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Volume 19

pages 1307 — 1349



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17TH NOVEMBER, 1960.

COURT RESUMES : APPEARANCES AS BEFORE.

BY MR. UNTERHALTER : TO THE COURT:

Your Worship, before I commence I should like to say to you, on behalf of the accused, that they appreciate greatly the consideration that you have extended to those who had to absent themselves to attend examinations.

BY THE COURT:

Thank you very much.

MALAKIA MMOTONG, duly sworn, states: (Interpreted).

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

I was about to put some questions to you about your identification of accused No. 19. --- Yes, Your Worship.

Before I do that, however, I just want to clear up one small matter. Did I understand you to say yesterday afternoon that with the exception of the speech that you recorded as having been delivered by Job Tsolo, there was no other speech of any political significance whatsoever, or any statement made by anybody else? --- That is correct.

Are you quite sure when you answer me in that way? --- As far as I could understand the question; I do not know if perhaps I did not understand the question well, but I maintain that I answered it in the correct way.

You see, in your examination-in-chief I recorded you as having said "I heard Michael Tsolo speak, No. 3 accused. He got up and said he had been called by the Special Branch. He said nothing further". Now, you did say that in your evidence-in-chief, did you not? --- Yes,



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Now, how do you explain the difference between the two statements as I have just put them to you, and about which you seemed so certain when I put my question to you? --- According to how I view the questions they seem to me to be the same, because you have just asked me a question, and you have just asked me whether it amounts to the same.

Now, you had been somewhere near the hostel at the time of the teargas attack and the baton charge? --- That is correct.

Approximately what time did these charges, i.e. the teargas attack and the baton charge attack, take place? --- We arrived there at seven, and I think it was after seven as far as I can think.

And you remained in the vicinity of the hostel until about what time approximately? --- Although I did not look at a watch I estimate that the watch was approaching eight o'clock.

Now, what were your movements after eight o'clock, i.e. I assume from what you have said, after the teargas bomb attack and after the baton charge near the hostel? --- Other members of the Police Force then continued or proceeded further in the Police vehicles, while other members of the Police Force again walked on foot, to the centre of the Sharpeville Location, i.e. immediately they had passed the post office they then stopped there, i.e. the Police.

And were you with the Police that proceeded as far as the post office, and who then stopped there at the post office? --- Yes, Your Worship.

And for how long did you remain with these Police at the post office? --- We were there until approximately 11 a.m.

Is it correct then that at about 8 o'clock you were somewhere/....



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Somewhere near the hostel, you then moved down Seeiso Street from the hostel to somewhere near the post office, and you remained there from about eight until eleven o'clock that morning of the 21st March? --- That is correct.

So during those three hours you had only moved a short distance down Seeiso Street? --- That is so.

Now, at eleven o'clock what did you do? -- At that stage we were encircled by people; in front of us there were people, as well as at the back of us, and at that stage or at that instant Samuel Teketsi or rather Emmanuel Teketsi arrived there, and then he waved and called the people to follow him.

Are you quite sure that this happened at eleven o'clock? --- I am certain that it was between eleven and twelve noon, although it was not yet exactly twelve noon. It was something past eleven o'clock.

In any event, it was several hours after the teargas bomb attack and the baton charge according to you? ---Yes, that is so, at eleven o'clock; that was the time.

Now, this having happened, what did you do? You were somewhere near the post office, and just describe your movements after that? --- After Emmanuel Teketsi had called on the people to follow him, we, i.e. I and the other members of the Police Force, then left by vans, and took a different street and then joined into Zwane Street and proceeded further up Zwane Street to the vicinity of the Police Station.

Do you remember how far down Seeiso Street you went before you turned off to proceed to the Police Station via Zwane Street? --- That I cannot recollect, but I do recall that we left Seeiso Street and proceeded in a different direction, until we joined Zwane Street. I do not know the route we followed.

I/....



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I would like you please to look at Exhibit 2.

Now, you see the word "Poskantoor" on Exhibit 2? --- Yes, I do.

Now, that was round about where you were standing until the crowd moved off at about 11 or 12 o'clock under Teketsi's leadership according to you? --- We were in the vicinity of this white point just in front of the Post Office building.

Is it somewhere near the Post Office? I don't want anything exact from you, it is just somewhere near the Post Office? Is that correct?

BY THE COURT:

He has pointed out the little white line across Seeiso Street, to the west of the Post Office. There are two little white lines across the street on this map, and the one he has shown is just west of the Post Office.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

That is of the two white lines that run across Seeiso Street, it is the one closer to the Post Office and furthest away from the letters "Seeiso Street"? --- Yes, I think it was in that vicinity, although I am not so very clear about this photo Your Worship, or this map.

Now, round about that spot which you have just pointed out, i.e. that first white line to the west of the Post Office, there is a settlement to the south of Seeiso Street, called on the map "Putsae Seteni"? Do you see that on the map? --- Yes.

Now, when you left that spot near the Post Office that you have described to us, did you proceed towards the Police Station by going through any of the side-streets in that settlement of "Putsae Seteni"? or did you proceed down Seeiso Street? --- That I cannot say Your Worship, but I do still remember that we did eventually leave Seeiso Street and turn into/....



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into another street, but I cannot say.

Well, I would like you to assist me if you can. The question is rather important. Let me put it to you another way. Do you see where the school is indicated on Exhibit 2? --- Yes.

Now, did you perhaps turn off at an intersection near that school or that group of schools? --- I cannot remember where we turned off.

Well, did you turn off anywhere near the bus stop, a little lower down? --- I cannot recall, but it was not in that vicinity that we turned off.

Would you have turned off before you reached or before Seeiso Street reaches the bus stop? --- Yes, we did not reach the bus stop.

Can you say with the same certainty that you had not reached the school when you turned off? --- There I am not certain, but I am certain that we did not reach the bus stop, although I am not certain whether we did reach the school or not.

So at latest you must have turned off from Seeiso Street between the school and the bus stop, and possibly, although you can't be sure of that, a little higher up between the Post Office and the school? Would that be a fair way of putting it to you? --- There I cannot be certain.

You have understood it as I have put it to you? I am trying to be fair to you. --- Yes, I do understand the way it is put to me, but I am not certain how it thereafter happened.

Now, I suppose you can't remember the route, the point on the map where you joined Zwane Street on your way to the Police Station? --- Yes, that is so, I cannot remember it.

Now, you told us that you saw accused No. 19 standing/....



standing amongst the crowd which you noticed in Seeiso Street just past twelve noon? --- Yes, at the Police Station I saw him, just after twelve.

No, I have put to you what you said in your examination-in-chief, and as I have noted it you said you noticed No. 19 accused in Seeiso Street just past twelve noon?

BY THE COURT:

Will No. 19 for a moment just stand up, so that the witness knows what one we are talking about? (Accused No. 19 stands up in Court).

BY THE WITNESS:

In my evidence-in-chief I did say that I saw accused No. 19 at the Police Station, although I confuse the streets. It was only yesterday that the names of the streets were given to me, and I was able to know the difference between Zwane Street and Seeiso Street.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Let me get this clear. You admit do you that you said in your examination-in-chief that you saw accused No. 19 in Seeiso Street? You admit having said that in your examination-in-chief? --- What I admit is that when I said Seeiso Street I may have been referring to Zwane Street, i.e. not far from the group of houses lower down from the Police Station on the south side where the small gate is.

B Look, please answer my question. I'll give you an opportunity in one moment of explaining it, but you do admit that you used the words "Seeiso Street"? It is a simple question! --- If indeed I said so then .....

BY THE COURT:

Look, I am not getting tired of these statements by you. The question is simple. Do you admit that you said Seeiso Street in your evidence-in-chief, or do you not admit

it/....



it? You can now say yes or no. --- I do not admit. It I said I saw him at those houses in front of the Police Station.

Did you say so, or do you mean to tell me that now? --- Even if I said so Your Worship, when giving my evidence-in-chief, I said so because of my ignorance about the names of the streets.

CROSS-EXAMINATION BY MR. UNTERHARTER CONTINUED:

Did you intend then to say in your evidence-in-chief that you noticed accused No. 19 in Zwane Street? --- Yes.

And by Zwane Street do you mean the street to the south of the Police Station, outside the small gate that leads to the main entrance to the Police Station? Have you understood my question? --- No.

By Zwane Street do you mean the street to the south of the Police Station than runs past the small gate leading to the main entrance to the Police Station; the main door? Yes, that is the street I am referring to.

Now, where about in that street did you see accused No. 19? --- In relation to the small gate facing Zwane Street, I saw accused No. 19 walking in the vicinity, in the near vicinity of the Police Station.

Somewhere near that small gate? --- Yes, somewhere near that small gate, but a little above it.

Now, what do you mean above it? More towards the sports grounds, or more towards the eastern part of the township? Just have a look at the map please? --- More towards the eastern side of the small gate, i.e. proceeding to the intersection of the clinic street and the other street, and Zwane Street.

That is the west side is it not, surely?

BY THE COURT:

The clinic street did he say? He had better mark it/....



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it there. --- (The witness marks a spot on the plan).

BY MR. UNTERHALTER : TO THE COURT:

Your Worship, I am sorry to detain the Court for a moment. I had obtained my instructions on the basis of the allegations made by the witness in regard to the presence of accused No. 19 in Seeiso Street. With the leave of the Court I should just like to get an instruction from the accused about this.

BY THE COURT:

Anyway, he has marked it now with the figure 19, very near the south-west corner. On Exhibit 13, the photograph, the place as marked would correspond very nearly with a pole which I can see very faintly near the south-west corner. Do you see a little group of people inside the Police Station there Mr. Unterhalter, inside the grounds, just to the south, and then there is a faint line which looks like a pole or something like that?

BY MR. UNTERHALTER:

I see that Your Worship.

BY THE COURT:

And I think this is more or less the point he indicates on Exhibit 2. Yes all right, proceed now.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And at about what time? --- It was past twelve at the time. have

It would have saved the Court a great deal of time if there had been more accuracy in the description of your streets. Now, as regards accused No. 22, you say that you saw him walking in the company of a girl?

BY THE COURT:

No. 22, just stand up for a moment. --- (Accused

No. 22/....



No. 22 stands up in Court).

That is the man that we are talking about now.

BY THE WITNESS:

Yes, Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Are you quite sure about the presence of the girl?

---Yes, accused No. 22 was walking with a girl, but I do not know the girl.

And the time that you saw accused No. 22, can you put it anymore accurately than past noon? --- I cannot be certain about the time because I did not look at my watch, but still it was past twelve noon.

Do you remember seeing the planes come over? --- Yes I saw the planes when they were flying.

Now, did you notice accused No. 22 after the planes had flown over, or before the planes had flown over? --- I did not take particular notice of the planes, and whether I saw accused No. 22 before or after the planes had flown above us.

If you try and determine the time a little more accurately, it would not be closer to one o'clock that you saw him? --- That I did not take particular notice of. I cannot be certain of it.

Do you know accused No. 22 very well or not? --- I know accused No. 22 by sight. I have often seen him walking about.

You are not personally acquainted with him, or on speaking terms with him? --- No, Your Worship.

As regards accused No. 27, approximately where in Zwane Street, having regard to the point that you indicated previously in connection with accused No. 19, was accused No. 27 standing?

By/....



BY THE COURT:

Just show him Exhibit 2 there. --- (Exhibit 2 is shown to the witness).

Let No. 29 stand up please. --- (The witness marks the spot on Exhibit No. 2).

He has marked with the figure 27 the place where he saw him on Exhibit 2.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

In regard to the position you have indicated on Exhibit 2 by the figures 27, as the position of accused No. 27, are you certain that that is the position, and that he was not on the corner of Zwane Street and the unnamed street that runs outside the big gate of the Police Station? ---I am certain that I saw him there. Perhaps it may not be the same because they were not standing still, they were walking up and down,

BY MR. UNTERHALTER:

Your Worship, may accused No. 43 be asked to stand up please? --- Yes, certainly.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, I want you to look at accused No. 43 carefully. Have you done so? --- Yes.

You said under oath in your evidence-in-chief that this was one of the men whom you pointed out at the identification parade? I have put this question to you before, and I am now repeating it. Are you satisfied to say here under oath again that this is the man whom you pointed out at the identification parade? at Vereeniging on the 19th May? --- Your Worship, accused No. 43 is one of the men I pointed out at the identification parade, but I have already said yesterday in my evidence-in-chief that he looks much like the accused who is seated next to him.

I/.....



I am not concerned as to whom he resembles, I want a clear answer from you. Was No. 43 the man whom you pointed out at the parade at Vereeniging on the 19th of May? Please don't equivocate, I want a direct answer from you! --- It looks as if he is the person.

Is he the person? --- If I look at him he seems like the person. I do not know whether he is the person.

Well, do you now say that he is not the person? Do you wish to withdraw what you said in your evidence-in-chief about having pointed him out? --- No Your Worship, I do not wish to alter or to withdraw what I said in my evidence-in-chief

I am putting it to you that that evidence is false.

BY THE COURT:

Mr. Unterhalter, my note of the evidence-in-chief reads something like this: "Accused No. 43 was amongst that big crowd in Zwane Street. I did not see him do anything in particular". I am not sure if No. 43 pointed out by me at the parade, it looks like him". If that is the evidence-in-chief then you can't put what you have just put to the witness.

BY MR. UNTERHALTER:

That is so, Your Worship, I must point out to the Court that the note as I took it, and I may be wrong, is: "I attended another parade at Vereeniging on the 19th of May at the new Police Station. I pointed out somebody there, he is No. 43."

BY THE COURT:

Yes, that is right. Wait a minute, I am sorry. "I was asked here is a parade, if you saw any person on the 21st of March then touch him, or pass on without saying a word. I saw No. 43, and amongst that big crowd". But you cannot ignore the last sentence I have read to you, and you must read everything together.

b By/....



BY MR. UNTERHALTER:

It may be with respect Your Worship, that what he was saying - I have not a full note of it - is just this that he was definite in pointing out accused No. 43 at the parade, and may not be perhaps as to the person whom he saw amongst the crowd in Zwane Street. It is on that aspect of course that I am cross-examining, it is only on the identification parade.

BY THE COURT:

Just proceed then. If you are wrong you are wrong, and if I am wrong I am wrong; the record will tell us which is correct. No, had we not perhaps better clear this up as to who is correct, because it is no use putting something to the witness which he did not say, or if he did say it then put it by all means. I am, however, told the record will not be available today.

BY MR. UNTERHALTER:

Your Worship, I might perhaps try to assist the Court by putting the question in another form.

BY THE COURT:

Yes, meanwhile, carry on. You can always recall the witness if necessary. I am sure you are as anxious as anybody else to be fair to him.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now Mr. Maetong, I want you this afternoon, looking at accused No. 43, to say to His Worship whether you did point out this man on the identification parade at Vereeniging on the 19th of May, or you did not point him out, or you are not certain whether you pointed him out or not? --- On the 19th of May, 1960, at the identification parade at the gaol, I did point out a person, but now accused No. 43 and the accused

sitting/....



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sitting next to him, look alike, so I cannot say now.

So you are now uncertain as to whether you pointed out accused No. 43?

BY THE COURT:

I just want to determine for the purpose of my note. Who is the next man, i.e. the man next to him? What is his number please?

BY MR. UNTERHALTER:

No. 52 Your Worship.

BY THE COURT:

The marked difference between the two is not in facial features, but it is their complexion. No. 52 is particularly dark complexioned. Otherwise one can say at the distance I am sitting here, that there may be some similarity in their features. Yes, proceed.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

If accused No. 43 says that you did not point him out on the identification parade at Vereeniging on the 19th May, would you deny that? --- I will not deny that, because as they are seated there they look alike, and so they confuse me.

I want to show you a label similar to the labels that the men in the front row are wearing? Just have a look at it? Will you agree that it is the same size as the labels that the men in the front row are wearing? (Exhibit No. 0). Will you agree that the figure 6 that is written on it, is the same size more or less as the figures that are written on the labels of those men in the front row? --- Yes, the 6 appears to be of the same size as the numbers of the accused seated on the front seat. (Label is handed in as an exhibit).

BY MR. UNTERHALTER : TO THE COURT:

Your Worship, there is still the question of the book/....



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book that my learned friend tells me he <sup>has</sup> sent for. Perhaps this aspect of the cross-examination could stand down.

BY THE COURT:

Yes, very well.

CROSS-EXAMINED BY ACCUSED NO. 1:

I understood you to say that you did not write the full particulars, which you were supposed to write at Stand No. 8171? Is that so? --- Yes, that is so.

What do you mean when you say you did not write down all the particulars which you were supposed to have written down? --- What I mean by so saying is that this morning when I examined the book, I discovered that the name of accused No. 8 did not appear in full. In fact his name did not appear at all, his first name and his surname.

BY THE COURT:

Who is this? --- Accused No. 8.

Just a moment please, I want to try to follow this evidence. The name of accused No. 8 does not appear at all on what? --- On the book I examined this morning.

Oh, you examined the book this morning? --- Yes.

The pocket book? --- I discovered that the name of accused No. 8 did not appear at all.

The pocket book now? --- Yes, Your Worship.

Yes, proceed now.

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

But yesterday you told His Worship, when you continued your evidence, that the names were not all written in your pocket book, but you say now that you examined this book or you looked at your book this morning and you discovered that accused No. 8's name was missing? What is now the position? --- The truth is that when I looked at my pocket book I discovered that accused No. 8's name was missing.

But/.....



But you looked at your pocket book this morning, and yesterday you gave your evidence that all the names were not appearing in that pocket book? --- When I said yesterday that the names did not appear, I was referring to the notes which have been read here in Court; I was not referring to my pocket book.

BY THE COURT:

I am sorry, there were no notes being read here in Court yesterday. What notes are you referring to? What notes were being read in Court yesterday? --- Yesterday when I was questioned by the Court I gave the explanation that he knows where the names are supposed to be appearing. I handed those notes in at the Commission of Inquiry.

BY THE COURT:

No, you told me the notes of the speech by Job Tsolo were with the Commission of Inquiry. At least that is how I understood you, I don't know how the other people understood you. You told me the names of the persons present were in the pocket book? --- I wrote <sup>some</sup> in my pocket book and some there....

All right, we won't have that all over again. I know you also said that, and I will have to study that piece of evidence of yours in detail later.

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

Can you tell me where was this meeting held which you made mention of in your evidence-in-chief, when you said it was held in Johannesburg? Where about was it held, in what location? --- The meeting held in Johannesburg was held at the communal hall at Orlando.

And you say you saw me there? Is that so? --- Yes.

When you saw me at this particular meeting, where was I about? Was I inside the hall or outside, or where was I standing or sitting? --- You entered the hall together with others/....



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others who entered the hall, and when the meeting came to a close you also walked out of the hall.

Where were you at that stage? --- I was keeping observation outside the hall.

If you were then keeping observation outside the hall, how did you then know that a meeting was being held in the hall? --- We did not enter the hall, I and others. The meeting started on Saturday and ended on Sunday. I say you attended the meeting in the hall because when some of you entered the hall you were carrying books and some had some tickets on their lapels.

Seeing that you were keeping observation outside the hall, what proof have you got before this Court that a meeting was being held inside? What proof did you bring actually? --- The proof that I have that that meeting was held there is because the people who arrived there arrived in large numbers, being conveyed by trucks and other vehicles, and as such I then concluded that a meeting was being held <sup>inside</sup> there.

Is that the reason why you say that a meeting was held there, i.e. because of the large number of people who arrived there and attended this gathering? --- That is one of the reasons, the second reason being that when these vehicles arrived there the persons who were on these vehicles, some of them were holding flags, and at the same time I then saw some with the P.A.C. badges on their lapels.

Can you perhaps give the full meaning of the abbreviation "P.A.C."? --- According to what I saw being written there the words were in full "Pan Africanist Congress".

BY THE PUBLIC PROSECUTOR:

Your Worship, before the next question is put might I be permitted to interrupt the cross-examination just to call Sergeant Wessels to formally hand in a book which has been in

his/....



his custody?

BY THE COURT:

I can't break into the middle of cross-examination on a vital point like this. Let this man finish his cross-examination.

BY THE PUBLIC PROSECUTOR:

As Your Worship pleases.

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

Yesterday you gave the abbreviation "P.A.C.", and today you are able to give the full meaning of the words "P.A.C."? Is that so? --- I gave the full meaning of the abbreviation "P.A.C." because you asked for it.

What brought you under the impression that a meeting was being held at Stand No. 8171 on the 10th January, 1960? --- There are three things which make me say this was a meeting. On my arrival there I found people wearing these tickets on their lapels. Secondly there was a large number of people gathered there, and thirdly this speech or speeches that were made brought me under the impression that this was a meeting.

Can you still recollect perhaps on your arrival where you found me sitting or standing, where about was it? --- Oh my arrival there I found you standing outside. It appeared as if you had just left the house.

Why then did you not tell His Worship that you found me outside? --- It is because I was not asked about that yesterday, and I am now explaining that point because you are now asking me about it.

Can you still recollect the conversation you had with me, the words you said to me outside there? --- When I was about to enter the house you told me that I should not enter. That is what I can remember.

I/....



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I am putting it to you that I did not say so to you?

--- That is what I remember that you told me.

Will you deny it when I suggest to you that when you asked me what was happening there, I explained to you that it was a party that was being held there? --- After having greeted one another I then made an attempt to enter, and it was then that you stopped me from entering. I greeted you because we happened to know each other.

I did not stop you from entering this particular house? That is what I am putting to you? --- Although you did not stop me physically by seizing me, you did say verbally that I should not enter. You stepped me therefore from entering.

But why then yesterday did you not explain that I stopped you verbally from entering this particular house? --- I am answering the question in this way because you asked me what conversation or what words were exchanged between the two of us outside there.

I am suggesting to you again that you asked me what was being done there, and I told you it was a party. I then held your bicycle and remained outside while you proceeded into the house? --- You did not tell me that it was a party, although you did assist in taking my bicycle and placing it aside.

Do you think it is possible if I stepped you verbally from entering this particular house, that I would go to the extent of helping you by taking your bicycle away from you and placing it there? --- You did so in response to the request of your Chairman, who requested you not to interfere with me, and to leave me alone.

Was I inside the house when the Chairman said so? --- You were outside, although the window was standing open, and....



and when the Chairman made these remarks one could hear them outside. Then he said you should leave me alone so that I could enter.

BY THE COURT:

Did accused No. 1 then remain outside? He did not go in with you? ---He also entered, Your Worship.

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

I am putting it to you that I remained outside all the time, and I never went in? --- You did enter the house.

You said in your evidence-in-chief that you received certain pamphlets from certain persons. These persons who brought these pamphlets to you, were those <sup>persons</sup> /the same persons who bring information to you, who are your informers in other words, or were they just ordinary people? --- The persons who gave me the pamphlets were my informers.

What did you then do with the pamphlets after having received them? --- I took the pamphlets to our office, after having received them.

The meeting you say was held at 8171? Was it a lawful meeting or was it a prohibited meeting?

BY THE COURT:

I am not concerned with this witness' views as to whether the meeting was lawful or not. For what purpose do you want to ask that question?

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

I'll put the question in a different way. I want to know from you do you know whether those persons who were holding the meeting had permission to hold such a meeting or not? --- No, I did not know whether those persons present there at this particular gathering had a permit to hold this meeting or not.

--- Did you not make enquiries? --- Well, I was not supposed/....



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supposed to make enquiries.

But yesterday you told the Court that the meeting which was held there was what you termed a secret meeting. Why then did you not make enquiries whether they had permission to hold the meeting or not? --- Why I said it was a secret meeting is because the meeting was held in a house.

Now, the groups which you partook in dispersing on the night of the 20th, were those groups violent groups or were they not in a fighting mood? How would you describe them? --- As far as I could see they were not a fighting group or fighting groups, but they were in a large majority.

--- This particular group which had gathered at the offices in the morning, was there any fight which took place there or not? --- There, after the crowd had been baton charged, the crowd then started throwing stones at us. That is what happened.

BY THE COURT:

Is that on the morning of the 21st? --- Yes, that was on the morning of the 21st.

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

At the hostel of where did this take place? --- It was between the hostel and the shops, the local shops. It was in the main street.

Where was I at that stage? --- At that stage you were in the van.

Do you perhaps know on what charge I stand here before His Worship? --- No, I do not know. I did not read the charge.

When I went to the van were you present or not? --- Yes, I was present.

What words did you say to me, or what did you say to me? --- I do not recall having spoken to you.

Who/....



1,327.

Who gave Sergeant Wessels my name? ---I am the person who told Sergeant Wessels that you were Johannes Dhlamini or Manyake, or I knew your name.

That was after you had asked me for my name that you told the Sergeant? --- That is not so. I know you very well. You are Johannes Dhlamini Manyake.

No further questions.

BY THE COURT:

Mr. Prosecutor, what is the position now? Do you want to recall Sergeant Wessels?

BY THE PUBLIC PROSECUTOR:

Sir, I would not like to detain Sergeant Wessels. It is just to hand it in formally. The book was in his possession. I would like Sergeant Wessels to be permitted to hand in the pocket book which my learned friend wishes to cross-examine on. He is the man who is at present in custody of the book, and the witness can later identify it.

(The witness stands down).

WYNAND JAKOBUS WESSELS? beëdig verklaar: (Herroep).

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is 'n Speurdersersant in die Suid-Afrikaanse Polisie, en 'n plaaslike Vaaligheidstaklid te Vereeniging? --- Ja, Edelagbare.

En u het alreeds getuienis in hierdie saak afgelê?

---Ja.

Die bewysstuk nou voor u, 'n Polisieboek, kom nou vanuit u besit? --- Ja.

Van wie het u daardie boek ontvang Sersant? --- Van Bantoe Speurderkonstabel Malakia Mmetong.

BY THE PUBLIC PROSECUTOR:

I don't wish to hand it in as an exhibit Sir. It is/....



is available for cross-examining purposes.

VERHOOR VERVOLG:

Ek mag miskien net die ding opklaar, of probeer opklaar. Sersant, is daar enige ander inligting in die boekie, afgesien van die twee datums wat ons nou belang in stel, wat miskien geheimsinnig is of soiets? --- Ja, Edelaagbare.

BY THE COURT : TO THE PUBLIC PROSECUTOR:

What do you suggest now? Must I allow Mr. Unterhalter to cross-examine the witness on that? --- Well, he is available Sir.

BY MR. UNTERHALTER:

I don't wish to cross-examine him, Your Worship.

BY THE COURT : TO THE PUBLIC PROSECUTOR:

I don't understand now. You say he refers to the book but it is not an exhibit? What is the position then? --- Your Worship, the book is being produced for the witness to refer to it, or to be referred to it in cross-examination, to test a previous consistent statement or inconsistent statement.

MALAKIA MMOTONG, under his former oath, continues:

BY THE COURT:

Mr. Unterhalter, do you now want to cross-examine him on the entries in the book? --- As Your Worship pleases.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You will remember that you gave evidence yesterday regarding the entries that you made in your Policeman's pocket note-book? --- That is so.

Is this the pocket book which I now shew you, and

are/....



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are there entries on pages 51, 52 and 53 thereof?

BY THE COURT:

Is that now the same book that Sergeant Wessels has just handed in?

BY MR. UNTERHALTER:

That is so, Your Worship.

BY THE WITNESS:

Yes Your Worship, these are the entries I made.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, I would like you please to look at page 52 of that book, or indeed you can look at all the pages that relate to the entries made on Sunday the 10th January, 1960, and tell me whether or not the name of accused No. 2, Thaddea Nteampe, appears there? --- Yes, it does <sup>not</sup> appear. The name of accused No. 2 does not appear, Your Worship.

That will be Exhibit 61, will it, Your Worship?

BY THE COURT:

Mr. Unterhalter, I don't know. The Prosecutor's point is apparently this. If this book is exhibited it becomes public properly, and that is what the Police don't want. You have established that your client's name is not in there, whereas the witness says he was there, and the rest what he said yesterday. Is that not perhaps sufficient?

BY MR. UNTERHALTER:

Well, as far as I am concerned. I don't know what Your Worship's attitude will be to the other unrepresented accused. It is not my concern.

BY THE COURT:

I will give them the same privilege.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you will recollect having told His Worship

yesterday/....



yesterday the people who were present ? --- Yes.

And you will remember that you stated that you wrote the names of these present down in your note-book? ---Yes, that is so.

Will you please now explain to the Court why, if you said that No. 2 accused was present at that meeting, you have failed to record his name in your book? --- If I did not write accused No. 2's name that is my fault. I was under the impression that I did write it there.

As a Policeman you are aware that this is an important duty of yours, to record the names of people present at meetings such as these? --- That is so.

Did you carry out these duties carefully usually? --- Yes, I do.

Is there any reason why you might not have attained the usual standard of great care that you seem to exhibit in your work? --- It may be due to the fact that I forgot, and it may also be due to the fact that I was being stepped from entering and driven away. <sup>perhaps</sup> No, it is not because of that reason that I was being stepped from entering, but it is because perhaps I was given fair treatment when I entered there.

Can I put it to you that the reason why accused No. 2's name does not appear in that book, is because in fact he was not there, and therefore there was nobody corresponding to No. 2 accused, Thaddeus Nteampe, whom you could record in your book as having been present? --- I say I saw him there.

BY THE COURT:

Now, may I have that exhibit please? I will mark it in the same way Mr. Prosecutor as I did in regard to another document which Mr. Wessels referred to, the contents of a letter which was naturally confidential. Now, I am placing on record that I am placing my initials on each of pages 51, 52 and 53

of/....



1,331.

of this book, and it can go back to Mr. Wessels, i.e. my initials and today's date.

BY THE PUBLIC PROSECUTOR:

Subject of course Sir to my privilege, if Your Worship's sees fit to allow me to re-examine on that book before it goes back to him.

BY THE COURT:

Yes, I am not saying you can't re-examine. I am not giving it back yet.

BY THE COURT:

Accused No. 1, did you want to further cross-examine on this book? --- No Your Worship, I do not wish to cross-examine on this book.

BY THE COURT:

The names in this book which I see are the following: I am telling that to everybody now. It is: Job Tsole, Michael Tsole, Johannes Manyake, David Ramedibe, Emmanuel Teketsi, and then something looking like Mehance Susan, or possibly Mehance Nkebeni. Accused No. 3, you may now cross-examine the witness.

CROSS-EXAMINED BY ACCUSED NO. 3:

I want to know from you Mr. Malakia Mneteng whether you were on duty on the 19th and the 20th of December, 1959? --- Yes, I was.

This meeting which you say you attended at the Orlando communal hall in Johannesburg, who was the Chairman? --- I do not know the Chairman of that meeting; as I have already said I was only keeping observation outside the hall.

Can you perhaps describe in detail what kind of observation you kept outside there? --- I and the other members of the Special Security Branch were standing outside,

not/....



not far from the doorway; as the people entered we then observed each and every one of them. That is what I mean by observation.

Can you perhaps advance a reason why you did not enter the hall, but remained outside and continued with your observation outside, i.e. you and the others? --- The reason is that we had not have the right or a permit to enter. If we had perhaps consulted the Chairman he would perhaps have given us the right to enter, i.e. enter the hall. I also don't know whether one of my superiors perhaps asked for permission to enter the hall on our behalf, and perhaps the permission was refused. I cannot comment any further.

Do I have to believe <sup>now</sup> that at each and every meeting ~~that~~ the members of the Special Security Branch have to get the right of entering the hall where the meetings being held, i.e. when they attend? --- At the various meetings which I personally have attended at the Orlando communal hall, I have often seen one of my superiors, if we do attend, seeking permission from the Chairman before we enter, unless the meeting is held in public, on an open piece of ground; there we just attend, without any permission.

Then on that particular day, or on these particular days the 19th and the 20th, you did not have the particular warrant which empowers you to enter that particular hall? --- It appears to be like that because we never went in.

According to what you said in your evidence-in-chief, what must now be accepted? That you attended a meeting at the Orlando communal hall on the 19th and the 20th, or whether you only went there to keep observation outside that particular hall where the meeting was being held? --- What I did is that I kept observation outside this particular hall. I never went

in/....



Was this Orlando communal hall specially built for holding meetings only, or is it also allowed that any other social gathering or activity could be held there in that particular hall? --- That I cannot say, because I have only attended at this hall when meetings were held. I do not know whether any social activities are being held at this particular hall.

At this particular meeting it was then where you found accused No. 1, No. 3, No. 4 and No. 39, i.e. the four accused? ---Yes, those are the accused I saw there.

Do you know this P.A.C. or the Pan Africanist Congress very well? --- I <sup>only</sup> know the P.A.C. or the Pan Africanist Congress by looking at it from afar. I cannot say that I know it very well, not being a member.

Do you perhaps happen to know the national leaders of the Pan Africanist Congress? --- Do you mean in the whole world or....?

I am only referring to the national leaders of this organisation here in South Africa? --- I do not know them all, but if you want me to enumerate those whom I know I can do so.

I don't want you to tell me their names, but I only want to know from you whether you saw them go in at this particular meeting which you say was held at the Orlando communal hall? --- Yes, I saw those whom I knew.

BY THE COURT:

At this meeting? --- Yes, at this particular meeting.

ACCUSED NO. 3:

Seeing that you knew them and you knew us, did you then take down their names as well as our names, i.e. the accused now before the Court?

By/....



BY THE COURT : TO THE WITNESS:

Just a moment. Let me warn you now, think well before you tell me whose names you took down on the 19th and the 20th January, at Orlando. Think well, and answer. Did you take down any persons' names? You personally? --- I only took down the names of those persons I saw and recognised from my area here in Vereeniging. The others' names were only taken down by the other members of the Security Branch, who happened to know them, and who belonged to their areas.

A At the meeting? At Orlando you took this down? --- Yes, Your Worship.

In what? A pocket book or on a piece of paper, or on what? --- They are contained in my pocket book, Your Worship.

Yes, proceed accused No. 3.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

You have already said that when you tried to gain entry at Stand No. 8171 at Shaspeville Location, there were some persons who tried to stop you from gaining entrance, and the Chairman then intervened on your behalf? Is that so? --- It was not persons, but it was only a person who tried to stop me from entering.

I am sure you will then agree with me that had Job Tsolo not been there and had he not intervened on your behalf and persuaded this person to let you gain entry, you would not have been allowed to go in? ---Yes, according to what I saw of the circumstances, it appeared to be like that.

You have already told the Court that there were something like liquor and food at that particular house? --- Yes, that is correct.

Are you a person perhaps who takes liquor? --- No. I am sure you will agree with me when I am going to make/....



make this suggestion to you. I am suggesting to you that Job Tsolo stopped this person from preventing you from going in, because he knew that he was only holding a party, and that should this person have succeeded in stopping you from attending or gaining entry, he would then have lost some money? --- I do not believe that it was a party. Had it been a party after having entered I would then have been requested to buy some food by the people inside, but I was given food freely and I ate the food. ---

BY THE COURT:

Were you given drink free? --- No, Your Worship.

Were you given drink? Were you offered drink? --- I was never offered liquor. I was only given food.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

I am suggesting this to you further that I am sure that Job Tsolo must have been surprised when he saw that a member of the detectives was attending his party? He was then so kind enough to give you food because he was pleased to see you being present there? What do you say about that? --- I cannot comment on that.

Will I be wrong that while you were there in the vicinity of the Police Station, you viewed the crowd with an intention of fighting or locating the people whom you knew? --- Yes, that is true. I looked at the crowd with an intention of perhaps locating those persons or people whom I knew.

Can you perhaps give us an estimate of the crowd which had assembled there at the Police Station? --- Before I estimate I would only like to say this. That was the biggest crowd I ever saw in my life.

Yes, I agree with you, it was the first time for me to see such a big crowd assembled together, but I want you to give me an estimate? --- Seeing that you ask for it I will

give/....



1,336.

M. Mmotong.

give you an estimate, but you must not find fault with it because it is only my personal estimate. There were more than six thousand people gathered there.

How many years have you been stationed here at Sharpeville itself? --- When you say Sharpeville, are you referring to Sharpeville Location or to Vereeniging district as a whole?

I am referring to Vereeniging district as a whole. --- This is my sixth year that I have been stationed here at Vereeniging.

consideration  
Taking into your estimate of the crowd which had assembled there, i.e. six thousand, and taking further into consideration the years you have spent here at the Vereeniging Police Station, were you then able to recognise only nine persons out of such a big crowd as had assembled there? --- Yes, that is so, because the people who had gathered there were not standing still, they were moving amongst themselves.

You have already said in your evidence-in-chief that you saw accused No. 39 walking up and down in front of that crowd which had assembled there? Is that so? --- Yes.

When you saw accused No. 39 at that stage, was he inside the premises of the Police Station, or was he outside the Police Station? --- I saw accused No. 39 outside the precincts of the Police Station.

In other words, do I understand you correctly that you are now saying that accused No. 39 was then walking up and down between the crowd which had assembled there and the fence of the Police Station? --- Yes, it is so, although I did not take particular notice of accused No. 39, i.e. as to what he did, and whether he was walking up and down or whether he disappeared on the other side of the crowd which had assembled there.

I/....



I want to get this clear from you. Are you definitely certain that you saw accused No. 39 walking up and down in front of the crowd which had assembled there, or are you not certain? --- The truth is that I saw accused No. 39 outside the fence of the Police Station. He was in front of the crowd, but I am not certain whether he walked up and down there in front of the crowd.

When you gave your evidence-in-chief the day before yesterday, is it not correct that you told His Worship that you saw accused No. 39 walking up and down in front of that crowd which had assembled there?

BY THE COURT:

Tell the accused that that is not so according to my note. I may be wrong, I have not taken a full note. He said he saw him at Sharpeville Police Station almost at the same time as No. 22, i.e. past twelve. He then seemed to be calling people, waving his hands to follow him, and shouting "Iwe Lethu!" He could not say if they followed him. There was a big crowd around the Police Station, and then he said that what he had called Seeiso Street was in fact the one in front of the Police Station, in front of the small gate. I have no note of his saying that the man was..... Wait a minute, I am sorry. He said: "Saw him up and down amongst the crowd, almost in front of the crowd". Yes, all right, put your question again now.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

Yesterday when you gave your evidence-in-chief you told the Court that at a meeting which was held at No. 8171 there were people who arrived there in vehicles, i.e. lorries, and some of them were carrying flags? ---No, that is not so. I do not remember having said so.

When you were being cross-examined by accused No. 1  
did/....



Did you not make mention of persons who arrived there in vehicles and carrying flags, and having what you have described as badges or tickets on their lapels? --- Yes, but that incident did not take place at 81st.

BY THE COURT:

You did say to accused No. 1 that the people had badges. You gave three reasons why you called the gathering a meeting. Firstly, there were badges on the lapels of some of the people. You said there was a large number of people, and there were speeches, and that is why you called it a meeting.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

Have you ever attended parties where you found people walking up and down and in and out perhaps? --- Yes, I have.

Can you then perhaps advance a reason why you say, i.e. taking into account what you have now said, as well as the fact that you estimated the people to have been about thirty that you found there, and some of them you say had some tickets on their lapels, why you say that was a meeting? --- The reason is that the speech that was made by the Chairman then brought me under the impression that it was a meeting.

According to what you have said in your evidence-in-chief some of the persons whom you saw there were wearing these tickets on their lapels with the inscription "P.A.C. Congress"? Is that so? --- That is so.

What do the letters "P.A.C." stand for? --- According to what I have read on the badges which were worn by some that I saw, I think it means Pan Africanist Congress.

But then according to what you say now, what was written on these tickets that were fixed to the lapels were the words "P.A.C.", and in addition to that "Congress", which means/.....



means then that there was an additional "Congress", or the word "Congress"? What do you say about that? --- Well, when we are asked to pronounce the words we usually call it the P.A.C. Congress. That is what we are used to do, i.e. when we pronounce those words.

Do you know how to read English? --- Yes, I do.

With the Court's permission I would like you to read what is written there?

BY THE COURT:

If you write anything you must write it on a piece of Court paper, and then it will serve as an exhibit. Now, help yourself there at the table. That will then be Exhibit No. 61. Now, just let me see it before you put the question, then I will follow the evidence more easily. (Piece of paper is shown to the Court).

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

I want you to tell His Worship what is written on this Exhibit No. 61? --- P.A.C. Congress.

I have no further questions. Thank you very much, Your Worship.

CROSS-EXAMINED BY ACCUSED NO. 4:

I want to know from you as a member of the Special Security Branch, what your most important duty is when you attend these conferences or meetings, and whether you have to write down only the names of the persons whom you find there under certain circumstances, or whether you also have to write down the speeches which are being delivered at these particular meetings? --- My duty when attending these meetings is to record the speeches delivered at these meetings, as well as the names of the speakers.

BY THE COURT:

8 As well as the names of the speakers? ---Yes.  
Could/....



Could I then accept it that the most important thing is to write down the speech delivered by that particular person? Do you or do you not consider that the taking down of his name is something of importance? --- The writing down of the speech as well as the names. They are of equal importance.

What in fact I want to know from you is this. Perhaps you did not understand the question. The writing down of the names, and the person who has made the speech, which of the two do you consider the most important? The question is what do you consider most important, the taking down of the names only, or the taking down of the speeches, or the taking down of the whole thing? What do you consider is important? --- What I consider is important is to write down the names as well as the speeches which are made.

Which means in short then that the writing down of names, and only the names, is not important? --- It is important, i.e. the writing down of the names only, because perhaps there will be an indication as to <sup>under</sup> what circumstances that name was written, i.e. when you wrote it there.

That is what I wanted to know from you. You said that on the night of the 20th you saw me on that open piece of ground, where you say I was then leading the crowd in that vicinity? --- That is so.

Can you say then what I did that gave you the impression that I was then leading these people? --- The reason is this. I got the impression that you were leading these people, because when we arrived there in the vans I found you standing in front of that crowd. We then alighted from the van and walked up to you. On arriving at the spot where you were Lieutenant Fourie then asked me who you were, and I then told him that you were Thomas More. Thereafter Lieutenant Fourie then had a conversation with you. Lieutenant Fourie asked/....



asked you "What do you want here at this time of the night?"  
 It was then that you said that you wanted to hold a meeting.  
 Thereafter Lieutenant Fourie told you that you would not or  
 you should not hold a meeting, but you should disperse. At the  
 same time you were also asked whether you had any permission  
 to hold a meeting, and you then replied in the negative. In  
 other words, you said you did not have permission. It is on  
 those grounds or for those reasons that I say you were the  
 leader of that crowd which had gathered there.

In the position in which I was standing there, was  
 I standing as one of the crowd or one of the members of the  
 crowd, who were standing in front facing where the crowd was  
 facing, or was I just standing apart from the crowd and facing  
 the crowd? --- You were facing us when we arrived there, and  
 then on our arrival some members of the crowd tried to run away.  
 You then stepped them on your own initiative and said they  
 should not run away.

Does it then imply that if I was standing in front  
 of the crowd, as I was according to your description, that I  
 was then the leader, and I was leading that crowd? --- The  
 position in which you were standing in front of the crowd, there  
 was nothing wrong with that, but then what you said to Lieutenant  
 Fourie, that is then what made you appear as the leader of that  
 crowd.

Yesterday when you gave your evidence, did you  
 explain, as you are now explaining, or did you explain diffe-  
 rently? --- This question was not as clearly put to me yesterday  
 as you are now putting it to me.

Do you then suggest that as the question was put  
 to you, and the reply you gave to it, was that not then the  
 correct version of what you were supposed to say, or the  
 explanation which you were supposed to give? --- I do not  
 recall/....



recall having been asked a question the day before yesterday concerning you and the way you are putting it to me today.

Will you then tell me whether I made a mistake?

I want to put this to you. Is it true what I have recorded here, i.e. that when you were asked the question "Did that crowd then disperse?" you then replied "No, the crowd did not disperse." Thereafter you were asked whether I then had a conversation with Lieutenant Fourie, and that I wanted to hold a meeting together with those persons who had assembled there, and before I could do so Lieutenant Fourie then said he would give me a short time in which we had to disperse, and that if I wanted to say something or have a discussion with these people I should have that discussion during the day and not at that time, and if it was not so then the crowd will be dispersed, i.e. with a baton charge. Did you say that? --- Yes, it is so, but the question put to me was not put in the way you are putting it to me today.

As I was standing there, do you still recall that you interpreted there at that spot? --- I was supposed to interpret, but before I could do so you yourself then spoke in Afrikaans.

I am putting it to you that one of the witnesses has told His Worship that you were called upon to interpret there? What do you say about that? --- I was supposed to interpret, but I did not, because you immediately then volunteered to speak in one of the official languages.

BY THE COURT:

Accused No. 4, who was the witness who said that this man had to interpret on that occasion?

BY ACCUSED No. 4:

It was Mr. Heyl, Your Worship.

BY THE COURT:

All right, proceed with your questions.

Cross-examination/....



CROSS-EXAMINATION BY ACCUSED NO. 4 CONTINUED:

Can you then say as you assumed that I was the leader of that crowd that had assembled there, what I eventually said to Lieutenant Fourie, or what was the last thing I said to him? --- I cannot remember well what you last said to Lieutenant Fourie, but you did not leave the scene as requested, and then a baton charge was carried out.

On the day of the 21st you say you saw me there at the Police Station? Is that so? ---Yes, that is so.

Can you say whereabouts I was there at the Police Station? I am talking about when you saw me? --- I saw you in the vicinity of the corner of the two streets, i.e. the other street and the street without a name. That was the last time I saw you, and thereafter I did not see you again.

BY THE COURT:

Where did you see him? --- I saw him in the vicinity of the corner of the two streets, i.e. the other street is that one without a name. Thereafter you disappeared.

The corner of that unnamed street and which other street? --- Zwane Street, Your Worship.

CROSS-EXAMINATION BY ACCUSED No. 4 CONTINUED:

When you saw me there what was I doing? --- I saw you lifting up your hand. I was not near you, and could not hear what you were saying.

Can you indicate to His Worship how I was lifting up my hand? --- (Witness demonstrates to the Court). You had your arm up in the position of giving a stop sign.

Thereafter you then say you did not see what happened to me? --- Yes.

Was I inside the fence or outside the fence when you saw me? --- When I saw you on the first occasion you were outside the fence, not very far from it. I did not see you /

inside/.....



inside the premises.

No further questions. Thank you very much, Your  
Worship.

CROSS-EXAMINED BY ACCUSED NO. 8:

Mr. Malakia Mmotong, are you certain or definitely  
certain that you know me? --- I know you and that you are  
Emmanuel Teketsi. I don't know what you mean when you say  
do I know you for certain, i.e. who you are.

BY THE COURT:

The question is did you know that man before these  
happenings at Sharpeville? ---Yes, I did know him before the  
happenings at Sharpeville, but he did not put the question that  
way, Your Worship.

CROSS-EXAMINATION BY ACCUSED NO. 8 CONTINUED:

You knew me to be a person who was doing what before  
these happenings? --- I knew you to be a member of the P.A.C.  
organisation.

Have you ever attended meetings of the P.A.C.? ---  
I never attended them, but I have kept observation at certain  
meetings, with the exception of course of the meeting which  
I attended at your home.

At the other meetings which you say you attended,  
did you see me there? --- There are no meetings I ever  
attended, with the exception of the meetings to which I went  
and where I only kept observation. The meeting that I attended  
was the one which was held at your home.

BY THE COURT:

Where is his home? --- No. 8171, Sharpeville.

Is that house No. 8171? Is that the home of accused  
No. 8? --- That is the house number in Sharpeville, 8171.

CROSS-EXAMINATION BY ACCUSED NO. 8 CONTINUED:

What I want to know from you is how did it come  
about/....



about that you knew that I was a member of the P.A.C.? --- I and my superiors went to your place of employment, where we found you wearing these badges on your lapel, i.e. at the place where you were then employed, at African Cables.

Can you perhaps remember the date on which you and your superiors came to my place of employment? --- Unfortunately I cannot remember it.

Why I am asking you this question is because you say you have certain names of persons whom you say are members of the P.A.C., and when you say you found at my place where the meeting was held according to you? --- Yes, that is so.

But just now you told His Worship that you first came to know me when you and your superiors went to my place of employment at African Cables, and where you saw me? --- You wanted to know from <sup>me</sup> where did I clearly see you, and that is why I replied that I saw you at your place of employment where I visited you together with my superiors. I did not want to make mention of the incident when I saw you at your home.

Why did you <sup>not</sup> want to make mention or refer to the incident at my place, where you say you saw me? --- It is because I foresaw that if I said I saw you at your home, then you would say "No, I was just innocently sitting at my home, doing nothing".

Yes, that is what I am going to put to you now, you have guessed right. You found me sitting there at my home doing nothing, is that not so? --- No, that is not so.

If that is not so then I am going to put it to you that you are then wrong in foreseeing that by making mention of the incident there at my home, that I would then put it to you that I was just sitting there innocently, and that is why you then had to refer to the incident at my place of employment, African Cables? --- I only made mention of this incident at African/....



1,346.

M. Mmeteng.

African Cable because I wanted to satisfy you.

I am putting it to you Mr. Mmeteng that from your conscience you know very well that what was being held there at my place of residence, was not in reality a meeting? --- I call it a meeting, a secret meeting.

When you originally left the place where you were, prior to your proceeding to my place of residence, did you leave with the intention of going to a meeting, or where did you intend going to? --- When I left my home or the place that I left, I left after having received information that at a certain place a meeting was being held.

Was it the same day that you received the information? --- It was during the same moments that I received the information.

Would you please be so kind to tell me whether you often carry your book in which you make notes with you, or do you often leave it at home at other times? --- I usually carry it with me, but at times I forget it at home, that is to say, at times when I am off duty.

You will recall Mr. Malakia Mmeteng, that on reaching the particular place which is my residence, you walked past my place, and after you had walked past my place a few paces, you were then called back? --- I do not recall having been called back, but I do remember that I was cycling fast on my bicycle, and then I happened to cycle past the place because I was looking at the numbers as I was cycling.

I am going to put it to you that that was not the reason why you cycled past. You knew the Sharpeville numbers and you were looking for that particular number? Is that not so? --- I do not know the Sharpeville numbers by memory, but I know them, i.e. if I am given a certain particular number and is asked to go and look for it.

You/....



You then noticed, as you were cycling along, whether the numbers were increasing, i.e. proceeding further, or whether they were going backwards, i.e. to say going to the other numbers? --- That I did notice, but I was in a haste and my heart was telling-me that I should get there immediately.

Do you then realise Mr. Mmetong, that if you had not cycled as fast as you did, <sup>it</sup> would have been easier for you to locate the numbers? --- Yes, that is so.

BY THE COURT:

Mr. Interpreter, you can tell the accused that I do think he is wasting my time on this point. Any person can make a mistake and go past a house he is looking for, and then realise it and go back again. It happens very frequently.

BY ACCUSED NO. 8:

Your Worship, I am putting this question to the witness because I want to contradict his statement that he went in there, and <sup>I say</sup> that he was called back after having walked past the place or cycled past the place.

BY THE COURT:

Yes, he has answered that question of yours. He said he was not called back as far as he can remember. The reply was: "I cannot recollect being called back".

CROSS-EXAMINATION BY ACCUSED NO. 8 CONTINUED:

On your arrival there you estimated the number you found there to be thirty, and you wrote down the names which I have with me here. Now, in comparison with the number there are only a few. Did you write these names there at the same time, i.e. there in the house, or did you perhaps write them at a later stage, or thirdly, did you, when going to that meeting, already have knowledge of the names or have them in your possession? --- I arrived there and wrote them there at the meeting.

By/....



BY THE COURT:

At the meeting.

CROSS-EXAMINATION BY ACCUSED NO. 8 CONTINUED:

In other words, the names which you omitted when you wrote this down, these persons are not members of the P.A.C.?

BY THE COURT:

The question is whether you only wrote down a few names, and that those were the only P.A.C. members, and that the people whose names you did not write down were not P.A.C. members? --- These persons whose names I wrote down are the persons whom I knew then, and also knew the names of, and these I omitted are these persons whom I knew by sight but did not know their names.

CROSS-EXAMINATION BY ACCUSED NO. 8 CONTINUED:

Mr. Mmeteng, you should be careful and you should realise that it was the first time that you wrote down my name? Is that not so?

BY THE COURT:

Tell the accused he may be under a misapprehension or perhaps I am. You are? What is your name, No. 8?

BY ACCUSED NO. 8:

Emanuel Teketsi.

BY THE COURT:

Oh, that is your name. I did not know, I am sorry.

CROSS-EXAMINATION BY ACCUSED NO. 8 CONTINUED:

Was it the first time that you wrote down my name?

--- I do not remember, but I do remember that I wrote it there.

BY THE COURT:

Did he not this morning say that the name of No. 8 was not in his pocket book?

BY MR. UNTERHALTER:

That is as I have recorded it.

By/....



BY THE COURT:

That is what I have in mind.

BY THE WITNESS:

I was referring to accused No. 2 when I said his name does not appear there.

BY THE COURT:

You told me this morning No. 8. Everybody heard that. Accused No. 8, put your next question.

CROSS-EXAMINATION BY ACCUSED NO. 8 CONTINUED:

I am now putting it to you Mr. Mesteng that you did not know me, and secondly that gathering there was not a meeting, but it was an ordinary party? --- I know you, and that gathering I term a secret meeting.

I have no further questions.

COURT ADJOURNS UNTIL 21.11.1960.

THE COURT: At the meeting...  
EXAMINATION BY ACCUSED NO. 8: In other words...  
THE COURT: The question is...  
CROSS-EXAMINATION BY ACCUSED NO. 8: ...  
MR. MESTENG: ...  
THE COURT: ...  
BY THE COURT: ...  
CROSS-EXAMINATION BY ACCUSED NO. 8: ...  
BY THE COURT: ...  
BY MR. UNTERMAYER: ...