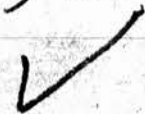


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Volume 18

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1,281.

16TH NOVEMBER, 1960.

COURT RESUMES : APPEARANCES AS BEFORE, EXCEPT THAT SIMON
NOW INTERPRETS.

MALAKIA MMOTONG, duly sworn, states:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Mr. Mmotong, I think the last question that you had answered was to the effect that you had taken down the exact words of Job Tsolo, who made a speech? Is that correct?

--- It is correct.

Now, the version as you have given it to us in the Court yesterday, is that the complete statement that he made?

--- Yes.

There is nothing to add to it? --- There is nothing that I want to add to that.

And it is complete? --- Yes, it is.

How is it that you remember it today, so that you can give us back the words as you did? --- I was asked the question, to mention the words that had been used, which I did.

And were you absolutely word perfect when you gave us your evidence yesterday about what was said? --- Yes, although I did not refer to my notes.

But are you word perfect in it? --- Yes, I remember that they are perfect, but I do not know why they are written in my notes.

What is this reference in the statement to cars? In the statement there is a reference to cars, and it seems to be nonsense? --- It is in connection with what?

Your statement. You see, as I took it down yesterday, it went as follows: "There are 80 cars in the country,

of/....

of which they intend to borrow 40 of these 80, so that they can face each other". -- Yes, it is correct.

But what on earth does that mean? -- I don't know what that means, but the man who was the Chairman then knows what that means.

Well, as he said it at the time, did it seem to make sense to you? -- I was writing what I heard him saying, and making sense would not help me in any way, because I would not ask him any questions.

As you wrote it down at the time, did it seem to make sense to you? -- It made no difference whether it made sense or no sense to me, because I merely took down what he was saying.

All I am asking you is not whether it made any difference, but whether as you heard it, it struck you that this thing made sense or did not make sense? -- It made sense to me because I took it down, but he knows what it meant.

It is not possible that you either wrongly recorded or wrongly remembered something that Job Tsolo said, and that is different to what you told us yesterday about these cars? -- What I told the Court yesterday is what I heard. There is no difference between the two versions.

You reported on this remark of Job Tsolo when you gave your evidence to the Commissioner, did you not? -- Yes, I did.

Now, I want to read to you at page 2721 what you there said. "Job Tsolo, who was the Chairman, said: We are ready to destroy white domination against the black people in Africa. The only weapon is to fight. There is no freedom without bloodshed, and that there are 80" - then the record says/....

says the next word is inaudible - "who are ready to destroy the" - then the next word is inaudible - " and that we intend to ask for 40 from those 80, so that they could face each other and say that the P.A.C. is the only organisation in Sharpeville". You did say that, did you not? --- That is correct.

I am not suggesting to you that what you said then is any more comprehensible than what you told us in Court yesterday, but I do want to point out to you, apart from the obvious differences in phrasing, another difference. You told us yesterday that what you heard was: "There are 80 cars in the country, of which they intend to borrow 40 of these, so that they can face each other", but what you told the Commission is that "there are 80 - it is not reported what these 80 were - who are ready to destroy the" - and it is not recorded what they are to destroy.- Now, there was a reference in other words in your evidence at the Commission to something or some body being ready to destroy, and there is no such reference in the evidence that you gave yesterday. Now, which report is correct? --- The reports are the same. I will be pleased to produce the notes which I wrote. You have typed out your own notes.

Is there any other comment you want to make on the point that I have just put to you? --- As you say I did not make mention, did not write anything about the cars, in the statement which I made to the Commission, will you please show me the place where there is not written anything about the cars?

Would you like to see the actual report? --- Not that what, I don't want that one which you have. I mean the note which was written down by me.

BY THE COURT:

The note which was written down by you? --- Yes.

Well/....

1,284.

Well, you must not ask Counsel for that, he must ask you for your note! --- The note that I wrote was taken by the Commission.

Oh, the note that you wrote was taken by the Commission. Oh, is that what happened to it.

BY THE PUBLIC PROSECUTOR:

Quite a few of my exhibits Sir found their way into the Commission's exhibits.

BY THE COURT:

Have you got it available or not?

BY THE PUBLIC PROSECUTOR:

No, they are all up in Pretoria Sir.

BY THE COURT:

Has the other accused understood what this witness has been saying, so far today?

BY ACCUSED NO. 1:

I did not understand because the Sesuthu that was used was Northern Sesuthu and not Southern Sesuthu, and I speak Southern Sesuthu.

BY THE PUBLIC PROSECUTOR:

Your Worship, No. 75 complained to me Sir whilst my learned friend was busy with this point. I did not wish to interrupt him at that stage, but he came and said the proceedings were too fast, he could not understand and follow them.

BY THE COURT:

The proceedings were too fast? ---Yes.

Well, No. 75 had better instruct his Counsel to talk slower I think!

BY THE COURT : TO THE ACCUSED:

Accused, I don't know, are you complaining that you are too far from the witness, or what, because I will remind you/....

you that you were sitting much nearer to him at one time, and you had a complaint about that, about not having something to rest your backs on?

(The accused have no complaints).

(The Court reads back the evidence that has been given so far today to the accused, and it is interpreted to them).

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

I want to put it to you that because of the difference in the two versions, you are an inaccurate observer?
--- What differences are there?

BY MR. UNTERHALTER:

I don't know if Your Worship understood that. Your Worship will recollect that yesterday this witness was ordered by Your Worship to give his evidence in Northern....

BY THE COURT:

No, I did not order him.

BY MR. UNTERHALTER:

No, I mean Your Worship suggested it to him.

BY THE COURT:

I just put it to him that whatever language he can express himself the best in.

BY THE PUBLIC PROSECUTOR:

I think the point Sir that my learned friend is making is that the Interpreter is now putting Southern Sesuthu to the witness.

BY MR. UNTERHALTER:

Yes. There should be two languages being used Your Worship, Northern and Southern, and he is only using one.

BY THE COURT:

Mr. Interpreter, this witness told me he speaks Sepedi, so that you want to speak to him in Sepedi, and when you/....

you have translated into English then you have to translate it into Southern Sesuthu to the accused.

BY THE COURT : TO THE WITNESS:

The point was that because of the differences between ^{today} the evidence and the evidence to the Commissioner, it was put to you that you are not an accurate observer? --- What evidence have you got that I am not?

Will you stop asking questions! I told you about that yesterday. Will you answer questions! I have heard a difference between your evidence today, and between your evidence given at the Judicial Commission. Now, do you agree that you are an inaccurate observer, or don't you agree? --- I do not agree.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you claim that among the people who were present at that meeting, was No. 2 accused? --- Yes, that is correct.

Are you absolutely sure about that? --- I am sure about that.

You have no doubt about it? --- I have no doubt that he was there.

Now, where was he? --- He was in the house.

Whereabout in the house? --- I won't say exactly where in the house because there were other people also in the house; some people were entering and some going out, and others were seated.

So do I understand you correctly that you don't know whereabout in that house No. 2 accused was? --- He was in the house with the others.

But you don't know whereabout exactly? --- I do not know where he was exactly, because when I entered the house I found him seated in the sittingroom.

Whereabout in the sittingroom was he seated? ---

I/....

1,287.

I do not know where exactly, because there were many people in the room.

Was it on a settee or was it on a chair? --- I can't say where exactly, because some of the people were standing, while others were seated, and there were those that were going out and those that were going into the room.

And among all these people who were there, what was it that makes you remember the presence of No. 2 particularly?

BY THE COURT:

Mr. Unterhalter, are you now quite fair in putting to him that he remembers him so particularly, because he has mentioned a whole lot of people.

BY MR. UNTERHALTER:

Yes, I shall come to that in a moment, Your Worship.

BY THE WITNESS:

I did not remember the accused in particular, but I saw the others also there.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You have told us in your evidence-in-chief that you remember five people in all, i.e. No. 8, No. 3, No. 1, No. 2, and No. 39? Is that correct? --- It is accused Nos. 8, 2.....?

Nos. 8, 3, 1, 2 and 39? Is that correct? --- Are those the people who were there?

Those are the people whom you said you remember were there? --- Accused No. 1 was also there.

BY THE COURT:

Yes well, just put your next question. We seem to be getting nowhere.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, among these five, which are a portion of the thirty people who were there, how is it that you remember No. 2/....

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No. 2 so particularly? --- I do not remember accused No. 2 in particular, but I saw them all there.

You know that when you went down into the Court room and started to point out the various accused who were present at that house on the 10th January, you started with No. 8, you then next pointed out No. 3, you then passed by No. 2, you touched No. 1, and then you went and touched No. 2, and you then moved further back and touched No. 39. Do you agree that that was the order in which you pointed them out? --- It may be so because you were looking at me.

Now, as they are seated in the Court here No. 2 is next to No. 3, and between No. 1 and No. 3? --- Yes, that is correct.

Why did you pass No. 2 by instead of touching him and then going on to indicate No. 1? --- I did not realise that I passed accused No. 2. All I know is that I touched them.

Were you not perhaps in some doubt as to whether No. 2 was a man who should be pointed out by you? --- I was not in any doubt, because if I was in any doubt I would not have walked past accused No. 2.

I am not sure that I understood your last answer. Did you say that if you were not in any doubt, or rather if you were in any doubt you would not have walked past him? --- If I had any doubt I would not have touched him.

BY THE COURT:

Mr. Unterhalter, you have now made a feature of what happened in Court yesterday, and I think that I must place on record now that he did point out the accused in the order in which you have mentioned, but that there was hardly any hesitation about going back to No. 2 when he had got to

No./....

1,289.

No, 1, and they are sitting about half a pace apart. Is that correct? I would like your comment on it if you don't agree with me, so that that can go on record.

BY MR. UNTERHALTER:

Your Worship, we are not in a position of having to determine periods of time. With respect to Your Worship I would say that there was some hesitation, but the degree of hesitation was very slight.

BY THE COURT:

I'll agree, that is right. There may have been some hesitation yes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, if No. 2 accused gives evidence he is going to deny that he was in that house on the 10th January. He is going to say that he was working on a special Sunday shift at the African Cables by whom he was then employed. Now, in the light of what I have just said to you, would you perhaps care to reconsider what you have said about No. 2 accused being there on the 10th January? --- If accused No. 2 denies that he was there, I cannot say anything else, because that will be his version.

Do you mean by that that you persist in your original story, or you are not able to deny what the accused is going to say? --- It all depends on accused No. 2, as to whether he will deny that or not.

BY THE COURT:

No, you are being asked now if he denies it are you going to say he is wrong or are you going to say "I may be wrong"? Now, just be fair. Think it over. --- I saw accused No. 2 with my own naked eyes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Was quite a lot said at that meeting?

By/....

BY THE COURT:

Do you mean now by way of formal speeches and not conversations over the beer mugs?

BY MR. UNTERHALTER: CROSS-EXAMINATION CONTINUED:

Yes, political speeches? --- The speeches that they made were the speeches that I told the Court about yesterday.

Please answer the question more directly? Were there many political speeches that afternoon? --- At that particular meeting?

That is so. --- The speeches that were made were the speeches that were made by Job Tsolo.

8 Was that the only speech that was made? --- Yes, it is the only speech that I heard.

Nothing else of political significance that you heard from anybody else? ---Nothing else. I don't know if my ears left me in the lurch.

Did you record the names of all the people who were present, or did you only write down the surnames of Job Tsolo? --- I wrote down the names in my Police pocket book.

Not in the notebook where Policemen record the details of the speeches they are listening to? --- I wrote the words that were spoken by Job Tsolo on a paper which I handed in, i.e. to the Commissioner.

You told us that you wrote the names of the people present in your little notebook, and that I take it is the usual notebook that every Policeman has when he writes down the events as they occur while he is on duty? --- Yes.

And in addition to that notebook members of the Security Branch are issued with a notebook in which they record the speeches they hear? Is that so? --- That is correct.

Did you use one of those notebooks ^{that} /are issued for the/....

1,291.

the recording of speeches when you attended the meeting at this house on the 10th January? --- I did not make use of that book, i.e. for reasons that I can tell you now.

But you used a piece of paper did you not? --- I used a piece of paper.

BY THE COURT:

You mean a loose piece of paper? --- A loose piece of paper, and it was torn from an exercise book.

A loose piece of paper from an exercise book? ---

Yes.

CROSS-EXAMINATION CONTINUED:

Did you put the names of all the people who were present on that loose piece of paper?

BY THE COURT:

Are you now trying to confuse the witness? because that is not what he said. I can't stop your question, but perhaps your question is inadvertent, because he said he took the names of the people down in his pocket book and the speech on a loose piece of paper.

BY MR. UNTERHALTER:

Yes. Your Worship, I want to ascertain whether in addition to the names in the notebook they were on a piece of paper.

BY THE COURT : TO THE WITNESS:

On the loose piece of paper did you also put down the names of the people present? --- Yes, I wrote down the names of the people on that piece of paper, but I wrote in detail the names of the people who were present in the Police notebook.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

So that there is a double record of the names of the people who were present at that meeting? There is one in your notebook, and the other is on a loose piece of paper?

Yes/....

--- Yes, Your Worship, I wrote the names in detail in the note-book.

BY THE COURT:

Won't you try to reply to the questions straightforwardly? It is very simple. Did you write the names both in the book and on the piece of paper? ---Yes, Your Worship. The difference is that I wrote the names in detail in the pocket book.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

What does that mean, that you wrote them in detail? --- In the exercise book I noted the speech that Job Tsele made, and in the pocket-book or the note-book I wrote the names.

But you also wrote the names on the loose piece of paper? --- I did not write all the names on the loose piece of paper, but I am certain of having written Job Tsele's name on the loose piece of paper.

Are you having difficulty in understanding the questions as I put them to you? --- No, I have no difficulty.

You see, I understood you to say just a couple of minutes ago that you had compiled so to speak a double record of the names, one on the loose piece of paper and the other in your note-book, and that the only difference between them was that in the note-book there was more detail about the names than there was on the loose piece of paper. Now, is that correct? ---That is correct. That is because in the note-book I wrote all the names of the people.

Now, when you say that there was more detail in the note-book, even though there are two lists of names, what do you mean by more detail in the note-book? --- In the pocket note-book I wrote only the names, and in the exercise... or on

the/....

the piece of exercise paper I wrote the speech that was made by Job Tsele.

Then are you now saying that only wrote one list of names, i.e. in your note-book, and on the piece of exercise paper you did not write any list of names, but you only recorded a speech by Job Tsele? --- There are names of people that I wrote on the paper, but the names in full I wrote in the note-book.

By that you mean that you put the full christian name, the full surname, in your note-book, but you may only have put an initial in the loose piece of paper? --- On the piece of paper I wrote the names and the surnames of the people, but in the note-book I wrote the names and the surnames of all the people.

Well, I won't pursue it. You recorded the names in your note-book with care, because it was important that they should be so recorded? --- I did not know that there would be cases in connection with that speech.

BY THE COURT:

Policemen must always be ready for cases!

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Did you write the names in your note-book, your Policeman's note-book, with care? --- That is correct.

You knew the people whose names you recorded in your Policeman's note-book? --- I knew the names of the people when I knew there.

And these were the names you recorded in your note-book? --- Yes, the names of the people when I knew.

Did you put the date in your note-book? --- That is correct.

Did you put a little memorandum in your note-book that these people were seen at room 8171 I think it is?

Whatever/....

Whatever the address was, did you put the address where you had seen them that day? **SK7k** is correct. --- That is correct.

Did you make any other comments in your Policeman's note-book about this meeting you attended? --- I don't remember, but I remember writing their names and the date.

Now, these books, these Policeman's note-books, are really a diary of everything that you encounter that is of importance while you are on duty? --- That is correct.

And when you have completed one of them to whom do you hand it? --- If one is full I hand it to Sergeant Wessels, who is my Sergeant, and then he keeps it in the office where he knows

And did you complete and hand this particular note-book to Sergeant Wessels? --- The book is not on me here, but it is with him.

If it is required it is with Sergeant Wessels? --- Yes, that is correct.

Now, about the 17th March you came across the pamphlets, Exhibits 5, 6, 47 and 49? Is that correct? --- Which are these exhibits?

We will show them to you, we can't expect you to remember the numbers. Will you look at them again please? Exhibit 5, exhibit 6, exhibit 47 and exhibit 49. Have you seen them all? --- Yes.

Are these all the ones that you saw, or are there others? --- These are all the ones that I saw.

You have made reference in your evidence-in-chief to a pamphlet called "Calling the Nation"? --- That is a pamphlet which I saw.

Was that Exhibit 49, or Exhibit 48, I am not sure? --- I wanted you to name the exhibits, and you refused to.

BY THE COURT:

Did he say "Calling the Nation"? Did he use the words/....

works "Calling the Nation"?

BY MR. UNTERHALTER:

That is how I have recorded it in the evidence-in-chief.

BY THE COURT:

Except that "Calling the Nation" he says was Exhibit 5.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Was that the one that you saw last in the series that came to your attention? ---Yes, that is correct.

Now, you say that on the Sunday you were cycling when you heard certain reports. Was that Sunday the 20th March? ---Yes, I was cycling.

And as a result of these reports did you immediately go on duty? ---I was on duty at the time when I was cycling.

That was at eleven o'clock that night? ---That is correct.

And then you joined a certain group to assist in dispersing people? --- Yes, that is correct.

You were well known to members of the Police were you? ---Yes, I was known to them.

Did you join a patrol of Policemen who knew you? --- That is correct.

I am not sure if I understood the reason that you gave for saying that you remained in the van, but as I took it down it was to the effect that you did not get out because being in civilian clothes you might have been assaulted by the Police while they were dispersing the crowd. Did I understand that correctly? --- That is correct.

Would your colleagues not have known you and not have assaulted you had you been with them during a baton charge? --- If that happened during the night and I was seen getting/....

BY THE COURT:

getting out of the van and chasing somebody, the Constables will chase after me and assault me, thinking that I am running away and I am one of the mob.

In other words, you are saying that you would not have been recognised by your colleagues? --- They would not have recognised me because it was dark.

Were you performing any function at all as a Policeman being in that van? --- I was.

What function was that? --- I was travelling in the van because I was told that if the van.... they will drive the van to some people and then stop it there, and then open the van and look to see who these people were, but I was told not to get out of the van.

You were not driving the van, were you? --- No, I was not.

Your function was to open the door, was it? --- That was not necessarily my function, but my function was to stay in the company when they were travelling by van.

You have told us that you came across No. 4 accused on the occasion when Lieutenant Faurie spoke to them --- Yes, we found them there.

And Lieutenant Faurie told him and the crowd to go home? --- Yes, he told them.

And did they obey and disperse? --- They did not disperse.

What did they do? --- Accused No. 4 then spoke and said that they wanted to talk something among themselves and that they would not go away.

Yes, carry on? --- Then Lieutenant Faurie told them that he was giving them a short while, during which time they must be gone, and that if they wanted to say something or talk something among themselves, they should do so during the/....

1,297.

the day and not during the night.

What happened at the end of all these discussions?

--- Policemen then assaulted them with batons, i.e. sticks.

And then they dispersed? --- Then they dispersed.

Now, later in the early part of the morning you were at the hostel you say? --- Yes, I was at the hostel.

And there you witnessed the use of teargas and you also saw a bagen charge, did you? --- Yes.

Were you there for some time before the teargas was used? --- I was there Your Worship.

And you say you witnessed the arrest of accused No. 2? --- Yes, I did.

Now, you also witnessed the arrest of accused No. 1? --- That is correct, I did.

And was No. 2 accused arrested first? --- I cannot say.

Don't you remember the order of the arrests? --- I do not remember.

Were you assisting Sergeant Wessels in these arrests?

--- I opened the van and then the people went into it.

Does that mean that the two of them, accused No. 1 and accused No. 2, were brought to the van together and went in one after the other? Is that what you are saying? ---

Accused Nos. 1 and 2 were brought to the van and they went into the van one after the other.

By that are you wishing to convey that they went into the van almost together? That they entered a matter of seconds the one after the other, having been brought there together? --- All that I know is that one entered the van and then the other followed him into it.

Well, was there any appreciable interval of time between/....

1,298.

between the one and the other going into the van, five minutes say? --- I did not look at the time, but I don't think that there was an interval of five minutes.

Well, would it be an interval of a minute or just a couple of seconds? --- All I can tell the Court is this, that the one entered the van, then the other followed him.

BY THE COURT:

We would like you to try to help us by saying what period of time elapsed between the one going in and the next one going in? --- Will the Court allow me to guess?

Estimate, not guess. --- Then I should not be blamed for estimating, Your Worship.

Very well. --- I estimate the interval to be about two minutes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And you were in the company of Sergeant Wessels during all the time that he spent in arresting these people? --- I was in the company of many other Policemen there, including Sergeant Wessels.

I am not concerned about the others, but can I understand that you were at the side of Sergeant Wessels throughout the period of the arrest of these two people? --- I was not near him, but he was walking together with other Europeans on my righthand side, and I was to his lefthand side.

But when he came to arrest these people, were you next to him when he arrested them? --- I went up to him after he had called me and after he had arrested one of them.

Which one was that? --- I do not say which one it was, because I only know that they were both arrested there at the same time.

Now, you went up to him after he had arrested one

of/....

1,299.

of them, and did you go with Sergeant Wessels and the person whom he had arrested towards the van, and were you present when this person was placed in the van? --- I was together with Sergeant Wessels when he took that person and put him into the van.

Was that the first person that he put in, whoever it may be? --- Yes.

And then did you and Sergeant Wessels leave the van and go towards the crowd, and were you present when he effected the second arrest of whoever that may be? --- I stood at the door of the van.

And did Sergeant Wessels leave you there and go off on his own? --- Yes, and then he came back with another, i.e. another one.

And then he put the second one in the van? --- Yes.

Did you hear any conversation pass between either of these people whom he ^{had} arrested, and himself, i.e. Sergeant Wessels? --- I did not hear any conversation. All I heard was that accused No. 2 and accused No. 1 had their arms raised up and said "Iswe Lethu!" That is what I heard.

You observed these people as they came towards you in the custody of Sergeant Wessels? --- Yes, I saw them, and I saw them even before Sergeant Wessels arrested them.

You noticed how No. 1 accused was dressed? --- I am unable to say how accused No. 1 was dressed, but I saw him there.

Did you notice how No. 2 accused was dressed? --- I did ^{not} notice how accused No. 2 was dressed, but I saw him there.

Did you notice anything on the lapels of No. 2 accused? --- I saw those things. There were two things, only two/....

two.

Do you remember what was written on them? --- I did not look at them closely, but I saw written on them "P.A.C."

That is on both? Now, when you say both, what do you mean by both? --- There were two things on the lapels, one was higher up and the one just further down.

By both you therefore mean two labels on the lapel?

--- Yes.

Did they both have "P.A.C." on them? --- Yes, they both had "P.A.C." on them.

Is that all that they had on them? --- That is all that I saw.

Had there been anything else on them would you have noticed it? --- When I looked at him I noticed these "P.A.C." labels. If there were other labels I would have seen them.

No, if there were any other words on either of those labels would you have noticed them? --- I am not certain of the other words which might have been there, but the words I saw were "P.A.C."

Look, you must please try to answer the question. If there had been any other words besides the letters "P.A.C." on one or other of those labels, would you have noticed those words? --- I would have noticed them provided I took particular notice of them and went close enough ^{in order} to read them.

You were quite close to him, were you not? --- I was close to him yes.

A distance of would you say a pace? --- Maybe a pace or something to that effect, but I was looking at his face.

BY THE COURT:

Looking at? --- At his face.

Cross-examination/....

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You were also looking at the lapel I take it, because you were interested to see what was there? ---Whaa, they had their arms raised after I had noticed this lapel, but when I went closer to them I did not take particular notice of this label because I was looking at them and into their faces.

As a member of the Security Branch of the Police, were you not particularly interested to see the lettering on this thing? --- After I saw the P.A.C. on the lapel I became satisfied.

So you were not interested to read anything else that might have been there? You were not interested to read anything else that might have been on that label, other than the words "P.A.C."? --- No, this happened immediately. I did not take particular notice to see if there were other letters on it.

Did you subsequently get into the van with No. 1 and No. 2 accused when it drove off? --- No Your Worship.

You did not see them at all after that, until after the shooting I presume? --- I did not see them after that.

Now, you have said that No. 2 accused was leading that big crowd? --- That is correct.

What makes you say he was leading the crowd? ---

That is because accused No. 2 was standing right in front of the crowd, and he had his hand put up in this manner as I am indicating to the Court, and saying "Iswe Lethu!", and the crowd who were following him also said in response "Iswe Lethu!"

Was he the only one in the front of that crowd who was raising his hand and saying "Iswe Lethu!"? --- Accused No. 2 was the only one who was in front, and behind him were

children/....

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children and behind the children were women, and men were following them.

You see, that evidence differs from evidence that we have heard previously in this Court. That evidence is to the effect that there were a whole group of people in front of this crowd, marching up and down? One of the witnesses said that No. 2 accused was among that group who were marching in front of the crowd?

BY THE COURT:

I think it would be more accurate if you said the evidence was that there were several people in front of the crowd, and not use the word "group". "Group" suggests people together again. My impression was that they were at various places leading this crowd.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And he did not especially say that the No. 2 accused stood out as the only one in front of that crowd? Now, is he wrong when he says that? --- I won't say whether or not he is wrong, because I do not know what he saw.

Well, having put to you what he has said, do you perhaps say that you are wrong in the description that you gave of accused No. 2 just now? --- I am not wrong because I am telling the Court what I saw with my eyes.

Now, Seeiso Street has on one side of it the hostel; the milk depot, and on the other side and more towards the entrance it has the brewery? --- That is correct, but I do not know anything about the dairy that I can make mention of.

The hostel side I shall call the north side, and the brewery side I shall call the south side. Now, at the time of the arrest of No. 2 accused was he in the middle of the street, was he on the south side of the street, or was he on the north side of the street? --- Seeiso Street is divided into two.

There/....

There is a patch of grass that divides the street. Accused No. 2 was in the street which is on the righthand side of the main street, and this street runs past in front of the hostel.

So it was on the hostel side of Seeiso Street? ---
Yes, in other words, they were walking in the direction of the town.

On the hostel side of Seeiso Street, and that is where he was arrested? ---That is where he was arrested.

BY THE COURT:

This witness said that he saw No. 2 accused arrested?

BY MR. UNTERHALTER:

I am under that impression Your Worship.

BY THE COURT:

He saw one, but he does not know which one was arrested. He went to the van and saw Wessels come with the other one. I thought your question was about where in the street was accused No. 2 at the time when he was leading the crowd? Is that not what you are asking him?

BY MR. UNTERHALTER:

Yes, I want to get that.

BY THE COURT:

Then you may put it that way perhaps.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

I'll put the question in two parts. At the time that you saw No. 2 accused leading this crowd, where was he? On the hostel side of the street or on the brewery side of the street? ---He was on the hostel side of the street.

In the street or on the pavement? ---In the street.

Did you see him being arrested by Sergeant Wessels?

--- I saw him being arrested by Sergeant Wessels.

Was he arrested at the same spot where you saw him leading the crowd, i.e. on the hostel side of Seeiso Street

in/....

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in the street? ---Yes, he was arrested on that side because they could not come to town because the Constables had blocked their way there.

But it was on the hostel side and it was in the street according to you? --- That is correct yes.

Now, you saw the attack on the crowd with the tear-gas bombs by the Police? --- I saw them throwing the teargas.

Was accused No. 2 arrested before the teargas bomb attack, during the teargas bomb attack, or after the teargas bomb attack? --- At the time when they attacked with the teargas accused No. 2 had been arrested already.

That is before any teargas bombs had been thrown at all, No. 2 accused had been arrested? --- Yes.

No. 2 accused is going to say that he was in the front of the crowd, he was not acting as a leader, and he was on the northern side of the street on the pavement? He is going to say that he raised his hands to his eyes, which were affected by the teargas bombs that had been thrown, and it was at that stage that he was arrested. What do you say to that? --- I say that accused No. 2 was arrested before the teargas had been thrown.

He is going to say further that he only had one ticket on his lapel when he was arrested? --- I say that I saw two tickets.

Before the arrest of Nos. 1 and 2 accused, did you know them both? --- Did I know them?

Yes? --- Yes, I did.

Did you know a lot about them? --- Yes, I knew them.

Did you know a lot about them? --- I don't understand you Sir. I don't know what you want now.

Did you know a great many things about No. 1 and

No.2|.....

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No. 2 accused? --- I knew that accused Nos. 1 and 2 belonged to that movement of the P.A.C.

Did you know that they were friends? --- I did not know that.

If that is so, why did you tell His Worshipin your evidence-in-chief that No. 1 accused was in the company of his friend, No. 2 accused? --- I said accused No. 2 was accused No. 1's friend merely because they are seated together in Court, i.e. next to each other.

What makes you think because men sit together in a Court of law, and are charged together with a crime, that they are necessarily friends? --- That is because I was replying to questions put to me, and every time reference would be made to either accused No. 1 or accused No. 2, and then I would have said accused No. 1 is accused No. 2's friend.

Because their numbers follow? Because of the order in which they appear in Court, do you think they are friends? --- Not because their numbers follow each other's, but it is because of the way in which you referred to them.

Now, you have said that you pointed out No. 19 accused on the identification parade?

BY THE COURT:

Mr. Unterhalter, I would like to stop at this stage if you are going on to a new point.

BY THE PUBLIC PROSECUTOR:

Is Your Worship prepared to entertain just a quick application from myself regarding to an amendment of the charge at this stage, or shall I do it later?

BY THE COURT:

No, I don't want to get involved in anything like that now.

BY THE PUBLIC PROSECUTOR:

As Your Worship pleases.

By/....

BY MR. UNTERHALTER:

Your Worship, it might perhaps save time tomorrow if I asked Your Worship to order that the notebook of this witness be produced in Court tomorrow for cross-examination thereof.

BY THE COURT:

Yes, we were all anticipating that and I think it should be produced, and I must also ask the Crown to be prepared, - I don't say it will be necessary - but to try to get hold of this original note of the speech, i.e. if you can Mr. Prosecutor.

BY THE PUBLIC PROSECUTOR:

I shall do my best Sir.

COURT ADVISES THAT THE CASE IS ADJUDICATED.