoes gewees nie, want ons het agter hulle aangehardloop want hulle ^{het} in die strate ingehardloop.

How far from Seelso Street were you in this cross street? — Ek persoonlik was, waar ek Konstabel Coetzee gekry het, in die dwarsstraatjie in nie verder as die deur van die Hof nie, d.i. ongeveer agt of tien tree.

So that Seelso Street was a distance of approximately eight paces from you? — Die aypandjie van Seelsostraat ja.

And Seelso Street was behind you? — Dit is reg.

There were people of course in Seelso Street? — Hoër op was daar mense gewees.

But on the corner, the intersection of the cross street with Seelso Street, were there no people there? — Daar was/.....

1,190.

was geen mense daar gewees nie.

And beyond the cross street on the other side of Seeiso Street, were there any people there? — Daar was mense hoër op in Seeisostraat gewees.

I am not talking of Seeiso Street, I am talking of the extension of the cross street beyond Seeiso Street? — Dieselfde een waar ons in was?

Yes? — Ja, verder af in daardie straat was daar Bantoes ook gewees.

So that it means that in this particular cross street there were people behind you and beyond Seeiso Street? — Nie agter ons nie Edelagbare.

Perhaps you don't understand me. You have told me, and you must please listen to me carefully, I don't want to confuse you - that this cross street runs into Seeiso Street. It also travels across Seeiso Street to the other side? — O, u bedoel aan die oostelike kant van Seeiso-straat?

Yes? — Ja, ~~sover~~ ek kan onthou was daar mense gewees.

Well, you may call it the eastern side, but I am under the impression So far as concerns this cross street then, there were people in front of you according to the direction that you have given, i.e. to the west? — Dit is reg.

There were also people behind you to the east, but beyond Seeiso Street? — Dit is reg.

And then on either side of you, that would be on your direction north or south, there would be the houses with the back yards? — Dit is reg.

It was from those houses that you heard the shots coming? — Ditis reg.

And it was along this street that Constable van Rensburg/....

Rensburg was firing? — Dit het vir my so voorgekom ja.

You can't say Mr. Heyl why, if the shots came from either side of the street, i.e. from the houses or the back yards, Constable van Rensburg chose to shoot along the street?

— Ek kan dit nie sê nie. Ek weet nie of hy iemand gesien het wat van daardie rigting af geskiet het nie.

In view of the presence of people somewhere along that street, you will admit it was a very dangerous proceeding?

— Ek stem daar met u saam.

Mr. Heyl, I have been handed the relevant page of the record of evidence in this Court regarding the evidence given by Mr. Labuschagne, who describes the injury to a Constable at page 370, and this is what he says: "Ja, dit is Mohane. Daar was klippe van agter die huise op die Polisie gegooi. Een blanke Konstabel se pet het afgeval en hy was met 'n klip teen sy kop gegooi. Hy het geval en 'n groep Bantoes het na hem gehardloop. Onmiddellik het van die Polisie gevuur. Ek was skuins agter ek dink Sersant Steenkamp. Hy het twee skote in die lug gevuur". There is no other reference at all to any shooting. You have nothing further to say to that? — Ek het niks verder daarop by te voeg nie.

Do you remember Mr. Heyl at any stage making any report to anyone about the shots coming from the houses or the back yards? — Ek dink dat ek onthou dat ek dit in my oorspronklike verklaring daarvan melding gemaak het.

That is to the officer in charge of this particular case? — Dit staan my voor dat ek selets daar in my verklaring gestel het.

Did you make a report on this incident to anyone else? — En ek het ook, sover ek kan onthou in my oorspronklike getuienis voor die Kommissie daarvan melding gemaak.

At the Inquiry. Yes, that is so. You did say that

at/....

at the Inquiry. Did you make a report to Major van Zyl? ---
 Nee, mondelings het ek nie. Ek kan nie meer onthou wat ek
 in my oorspronklike verklaring wat ek aan die Polisie-offisier
 gegee het gesê het nie, en of ek spesifiek daarna gevra was
 en of ek wel daarvan melding gemaak het nie.

You had a fair amount of communication with Major
 van Zyl in that particular period, because you then went back
 to him and received instructions from him to go to Vereeniging
 to telephone Johannesburg? --- Dit is so.

Now, did it not appear to you that this was an
 incident that require immediate report by you to your Senior
 Officer? --- Edelagbare, ek neem aan dit was niks nodig vir my
 om daarvan aan die Majoor melding te maak nie, want daar sou
 seer sekerlik ander persone wees wat daar teenwoordig was die
 oggend, wat sal kan sê dat daar ook geskiet is. Sover ek my
 kan herinner is voordat ons nog op die Bantoes in die systrate
 afgestorn het, toe hulle na ons begin goei het met die klippe,
 toe al het daar vuurwapenskote vanaf daardie huise gekom op
 die Polisie.

But Mr. Heyl, why should you neglect giving the
 report to Major van Zyl, because you assumed that someone
 else was going to do it? --- Maar daar was nie noodsaaklikheid
 vir my om daareop rapport te maak nie. Die Majoor was immers
 self daar teenwoordig al die tyd.

Therefore in that cross street there was also present
 Major van Zyl, who must have noticed this himself? --- Nie
 in die dwarsstraat nie, in Seeisostraat op die middelmannetjie.

Major van Zyl was on this island, and what makes
 you think that he must have known that shots were coming from
 the back yards of houses? --- Omdat ek dit gehoor het, en ander
 persone wat dan daar was hoër dit ook gehoor het.

But Mr. Heyl, these may, to a man standing in

Seeiso/....

Seciso Street, have appeared to be shots that were fired by the Police, who are the people ordinarily armed with weapons?

— Alvorens die Polisie in die dwarsstrate ingegaan het was ons almal gekonsentreer in Secisostraat, waar die Majoor was, en daar het nog ander Polisiebeamptes aangekom, en toe het die klipgooiery vanuit die huise op ons plaasgevind. Daar was ook skote afgetrek, skote gevuur.

8 This was in Secisostraat? — In Secisostraat, nie deur die Polisie nie. Op daardie stadium het geen beampte in my onmiddellike omgewing van sy vuurwapen gebruik gemaak nie. Toe het ons agter die mense aangehardloop wat van die sypaadjies af die klippe gegooi het, in die dwarsstraat in. Hulle het in die dwarsstraat ingegaan, en ons het agter hulle aangehardloop.

Then Mr. Heyl must I understand that the cross-fire, if I may call it that, coming from the houses and the back yards of the inhabitants of the location, actually started in Seciso Street itself? — No Sir. Ons was in Secisostraat gekonsentreer. Soos ek dit in my gedagte het diewestelike sypaadjie van Secisostraat. Daar was 'n aantal Bantoes gewees, amok hoër op in Secisostraat. Vanaf die westelike kant het daardie Bantoes na ons met klippe gegooi, en ek het ook etlike vuurwapenskote gehoor. Toe het....

Excuse me, if I may interrupt. When they threw these stones at you from the western pavement in Seciso Street, you, together with these other Policemen and the Major, were standing in Seciso Street? — Dit is reg.

So that according to you Major van Zyl must have realised that some unauthorised person was firing shots towards the Police from the western pavement of Seciso Street? — Dit is so.

Will you please proceed? I am sorry I interrupted you/....

you. --- En nadat die klippereën op ons gekom het en die etlike skote afgevuur was, het ons op die skare Bantoes afgestorm en hulle uitmekaar uit gejaag. Hulle het in die strate ingehardloop, en in die dwarsstrate het hulle in die sy-agterplase ingehardloop, en verder af in die dwarsstraat in.

And it was then when you pursued them into these cross streets, that you met this second cross-fire from the houses and the back yards? --- Toe ek indie dwarsstraat kom waar ek Konstabel Coetzee aangetref het, toe het ek nog etlike vuurwapenskote vanaf die onmiddellike omgewing gehoor.

We will come back to that in a moment Mr. Heyl, but it did not appear to you to be necessary, when you returned to Major van Zyl, to say to him "Major, not only were we fired on while we were together in Seciso Street, but when I, together with the Policemen, pursued this crowd into the cross street, we were again fired on from the houses and from the back yards"? --- Dit was eenpausenlopende gebeurtenis.

Just answer my question Mr. Heyl. You did not think it necessary to report to the Major that this firing had so to speak continued from houses higher up in the cross street as you were pursuing the crowd? You did not think it necessary to tell him that? --- Nee, Ek het nie 'n rapport aan die Majoor gemaak nie. Ek het ook nie gedink dit was nodig nie.

Did you notice the reaction of Major van Zyl while he was standing in Seciso Street, and presumably heard the shots coming from the western pavement, from the crowd? --- Ek was nie op daardie moment wat die klippe gegooi was en wat die enkele skote vanaf die huise gekom het, in die onmiddellike omgewing van die Majoor gewees nie. Ek weet hy was daar, ek het hom gesien hier is hy, maar ek het nie hier by hom gestaan soos hierdie persoon nou by my is nie.

Did you hear him issue any commands or orders? ---

Ek/....

1,195.

Ek het nie gehoor dat hy enige bevel gegee het nie.

This particular incident that you have described of the group of Police in Secise Street having stones thrown at them from the western pavement of Secise Street, and firearms being discharged from the crowd there, did you tell that to the learned Commissioner at the Inquiry? — Ek kan nie enthou dat daar op daardie punt vir my enige vrae gevra was nie.

Did you not think Mr. Heyl, in giving to the learned Commissioner all the information at your disposal, as regards the behaviour of the crowd, that it was important for you to mention to him each instance of which you knew where there had been firing from the crowd towards the Police? — Dit is so Edelagbare, maar as die Voorsitter of the Sekretaris wat die getuënis lei, as hy nie vir my op daardie punt vra om spesifiek uit te brei op my antwoord nie, dan kan ek dit natuurlik nie sê nie.

Mr. Heyl, I must say that rather surprises me, because I notice that ⁱⁿ certain portions of your evidence here you have volunteered information, you have added things yourself? — Dit is so. Ek het dit by die Kommissie oek gedoen, maar....

Now, if you have volunteered things both here and at the Commission, surely this was something that you should have volunteered? This is a most important piece of information. — U mag dit as sulks beskou Edelagbare, maar dit hang af of die getuënis in daardie lig so gelei was dat ek dit as noodsaaklik beskou het om dit te meld. U het die getuënis of die kruisverhoor nou in daardie lig so gelei dat ek dit as noodsaaklik beskou om daarop te antwoord.

Mr. Heyl, it was always to you a most important and startling thing, that fire was discharged out of a crowd at that/....

1,196.

that time? --- Dit is so ja.

This in fact was the commencement of it was it not, because before that there had been no firing at all? --- Dit is so.

It is a thing that you readily bear in your mind?

--- Ja, natuurlik.

The opening of what is a most unfortunate chapter in the history of South African really? --- Dit is so.

And yet you failed to tell the learned Commissioner about it? --- Ek het reeds geantwoord dat as die getuie nie wat vir my gelei was om op te antwoord nie so was dat ek dit nie insluit nie, dan sou ek dit nie ingesluit het nie. Ek het ook, toe u aan die begin vir my gevra het in verband met die skietery in die dwarsstraat, het ek nie daarvan melding gemaak nie. Dit is toe u met die verdere kruisverhoer dit uitbring, dat ek gevoel het dat ek daarvan melding moet maak.

But did you not describe in your evidence-in-chief that there was some firing coming from these houses when you were in the cross streets? You are not suggesting are you that you have only given this information in regard to the firing in the cross streets from the houses and yards for the first time in your cross-examination? --- Ek het so gesê ja.

And you gave that in your evidence-in-chief? --- Ja.

Then why did you not in your evidence-in-chief also describe the firing in Secise Street? --- Omdat ek nie deur die geleerde aanklaer op daardie punt enige vroeë gevra was nie, heedat die eintlike skietery ontstaan het en heedat ons eintlik seker gekom het om agter diemense aan te hardloop nie.

Be that as it may, you came back to the Major and received instructions from him to give a message to Colonel Pienaar was it in Johannesburg? --- Nee, eers het die/....

1,197.

die Majoor my gestuur om te gaan navraag doen ten opsigte van 'n Polisievoertuig wat vermoedelik vasgekeer was, d.i. in die omgewing van die hostel.

That is right. --- En daarna, nadat ek daarvandaan af teruggekom het, het die Majoor my bevel gegee om Vereeniging toe te kom.

Perhaps you will be good enough just briefly to tell us what happened as regards this Police vehicle? You approached it and what happened? --- Toe ek aangekom het na waar die Polisievoertuig geparkeer was het ek skote gehoor wat vir my geklink het vanaf die omliggende huise en agterplase gekom het, asook van die kant van die Polisie.

In your evidence-in-chief you said that you heard the firing when you approached the troop carrier? --- Dit is reg, ek het dit nou ook gesê.

And you assumed that it was a reply to firing from some Africans? --- Presies.

You did not see any Africans in that area? --- Ek het geen Bantoes in daardie omgewing waargeneem nie.

So is His Worship to understand that in fact you heard no shots coming from Africans, you merely assumed from the firing by the Police that they must be replying to fire from Africans? --- Ek het vuurwapenskote gehoor van daardie omgewing, asook gesien dat die Polisie in daardie rigting vuur.

Now, in regard to the shooting that you heard, how can you tell us this morning that all that shooting in fact was not from the Police? --- Omdat ek spesifiek gehoor het dat skote 'n endjie verder af van die Polisievoertuig af daar ook skote gevuur word.

Now, may that not have come as I put to you earlier, from another contingent of Police somewhere nearby? --- Nee

Edelagbare/....

1,198.

Edelagbare, daar was gladnie Polisie in daardie omgewing behalwe die Polisiekorrie en die voertuig waarmee ek toe gery het nie.

But may not it have been round the corner in another street without your knowing? --- Die ander mense was heeltemal hoër op in Seeisostraat, in die dwarsstrate, waar ek vroeër die skietery beskryf het, en daar is, sover my kennis strek, 'n taamlike stuk grond tussen daardie gedeelte en die eerste dwarsstrate in Seeisostraat.

Mr. Heyl, you had been preoccupied for some little while with Constable Coetzee in the cross street, you had then been preoccupied with your instructions from Major van Zyl to go towards this troop carrier that was apparently surrounded? --- Dit is reg.

You had no bird's-eye view of what was going on in the location, did you? --- Dit is heeltemal waar.

Police units might have come in from any point, and you would not have known about it because your attention was concentrated on what you were doing? --- Edelagbare, ek het gesê dat ek geen Polisie daar in daardie omgewing gesien het behalwe die wat daar was toe ek daar gekom het nie.

Mr. Heyl, please answer my question. Police units may have come in at any point in that location without your knowing of it, because of your preoccupation with your own affairs at that time? --- Dit mag wees. Ek het nie gesien nie.

Therefore is it not possible that some other Police unit was busy firing out of sight of yourself round the corner, and that the shots that you have assumed, so you say in your evidence, to have come from African people, may indeed have come from another Police unit? --- Dit is moontlik, alhoewel onwaarskynlik, omdat toe ek by die Polisievoertuig aangekom het, toe het ek spesifiek gesien dat Sersant Terblanche neem rus oor die

kap/....

die kap, die "engine" kap van die lorry, en hy het een skoot af
gevuur. Ek het vir hom gevra "Jong, wat gaan nou hier aan?"
Toe sê hy vir my "Meneer, hulle skiet dat die hel op hulle
staan".

No, I have not elicited that evidence from your
Mr. Heyl. --- Ekhoorn?

I have not elicited that evidence from you. You
must please not give me hearsay evidence, unless I specifically
ask you for it. --- Ek meld dit Edelagbare.....

BY THE COURT:

9 Mr. Unterhalter, there is a difference though between
hearsay evidence and the actual happenings, res gestae. I
don't know, I am not giving any ruling, but it could be that
some of these things are so, or what was said is so intermixed
with what actually happened, that it is part and parcel of it.

BY MR. UNTERHALTER:

It may be Your Worship. I just want to safeguard
myself. A person has the privilege in cross-examination
of adducing hearsay evidence, and I want to make it quite clear
that I have not used that privilege.

BY THE COURT:

Very well.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Anyway: as far as you are concerned, you certainly
saw no Africans using fire-arms? --- Ek het nie gesien nie.

You noticed that the vehicle was damaged? --- Op
daardie spesifieke moment?

Yes? --- Toe het ek nie aandag gegee of die voertuig
beskadig was of nie. Ek het wel later agtergekom dat daar
van die voertuie beskadig was, die lorry en die een paneelwa.

So whatever you saw afterwards, you did not witness
the actual working of the damage upon the vehicle? --- Nee.

And/....

1,200.

And thereafter, having gone to this troop carrier, you then returned to Major van Zyl again? — Dit is reg.

When you returned to him did you make a report about the firing that you had witnessed? — Toe ek by die Majoor aankom toe sê hy vir my ek moet dadelik na Vereeniging gaan en die boodskap aan die Kōnōel oordra.

Why before you left to convey this message, did you not give a brief report to the Major of what you had witnessed? — Ek het nie daaraan gedink om 'n spesiale verslag aan die Majoor oor te dra nie.

Well here again Mr. Heyl, was it not sufficiently important to inform the Major that the developments had now reached such a serious crisis that firing was coming out of houses towards an armed troop carrier? Did you not think he ought to have known about that? — Dit mag so wees, maar van waar die skietery gewees het naby die hostel, is dit nie so 'n onmoontlike distansie vanaf waar die Majoor was, dat hy dit nie ook self kon hoor nie.

But Mr. Heyl, again you made the assumption that the Major probably knew this, either of his own knowledge or through other information given to him, and that it was not necessary for you to tell him? — Dit is so.

Mr. Heyl, I asked you at the beginning of my cross-examination as to the status of a Head Constable, and you replied that it was an important position in the Police Force? — Dit is so, 'n redelik besogdigde pos.

Were you acting responsibly Mr. Heyl in failing to inform a Senior Officer of a vital fact in regard to a generally dangerous situation in a location, for which the Major himself would be responsible to someone ^{more} senior than himself? — Edelagbare, dit was nie vir my om vir die Majoor te sê spesifiek wat ek daar gevind het nie, omrede hy moes dit/....

dit gehoor het, daardie skietery moes hy gehoor het, en ek het dit nie as my plig beskou om spesifiek vir die Majoor te sê dat toe ek daar gekom het het ek gevind Sersant Terblanche skiet en ek het gehoor ander skote word geskiet, omrede ek het veronderstel die Majoor moes dit gehoor het.

Mr. Heyl, I want you please to distinguish between the fact that firing was taking place and could be heard, and the fact that the firing was coming from people other than the Police in that area. Now, bearing that in mind did you not think that the Major should be told "You know this firing that you are hearing, some of it is coming from Africans who apparently have got fire-arms and are firing on the Police"? — Maar ek het reeds gesê vroeër toe ons in die systraatjie ingegaan het, was die Majoor immers teenwoordig in Secisestraat toe die skietery plaasgevind het, en dit op sigself sou ek beskou as gesegete rede vir die Majoor om te weet dat die posisie gevaarlik is.

And you did not think that now that you have come across a third instance, within a comparatively short space of time, in another area, i.e. away from the cross street, that you should indicate to the Major what was taking place so that he could have an idea that this thing appears to be spreading? You did not think of doing that? — Ek het nie daar so aangedink nie.

When you departed to convey the message to Colonel Pienaar, did you have an instruction from Major van Zyl to report on the firing from the crowd? — Glad en geheel nie.

Anyway, you went into Vereeniging, and I understand you could not establish communication with Colonel Pienaar? — Dit is reg.

While you were busy talking to some senior officer you were placed in communication with Colonel Lemmer himself?

Dit/....

--- Dit is reg.

He is the District Commandant for the Witwatersrand Area? --- Die Witwatersrandafdeling.

In which area Vereeniging fell? --- Dit is reg.

Did he Mr. Heyl, at any time during the conversation, give you to understand that some high-placed senior officer would come down to Vereeniging to do something about what was happening? --- Die Kolonel het nie vir my spesifiek gesê dat hy een of ander spesifieke offisier stuur nie, maar ek het aangeneem of afgelei van die instruksie of die boodskap wat Kolonel Lemmer vir my gegee het, dat hy versterkings stuur, en dat dit nie net uit Konstabels en Sersante sal bestaan nie.

Did you therefore have the impression that there would be seniormen coming with those reinforcements? --- Dat daar gewoonlik wanneer versterkings gestuur word, dan staan hulle gewoonlik onder een of ander hoër Polisie-offisier.

I have no instructions on this Mr. Heyl, but I would like to put this question to you. Was any mention made in that conversation with Colonel Lemmer, or the other gentleman, Colonel Spencer was it? --- Dit was Majoor Champion.

Majoor Champion; that any senior person would be coming down to address the crowd and to talk about passes to them? --- U bedoel nou 'n offisier met 'n hoër rang as Majoor van Zyl?

Well, anybody really. --- Nee, die Kolonel het nie soiets aan my gesê op die telefoon nie.

And having received this message, you then returned to Major van Zyl and you then made a report to him? --- Dit is reg.

You then got further instructions from him to report to the Police Station, and you went by a devious route to the Police Station? --- Dit is reg.

You/.....

You actually approached the station along Zwane Street, and you entered the station through the big gate on the west side, was it, or the small gate in Zwane Street? --- Nee, die westelike ingang van die Polisiestasie.

Now, you found it easy to make your way through the crowd in Zwane Street towards the big gate? --- Om het geen teenstand gevind op pad soontoe nie.

And I understood you to say that there were people only on the south side at about that time, which was about half past nine? --- Dit is reg.

When you arrived was Sergeant Grobler with you? --- Dit is reg.

You were the first Europeans to arrive? --- Toe ons daar by die stasie kom was daar geen ander blankes by die Polisiestasie gewees nie.

Had some African been in charge? --- Daar was etlike Bantoesersante en Bantoeconstabels op die Polisiestasie toe ons daar aangekom het.

But none of them in charge of the station or over any of the others? --- Nee, ek neem aan hulle was maar daar vanaf die vorige aand nog altyd gewees.

Now, you have told us that you noticed somewhere near the front steps an African whom you later identified as No. 3 accused? --- Dit is reg.

By the front steps you mean those steps that lead down towards Zwane Street, facing south? --- Dit is reg.

You noticed that he had a ticket on his lapel, which you say had the words "Away with passes!" on it? --- Dit is reg.

You say that you asked him if he had any complaints, because lots of complaints had been made the night before, and you assumed that he might have a complaint too? --- Dit is reg.

Mr./....

See the map of the station and the following...
the west side, was it of the small gate in some streets...
streets, and you entered the station through the gate on
Don scott's... the station street some

I 503

1,204.

Mr. Heyl, did it not seem to you, that a man wearing a badge like that, had not come there at all to lodge a complaint, and that he was part of some group of people who had things other than complaints to voice? --- Ek het nie in my hoofgetuigenis die woord "klagte" gebruik nie. Ek het gevra wat is sy moeilikheid.

What did you intend to convey by saying to him "What is your difficulty"? --- Hoe bedoel u? Wat did I intend to convey?

Well, you distinguish between the use by me of the word "complaint", and the use by you of the word "moeilikheid". What did you intend to convey to him in saying "Wat is die moeilikheid?" --- Wel, dieselfde as wat ek sou vir hom gevra het wat maak hy hier.

In other words, it was not a question put by you to get information, specific information? All you wanted to know was "What are you doing inside the Police grounds?" Is that it? --- Nie in daardie lig beskou nie. U sien, buite was al die mense buitekant die draad, en hy was die enigste vreemde Bantoe binne in die Polisie-stasie se gronde, en dit was vir my vreemd dat hy alleen daar binne is, en met daardie oogmerk het ek vir hom gevra "Wat is jou moeilikheid?"

In other words, you wanted to know why he was there, when all the other people were outside? --- U kan dit maar so stel ja.

Well Mr. Heyl, when my learned friend asked you to explain the reason for the question, you told him, and you told His Worship, that you put that question because the night before lots of people had come to make complaints about the way that they had been treated? --- Dit is so.

And I was left with the impression that you were putting that question to him for the same reason, that you thought/....

thought he might be a person who fell into that group, the same as these others the night before who had a complaint to make? Now, from what you say it seems that that was not your intention in putting that question? — Gedultelik kom dit op dieselfde neer Edelaagbare. Die persoon was daar alleen. Die vorige sand het ons etlike Banteem binne die Polisiegronde gekry. Van hulle het ook dieselfde teken aan hulle lapelle gehad, en toe dit vir hulle gevra was wat hulle meelikhed was, het hulle daardie klagte gemaak, en dieselfde geld vir die beskuldigde nr. 3. Ek kon nie weet of hy daar was en 'n klagte te maak en of hy daar was as verteenwoordiger van die skare wat buite was nie.

Mr. Heyl, are you absolutely certain that when you tell His Worship these people ^{who} the night before came to lay complaints about what had happened then, that these complainants were wearing these particular badges with the slogan on it "Away with passes!"? — Ek stel my voor ek het een of twee onder hulle gesien wat dit aan hulle gehad het.

You mean you assume so or are you definite? — Ek staan my voor, ek herinner my dit.

You are definite about it? — Ek is nie ek is definitief nie, ek is ek staan my voor dat ek van hulle gesien het.

Do you mean that you assume that they were these labels?

BY THE COURT:

He said "Ek staan my voor", which means "I seem to think".

CROSS-EXAMINATION BY MR. UFFENHALTER CONTINUED:

You seem to think? — Ja.

You are not sure? It may not be so? — Dit mag

You know we have had evidence from Sergeant Grobler about the receipt of these complaints, we have had evidence from Captain Cawood, and they did not describe that these complainants were wearing this protest symbol "Away with passes!" on their lapels when they came to complain to the Police about what people were doing to their husbands and their sons? — Ek kan nie daarop kommentaar lewer nie Edelagbare.

Are you quite sure that you were ^{correct} in what you told His Worship a little while ago, that these people were wearing these things on their lapels? — Ek het gesê ek staan my voor dat een of twee van die persone het die teken aan hulle gehad.

Now Mr. Heyl, in the same light of day at the station the next morning, when you see an African inside the Police grounds, and a huge crowd outside, and wearing this badge, did you seriously believe that in putting that question to that man you were going to get an answer from him in regard to complaints that this unfortunate person wished to make about treatment at the hands of agitators? — Ek het nie gedink wat die beskuldigde se antwoord daarop sal wees nie. Ek het dit bloot aangevoer as 'n aanknopingspunt met die persoon om uit te vind wat hy wil hê en wat sy moeilikheid mag wees, vir watter deel hy daar is.

Anyway, I gather from your subsequent remarks that you were speedily disillusioned when he told you why he had come? — Dit is so.

You have told us that you noticed the demeanour of the crowd, and you enlisted his support to keep this crowd quiet. When he addressed himself to them the crowd gave him an ovation, but I take it that they obeyed him? — Ja, dit het vir my so voorgekom.

I take it from that Mr. Heyl that you formed the conclusion/....

conclusion that here was a man who might be very useful to mediate between the Police and the crowd if it was necessary to calm the crowd down? He obviously had influence on that crowd? --- Ek het nie so daaraan gedink nie.

Did it not strike you as ^{an} interesting phenomenon that this single individual - I don't know how old he is, but he seems little bit more than a youth - should be able to exercise this control over the crowd? --- Dithat vir my nie | as snaaks voorgekom nie, want hy het vir my gesê hy is die leier van die P.A.C.

Well, let me take you up on that again. Did it not occur to you that if he was the leader of the Pan Africanists, it was a man that would have influence with that crowd, particularly when he demonstrated it by telling the crowd to keep quiet and they did? Did it not occur to you? --- Nee.

Now, Lieutenant Visser arrived a little while later - I think you put the time as about half-past ten? --- Dit is reg.

Mr. Hayl, before Lieutenant Visser arrived I think you said you thought it necessary to send a message out, and you asked for two volunteers from the African Constables? --- Dit is reg.

They were somewhat diffident about going, but you were able to persuade them to go? ---Dit is reg.

And they went, and they returned? --- Dit is reg.

I take it that they returned unharmed? --- Hulle het niks aan hulle verkeerd gehad toe hulle teruggekom het nie.

They had a safe passage through the crowd going out and coming back? ---Ek vermoed so ja.

And they were also in uniform? --- Hulle was in uniform aangetrek ja.

Lieutenant/....

1,208.

Lieutenant Visser took over from you? — Dit is reg.

Now, I take it Mr. Heyl that at no time did you post men to guard either of the gates, on the south side or the west side? — Nee, ons het geen wagte opgestel by die Polisiestasie nie.

Can I take it that you did that because your assessment of the mood of the crowd was such that you did not expect any of these people at that time to storm through either gate, and so you did not require a guard? — Ek het nie op daardie stadium dit so geïnterpreteer nie. Ons was slegs vyf blankes, en ongeveer 'n tien of 'n twaalf Bantoeconstablers op die sêasie op daardie stadium. As ek gedink het dat om iemand by een van die hekke op te stel as wag, dan sou dit onnodig gewees het om dit te doen, want een of twee persone as wag by die hek, wat kon hulle nou doen teen so 'n groot massa mense wat daar teenwoordig was.

I am asking you a fair question. I would like you please to try to give me a fair answer. The question is this. The mood of the crowd was not such as to warrant your posting a guard at either of the gates? Do you agree with that? — Die "mood" van die skare was oproerig. Hulle het hul duime in die lug gesteek en „Afrika!" geskree, maar die opstandigheid van die skare was nie op daardie stadium sodanig dat ek juis moes daaraan dink om wagte by die hekke te pos nie, veral daar ek ook nie genoegsame manskappe tot my beskikking gehad het nie.

As regards the quantity of men, if you would have put one or two men at either gate, you would have left yourself with eight African Constables, or six African Constables free, and four posted at the gates? It would not have made any difference if you had ten or twelve doing nothing, or six or eight/....

eight doing nothing, inside the grounds, is that not so? ---

Dit is so.

Talking of the Constables, is it correct that it was the same two volunteers who went with the second message?

--- Ja.

And the same two who returned later? ---Ja, dieselfde twee.

And they likewise passed through the crowds on both journeys unharmed? ---Dit is reg.

And they still wore their uniforms? --- Dit is so.

There was another conversation, this time between Lieutenant Visser and No. 3 accused, and you were present at it? --- Dit is reg.

And this time No. 3 accused apparently was able to use his influence to persuade the crowd to retreat from the fence, to relieve the pressure on it? ---Dit is so.

And also apparently - I don't know whether he persuaded them to do so - but the crowd in front sat down? --- Hulle het gesit party van hulle ja.

Did it seem to you Mr. Heyl that at that stage, having given a second illustration of his influence over the crowd, that this was a man who could usefully be used to control the crowd? --- Edelagbare, ek het nie so in die lig daarvan gedink nie. Ek kan alleenlik sê wat in my gedagtes opgekom het, maar dit is nie getuienis wat die Hof enige baat sal by vind nie.

Anyway, you did not take it upon yourself to say to Lieutenant Visser "This is has been my experience with him before your arrival, this is our experience with him now, I think this is a useful man, and we should try to get him to assist us with the control of this crowd"? You never addressed those remarks to Lieutenant Visser? --- Ek het nie so met

Luitenant/....

Luitenant Visser daaroor gesels nie.

Can it be Mr. Heyl that this thought did not occur to you to make use of him to control the crowd, because in fact the state of the crowd was such that it did not occur to you that you needed anyone to control the crowd, they were a relatively peaceful crowd? --- Hulle was nie redelikevrede-liewend gewees nie, as 'n mens in aanmerking neem die woorde wat hulle ge-uiter het toe hy en Luitenant Visser en ek self by die draad langs geleop het, en die feit dat hulle deurgaans "Afrika! Afrika!" geskree het, en dat hulle teen die draad aangedrom het, en party soms op die draad geklim het.

So despite that assessment of the crowd the thought never crossed your mind "Well, if this is the state of affairs, this is a very useful man to have to assist us if need be"? That never crossed your mind? --- Ek het nie daaraan gedink dat 'n mens hom in daardie opsig kan gebruik nie.

You described how the crowd also sang "Nkosi Sikulela!"

--- Ja.

You were asked by my learned friend about this, and you said it was the national anthem of the African people. Do you admit that in fact it is a hymn? --- Ek is nie heeltemal seker nie. Ek het so gesê ebb, dat ek vermoed dat dit is die Bantoe se volkslied.

You will not deny though that it is a hymn? --- Ek kan nie sê of dit is of nie is nie. As u vir my sê dit is dan weet u natuurlik goed, maar ek is nie seker daarvan nie.

Well, then Captain Theron came and he took charge from Lieutenant Visser? --- Dit is reg.

And he brought some reinforcements. You made no suggestions of course to Captain Theron? I take it you would not do it in any event? --- Nee.

Now, you have told us that at a certain stage after
the/....

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the arrival of Colonel Prinsloo and Colonel Spengler, Colonel Spengler brought someone to you, i.e. the third accused, while you were standing on the verandah? — Ja, dit is reg.

Mr. Heyl, where is this verandah? Is it the one that faces south towards Zwane Street? — Ja, ek het gesê dit is die agtersteep van die Polisiestasie.

Now, I wonder if you will have a look at Exhibit 2, or Exhibit 13? — Dit is die steep wat op die binneplein van die Polisiestasie wys.

Do you see the "X" on Exhibit 13 Mr. Heyl? That indicates the south side of the Police Station? Are you clear about that? — Ja, ek sien die kruisie daar.

You agree that that is the south side of the Police Station, and it faces towards Zwane Street? Is that correct? — Ja, so sê die plan.

Now, the Police Station is so designed that there is an inner yard, a courtyard so to speak? — Dit is reg.

Now, this backyard to which you refer, immediately behind that line of buildings indicate with a cross? — Dit is deel van die aanklagkanteergebou, daardie steep wat ek van praat.

Now, I want to position it. Is it immediately behind these buildings that are marked with an "X"? — Maar die geboue wat hier aangetoon word is die aanklagkanteergeboue as geheel.

Is it immediately behind that "X"? — Ja, dit vorm deel van die aanklagkanteer-geboue, die steep waarop ek gestaan het.

And it is at the back where it is marked with an "X"? — Dit is reg.

I assume the "X" is on Your Worship's exhibit. Now, you being on that verandah, I assume you did not have a sight/....

sight of the western grass area of the Police Station where all the Policemen were later lined up? --- As die hekke daar eop was dan kon jy daar sien.

Well, when Colonel Spengler brought No. 3 accused through, had you been able to witness his bringing him through, or did you just find him there? --- Ek het nie gesien van waar af Kolonel Spengler met beskuldigde nr. 3 gekom het nie. Toe ek hom die eerste maal opgemerk het was hy reeds op die steep waar ek gestaan het.

When you first saw him was he holding No. 3 accused? --- Nee, dit kan ek nie onthou of hy hom vasgehou het en of hy net saam met hom geleep het nie.

There were only the two of them? --- Sever ek kan onthou net die twee van hulle.

Now, if Sergeant Wessels has given me to understand that he accompanied Colonel Spengler and No. 3 accused, that would be wrong? --- As Sersant Wessels dit gesê het dan mag dit so wees.

You don't remember seeing him there at that time? --- Ek kan nie spesifiek sê dat Sersant Wessels daar was, en of hy nie daar was nie.

Well, I may be making a mistake about the third accused, but be that as it may, Colonel Spengler brought the fourth accused to you? --- Do you mean No. 4 accused?

No. 4 accused? --- Dit is reg Edelagbare.

And you were told by the Colonel to ask No. 4 accused for his pass, or for his reference book? --- Dit is reg.

When Colonel Spengler brought No. 4 accused, did you see him approaching you with No. 4 accused? --- Hy was ongeveer sover as hierdie mense van my af, twee of drie tree.

And moving towards you? --- En hy het na my toe gekom.

Alone/....

Alone? Just the two of them? --- Sever ek kan onthou was hulle net die twee gewees.

And if Sergeant Wessels said that he was there too, or had brought No. 4 accused? --- Nee, Sersant Wessels het nie die nr. 4 beskuldigde by my gebring nie. Kolonel Spengler het hom by my gebring. As Sersant Wessels sê dat hy ook daar op die moment teenwoordig was, dan mag dit so wees.

But you did not notice him? --- Ek kan nie onthou dat ek dit gesien het nie.

Now, shortly after that the shooting broke out? --- Dit is reg.

At the time that the shooting broke out you were now in that grass area on the western portion of the Police Station? --- Dit is reg.

For how long prior to the shooting Mr. Heyl had you been in that area, that grass area? --- Seker ongeveer 'n halfuur of 'n twintig minute of so.

Then can I understand that the questions that you put to Nos. 3 and 4 accused, must have been thirty of thirty-five minutes before the shooting? --- Nie noodwendig nie.

Mr. Heyl, I was asking whether the requesting of the reference books of Nos. 3 and 4 accused had taken place about thirty or thirty-five minutes before the shooting? You can't expect to be exact, but was it that? --- Dit kan min of meer so wees, maar ek kan dit natuurlik nie so goed onthou nie.

Does it mean that having carried out Colonel Spengler's instruction to you to ask them for the reference books, you then left that area of the Police Station and remained for the rest of the time in the western area, where most of the Police were assembled? --- Nie vir die hele tyd nie. Ek het heen en weer beweeg. Ek was buite by die westelike gedeelte, en ek het omgegaan na die suidelike gedeelte, en

weer/.....

weer na die westelike gedeelte, en ek het weer in die binneplein van die Polisiestasie ook gegaan.

You described having seen an incident at the gate?

--- Dit is reg.

That is on the western side, the big double gate? ---

Ja.

Did you witness more than one incident at that gate or only one? --- Nie wat ek kan onthou nie. Ek onthou die geval van die een Bantoe wat daar weggegaan was.

The incident that you saw at the gate, was this something that happened almost immediately before the firing?

--- Dit is reg.

And would you say that the firing then broke out a matter of two or three seconds after that? --- Ongeveer 'n minuut of 'n halfminuut of min of meer in daardie omgewing.

Fifteen, thirty, forty-five seconds? --- Ongeveer so; baie kort daarna.

Now, you say that you saw a person arrested at the gate just before the firing? ---Dit is reg.

What makes you say Mr. Heyl that he was arrested? --- Omrede die persoon, wat in privaatdrag geklee was, het die Bantoe vasgehou.

You have no doubt about that Mr. Heyl? --- Ja.

No doubt whatsoever about that? --- Dit is so.

You are absolutely positive? --- So het dit vir my voorgeken vanwaar ek gestaan het.

There is no possibility of the incident being one of someone being beckoned, the gate being opened, and his coming through, without any physical contact between this man in civilian clothes and the person who came in? --- Ek glo nie dit is wat daar gebeur het nie. Ek het gesien dat die privaatpersoon die Bantoe - ek kan nie onthou of dit aan sy arm was

of/....

of aan sy skouer was - maar hyhet hom beslis vasgehou.

This particular person who held this man, it was a man was it who was brought in? --- Ja.

Did he stumble or fall or did anything happen to him? --- Nee, ek het nie gesien nie.

Had he fallen would you have noticed it? --- Dit mag wees. Dit hang af op watter punt van die gebeurtenis hy geval het, as hy geval het.

In any event, can I assume that you did not notice it because your attention was distracted a few seconds afterwards by the firing that started? --- Ek het nie gesien dat die persoon wat die Bantoe vasgehou het geval het nie, as dit is wat u bedoel.

But in any event, had it happened do I understand from you you would not have paid any attention to what was going on there, because it was then, within a few seconds after that, that the firing started? --- Dit mag se wees.

Did you notice anything about the clothing of the man when you say you saw being arrested? --- About the clothing?

About the clothing of this African who was being arrested? --- Die persoon was in privaatdrag geklee. Ek kan nie spesifiek beskryf watter klere hy aangehad het nie.

Not his hat, or his shirt, or his trousers, or anything? --- Nee, die persoon se breek ken ek natuurlik nie sien nie, want ek het agter die Polisie gestaan en hy was aan die voorkant.

Now, as this man was arrested according to you the crowd came in, about forty of them, and the Bantu Constables pressed the crowd back, and did they go back? --- Hulle het teruggegaan ja.

And was the gate then closed? --- Die hek was toegemaak.

And/....

And then did the firing start? — Nee, nee, eers 'n rukkie daarna; 'n paar sekondes na dit, toe het die.....

Five, ten seconds? — Toe is die klippe gegoel, en toe is die gewerskeet afgevuur, en toe het die Polisie geskiet.

Mr. Heyl, I want to be sure of the sequence. I am going to just go over it again with you. Somebody in civilian clothes, whom you assumed might have been Colonel Spengler because of his build, although you are not quite sure who that person is, appeared to be arresting an African at the gate? —Ja.

There seemed to be some sort of struggle that seemed to be taking place there? —Dit is reg.

The crowd came in through the gate? — Ja.

African Constables succeeded in pushing the crowd back, the gate was closed, and a few seconds after that stones fell, you heard two shots, and then the volley came from the Police? —Dit is reg.

You are satisfied about that? — Net seker as die posisie van die tyd, van die paar sekondes. Ek kan nie sê dit was 'n paar sekondes, twee of drie, of 'n halfminuut of 'n driekwartminuut nie, en en by nie.

It would not have been five minutes? —Ek glo nie dit was vyf minute nie.

It might have been a minute? — Ongeveer in daardie omgewing, sees ek dit kan onthou.

Between what you noticed and the firing, there was no other incident at the gate? —Nie seker ek my kan verstaan nie.

I have asked you this Mr. Heyl because the description that has been given of the events just prior to the shooting by other witnesses, differs somewhat from yours.

Others/....

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Others have said that the crowd stormed through this gate, that they were not pushed back, stones were thrown, and then the firing started. Now, if they have said that are they mistaken, or are you mistaken in what you have told us? --- Edelagbare, ek kan nie kommentaar lewer op wat die ander getuies gesê het nie. Ek mag het vir die voordeel van die Hof byvoeg dat seker ek kan onthou daar geen gewondes of dooies binne in die Polisieperseel gels het na die skietery nie, en 'n mens kan redelikerwys aanneem dat as die skietery plaasgevind het terwyl die Bantoes binne in die perseel was, dat daar sekerlik sou of dooies of gewondes daar gels het.

HOF VERDAAG TOT 15.11.1960.