

S. Store 326:323.2 (68232) Com ✓

Volume 17

Pages 1218 — 1280

1,218.

15 NOVEMBER 1960.

HOF HERVAT : VERSKYNLINGS SOOS VOORHEEN.

MR. UNTERHALTER:

Your Worship, this morning I was informed by accused No. 75, and I have also subsequently been informed by accused No. 30, the woman, that the grandchild of the woman and the nephew of accused No. 75, has died. There was to be a funeral this morning, but it has been postponed to this afternoon, and they have asked me if I could mention to Your Worship whether it would be possible for them to attend that funeral.

BY THE COURT:

Have they fixed any time for the funeral Mr. Unterhalter?

BY MR. UNTERHALTER:

I understand it is two o'clock Your Worship, but I could make sure.

BY THE COURT:

It is a pity that they fix these times without consulting the Court. We are losing a lot of time in this case. The Court usually stops at 3.45 or 4 o'clock; surely these funerals could be arranged later. Will you ^{go} into that with them? We are also losing time on account of examinations.

BY MR. UNTERHALTER:

Your Worship, perhaps I could put Your Worship's suggestion to them at the tea interval.

BY THE COURT:

Yes, very well Mr. Unterhalter.

Johannes/....

JOHANNES GERHARDUS HEYL, beëdig, verklaart:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Mr. Heyl, I think that you concluded yesterday afternoon by giving your view as to the position of the people relative to the gate just before the firing, and you expressed some opinion about nobody having been found lying inside the grounds at the time of the shooting? ---Dit is reg ja.

You recollect that. Now, as far as the shooting itself is concerned, did you immediately stop the people firing when you hear the volleys commence? --- Daar was 'n bevel gegee van "Stop! Stop!", en toe het die manskappe byna onmiddellik opgehou om te vuur.

When you heard this command "Stop! Stop!" did you also join in, and tell whoever was nearby to stop firing? --- Ek het.

And did you do this immediately the firing started? --- Dit is so.

You yourself had a revolver I understand? --- Ek het 'n rewelwer besit ja.

You did not shoot yourself? --- Ek het nie geskiet nie.

And I take it you would not have shot yourself unless you had received a command to shoot? --- Ek het geen bevel gekeer datdaar geskiet moet word nie.

I am putting it to you that you would not have shot unless you had heard an order? Is that correct? --- Ja.

As far as the crowd of people was concerned, that came through the gate just immediately before the firing, would you agree that that crowd might have come in through being pushed from the rear, through the pressure of the crowd/ outside? --- Dit is moontlik.

Now/....

Now, you gave evidence about the identification parade which you attended at Boksburg. Will you agree Mr. Heyl that on the parade there were lined up all sizes and shapes and figures of people? --- Ek het nie so spesiaal opgelet of die mense nou almal van een lengte was of een ouderdom was nie.

You will agree, however, that as you went down the line looking for people to identify, they were not all of the same height and they were not all of the same build? They differed in height, and they differed in build? --- Dit is so Edelagbare.

Mr. Heyl, it was part of your duty was it not, after the firing and removal of the wounded and the dead, to get certain information in regard to the ammunition that had been used by the men who had fired on that occasion? --- Nie op die Polisiestasie-terrein nie.

No, I am not suggesting that you had to do it at the Police Station, but at some time after these events you had to get information about the ammunition that the men had used? --- Dit is reg.

And among the people from whom you received a report was a certain Constable Pennekan, is that correct? --- Dit is nie 'n verslag wat ek van Konstabel Pennekan ontvang het nie, dit is 'n lys wat ek ontvang het wat die aantal rondes wat deur die lid, elke lid, afgevuur was, aangetoon het.

DEUR DIE HOF:

Maar van die Konstabel het jy die lys ontvang? --- Nee, ek het dit van die Majoor ontvang Edlagbare.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Well, on that list was the name of Constable Pennekan, and against his name a certain number of rounds as used by him? --- Dit is reg.

Now/.....

Now, is it correct Mr. Heyl that when you looked at this list, you were surprised at the number of rounds that were recorded against his name as having been used during the firing, namely, ten rounds? That is correct? — Dit is reg.

And is it correct that some time after studying this list, or at the time that you were studying this list, you confronted Constable Pennekan with this, and said to him "It is impossible that you could have used ten rounds in firing in such a short space of time?" — Dit is reg.

And did you then ascertain from him Mr. Heyl that as far as he was concerned he had not used ten rounds, but he had used a lesser number? — Eers het hy daarmee volgehou dat hy wel die aantal rondes afgevuur het.

BY THE COURT:

Is this Constable being called? This is pure hearsay evidence in the circumstances. If Pennekan is being called all right it could be used to test his credibility.

BY MR. UNTERHALTER:

There is a purpose in this which will emerge in one moment Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

He said to you Mr. Heyl? — Hy het eers volgehou dat hy wel die aantal rondes afgevuur het, en ek het dit toe so aangetoon op die lys wat ek moes verstrek aan Hoofmantere.

That is that he had used ten rounds? — Dit is reg.

And then? — En later, ongeveer 'n week of langer, ek kan nie presies onthou die tyd nie, het ek hom eendag 'n bietjie gespot in verband met die aantal rondes wat hy sê dat hy afgevuur het, en toe het hy vir my gesê dat hy ongeveer drie of vier — hy het nie spesifiek gesê drie, ook nie vier nie, hy het gesê ongeveer drie of vier, d.i. rondes afgevuur

het/....

het.

New Mr. Heyl, when you learnt from Constable Pennekan that the report which had been prepared was in effect wrong as regards Constable Pennekan, namely, that in stead of his having fired ten rounds, according to him only three or four had been fired, did you take any steps to report this to whomever it might concern? — Ek het nie stappe gedoen om dit aan Majoor van Zyl spesifiek te rapporteer nie, behalwe dat ek dit aan die Stasiebevelvoerder gemeld het, vir die regmaak van die verslag wat ons vir die teruggawe van die patrone sou optrek.

Do I understand you to say that although you did not convey the correction of this report to Major van Zyl, you did convey it to somebody, i.e. the Station Commander? — Dit is reg.

By the Station Commander do you mean Sergeant Grobler? — Nee, Hoofkonstabel Kruger.

At which station? — Vereeniging.

When you got.... or let me put it this way. Did you receive an instruction from any senior person to compile this report on ammunition used? — Ja, van die Majoor het ek die instruksie gekry.

That is from Major van Zyl? — Dit is reg.

When did you get that instruction Mr. Heyl? — Dit was 'n paar dae na die skietery op Sharpeville.

Did the Major indicate to you the purpose for which you had to use this report? — Die Majoor het vir ons 'n dekbrief gegee wat van die Speurdiens afkomstig was, dat ons moes aantoon hoeveel lede van die Mag gevuur het, want hulle gevuur het, waarmee hulle gevuur het, hoeveel rondes elkeen gevuur het, en ook watter persone enige beserings daardie/....

beserings daardie dag opgedoen het.

Mr. Heyl, I am sure that you understood that the preparation of this document ^{was} of great importance? --- Dit het vir my so voorgekom ja, maar ek het nie geweet vir watter doel dit benodig was nie.

But any responsible man in that situation must have known, in view of the gravity of the whole incident, how essential it was for this information to be made available, both to the Police and if necessary to the public? Do you agree with that? --- Ja, dit is so.

And you yourself therefore were aware that the accuracy of this report was essential? --- Dit is reg.

Now, in due course the report was prepared and I gave it you handed it personally to Major van Zyl? --- Ek het dit persoonlik aan die Majoer gegee.

Does he have his headquarters in Vereeniging? --- In Beaconsfieldlaan, Vereeniging.

And he is usually quite easily accessible to you? --- Dit is so.

Now Mr. Heyl, when you get this information from the mouth of Constable Penneman, why did you not make it your business to seek out Major van Zyl directly, and inform him of what you had learnt from Constable Penneman? --- Dit was lank nadat ek die rapport aan die Majoer oorhandig het dat die inligting tot my beskikking gekom het.

That is about a couple of weeks, would you say? --- Etlike weke later.

Actually a week later? --- Weke later.

How many, two, three...? --- Ten minute drie weke later, of langer nog.

Mr. Heyl, whenever that might have been, did you not think that this was an official document, and it ought to/....

to be corrected, and that the Major's attention should be drawn to it? --- Ek dink ek kan agterkom wat die Advokaat wil hê dat ek moet sê. Ek het gewest.....

DEUR DIE HOF:

Mr. Heyl, antwoord nou maar net die vras asseblief, en moet jou nie soveel steur aan wat hy wil hê wat jy moet sê nie. Jy kan hom net die waarheid sê. --- Kan hy net die vras herhaal asseblief?

Nouja, die vras is Put your question again Mr. Unterhalter.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Why did you not seek him out to tell him? --- Ten tye toe die inligting tot my beskikking gekom het was Majoor van Zyl met vakansieverlof gewees.

DEUR DIE HOF:

Is dit nou toe u die inligting van Pennekan kry, die verdere inligting? --- Ja.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, I take it that when a seniorman goes on leave someone of equal rank or near rank takes over his duties in his absence? --- Dit is so.

Why did you not seek out this man who was acting in Major van Zyl's place, to give this vital correction to the proper person? --- Ek het nie daaraan gedink nie.

Mr. Heyl, you will admit will you not, that if anyone has to study a report, and reads that a man has fired ten rounds from a 1903, and not three or four rounds, it must vitally affect the duration of the firing? --- Dit is so.

And very much more adverse inferences are drawn against a Policeman who would have fired ten rounds in a longer period, than a person who would have fired three or four rounds,

if/....

if all his colleagues were firing say three or four rounds?
You agree with that? --- Dit is reg, maar ek het gesê ek het
nie geweet vir watter doel die rapport verlang was nie.

In any event, you say you did not give it to the
senior man, but you did give it to the Station Commander,
Sergeant Kruger? --- Hoofkonstabel Kruger ja.

Head Constable ~~HEUGER~~ of the Vereeniging Police
Station? --- Ja. Die inligting was nie in verband met die
rapport wat ek aan die Majoer opgestel het nie, maar die
aanvraag wat ons op Hoofkantore gerig het vir teruggawe
van die ammunisie wat gebruik was gedurende die skietery.

Did you convey the report to Head Constable Kruger
in writing? --- Nee, mondelings.

And how long after you had originally submitted the
report to Major van Zyl did you inform Head Constable Kruger?
--- Dit was ek dink dieselfde dag of die tweede dag nadat
die inligting tot my beskikking gekom het vanaf Konstabel
Pennekan.

And that will be how long after the preparation
of the original report? --- Dit was weke nadat ek die verslag
aan die Majoer opgestel het.

I am not sure if you wish to convey that you made
a formal report to Head Constable Kruger, or that you just
made a remark in passing, incidentally, about what Pennekan
had told you during your joking together? --- Nee, die aanvraag
wat ons aan Hoofkantoor gerig het vir teruggawe van die
patrone wat gebruik was, wanneer die patrone vervang word dan
moet ons die patrone weer aan elke persoon uitreik wat dit
gebruik het, en ek het toe na Mr. Kruger toe gegaan en vir
hom gesê hy moet onthou dat ons moet vir Hoofkantore sê dat
hulle moet nie vir ons soveel patrone gee vir Pennekan nie,
want hy sê nou vir my hy het drie of vier gebruik en nie tien
nie/....

nie.

That is all that you told Head Constable Kruger? +

Ja.

Your intention in mentioning this to Head Constable Kruger was to ensure that a certain supply of ammunition was replaced? --- Dit is reg.

That was all you intended to do, and in fact that was all that you did do vis-a-vis Head Constable Kruger? ---

Dit is reg.

So as far as he was concerned you did not explicitly convey to him that there was a report with wrong information in it, that really required to be corrected? --- Dit is so.

These conversations, or this conversation rather between yourself and Head Constable Kruger, you did not speak about that when you gave evidence at the Inquiry, did you? --- Ek staan my voor ek het daarvan gemeld.

Mr. Heyl, looking back on the incident of Constable Penneman and this failure to correct the report, do you think that you acted responsibly in omitting this? --- Ja, ek dink so.

Thank you.

KRUISVERHOOR DEUR BESKULDIGDE NR. 1: Geen vras nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 2:

Dink u nie miskien u maak 'n fout as u sê u het 'n gesprek gevoer met my daar aan die suidelike kant van die Polisie-stasie nie? --- Nee.

Maak u nie miskien nog 'n ander fout as u sê dat Kolonel Spengler het my na u gebring en u gevra om my vir my bewysboekie te vra nie? --- Nee.

Ek stel dit aan u dat toe ek daar by die Polisie-stasie gekom het, het ek nie vir u daar gesien nie, en ek het ook/....

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ook nie 'n gesprek met u gevoer nie? Wat sê u daarvan? ---
Ek weet nie wanneer u by die Polisiestasie aangekom het nie.

Ek stel dit nog verder aan u dat Kolonel Spengler
het my nie na u gebring nie? --- Hy het vir jou na my gebring
en gesê ek moet jou vir jou bewysboek vra.

Geen verdere vrae nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 4:

U het alreeds vir die Hof gesê dat die oggend van
die 21ste omstreeks halftwee het u my daar gesien in die
omgewing van die sportgronde? --- In die nag?

In die nag? --- Ek het nie gesê dat ek jou by die
sportgronde gesien het nie.

DEUR DIE HOF:

Waar het u hom dan gesien? --- Op die oop veld
in die omgewing.

Naby die sportgronde? --- Ja.

KRUISVERHOOR DEUR BESKULDIGDE NR. 4 VERVOLG:

By daardie stak oop grond wat nie verdis van die
sportgronde nie? --- Dit is reg.

U het my daar gesien? --- Dit is reg.

DEUR DIE HOF:

Beskuldigde nr. 4, wag net 'n bietjie, ek wil net
een vraag stel.

Toe u hom nou op daardie oop grond gesien het,
hoe laat was dit ongeveer in die nag? --- Dit moes daar in
die omgewing van eenuur se kant rond gewees het Edeleagbare,
half-een, eenuur.

12.30 of 1 v.m.? --- Van 12.30 tot 1.30 ongeveer.

KRUISVERHOOR DEUR BESKULDIGDE NR. 4 VERVOLG:

Op die tydstip toe u my daar gesien het, was

Kaptein/....

Kaptein Cawood en Sersant Grobler teenwoordig? --- Ek het nie Kaptein Cawood of Sersant Grobler daar gesien nie.

U het alreeds vir Sy Edelagbare gesê dat toe u en die ander my daar gevind het, het ek toe gesê dat ek hou 'n vergadering? Ek het vir Luitenant Fourie so vertel, is dit so? --- Dit is reg.

Sever as wat dit u betref, kan u sê dat ek 'n vergadering daar gehou het, of wat was u indruk toe u die skare en my daar gesien het? --- Ek het nie gesien dat u 'n vergadering daar gehou het nie.

Omdat u nie gesien het dat ek 'n vergadering daar gehou het, het u nou gegle toe ek gesê het ek hou 'n vergadering daar, d.i. nadat u die indruk gekry het waarvan u nou vir die Hof vertel het? --- Die beskuldigde was deur Luitenant Fourie gevra wat die baie mense hier maak, en daarop het die beskuldigde geantwoord hy wil 'n vergadering hou.

Wat was die eintlike woorde wat ek gebruik het? Het ek gesê ek hou 'n vergadering daar hou, of ek het 'n vergadering daar gehou? --- Jy het gesê jy wil 'n vergadering hou.

Het u nie gesê in u hoofgetuienis dat ek vir Luitenant Fourie gesê het dat ek hou 'n vergadering daar? --- Nee, ek het gesê u het vir die Luitenant gesê dat u wil 'n vergadering hou, waarop Luitenant Fourie vir u gevra het of u die nodige toestemming het.

Is dit nie juis dat u gister vir die Hof vertel het dat toe ek daar gestaan het, het ek gesê ons wil nie passe hê nie, en terwyl ek so gepraat het het ek my hande so rondgeswaai of so iets nie? --- Ek kan nie onthou dat u gepraat het van passe dra op die nag van die 20ste/21ste nie.

Het u nie daar melding gemaak gister in u

hoofgetuienis/...

hoofgetuienis of gedurende die kruisverhoor van dit nie, en u het met u hande beduidend ek het my hande so in die lug gewaai? — Dit is reg Edelagbare, ek het so gesê.

Verder het u gesê in u hoofgetuienis ek het voor u verklaar dat ek het aansoek gedoen om die vergadering daar te hou, maar die aansoek was nie goedgekeur nie? Nadat u die woorde gehoor het, kan u tot 'n beslissing kom dat wat ek werklik wou aan Luitenant Fourie vertel het, was dat ek nie gemagtig was om die vergadering daar te hou nie? — U het vir die Luitenant gesê, nadat hy vir u gevra het of u die magtiging het om die vergadering te hou, waarop u gesê het nee, u het aansoek gedoen maar u het nog nie die magtiging gekry nie, en daarop het Luitenant Fourie vir u gesê dat „Dan mag jy nie weer vergadering hou nie“, en daarna het hy vir jou gesê „Jy moet die mense sê hulle moet uitmekaar uit gaan, want jy mag nie hier 'n vergadering hou sonder toestemming nie“.

Ek stel dit aan u dat dit was toe blykbaar dat ek 'n vergadering daar gehou het, d.i. wat ek die woorde gepraat het? — Ek het nie gesien dat jy 'n vergadering gehou het die aand nie.

Ek stel dit aan u dat ek het nie vir Luitenant Fourie gesê dat ek wou 'n vergadering daar hou nie? — Jy het so gesê.

U het gesê dat terwyl beskuldigde nr. 3 daar op die Polisiestasiopersoel was, het hy toe vir u vertel dat ons het daar gekom in verband met die wegloos van die bewysboekies? — Dit is reg.

Dit was die stadium toe die beskuldigde ook vir Luitenant Visser daar vertel het? — Nee, dit was vroeër die oggend, voordat Luitenant Visser nog daar aangekom het.

U het op 'n latere stadium 'n rapport gemaak aan

Luitenant/....

Luitenant Visser in verband met wat beskuldigde nr. 3 vir u vertel het? — Ek het die Luitenant gesê wat die beskuldigde se status is.

Het u nie vir die Luitenant toe vertel wat was die doel van die beskuldigde nr. 3 se teenwoordigheid daar by die Polisie-stasieperseel nie? — Dit is moontlik dat ek dit kon gesê het, maar die Luitenant het self daarna met die beskuldigde gepraat.

Onthou u op 'n later stadium het u vir die Hof vertel dat Kolonel Spengler het u versoek om ons vir ons bewysboekies te vra? — Vir die beskuldigde?

Beskuldigde nr. 3 en 4? — Dit is reg.

Ons het toe daarop geantwoord en gesê ons het nie bewysboekies nie? — Dit is reg.

Is dit nie reg dat ons het nie die bewysboekies in ons besit gehad destyds nie? — Die beskuldigde het gesê hy het nie die bewysboek in sy besit nie.

En beskuldigde nr. 3 het dieselfde ding gesê? — Dit is reg.

Ek stel dit aan u dat nadat beskuldigde nr. 3 vir u gesê het hulle het soontoe gekom in verband met die wegdoen van die bewysboekies, en toe weer op 'n latere stadium toe beskuldigde nr. 3 herhaal het dat hy nie sy bewysboek in sy besit gehad het nie, het dit toe sy vorige verklaring bevestig? Is dit so? — Die eerste geleentheid toe ek met die beskuldigde gepraat het die oggend het ek nie vir hom sy bewysboek gevra nie.

Die vraag is ek stel dit aan u dat nadat beskuldigde nr. 3 vir u vertel het dat hy daar gekom het in verband met die wegdoen van die bewysboeke, as dit 'n feit was, dan op 'n latere stadium toe u 'n gesprek gevoer het met beskuldigde

nr. 3 en hom gevra het vir sy bewysboekie, as dit 'n feit was dat hulle gekom het in verband met die wegdoen van die bewysboekies, dan sou hy daar toe sy bewysboek aan u gegee het en gesê het „Dit is my bewysboek, ek wil dit nie hê nie“? — Die beskuldigde het geen bewysboek aan my gegee nie. Hy het ook geen melding gemaak dat hy in besit is van 'n bewysboek nie. Hy het gesê hy het nie 'n bewysboek aan hom toe ek hom gevra het.

Ek stel dit aan u dat omdat beskuldigde nr. 3 nie sy bewysboek kon toon nie, het dit ooreengestem met die feit dat hulle nie daar gekom het in verband met die wegdoen van die bewysboeke nie? — Ek kan nie daarop antwoord nie, d.i. wat sy doel was nie. Hy het vir my die môre gesê die mense is hier omdat hulle nie meer wil bewysboekies dra nie. Die middag toe Kolonel Spengler hom na my toe gebring het het ek hom vir sy bewysboek gevra, en hy het geen bewysboek uitgehaal nie, en hy het gesê hy het nie 'n bewysboek aan hom nie.

Ek stel dit aan u dat dit nie reg is dat beskuldigde nr. 3 vir u gesê het dat hulle daar gekom het in verband met die wegdoen van die bewysboekies nie. As dit reg was dan op die stadium toe u vir beskuldigde nr. 3 vir sy bewysboek gevra het, kon hy dit getoonhet? — Hy het dit nie getoon nie. Ek weet nie of hy dit aan hom gehad het nie. Hy het gesê hy het dit nie en hy kan dit nie toon nie.

Onmiddellik nadat Kolonel Spengler my daar na u toe gebring het, terwyl hy u die instruksies gegee het, wat het hy daaraan gedoen, d.i. onmiddellik daarna? — Onmiddellik nadat ek jou vir jou bewysboek gevra het het Kolonel Spengler jou in dieselfde kantoor ingeneem waarheen beskuldigde nr. 3 'n rukkie vantevore geseem was.

Ek onthou dat u my gesien het op daardie stadium nie? Ek stel dit aan u dat nadat ek daar gebring was was

ek nie weer weggegaan deur Kolonel Spengler nie, maar Kolonel Spengler het instruksies gegee aan ander twee Polisielede om my daar op te pas terwyl hy weggegaan het? — Die instruksie was aan my gegee, om vir jou en 'n ander Bantoe op te pas.

Ek stel dit aan u dat ek was nooit in 'n kantoor nie? Ek was nooit in 'n kantoor geneem nie, ek het daar buite-kant bly staan waar Kolonel Spengler my gelaathet? — Sover ek gesien het het Kolonel Spengler vir jou eers by die kantoor geneem, en toe het hy weer vir jou uitgebring en later het hy die ander man daar gebring, en altwee van julle gesamentlik was vir my gesê ek moet julle twee laat oppas.

Ek stel dit aan u dat as gevolg van die antwoord wat u nou op my vrae gegee het, was u nooit daar op die tyd-stip nie? U het my nooit daar gesien nie? — Ek was op die agtersteop van die Polisiestasie.

Waar was mr. Wessels op die tydstip toe die dinge gebeur het? — Ek het mr. Wessels ook daar rond gesien, maar of hy spesifiek by jou en beskuldigde nr. 3 was toe Kolonel Spengler julle na my toe gebring het, kan ek nie onthou nie.

Die groepies wat u en die ander lede van die Polisie-mag uitmekaar gejaag het.....

DEUR DIE HOF:

Nouja, ons kan later oor daardie groepies gesels.

HOF VERDAAG.

HOF HERVAT:

JOHANNES GERHARDUS HEYL, onder sy vorige eed, vervolg:

KRUISVERHOOR DEUR BESKULDIGDE NR. 4 VERVOLG:

Die groepies wat u uitmekaar gejaag het op die aand van die 20ste tot die 21ste, het die persone kleries gehad of nie? — Baievan hulle het kleries gehad en stokke.

Al/....

Al die groepies waar u en die ander Polisieledes my
aangetref het, by die oop stuk grond daar waar ek gewees het,
al die groepies wat u teëgekem het het kleries gehad, tot
by die plek waar ek gewees het? --- Ja.

Toe die mense uitmekaar gejaag was was hulle gewillig
of nie? --- Gewillig?

Ja? --- Hulle het weggehardloop.

Het hulle hulself teëgesit of nie? --- Nee, hulle
het weggehardloop.

Kan u sê as die mense kleries gehad het waarom
het hulle weggehardloop toe u die knuppelsternloop op hulle
uitgevoer het? --- Ek kan nie sê waarom hulle weggehardloop
het nie.

As ek u goed verstaan het het ek u gister hoor sê
dat in diegroep wat saam met my daar gewees het by die oop stuk
grond, die voorste gedeelte van die skare het nie kleries
gehad nie, maar u het gesê u weet nie of die agterste gedeelte
van die skare kleries gehad het of nie? --- Ek het gesê ek
weet nie of die mense daar bewapen was met kleries en stokke
nie, omrede hulle was in die buitenste ligkring van die Polisie-
voertuie se ligte.

Hooveel karre was daar gewees op die plek waar u
en die andere my aangetref het? --- Daar was ongeveer vyf of
ses motorvoertuie gewees.

Wat was die afstand tussen die skare en waar die
karre stilgehou het? --- Dit was ongeveer 150 tree sou ek sê.

Kan u miskien die 150 tree vir Sy Edelagbare beduie,
d.i. vanwaar u staan? --- Vanwaar ek staan tot ongeveer in die
middel van Kameonsfieldlaan.

DEUR DIE HOF:

Is dit die straat met hier anderkant die gebou?

---Ja Edelagbare.

Kruisverhoer/....

KRUISVERHOOR DEUR BESKULDIGDE NR. 4 VERVOLG:

Het al die karre hulle ligte op die skare geskyn, sodat die skare miskien in die lig kon gewees het of nie? — Ek het nie spesifiek opgelet of al die voertuie se ligte op die skare geskyn het nie, maar sover ek kan onthou was die karre getrek in die rigting wat die skare gewees het.

Ek stel dit aan u dat dit die eerste is wat ek u hier voor Sy Edelagbare sien, en voorheen het ek u nie gesien nie? — Die aand van die 20ste-21ste was ek in die teenwoordigheid van Luitenant Fourie, en Bantse Speurderkonstabel Malakia Mnetong, en u het na ons toe gekom met 'n klerie in u hand, en nadat Luitenant ^{Fourie} vir u beveel het om die klerie naar te gooi het u dit gedoen, en in my teenwoordigheid daar het u met die Luitenant gepraat.

Ek stel dit aan u dat Kaptein Cawood, asook Sersant Grobler, het die Hof meegedeel dat toe hulle my daar gesien het op dieselfde tydskip het ek nie 'n klerie gedra nie? Wat sê u daarvan?

DEUR DIE HOF:

Kaptein Cawood en Sersant Grobler het gesê hulle het jou daar gesien, maar hulle het nie gesê of dit op dieselfde tydskip was of nie, so jy kan nie vir hierdie getuie sê dit was op dieselfde tydskip nie. Stel die vraag nou weer.

KRUISVERHOOR DEUR BESKULDIGDE NR. 4 VERVOLG:

Ek stel dit aan u dat die persoon saam met wie ek gestaan het, nie beskuldigde nr. 3, Tsolo, was nie, maar 'n ander persoon?

DEUR DIE HOF:

Ne, stel dit nou neei. Van watter plek praat jy nou?

DEUR DIE BESKULDIGDE NR. 4:

By die Polisie-stasie.

Deur/....

DEUR DIE GETUIE:

Op die agtersteep van die Polisie-stasie het Kolonel Spengler eers vir beskuldigde nr. 3 na my toe gebring, en daarna weer vir beskuldigde nr. 4.

KRUISVERHOOR DEUR BESKULDIGDE NR. 4 VERVOLG:

Ek stel dit aan u dat dit was nie beskuldigde nr. 3 wat saam met my daar gewees het op die agtersteep van die Polisie-stasie nie, maar dat dit 'n ander persoon gewees het wat ook daar by die hek, d.i. by die westelike hek, gearresteer was? — Ek het nie gesê dat beskuldigde nr. 3 saam met u daar was nie.

Ek stel dit aan u dat ek was nooit in die kantoer gewees waar u beweer beskuldigde nr. 3 ook gewees het nie? Ek was nooit daar binne nie, en ek was daar buitekant op die agtersteep gewees, en vanaf daar is ek toe weggeneem? — Ek het reeds gesê dat sover ek kan onthou het die Kolonel Spengler beskuldigde nr. 4 ook eers in die kantoer geneem, en daarna, in geselskap van 'n ander onbekende Bantoe, die twee aan my oorhandig en gesê ek moet hulle laat eppas.

Geen verdere vrae nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 8: Geen vrae nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 38: Geen vrae nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 39: Geen vrae nie.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mr. Haysl, u het gesê Kolonel Spengler het nr. beskuldigde, sowel as 'n ander Bantoe aan u oorhandig sedat u hulle mees^{laas} eppas. Watter stappe het u geneem? — Ek het twee Bantoe-konstabels wat ek dink op Sharpeville gestasioneer is geroep en gesê hulle moet die twee beskuldiges eppas, Kolonel Spengler sal later met hulle werk.

Was of beskuldigde nr. 3 of beskuldigde nr. 4 in u

teenwoordigheid/....

teenwoordigheid deursoek of visenteer? --- Nee.

Kan u onthou mr. Heyl of u wel die Kommissie vertel het of u 'n rapport gemaak het aan enige anderpersoon in verband met die fout wat ingesluit het met die hoeveelheid ammunisie wat Konstabel Pennekan gebruik het? --- Ek onthou dat ek aan die Kommissie gesê het dat ek aan Hoofkonstabel Kruger 'n rapport gemaak het in verband met die aantal ammunisie.

Want ek sien op bladsy 577 van die Kommissie was dit so aan u gestel: "Wel, kan ek dit dan so stel? Het u die feit dat daar 'n fout gemaak is onder enigiemand anders se aandag gebring?" Toe sê u: "Oms het 'n aparte rapport opgestel, om aan te vra vir die teriggawe van die patrone wat gebruik was, en ek het toe vir mr. Kruger, die Stasiebevoerder, gesê ons moet vir daardie man, Pennekan, nie tien patrone vra nie, maar net drie". --- Dit is reg Edelaagbare.

En die rapport, was dit bedoel om die ammunisie terug te kry wat gebruik is tydens die skietery? --- Die tweede rapport ja.

Meet die Polisie 'n rapport indien elke keer as gemaak gebruik is van vuurwapens en skote gevuur is? --- Dit is reg.

Ek dink dit is reg dat die magasyn van 'n .303 geweer bevat tien rondes? --- Tien rondes ja.

Nou, u het gesê dat die lede op die uitkenningsparade was van verskillende ouderdomme, lengtes en soaan? --- Dit is reg.

En die skare by Sharpeville Polisie-stasie daardie dag, was hulle almal omers in lengte en ouderdomme? --- Nee.

Onder kruisverhoor het u gesê dat die skare was nie vredeliewend nie, verstaanlik as u in aanmerking neem die woorde wat hulle gebruik het terwyl u en Luitenant Visser langs die heining geloop het? --- Dit is reg.

Nou/....

Nou, watter woorde het hulle gebruik? --- Hulle het telkens die teken, die "Afrika!" teken gegee, en op een stadium toe ek langs die draad afgeloop het, en 'n endjie verderop Tsolo, en aan die anderkant Luitenant Visser, etlike kere het hulle na my gespeeg, en die woorde "Hende! Hende!" gekree.

Nou, u het ook onder kruisverhoor gesê dat die vorige aand, d.w.s. die aand van die 20ste Maart, was daar mense by die Polisiestasie gewes wie klagtes ingedien het? ---Dit is reg.

En dan het u melding gemaak van kaartjies wat hierdie mense gedra het. Het enige mense met kaartjies aan hulê lapelle kom klagtes indien daar die vorige aand? --- Edelagbare, soos ek gesê het sover ek kan onthou was daar onder die mense wat by die Polisiestasie die aand aangetref was, op een stadium toe ons daar gekom het, ^{van hulle} wat van die "Away with passes!" tekens aan hulle haadjies of aan hulle rokke gehad het.

En die persone met die "Away with passes!" etikette, het hulle wel klagtes ingedien, of was hulle met tussen die mense wat daar gekom het en klagtes in te dien? --- Ek kan dit nie sê nie. Niemand het by my persoonlik 'n klagte komindien nie.

Mr. Hoyle, het u die Kommissie vertel van die skietery wat plaasgevind het vanuit die huise in die nabylheid van Secisonstraat op die oggend van die 21ste Maart? Kan u onthou of u dit vir die Kommissie vertel het? --- Ek onthou dat ek aan die Kommissie gesê het of vertel het van die omstandighede, maar ek kan nie meer presies onthou hoe ek dit in my rapport daardie tyd gesê het nie.

Ek sien u het getuienis daar gelower op die 25ste April. Hoe was u geheue destyds in verband met die feite, in/....

in vergelyking met vandag byvoorbeeld? --- Dit was omtrent maar dieselfde gewees Edelagbare.

Nou, ek dink my geleerde vriend se punt was dit. Ek mag miskien verkeerd wees, maar het u die Kommissie vertel van enige skietery wat plaasgevind het in Seeisostraat, of het u dit net beperk tot 'n skietery wat in dwarsstrate wat vanaf Seeisostraat geleikhet, plaasgevind het? --- Sever ek kan enthou het ek gepraat voer die Kommissie van die skietery in die dwarsstraatjie van Seeisostraat af, maar ek is nie heeltemal seker of ek van die ander skietery voerdat ons in die dwarsstraatjie ingegaan het, melding gemaak het nie. Ek weet nie of ek mag die Aanklaer versoek om daardie gedeelte van die getuienis altemit voer te lees aan die Hof nie.

DEUR DIE HOF:

Mr. Heyl, ek is begaan oor wat jou getuienis hier is, en nie oor wat dit voer iemand anders was nie, buiten om jou geheue te toets en jou geloofwaardigheid te toets.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

U het gepraat van die westelike kant van Seeisostraat. Nou, volgens ons planne - ek sal u net bewysstuk 2 toon, wat 'n fotostatiese afdruk is van die lugfoto van Sharpeville. Vir die doeleindes van die verhoor het ons dit se aangeneem dat die noordekant, d.i. heel te

DEUR DIE HOF:

Ja, die straat wat eintlik oos na wes loop is Zwamestraat volgens hierdie kaart.

DEUR DIE PUBLIEKE AANKLAER:

Ja Edelagbare, volgens die kaart loop Zwamestraat oos na wes.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, aan watter kant van Seeisostraat het u bedoel toe u se aan die westekant? Ek praat nou volgens die plan? Volgens/....

--- Volgens die plan sou dit dan wees aan die noord-oostelike kant.

DEUR DIE HOF:

Is dit nou aan dieselfde kant van die straat waar die Munisipale kantore geleë is? --- Dit is reg Edelagbare.
En die poskantoor, die hostels, en so meer? --- Ja, dit is reg.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En u het ook gesê dat op twee geleenthede in die dwarsstrate by Secisestraat, het ^{die} skare of groepies van die skare na die Polisievoertuie gekom, toe die Polisievoertuie stilhou? Kan u dit onthou? --- In die dwarsstraat?

Ja? --- Daar was nie Polisievoertuie in die dwarsstraat nie Edelagbare.

Maar was daar enige geleentheid toe die Polisievoertuie stilgehou het en mense na die Polisievoertuie gekom het? --- ^{Twee} Die groepie Polisie-mense in die middel van Secisestraat ynskkaar was, het die mense, soos die plan dit hier het, aan die noord-oostelike kant van die sypanjies in Secisestraat klippe op die Polisie gegee.

WITNESSE.

ALAKIA MBEDEBE duly sworn, states: (Witness speaks Sesuthu).

EXAMINED BY THE PUBLIC PROSECUTOR:

Are you a Detective Constable in the South African Police, and presently stationed at Vereeniging where you are attached to the Special Branch? --- That is correct.

How long have you been stationed in Vereeniging? --- was attached to the Special Branch as from March, 1957.

And in Vereeniging from March, 1957? --- Yes.

And/....

And how long have you been in the Police Force altogether? --- During the course of this present month I will be completing my tenth year in the Police Force.

And apart from Vereeniging, were you stationed elsewhere on the Witwatersrand, or away from the Witwatersrand? --- I was formerly stationed at Pretoria. From there I was transferred to Bloemfontein, and from there I was then transferred to Vereeniging.

And what languages do you speak apart from the official languages, English and Afrikaans? --- Zulu and Xosa.

BY THE COURT:

What is your home language? --- I speak Sepedi Your Worship.

Is that what you are speaking now? --- Now I am trying to speak ordinary Sesuthu, Southern Sesuthu.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Is there any reason why you have chosen to speak a language which is not your home language? --- I have chosen to speak Sesuthu Your Worship because accused...

BY THE INTERPRETER:

Accused No. 3 Your Worship complains that the witness is speaking very softly.

BY THE COURT:

Yes well, the witness must speak up. I would advise the witness to speak the language in which he can express himself best: The trouble of translating it to the accused, if necessary, will be that of the Interpreter and the Court. The witness must now choose whether he is going to speak his home language, or Southern Sesuthu, but I don't want a complaint from him afterwards that he could not understand or he could not express himself clearly.

By/....

BY THE WITNESS;

Yes, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

What language are you going to speak now? ---

I will speak Sepedi.

Now, what was your reason for first starting off in Sesuthu? --- The reason is that the majority of the native inhabitants understand Southern Sesuthu better, and I have also been influenced by it.

BY THE COURT: TO THE INTERPRETER:

Mr. Interpreter, I am afraid you will now have to interpret into Southern Sesuthu for these accused if they want it. --- The accused say they will not understand if this witness tries to speak in Sepedi.

Very well, interpret it to them what he has said so far, i.e. in Southern Sesuthu.

(The evidence given so far by the witness is interpreted to the accused).

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

What were your duties here whilst you were stationed in Sharpeville or Kereeniging? --- My duties are to see to the organisations like the A.N.C. and the P.A.C. here in Sharpeville.

And did you ever become aware of an organisation known as the P.A.C., the Pan Africanist Congress, in Sharpeville? --- Yes Your Worship, I did become aware of that.

When did you first become aware of the P.A.C. in Sharpeville? --- In December of last year, 1959, I became aware that there was an organisation known as the P.A.C.

And in December 1959 did you attend ^{any} political meeting in Johannesburg? --- Yes, I did.

Can you tell the Court what date that was? --- That/....

1,342.

That was between the dates the 19th and the 20th December when I attended this meeting.

And whereabouts in Johannesburg, what suburbs, were these meetings held? --- These meetings were held at Orlando Communal Hall.

And who or what was holding this meeting? --- The people who were holding this meeting was the group belonging to the P.A.C.

And will you^{be} able to point out any persons whom you saw attending that meeting? --- Yes, I will be in a position to point them out.

Are any of them here today? --- Yes, some are present today.

Can you point^{then} out from where you stand, or do you want to step down from the witness stand? --- It is immaterial Your Worship whether I point them out from where I stand or.....

BY THE COURT:

I think the best thing would be for him to go and touch any person or persons whom he saw there, so as to have more definite evidence. Just let him go along.

(Witness leaves the witness box and goes up to the accused).

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

You have now pointed out in the following order No. 4 accused, No. 3 accused, No. 1 accused, and No. 39 accused, is that correct, as the persons whom you saw attending the P.A.C. meeting at Orlando on the 19th and 20th December, 1959? Is that correct? --- Yes, that is correct.

Were any open or public meetings of the Pan Africanist Congress ever held in Sharpeville Native Township?

BY THE COURT:

He can only tell me whether he knows of any.

By/....

BY THE PUBLIC PROSECUTOR:

Yes, if he knows of any? --- No, I do not know of any at the time when I was already attached to the Special Branch.

In January, 1960, did you attend any meeting in Sharpeville? --- On the 10th January, 1960, which was on a Sunday, I received certain information that a meeting would be held.

And as a result of that information where did you go to? --- I then proceeded to No. 8171, Sharpeville Location.

Is that a private dwelling house? --- Yes, it is a private house.

Can you recall what time you arrived at this house? --- I arrived at this particular house when the time was approaching twelve o'clock.

Midday or midnight? --- Midday.

And did you go inside the house? --- As I was approaching this particular house, in particular the gate, I saw people wearing P.A.C. ^{tickets or} badges on their lapels. It was then that I decided to enter this particular yard.

Can you describe what you call the P.A.C. tickets or badges? --- They are four-cornered tickets, and they have different colours. On them appear the words "P.A.C. Congress".

You say you decided to enter this house, and did you enter the house? --- Yes, I then entered this particular house.

And what did you find happening inside? --- Inside this particular house I found many people of the P.A.C.

Approximately how many persons were inside? --- Approximately thirty.

And what were they doing, sitting, standing or what? --- Those in the kitchen were standing, and those in the diningroom/....

diningroom were sitting.

Those that were sitting, how were they seated? Were they seated on chairs, and where were the chairs? Were there any tables or anything like that? --- They were seated on chairs, and on the other side of the table there was Job Tsolo, the Chairman, who was seated there. He was the person who was doing the talking.

BY THE COURT:

What is this person's name? --- Job Tsolo.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

So what was taking place inside the house, in this room? --- The others were sitting there listening to what was being said by Job Tsolo.

And did you hear what Job Tsolo said? --- Yes, I did hear what Job Tsolo said.

What did Job Tsolo say? --- Job Tsolo was speaking in English.

BY THE INTERPRETER: TO THE COURT:

Your Worship, could the witness repeat the words in English?

BY THE COURT:

--- If the witness wants to. I don't know.

BY MR. UNTERHALTER:

Your Worship, it is some weeks since I addressed the Court on the question of the admissibility of this evidence, but Your Worship will recollect the remarks that I made then, it is on the record.

BY THE COURT:

I recollect the remarks I made then, and they are still the same.

BY MR. UNTERHALTER:

As Your Worship pleases.

By/....

BY THE COURT:

Mr. Prosecutor, do you want the witness to give the words in English, or what do you want him to do?

BY THE PUBLIC PROSECUTOR:

Well, I think we had better have them in English Sir.

BY THE COURT: TO THE WITNESS:

In this case he took no notes, so is he relying on his memory? Is that right? --- What I am about to say now Your Worship, if I remember correctly I think I took a note of it.

You think you took a note. Anyway, you are prepared to give evidence without your note? Is that right?

---Yes.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

What did he say in English? --- Job Tsolo said: "We are ready to destroy ^{white} domination in Africa. The only weapon is to fight. There is no freedom without bloodshed." He further went on to say - I cannot remember correctly without a note, but he said "There are 80 cars in the country...."

BY THE COURT:

Where were the 80 cars? --- He said "There are 80 motor-cars in the country, and they intended to borrow 40 of the 80 cars, so that they could face each other?."

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And when Job Tsolo said this in English, i.e. when Job Tsolo said "There is no freedom without fighting and bloodshed" and so on, how did the people who were listening react to this? --- They were pleased with it, and shouted and said "Iswe Lethu!"

What sort of a meeting was this that was taking place? --- I will term this meeting a secret meeting, seeing that it was not held in the open.

Yes/....

1,246.

Yes, but of whom or what? Who or what was holding this meeting?

BY THE COURT:

Let the witness give me the facts, and ask me what meeting was being held.. He has already said that inside there were many people of the P.L.A.C., and he has given the numbers, and he also said they had tickets on their lapels.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Was it stated who was holding this meeting by anybody at this particular meeting? — It was not stated who was holding the meeting..

BY THE COURT:

Apparently you came into the meeting when it was already in progress, or did you come there before Job's speech started? — At my arrival the meeting had already started.

EXAMINATION CONTINUED:

Whose house was this? — The house belongs to one Emmanuel Teketsi, one of the accused persons now before the Court.

Was Teketsi present in his house on that day? — Yes, he was present.

Where was he? In the room with Job Tsole or in the kitchen? — He was in the same room where Job Tsole was.

Now, will you be able to point out this man Teketsi and any others when you saw in that house at that meeting? — Yes, I will be in a position to point them out.

Are any of them here today? — Yes, some are present here today in Court.

(At this stage the witness leaves the witness box and goes up to the accused).

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, you have pointed out the persons whom you saw in/....

in that house, namely, No. 8 accused, No. 3 accused, No. 1 accused, No. 2 accused, and No. 39 accused? --- Yes.

Where were these persons? In the room where Job Tsolo was or in the kitchen? --- They were in the same room where Job Tsolo was. They kept on going in and out at certain intervals.

And is No. 8 accused the one you call Teketsi?

--- Yes, he is the person.

And did any of these persons have any tickets on?

--- Yes, they had these tickets on.

I am talking about the persons that you have just pointed out, i.e. Nos. 8, 3, 1, 2 and 39? --- Yes, I am also referring to the same accused that I have pointed out.

And Mr. Job Tsolo, did he have any ticket on? ---

Yes, Job Tsolo had a ticket on.

And what percentage of the other people who were present had tickets on? Can you tell ^{no} whether it was a quarter, one-eighth, or half, whatever figure you would like to give? ---

According to the estimation I have made already, that there were approximately thirty people who attended this meeting, about three or four did not have the tickets on. Why I say that about three or four did not have the tickets on, is because perhaps it is those whom I did not see, and the remainder, i.e. the majority, are those whom I saw had the tickets on.

And how long after Job Tsolo had spoken about the way to obtain freedom, did you remain at the meeting? ---

I remained there after he had spoken these words. I left there something to three, when the watch was approaching three o'clock.

Did anybody else speak after Job Tsolo? ---

Another person whom I heard speaking was Michael Tsolo, who said/.....

said.....

Wait a minute. Who is Michael Tsolo? --- Michael Tsolo is Nyakane Tsolo.

Who is that person? --- One of the accused now before the Court.

What is his number? Can you see it? --- It is accused No. 3.

BY THE COURT:

Is he the third person from the left in the front row? --- Yes, it is the third person in the front row from the left.

EXAMINATION CONTINUED:

And what did you hear him say? --- He only got up and said he had already been called by the Special Branch, and thereafter he sat down; he did not say anything further.

Were there any other speakers after that? --- Thereafter nothing further was said by any particular speaker Your Worship, but the ordinary conversation then continued and others enjoyed themselves by drinking liquor.

And you say you left at three o'clock? --- Yes.

Did you leave before the others, or when they left, or after them? --- I left prior to any other attendant of the meeting. That was after the Chairman announced that now they will have their food.

This man Job Tsolo, is he still in Sharpeville or Vereeniging? --- I do not see him any longer.

Now, you said that you made notes of those words that you testified to in English, that Job Tsolo said? Where did you make those notes? --- I wrote that on a piece of paper. I don't know whether it is here in Court.

When you talk about a piece of paper, do you mean it is just a piece of scrap paper from a foolscap paper or something, note paper? --- It was a foolscap paper.
And/....

And why did you make a note of that? --- I made a note of it so that I should not forget it.

Now, after this meeting in January, did you receive information regarding other meetings? --- Yes, thereafter I did receive information concerning other meetings, but I was unable to reach there in time.

Could you explain the phrase "Reach there in time"? Does it mean your bus was late, or was there some other meaning attached to that phrase? --- What I mean to convey by the phrase "reach there in time" is that when I received the information concerning that particular meeting, the meeting had already been held, and it was then useless to me.

Now, did any pamphlets ever come to your notice? --- Yes, there were.

In what way did the pamphlets come to your notice? How were they brought to your notice? --- The pamphlets came to my notice in two ways. Some were placed underneath the doors during the course of the night, and when we woke up in the morning we found them there. Secondly, some were given to us by certain people in the streets.

When you say the pamphlets were placed under the doors, do you mean a pamphlet was slipped under your door and you are drawing the inference that pamphlets were placed under other doors as well? --- Yes, I think like that because I did not see the persons who placed it there.

BY THE COURT:

You found one under your door? You found one under your own door in your own house? --- No Your Worship, I did not find one particularly under my door.

EXAMINATION CONTINUED:

Yes well, how do you happen to have this knowledge that then that pamphlets were put under doors? Is what you have been/.....

been told or what you saw yourself? --- Those were the reports that I received from the persons who handed those pamphlets to me.

When You don't know of your own knowledge that pamphlets were pushed under doors, apart from the information you received? --- Yes, it is so, because I never found one under my door.

And do you live in Sharpeville? --- Yes.

When were the first of these pamphlets brought to your attention? Can you remember the month and the year? --- From the 17th March onwards. It was then that I became aware or saw these pamphlets.

Now, I want to show you some exhibits, i.e. 5, 6, 47 and 49. Will you have a look at each of them in turn first of all, before I put the next question to you. Have you seen exhibit 5, now exhibit 6, now exhibit 47, and lastly exhibit 49? Have you seen pamphlets similar to those before today? --- Yes, I have.

Which of these pamphlets did you first see, or was first brought to your notice? --- It is the pamphlet with the words "Alerting the Nation".

That is Exhibit 6. Approximately what date was it that that was brought to your notice? --- By estimate it was from the 17th March, to the 20th, to the 21st March,
BY THE COURT: TO THE INTERPRETER:

Mr. Interpreter, even if he is speaking Sepedi, he must speak up, because the accused are entitled to hear the Sepedi words as well.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Can you pick out the facsimiles which are there exhibited as they came out, in order of sequence? --- I will not be able to point them out, but I can mention them, and as
I/....

I mention them they can sorted out.

BY THE COURT:

Well, the first one you saw was "Alerting the Nation"? --- Yes.

Which was the next one you saw? --- The second one which was brought to my notice was the one with the words "The Dawn Has Come".

EXAMINATION CONTINUED:

"The Dawn Has Come". That is exhibit No. 47. --- The third one was "Calling the Nation".

"Calling the Nation," That is Exhibit No. 5. Now, Exhibit No. 49, can you recall when that came out? That is the one that is called "Passes Must Go Now!" --- This one I cannot recollect very well.

I see. These circulars that you saw which you have mentioned, what languages were they in? --- They were written in the English language.

Any other writing on them on the reverse side? --- I do not recollect very well what was written on the back of the circulars, because it is some time that that happened.

Now, Exhibit No. 5, i.e. the one "Calling the Nation", is that the one which calls the nation to take a specific action on a certain day? --- Yes.

When was that brought to your notice or to your attention, i.e. that particular pamphlet of the type of Exhibit No. 5? --- I can say, taking into consideration the 21st, that I became aware of it on the Friday before the 21st.

When you say the 21st you are talking about the 21st March, 1960, I take it? --- Yes.

So the Friday immediately before that you say that was brought to your notice? --- Yes, I then became aware that

it/....

1,252.

it was also in existence.

Was that the first pamphlet which came to your attention which mentioned a specific date? — Yes.

Now, when did it come to your attention that something unusual was happening in Sharpeville, or something out of the ordinary was taking place? — I do not know in connection with what?

Well, we have had evidence that this was a very peaceful and quiet township. When did that pattern change? When was that first brought to your notice? — During the month of December, 1959. I then became aware that there was something unusual which was happening in Sharpeville.

Anyway, before the 21st March.... or when did you assume duty? Prior to the 21st March, when did any events come to your notice, and happenings taking place? — On Sunday, while I was cycling with my bicycle into the location, i.e. Sharpeville Location, I then received certain reports from certain persons, the contents of which are.....

I don't want to know that. Was that the Sunday before the 21st? Was that the day just before the shooting took place? — Yes.

Now, on the 21st March this year, were you on duty? — I was on duty as from 11 o'clock on the 20th, which was on a Sunday.

And had you been a member of one of the patrols that had gone about throughout the township dispersing groups of natives? — Yes, I was one of them.

Now, during the time that you were a member of a patrol, did you have the same officer in charge of that patrol all the time? — Yes, the person who was in charge was Lieutenant Fourie.

So you were a member of a patrol which had

Lieutenant/....

Lieutenant Fourie as its immediate section leader all the time?
--- I can say in other words Your Worship, when he left us on the first occasion, and came across the first crowd, the person who was in charge then was Lieutenant Fourie.

Am I to understand then that somebody else took control and Lieutenant Fourie fell out of the picture? --- No Your Worship, I was then taken away from that section and joined another section.

And who was your immediate section leader of that group? --- I could not ascertain who was then in charge of this group, the second group, because immediately I was taken from the first group, I was then placed inside the van, together with the other members of the Police Force. I was wearing my private clothes, and when we reached a certain spot where there was a group, I was then told not to get out of the van, because I was wearing private clothes, and in case I would be assaulted and taken as one of the crowd.

So you presupposed that you would be assaulted by your own Policemen? --- Yes.

Now, during the time that you were attached to Lieutenant Fourie's patrol, did you come across any of the accused persons? --- Yes, although there were many people we came across, but I was able to recognise one of the persons who is also one of the accused now before the Court.

And who is that? --- Thomas More.

We don't know who that is, i.e. this Thomas More? --- I cannot make out the number from the distance that I am standing away now.

Is he in the first, second or third row? ---

BY THE COURT:

Go along and point him out.

(Witness points out accused No. 4).

By/....

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BY THE WITNESS:

It is accused No. 4.

EXAMINATION CONTINUED:

Can you remember what time it was that you met accused No. 4? --- It was approaching twelve midnight.

And whereabouts was he seen? What portion of the township? --- It was in that new area of Sharpeville called the Site and Service Section.

Do you know Captain Cawood? --- Yes.

And Mr. Labuschagne, the Location Superintendent, do you know him? --- Yes, I also know him.

Were they at all present on this occasion with Lieutenant Fourie when you encountered No. 4 accused in Site and Service? --- There I cannot be certain, because when we approached the spot where Thomas More was there were many vans which approached, and the person who spoke to Thomas More, accused No. 4, was Lieutenant Fourie.

BY THE COURT:

The person who spoke to Thomas More was Lieutenant Fourie? --- Yes, Your Worship.

EXAMINATION CONTINUED:

Did you ever see if that meeting, or Thomas More, was dispersed, told to go home? --- Yes, he was told.

Did you see him ever again during the course of the night hours that were left? --- Well, again I cannot say whether I saw him or not, because I was sitting inside the van being afraid.....

BY THE COURT:

Well now look, you can tell me whether you saw him or whether you did not see him? You are not asked whether he was present outside the van when you can't see a man. ---
After/....

--- After having seen him the first occasion I did not see him again.

EXAMINATION CONTINUED:

Now, you spent the rest of the early hours of the morning dispersing groups throughout the township? Is that correct? --- Yes, that is correct.

Did you remain on duty from the time that you assumed duty right throughout until the shooting started, or did you have a break at all? --- I did not get any rest. I remained continuously on duty.

BY MR. UNTERHAUSER : TO THE COURT:

Your Worship, I did speak to the accused, and they have informed me that it will not be possible to notify the people who are attending the funeral to come later, and I don't press the application on their behalf.

BY THE COURT:

We will proceed at two o'clock then.

COURT ADJOURNS.

COURT RESUMES:

MALAKIA MINGOBE, under his former oath, continues:

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

You said that you did not have any rest and that you remained on duty throughout your term of duty. Now, in the morning were you outside or in the vicinity of the Municipal offices in Seciso Street? --- Yes, that is correct.

And were you present when Detective Sergeant Wessels removed some people? --- Yes, I was present then.

And were you present when Major van Zyl ordered a baton charge and teargas was used?

By/....

BY THE COURT:

Mr. Prosecutor, there is a dispute as to whether it was Major van Zyl who ordered or had anything to do with the gas, the teargas.

BY THE PUBLIC PROSECUTOR:

Yes, I said he ordered a baton charge and teargas was used. I might create the wrong impression.

EXAMINATION CONTINUED:

Were you present when teargas was used and baton charges were effected outside or in the vicinity of the Municipal offices? -- Yes, I was present.

And after that did you make your way to Sharpeville Police Station? -- From there we proceeded to the Police Station.

And were you at Sharpeville Police Station at the time that the Police fired? Were you present at the Sharpeville Police Station when the Police opened fire? -- I was present when the Police opened fire. I was standing in the vicinity of the Police married quarters. (The rest of the answer is inaudible, and there appears to be something wrong with the microphones of the Interpreter).

Where are the Police married quarters? -- That is on the south side of the small gate at the Police Station; outside the gate, the small gate facing Zwane Street. (Rest of answer inaudible).

BY THE COURT:

In Zwane Street? -- In Zwane Street.

BY THE PUBLIC PROSECUTOR:

Your Worship, I understand there is something wrong with the microphones. (Microphone is adjusted).

Examination/....

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

I will just repeat the question so that the Interpreter can get it on record again. I asked you where are the Police married quarters in relation to Sharpeville Police Station? --- The Police married quarters are on the south side of the Police Station, from the small gate, i.e. in Zwane Street.

It is part and parcel of Sharpeville Police Station itself? --- That is across Zwane Street.

BY THE COURT:

Across the street from the Police Station? --- That is lower down Your Worship. It is east of Zwane Street, lower down, but still in Zwane Street. It is not directly opposite or across Zwane Street.

EXAMINATION CONTINUED:

Let us just get the locality of that place. If you will just have a look at Exhibit 2.

BY THE COURT:

Tell the witness to have a good look at Exhibit 2, to see if he understands it. That is taken from the air, remember that now.

EXAMINATION CONTINUED:

Can you see where the Police Station is? It is marked "Polisiestatie". --- Yes.

That is Zwane Street on the southern side there where you have got "X" and "X.L.", and it is marked with the name "Zwane Street"? Have you got that? --- Yes.

Now, will you mind putting a mark on the place where you were standing, i.e. the Police married quarters, so that we can have it put on the main plan? Instead of an "X", put a little "P", i.e. P for Police.

BY THE INTERPRETER:

Your Worship, the witness complains that he is not/....

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not clear on all these points. He does not know well where he must fix the "P" mark.

BY THE COURT : TO THE WITNESS:

Is it in Zwane Street or in another street? — I don't know whether it is Zwane Street, but it is the street facing onto the small gate of the Police Station.

Well, that is Zwane Street! We will show you a photograph of the Police Station, with the crowd round it. — (Witness makes a mark on the plan). Where I have placed the "P" mark is where I and the other members of the Police Force were standing.

EXAMINATION CONTINUED:

You say you were standing there? Were you standing in the street? — I and the other Police were standing in the street.

Were you with a Police unit there? — That is correct.

And do you know the name of the Officer who was in charge of that Police unit? — During the day Major van Zyl was in charge of that unit.

No, but at the time that it was there, when the firing broke out, do you know who was in charge of it there? — I do not know who was in charge then.

Did you see the rank of the man who was apparently in charge, or who appeared to be in charge of that unit? If you don't know just say so? — I cannot say, because at that stage a Police van from Johannesburg.....

BY THE COURT:

Can you tell me about the shooting or not? I don't care who was in charge of any unit.

BY THE PUBLIC PROSECUTOR:

Yes, it does assist me Sir in knowing

By/.....

BY THE COURT:

Apparently he can't say, it is quite clear.

EXAMINATION CONTINUED:

Now later on, on the 19th April, did you attend an identification parade at Boksburg? --- That is correct.

Whilst the parade was being composed, were you able to see or hear what was going on? --- I was not present when the people were put on to the parade.

And when you were called to the parade was a question put to you by the person in charge of the parade? --- Yes, the person in charge of the parade did ask me a question.

What was it that he asked you? --- The question was put to me in Afrikaans. He said "This is a parade, and if there is a person whom you saw on the 21st March there, you must touch him here on his shoulder", as I now indicate to the Court.

Yes, and were you able to point out anybody? --- Yes, I was able to point out some, i.e. whom I saw on the 21st March at Sharpeville.

Are any of the persons whom you pointed out at the identification parade present here today? --- Yes, they are.

Just step down please and point out the persons whom you pointed out on the parade? --- (Witness points out accused Nos. 8, 4, 3, 2, 1, 19, 22, 39 and 27).

So you have pointed out the following persons when you say at the identification parade on the 19th April, namely, No. 8 accused, No. 4 accused, No. 3 accused, No. 2 accused, No. 1 accused, No. 19 accused, No. 22 accused, No. 39 accused, and No. 27 accused? --- Yes.

BY THE COURT:

He has pointed out the whole front row, except

No. 7?

By/....

BY THE PUBLIC PROSECUTOR:

Yes, except No. 7.

EXAMINATION CONTINUED:

Now, let us deal with No. 8 accused. Where did you see him on the 21st? --- It was in the middle of the Sharpeville Location, where we stopped for a little while.

Was this on the 21st March? --- Yes.

At what time was it approximately? --- It was approximately 11 a.m.

Was it in any of the main streets, i.e. Secise or Zwane Street? --- It was in the main street.

Which one? What is the name of that street? --- It is often called Secise Street. I don't know whether that is the correct name.

And what was accused No. 8 doing when you saw him? --- At the instance when I saw accused No. 8 he was then telling the people not to crowd the Police, but they should proceed to the Police Station, as I now indicate with my hands. (Witness demonstrates).

Not to crowd the Police, but they should proceed to the Police Station? Did you say not to crowd the Police or ^{not} to trouble the Police? --- To trouble the Police.

BY THE COURT:

You seem to have heard "crowd" like everybody else Mr. Prosecutor!

BY THE PUBLIC PROSECUTOR:

Yes, I also thought I heard "crowd".

BY THE COURT : TO THE WITNESS:

Not to trouble the Police, but to go to the Police Station? --- In other words, the Police were unsettled by the crowd of persons who gathered there, and so he then called upon the crowd to follow him and to proceed to the Police Station/....

Station.

EXAMINATION CONTINUED:

How big was this crowd that No. 8 accused was talking to? --- It was quite a big crowd, i.e. which I have ever seen in my life.

9 And what did the crowd do when No. 8 accused had finished addressing them? --- They followed behind him.

And in which direction did accused No. 8 go? --- He proceeded in the direction of the Sharpeville Police Station.

Did you see anywhere of No. 8 accused after that? --- I did not see him again.

Now, the next person that you pointed out at the parade was No. 4 accused. Where did you see him on the 21st March? --- Firstly when I saw accused No. 4 on the 20th, he was like being the leader of the crowd which I saw, and again on the 21st when I saw him he was still.

He was still what? --- He was at the Sharpeville Police Station on the 21st March when I saw him.

And No. 3 accused? --- I saw accused No. 3 on the 21st of March at the Police Station. When I saw him he was in the vicinity of the small gate of the Police Station.

Is that the small gate on the southern side that you have referred to?

BY THE COURT:

He might not know which is south and north. Is that the gate in the main street, Zwane Street, or that unnamed street to the south? --- That is the gate facing Zwane Street your Worship.

EXAMINATION CONTINUED:

And No. 2 accused? --- I saw accused No. 2 at the Municipal offices when he was leading that big crowd.

Did you see what happened to No. 2 accused there?

As/....

--- As accused No. 2 was leading that crowd which I have made mention of, we then confronted them there. They were stopped. They had badges on their lapels. They were shouting as usual and saying "Iswe Lethu!" Then Sergeant Wessels took accused No. 2 and placed him in the van.

And No. 1 accused? --- Accused No. 1 was in company of his friend, i.e. accused No. 2. They were together at that stage.

What happened to him? --- He was also taken and placed inside the van.

Then you mentioned accused No. 19? --- Yes, accused No. 19 was just standing amongst the crowd.

BY THE COURT:

Amongst the crowd where? --- The crowd which I noticed in Seciso Street.

EXAMINATION CONTINUED:

Was that in the morning? --- At the time when I saw accused No. 19 there in Seciso Street it was just past twelve noon.

Was he just standing there? --- Yes, just standing there.

And did you see him again at all after this particular occasion? --- I did not see accused No. 19 again after this occasion.

Now, then you mentioned accused No. 22. --- I saw accused No. 22 at the Police Station.

At Sharpeville Police Station? --- At Sharpeville Police Station.

When was that? --- It was at nearly the same time, i.e. at about past twelve noon. That was after twelve noon.

On which side was he? You know there is that big gate where the vehicles come in and out on the western side, and/....

and then there is the small gate which you talk about and which is in Zwane Street on the southern side. Which side of the Police Station was it? — I saw accused No. 22 walking in company of a girl, a female, proceeding in the direction of the main entrance gate, i.e. on the western side of the Police Station, but I would not be able to recognise that female. I do not know who she is.

Is that all you saw him do? — That is all I saw accused No.22 do.

And No. 39? — I also saw accused No. 39 at Sharpeville Police Station.

At what time approximately? — Almost at the same time, i.e. past twelve noon, because we arrived there at that time, i.e. at something past twelve.

And whereabouts did you see him? On which side of the Police Station? — I saw accused No. 39 in Secise Street, calling people, waving his hands, i.e. indicating that they must follow him, and shouting and saying "Iswe Lethu!"

Did anybody listen to him when he was shouting that they must come and follow him? — I cannot say whether any person or persons listened to him when he shouted and said "Iswe Lethu!", because there was a crowd which encircled the Police Station, and there was a big sound of "Iswe Lethu!" coming from all directions.

No, I am getting a little bit confused. First of all you said you saw him at the Police Station, and then you mentioned that you saw him at Secise Street. Now, as far as I am aware Secise Street is not quite near the Police Station. — The street I am referring to as Secise Street is the street running in front of the small gate of the Police Station.

BY THE COURT:

Now look, let us disabuse your mind. It is common cause/....

cause that that is Zwane Street. Seciso Street is the one running past the Municipal offices, the post office, and the bus stops, and ultimately past the community hall. --- It is because I just happen to know the streets, but I do not know their names, and that is why I am getting confused.

All right, we have tried to help you now. That street in front of the Police Station is Zwane Street. --- There are no names written on these streets, and that is why I am confused.

EXAMINATION CONTINUED:

So you actually mean Zwane Street, i.e. the one that runs on the southern side of the small gate? --- Yes, I am referring to Zwane Street.

And what else did you see No. 39 accused do? --- I did not see accused No. 39 do anything else, except seeing him going up and down amongst the crowd.

Now, where was he when he was moving up and down? At the back of the crowd, or in the front, or in the middle? --- He was in front of the crowd, or almost in front of the crowd.

Did you notice whether he had any badges or anything on his lapel? --- Yes, he had something on his lapel.

Can you describe that something? --- The P.A.C. badge.

What was written on this P.A.C. badge? Did you see or were you able to see? --- I was only able to see the letters which I can describe as block letters, i.e. P.A.C., and the others I could not make out because they were not printed in capital letters.

But there was some other writing on it? You just told me you could not see the other letters because they were not in block writing? What I want to know is was there other writing on it, i.e. just a confirmation? --- I did not see any

other/....

other letters written there.

Now, accused No. 27? --- I saw accused No. 27 in Zwane Street.

What was he doing? --- He was standing also amongst the crowd which was there.

Which was there? --- Yes, Your Worship.

Did you see him do anything else besides just stand amongst the crowd? --- I only saw accused No. 27 when he walked from Zwane Street and proceeded in the direction of the main entrance gate on the west side of the Police Station.

Apart from that, did he do anything? --- With the exception of that, what they were doing, shouting....

No, it is not they, but him, i.e. No. 27 --- I did not see accused No. 27 lift up his hand and giving signs, but I only saw him walk from the south side of the Police Station to the western side.

Did you attend any other identification parades besides this one? --- Yes, I attended another identification parade here.

Is that the one which was held at the new prison which is being built with colour schemes on the 19th of May? Yes, Your Worship, just lower down.

And did you point out anybody at that parade? --- Yes, I did point out somebody there.

Is that person here today? --- Yes.

Who is that person? Get down and point him out please. --- (Witness points out accused No. 43).

Now, what question were you asked by the man in charge of the parade before you pointed out No. 43? --- He said this to me: "Here is a parade, which is being held, and if you saw any person on the 21st March at Sharpeville, then you must touch him with your hand and pass him without saying a word/...."

word to him."

BY THE COURT:

Let me hear that again. Then do what? --- Just touch him and not say a word to him, and then pass him.

EXAMINATION CONTINUED:

What did you see No. 43 accused do? --- I saw accused No. 43 amongst that big crowd, which gathered in Zwane Street.

Apart from his mere presence, did you see him do anything specific? --- I did not see him do anything apart from being present.

Are you sure it is No. 43 that you pointed out at this parade? --- It looks like him.

CROSS-EXAMINED BY MR. UNTERHALTER:

Your name is Mr. Mmotong is it? --- Mmotong.

How old are you? --- I am 31 years.

Could you speak a little more loudly please so that we could hear. What is your eyesight like? --- As far as I am concerned I am satisfied that I can see clearly, but I am not an optician to judge that.

When you were asked to identify certain of the accused before you, you looked in their direction, did you not? --- You will recall that when I entered the witness box I faced His Worship, and His Worship asked me to face the accused.

Just answer the question. When you were asked to identify some of the accused, you looked towards them, did you not? --- I did look in their direction, but I did so as I was instructed by His Worship to look towards their direction. It was not my fault.

Nobody is blaming you for it; all I want to know is that you were.....

BY THE COURT:

Well, I suppose he, like I am, is wondering what is/....

is behind the question..... Proceed Mr. Unterhalter.

BY MR. UNTERHALTER: CROSS-EXAMINATION CONTINUED:

It will emerge I hope in a moment Your Worship.

And you perceived the people who were before you? ---

I perceived the persons I saw, according to the instructions I received from the Bench to look in their direction.

As far as the first row is concerned, you see that the accused are wearing labels? ---Yes, I do, see it.

Could you see that there were numbers on the labels of those in the front row? --- Yes, I do see that.

From where you are now standing and looking towards them, could you make out the numbers clearly? --- No, I do not see them clearly.

Is that the reason why it was necessary for you to leave the box, to go towards them and stand closer to them in order to look at the numbers? --- I got out of the witness box and went to identify the accused because of the instructions that I had received from His Worship.

Now apart from these instructions, if you were in the witness box and had to look towards the accused, and had to read the numbers on the labels, could you do so without going closer to these people? --- No, I would not be ⁱⁿ a position to make out the numbers.

You do not consider, if you can't see the numbers from where you are standing at the moment, that your eyesight is perhaps weak? --- To me it is quite in order.

Have you ever worn glasses? --- No, I have never worn glasses.

Have you ever had your eyes tested by an optician? --- A person only consults an optician when his eyesight is giving him trouble.

Just answer my question? --- I have never had my eyesight/.....

eyesight tested.

Now, I want you to look please at accused No.....

BY THE WITNESS:

Before the Defence proceeds with the cross-examination can the Defence read the number of accused No. 4 as it is now, because it is slightly.....

BY THE COURT:

Never mind. The question of Counsel's eyesight is totally irrelevant. Even if he is blind it is irrelevant. Just answer the questions please.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

I want you please to look at accused No. 43. Can you make out his features quite clearly from where you are standing?

BY THE COURT:

I must point out that the distance between the two is at least 12 paces, and the distance between the witness and the front row is 6 paces, as I judge it. Very well, you can now answer the question. Can you make out his features quite clearly? --- Yes, I can make out his ^{physical} features. They are almost similar to the person sitting next to him.

Similar to the person sitting? ---Next to him.

Next to him.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You have no difficulty.....? --- Perhaps it may be a coincidence, and that they may be brothers.

You have no difficulty in discerning the features of No. 43, as you look at him at the moment? --- I find no difficulty Your Worship, but I only just notice this similarity of the features of accused No. 43 and the man sitting next to him. Those two are quite different from the persons sitting here in Court.

Now/....

Now, you say that you saw No. 43 in the big crowd in Zwane Street? --- That is correct.

Were you at a greater distance from him when you noticed him in Zwane Street than you are today, or were you closer to him? --- He was a distance away than he is now when I saw him there.

You mean a greater distance than the distance that separates you in the Court this afternoon? --- Yes.

You had no difficulty in recognizing him then, as you recognize him today? --- I did see him on that particular day and was able to recognize him. When I subsequently saw him again, as well as today, I am able to recognize him here in Court.

So you are agreeing with the proposition that you had no difficulty in seeing him on that day at a greater distance? --- Even if I perhaps may have encountered some difficulty, it still remains the same that I did see him.

Now, you are talking about a badge that you saw on the lapel of accused No. 39? --- That is correct.

As he passed you by at approximately what distance was he away from you? --- He passed me a distance as far as the wall.

BY THE COURT:

The back wall of the Court? --- The short wall Your Worship.

That short little wall. That would be a distance of about 15 to 16 paces.

CROSS-EXAMINATION BY MR. UNTERWALTER CONTINUED:

You observed his face clearly? --- Yes.

You had no difficulty in noticing him? --- No.

You noticed his clothing with some fair degree of accuracy? --- I did not notice the clothes he had on, but I did notice/....

notice his face.

And you noticed the badge that he was wearing with the letters "P.A.C.", did you? — Yes.

And he was always at that distance from you, was he? — Yes.

He was not at any stage closer to you?

BY THE INTERPRETER : TO THE COURT:

Your Worship will notice that in some instances I do not find it necessary to interpret to the accused sitting there, because in most cases there is a great similarity between the languages.....

BY THE COURT:

Well Mr. Interpreter, I am afraid you will have to. I will have nobody at a later stage possibly complaining that he did not receive a proper trial and did not hear every word, and did not understand every word. Even if it takes time you have got to interpret into South Sesuthu to those people, unless they all tell me that they don't want it, so you will have to make time for that.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

He was no closer than this distance that you have just indicated?

BY THE COURT:

Counsel must please note that the Interpreter must be given time to re-translate to the accused.

No. 39 accused was never closer to you, if we understand your evidence correctly, than from you to that short wall at the back? — Yes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, I have some difficulty in understanding your reply. — Yes, I am listening to you. What is your difficulty?

I would like you please to look at Exhibit No. 38.

Would/....

Would that be the approximate size of the crowd that No. 39 was wearing? --- I cannot say whether it was of an approximate size, because I was never near him in order to be able to see clearly.

Well, let us put it this way. Was it bigger than what you see in Exhibit 38, or was it smaller, or was it about the same size, i.e. talking of the card itself? --- As far as I can make out it was nearly of the same size.

That is the card itself, and then if you look at the letters would they be approximately the same size as on Exhibit 38? --- Yes, it was nearly the same size as this one. I do not know, perhaps it may have been a little more in inches, because I did not measure it; ^{or} it may be bigger than this.

Now, I want to tell you what my difficulty is. You told us you were not able to see the numbers on the lapels of the accused sitting in the front row approximately 6 paces from you, whereas you claim to have been able to see letters on a card the size of Exhibit No. 39 at a distance of fifteen paces from you? Will you please explain that?

BY THE INTERPRETER:

BEFORE the question is interpreted to the witness, he is replying that the Defence should be aware of the fact that when he said that he could read out the numbers on the lapels or on the chests of the accused, he meant that the number of accused No. 4 is slightly bent upwards and in a folded position, and that is why he could not see it and read it.

BY THE COURT:

And No. 7 was sitting with his arm in front of his number at the time of the question, but Nos. 1, 2, 3 and 8 were quite clear. --- In my eyes it is very ^{impossible} impossible to see on the other side of the folded number as it was, i.e.

like/....

like the one of accused No. 4. In reply to the interruption put to me by His Worship, I still make the same reply. If I could not read out the number of accused No. 4, the same applied to the numbers of the other accused.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Are you therefore now claiming that neither No. 1, No. 2, No. 3 and No. 7, are visible to you, because of curling or some physical impediment? --- These I am able to see, but then I did not want to commit myself and say "I see the numbers", because that one of accused No. 4, Thomas More, was not visible to me.

Well, why did you not put your evidence in that way? "I see them all except for No. 4, which is curled up, and which is therefore not visible to me". --- At that stage you did not think either of putting that question to me, and you then decided to put a question to me which concerned my eyes.

Now, you claim that nevertheless at a distance of 15 paces approximately, i.e. at the end of the wall, you were able to see the writing on Exhibit 38, or a card of similar size? as you saw it on the lapel of accused No. 39 outside the Police Station? --- Yes, I was able to see, and as I said in my evidence-in-chief it was written in block letters, and it was inscribed "P.A.C."

BY THE COURT:

You saw what was written in block letters, namely "P.A.C."? --- Yes, Your Worship, but I did not take the trouble of measuring it.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, when you commenced your evidence-in-chief you said that you first became aware of the Pan Africanist Congress in Sharpeville in December of 1959? --- Yes.

You had not been aware of their existence before that/.....

What? --- I had already heard that there was ^{such} a movement in Johannesburg, but I did not have the knowledge that it existed here in our place, i.e. Sharpeville.

Are you in constant communication with the European members of the Security Branch in Vereeniging? --- Yes, I am in contact with Sergeant Wessels.

Does he give you instructions from time to time? --- What type of instructions or what kind of instructions?

I just want to know if he gives you instructions in connection with your work and your duties as a member of the Security Branch of the Police? --- Yes, if there are any then he does give them to me.

Does he occasionally give you information to assist you in your work? --- I don't know why you ask that question in connection with.....

BY THE COURT:

Don't worry about why questions are being asked, just answer them please. --- Yes, he does.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And were you not told by him at any time before December of 1959 that an Pan Africanist branch was active in Sharpeville and that it required your attention? --- In fact I was told by Sergeant Wessels that in December - as I have already said it was the time when I started to know that the P.A.C. was in existence here in Sharpeville - and he told me; he gave me that information.

Now, I am asking you if he gave you the information before December of 1959? --- No, that I do not know, but I think it was some time.

BY THE COURT:

What do you not know? --- I do recall that Sergeant Wessels did tell me that the P.A.C. was in existencewhere in Sharpeville/....

Sharpeville, but I cannot say when he told me that.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Is it possible that you are mistaken when you say that you became aware of the P.A.C. in Sharpeville in December, 1959, and that you actually became aware of it in months earlier than December, 1959? --- I became aware of it, that it was in existence, in December.

And not before? --- No, before that I only heard that it was in existence in Johannesburg, and not here.

We have the evidence of Sergeant given in this Court, and he has said that he was aware of the existence of the Pan Africanist Congress in Vereeniging during August and September 1959. If he was aware of it then as far as you are concerned he told you nothing about this himself, until December 1959? Is that correct? --- That I do not know, but I only began to have knowledge in December 1959, when I also began to know its members.

Are you being as careful as it is necessary for you to be when you give ^{evidence} under oath in a Court of law? --- Yes, I am.

Now, you told us that on the 10th January this year, as a result of certain information, you went to house 8171, which is a private dwelling-house in the Sharpeville Location, and you there attended a private meeting? --- That is correct.

What was the time when you went to that meeting?

--- It was approaching twelve noon.

You say that as you approached the gate you saw people wearing badges on their lapels? --- That is so.

Did you know those people? --- Some I knew.

Where were they standing? --- In the yard.

And they were clearly visible? --- Yes.

They made no attempt to hide their presence or to conceal the badges on their lapels? --- I did not see them do

that.

So they were quite obvious to any passerby? ---
That I cannot answer, but any passerby who may have seen them
may have seen them when they were outside; then they were
quite visible.

Could you gather from their presence outside that
a meeting was being held, or did you only know about this
because of information that was available to you? --- I only
got it from the information.

You say you went into the house? --- That is so.

Were you known to the occupiers as a Policeman? ---

Very well.

And did they permit you to come in? ---Yes.

They had no objection at all? --- There were those
who were trying to make objections, but the Chairman stopped
them from making these objections of theirs.

Oh, perhaps I misunderstood you. I understood
you to say that there were no objections. Are you now saying
that there were objections, but the Chairman stopped those
objections? ---I was not stopped in actual fact, but if I
assumed that some of them wanted to stop me or had an intention
of stopping me, then the Chairman would definitely have stopped
them from doing so.

No, I don't want your answers please in the sense
of what was probable or might have happened. I would like
you please to answer me in terms of what did happen. Now, did
anyone in fact object to your entering that house to attend
that meeting? --- Nobody ever stopped me from entering.

Nobody can stop you or did stop you? ---Nobody
stopped me from entering.

And can I assume from that there ^{was} that it was not
necessary/....

necessary for the Chairman to intervene to protect you and to allow you to remain? --- It was the Chairman who passed these remarks: "Leave that person, let him enter". I cannot say why he passed these remarks, or under what circumstances he passed them.

Now, if nobody, according to you, had prevented your entry, can you give any reason why the Chairman should have said what you have just deposed to? --- When the remarks were passed by the Chairman to the effect "Leave that person, let him enter", he was at that stage inside the diningroom and I was entering through the kitchen door leading to outside. I do not know what he saw or what he heard being said in the diningroom when he passed those remarks.

So you can't give us the cause of them? --- No.

And you were allowed to come in without any difficulty, and you remained to listen to the speeches? --- That is so.

You can't criticize therefore the reception that you got on your entry, either by the members present or by the Chairman? --- No, there is nothing that I can say.

You gave evidence at the Inquiry before His Lordship Mr. Justice Wessels, did you not? --- That is so.

And you gave that evidence under oath did you not? --- That is correct.

As you are giving your evidence at the moment under oath? --- That is correct.

Now, I want to read to you the evidence that was recorded at page 2,708 of that Inquiry. "But did you walk into the house? --- When I got there a number of men having badges on the lapels of their jackets, i.e. when I arrived.... Thereafter I entered the house. And they did not put you out? -- Some did try by using obscene language against me, or bad/....

bad words, but Job told them to leave me alone." Is that what you told the learned Commissioner when you gave your evidence to him on the 1st June I think it is, of this year, and as I have read it out to you? --- Yes, that is what I said.

Now, will you please explain the difference between the evidence as you gave it then, namely, that people tried to put you out by using obscene language against you or bad words, and the evidence that you have given here today that nothing was done to prevent you, and that you have no criticism to make of the reception you received from the members at that gathering? --- I do not see any difference between what I said then before the Commission, and what I am saying now.

Now, you told His Worship of words that you heard Job Tsolo use? Those ^{are} words that you gave to His Worship when you used the English language in your evidence-in-chief? --- That is correct.

Were you in the room and visible to Job Tsolo when he used those words? --- I was facing him, and he was the person who then asked one of the persons inside there that he should provide me with a chair, so that I could sit comfortably.

And he observed you taking notes of what was going on there? --- He is the person who said I should write those notes, and should not be afraid.

When did he say that? --- After I had been given a chair. Job Tsolo then said I should write without being afraid.

I am not quite sure that I understand this. Did he suggest to you that you should write down what was happening, or did he merely notice that you were writing and give you the assurance that you could write without being worried at all? --- Immediately I had been provided with a chair I sat down and did not write then immediately. It was then that Job

Tsolo/....

Tsolo said to me "Write, do not be afraid".

In other words, are you wishing to convey that he suggested that firstly you should write, and secondly you should write without being afraid? In other words, he was suggesting to you that you should write down and do your duty like a good Policeman? — I cannot say what he thought at that time in his heart.

I am not asking you to give us his thoughts, I just want to be quite clear that Job Tsolo, according to you, in fact instructed you to write? — I was in fact going down write down what was happening there, even if he did not give me the instructions first. Seeing that he had already given me the instructions, and he had told me that I should not be afraid, I then started to write

But he actually made the suggestion to you that you should write? — He spoke first. He did not make the suggestion, although he spoke first. I was going to write,

When he spoke first what did he say? — "Go on with your work. Write what we are saying here".

And then he went on to reassure you, having told you to write, that you need not be afraid if you did write? — Yes.

Were you surprised at this courteous reception you were getting from the Chairman? — I was surprised.

A most unusual experience for a Policeman to have that kind of hospitality as an uninvited guest at a political meeting? Do you agree? — Yes.

And so you therefore proceeded to write? — That is correct.

Did you take everything that was said verbatim as you heard it? — I took down in writing what was being said by Job Tsolo.

We/....

We have had a great deal of evidence in this Court as to the method of work of Policemen who take notes of meetings they attend, and the way in which I understand those speeches are recorded, is to put down verbatim the words as they come out of the mouth of the speaker?

BY THE COURT:

That is not the evidence that I have heard Mr. Unterhalter, to take down the words verbatim.

BY MR. UNTERHALTER:

I'll qualify that in a moment Your Worship.

BY THE COURT:

Qualify that please.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

What I am trying to convey to you is that although they don't get everything down, what you read sounds as if it came out of the mouth of the speaker? Do you understand the idea that I am trying to convey to you? In other words, it sounds in regard to those parts that are reported, as if the speaker is talking. It is not a description of what he said. Do you understand the idea I am attempting to convey to you? --- Do you mean in connection with what?

With these particular speeches that other members of the Special Branch have given evidence about, e.g. in Alexandra Township. --- I am listening to what you are saying, although I did not hear what they said.

I know, but have you understood what I have said to you? --- I do not fully understand, but I do understand.

Now, what I want to ask you is this. The way in which you recorded what you heard at that meeting in this house on the 10th January, did you record it as it came out of the mouth of the speaker, either in whole or in part, or did you compose a description of what you heard? --- On my arrival/....

arrival there, after the meeting had started, I then wrote what was being said at the time as it was said by the speaker.

You put down the words as they came out of the mouth of the speaker? — Yes.

From the beginning of your writing until the end of your writing? — That is so.

Were you there a long time? — Yes, it was a long time.

Until about three o'clock did you say? — Yes.

A great deal was said in those three hours? — No, it is not true that a lot was said there. After this particular meeting had started and the speaker had followed the line of his speaking until the speaker had enjoyed himself.

Well, the law officer said that the speaker had the usual speech, and that he had said a great deal of things, and that he had said a great deal of things, and that he had said a great deal of things.

Well, that is what I heard. I heard that he had said a great deal of things, and that he had said a great deal of things, and that he had said a great deal of things.

That is what I heard. I heard that he had said a great deal of things, and that he had said a great deal of things, and that he had said a great deal of things.

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That is what I heard. I heard that he had said a great deal of things, and that he had said a great deal of things, and that he had said a great deal of things.

THE COURT: —

... said to me of his ...
... have had a ...
... the method of work ...
... they attend ...
... are recorded ...
... some out of the ...
... COURT: —
... That is not the ...
... to take down ...
... INTERVIEWER: —
... I'll qualify ...
... COURT: —
... Qualify that ...
... EXAMINATION BY MR. ...
... What I am trying ...
... don't get everything ...
... some out of the month ...
... the idea that I am trying ...
... sounds in regard to ...
... the speaker is talking ...
... Do you understand ...
... Do you mean ...
... With these ...
... of the Special Branch ...
... Alexandria Township ...
... although I do ...
... I know ...
... I do not ...
... How, what ...
... in which you recorded ...
... on the 10th ...
... of the month of the ...
... did you compose a ...