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Volume 21 ✓

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ON RESUMING: 23.11.1960.
ALL ACCUSED ARE PRESENT.
APPEARANCES AS BEFORE.

ERNEST HENDRIK FOUCHE b.v.:

CROSS-EXAMINED BY MR. UNTERHALTER (Continued):

New Constable, according to you, you made a mistake when you indicated that you were North of the gate. You now say that you were actually South of the gate, at the time that you saw accused No. 30..?--That is correct.

DEUR DIE HOF:

Is dit nou reg, jy weet nou wat Noord en Suid van die hek is?---Ja.

Was jy ten suide van die hek toe jy haar gesien het?---Ja.

MR. UNTERHALTER:

I suppose it is easier for you to give evidence as to the left hand side and the right hand side?)--- Ja, dit is.

You put your position, as I understand you to say last time, approximately 7 paces now to the South of the gate when you saw accused No. 30 with the stone in her hand? --- 7 treë van die draad af.

We must be quite clear about this.

BY COURT:

May I suggest that you get him to give the distance from where he was to the roadway which leads from the gate into the Police Station, because the other part, I understand, is grass and then there is a roadway in between the two patches of grass.

Jy was 7 treë van die draad af?---Ja.

MR. UNTERHALTER:

New Constable, what I want you to hear in mind is this. The fence with the big gate is on the Western

side/

side of the Police Station?—Ja.

You would be standing away from that fence?—

Ja.

In other words, East of the fence?—Na die Polisiegebou toe.

That is right, that you can accept, is East?

—Ja.

When you say you were seven paces away, do you mean that you were seven paces in an Easterly direction from the fence?—Ja, ek het op die green gras, na die gebou gestaan.

Now we've got that position. What I also want to get from you is this. Standing as you were to the South of the gate, if you take the left hand post of that gate, as you're looking at the gate, how many paces from that left hand post were you; also about seven?—Oek ongeveer 7-8 treë. Ek maak maar n skatting, ek is nie seker nie.

Approximately that?—Ja.

Now constable, you're quite happy with that now. You're not confused, no mistakes, you've now placed yourself correctly? —Ja, ek sal nie sê dit is heeltemal korrek nie, ek maak maar n skatting aanstebly.

Of course I can't expect you to be as precise as a mapmaker, within a pace or two?—Dit mag effens tekort of effens te lank wees.

Apart from that, there is no other correction that you wish to make as regards the evidence you gave concerning your position and the position of accused No. 30?—Nee, beslis nie.

So that when you said in your evidence in chief that "Sy was skuins regs", you're happy with that?—Ja

ek/

ek is heeltemal tevrede daarmee.

I want to put it to you that here again the evidence that you'd given, and with which you have now expressed your complete satisfaction, differs materially from the evidence that you gave at the inquiry?—Ja, ek weet nie wat het ek daar gesê nie, ek sal graag wil weet.

You see, at page 733 of the Inquiry, you were questioned as to where the person who was dancing and jumping and uttering these words were standing, and this is what you said:

"KRUISVERHOOR HERVAT: U het gepraat van 'n banteevrou wat gedans het en geskree het. Hoe laat was dit?—Dit was kort voor die skietery"

"Waar het sy gestaan en waar het sy gedans?—Sy het toe skuins voor my gestaan, ek sou sê meer aan die Westelike- Suidelike rigting".

"Teenaan die draad?—Heelvoer, teenaan die draad".

"Weg van die hek af? —Nee, na skatting ontrent 15 treë".

"15 treë Suid van die hek? —Suid van die hek".

That is at page 743. Now, you did give that evidence, constable?—Ek het.

Now constable, I'm putting it to you, the description that you gave at the Inquiry indicates that this woman who was shouting and jumping, was somewhat to your left?—Nee, heelis nie.

I'll explain it why I put it to you, that the effect of the evidence that you gave at the Inquiry is that she was somewhat to your left, as follows. First of all, you describe her as being in a West-Southerly direction. Now, as you faced West, West-Southerly is on your left. You

agree/...

agree with that? ---Dit is - ek sal net graagte - dit is baie moeilik vir my om die rigting op hierdie moment - ek sal net graagte dit ken uitwys waar dat die beskuldigde gestaan het. Sees ek sê, ek staan nog 100% op my feite waar ek haar gesien staan het, effens regs van my af.

Constable, perhaps I can assist you by showing you again Exhibit No. 13. Now, I want you please to look at it with care, I don't want there to be any misunderstandings. You notice in Exhibit 13 the group of people whom you've told us, when you last gave evidence, were opposite the gate. You notice them?---Ja.

Now, from the evidence that you've given this morning, correcting your original position, you were below that group of people, as they stand on the photograph, in other words, on the lower portion of the photograph?---Dit is reg.

That's correct. Now, therefore, if you are facing towards the West, that group of people, if they had been there, would have been on your right, is that correct? ---Ja, hulle sal heelstam aan my regterkant wees.

Now, if you let your eye travel down the photograph towards the corner that is formed by the crowd of people standing there, that would be the South-Western corner of the Police Station grounds. You agree with that? ---Ja.

You mustn't mark the photograph please?---No.

Now, I'm putting it to you that the people on that South-Western corner, as you are facing West towards the crowd, are obviously on your left?---Ja, dit is reg.

And I therefore put it to you that if you are describing anyone as being in a South-westerly direction, they must have been somewhere - that person must have been somewhere/

somewhere on your left. That person couldn't possibly have been somewhere on your right. Do you agree with that?—Sees ek reeds gesê het, my rigting, Suid of Noord, kan uit wees. Ek is eertuig sy het ook my regterkant gestaan, effens na regs van my af, waar ek sou gestaan het.

So when you, in your own reply, said "Sy het so skuins oor my gestaan, ek sou sê meer aan die Weste-Suidelike rigting", you really didn't know what you were talking about. Is that what you wish His Worship to understand from your evidence? —Wat ek wou gehad het u moet verstaan, my bedoeling is 100% dat sy aan my regterkant sou gestaan het.

In that case, why did you tell the learned Commissioner that she stood at "Die Westelike-Suidelike rigting", if you didn't know the meaning of the words that you were using?—Ja, ek kan dit verduidelik. Dit mag wees, sees ek alreeds gesê het, dat my rigting verkeerd was.

I'm going to give you another reason why I suggest that there is a startling conflict between that evidence and the evidence you've given here, and it is the following. You've told us that you stood about seven paces to the South of the gate. You've said in your evidence that this woman when you'd observed, stood 15 paces to the South of the gate. Now if that is so, then she must have been on your left?—Ek het gesê naastebly. Ek het dit nie gaan afree nie. Ek kan te eniger tyd gaan wys waar sy gestaan het ook.

If you give an estimate of distance, you would give an estimate if the distance were 7 paces, that it was 7 paces, or 8 paces or 9 paces. Is that correct?—Ja, ek het gesê dit mag minder of dit mag meer wees.

But I'm putting it to you that even though one has to be indulgent about distances, you can't make

a difference in estimating distance between 7,8 and 9 paces on the one hand, and 15 paces on the other?—Ja, mens kan n feut maak.

You estimated the distance that you were standing away from the fence in an easterly direction at roughly 8 paces? 7 or 8 paces?—Ja.

You said that here and you also said that at the Inquiry?—Ja.

It was a fairly accurate estimate by you of your distance from the fence?—Nee, ek sal nie sê dit is n akkurate distansie nie. Ek het gesê dit was volgens skatting, ek kan uit gewees het ook.

I'm not saying that it was an accurate - I'm saying it was a fairly accurate...?—Ek volg wat u sê.

It was a fairly accurate estimate. And then, when you were asked to place the position of this woman, you said 15 paces. Now, I put it to you that you must have had in mind at that time how far you were away from the fence, and how far away she was from the gate. You must have had it in your mind, isn't that so?—Ja, toe die vraag aan my gestel was, hê ek my skatting gemaak hoe ver het ek naasteby gestaan.

And when you positioned yourself in relation to the gate, how far South of the gate, when you said you were about 7 paces South, you were also giving a fairly accurate description?—Ja, ek het ook n naasteby distansie gages.

Now Constable, if you placed yourself at seven paces South of the gate, and when invited to say where the woman was, you placed her at 15 paces South of the gate, it must have been clear to you in your mind's eye, that wherever that woman was, she must have been somewhat to your left?—Ek staan nog by die feit dat sy aan my regterkant

was/...

Now constable, if that is so, then when you were invited to give the distance that she was away from the gate, to the South, why didn't you say she was 4 paces, or 5 paces or 3 paces, or any figure less than seven, that would have made it clear to the learned Commissioner that she was then on your right and not on your left?

BY COURT:

Mr. Unterhalter, the witness, before the Judicial Commissioner, gave his own distance from the gate first of all. He's given it to me today, and to the Judicial Commissioner he gave No. 30's distance South of the gate.

MR. UNTERHALTER:

Well perhaps I should clear that up. In response to what His Worship has just said to me, I want to put this to you. This is what was said at page 737 of the record. "Waar het jy gestaan in verhouding met die hek? --In verhouding met die hek, as jy van die straat se kant af inkom, die polisiowerf in, aan die regterkant?" --Dit is korrek.

That's how you've corrected yourself in relation to the evidence you gave here a couple of days ago. "Dit wil sê aan die Suidekant van die paadjie wat lei na die Polisiestasie?--Dit is reg". "Omtrent hoe ver vanaf die paadjie of die grens, die heining aan die Suidekant? --Ongeveer 7 treë van die heining af".

BY COURT:

That is clear now, thank you.

MR. UNTERHALTER:

You did say that, didn't you?--Ja, ek het gesê ongeveer 7 treë.

Now constable, I then want to put the question to you, if in fact this woman was somewhat to your right,

and/

and you were 7 paces to the south, why did you not say "I put her at 6 paces from the gate, 5 paces from the gate, 4 paces from the gate". At any such position she would have been at your right, but at a distance greater than 7 paces to the South, she must have been to your left?—
 Ek het dit nie afgetree 100%, sees ek gesê het, ek is oertuig sy was aan my regterkant.

You made a very serious error then, did you not, in first of all telling the Commissioner that the distance was 15 paces..?—Ek het gesê naasteby.

And secondly, in saying to His Lordship that she was in a South-Westerly direction?—Sy was aan my regterkant, voor die hek.

You admit that you made a mistake in giving that evidence to the Commissioner?—Ek het geen fout gemaak nie, ek voel baie gelukkig hoe ek gehandel het.

Now, as regards this particular woman you say is accused No. 30, you say she had a stone in her hand?—Ja.

This made a very vivid impression upon you, I take it?—Ek is baie seker daarvan.

In which hand did she hold the stone?—In haar regterhand.

Now, the stone being in her right hand, on which side of you was that stone?—Die klip was ook van my af aan die regterkant, sees sy hem gehouvas het, sees ek gestaan het.

So you saw the stone on your right hand side?—Ja, ek het hem op my regterhand gesien.

I'm putting it to you that can't be so, because if the stone was in her right hand, it must have been on your left hand side, you were opposite one another?—Nee, sy het

offens/

effens regs van my gestaan, sy het nie vlakveer my gestaan
 le. As sy vlakveer my gestaan het, dan sou dit aan my
 linker kant gewees het. Dit is aan my regterkant, en sy
 het effens regs van my gestaan.

What kind of a stone was it?—Dit was n klip.

Was it a brick or..?—Nee, n klip. Ek het
 hom nie ondersoek om te kyk watter tipe klip dit is nie, ek
 het hom raakgesien.

And the size of it?—Dit was n reende, skerp-
 vernige klip.

Yes, the size?—Omtrent my vuistgrootte,
 hierdie tipe, sees ek alreeds gesê het.

She had no difficulty in holding a stone as
 big as your fist in her own hand?—Nee, ek het nie gesien
 dat sy moeilikheid ondervind om dit te houvas nie.

Now, how was she holding it, raised in the
 air above her head, held at the bottom near her thigh, held
 in an in-between position - just describe it to us?—Sy het
 hom so gehou (getuie demonstree). /

DEUR DIE HOF:

Met die arm laag, hier langs haar..?—Ja,
 nie juis teen die spinaas nie?

Ja, met die arm effens weg van die lyf af? /

—Ja.

MR. UNTERHALTER:

That would indicate that she was holding a
 stone but not necessarily in the act of about to throw the
 stone. Is that correct? —Ja, ek sal sê op diemanier wat
 sy gestaan het, kon sy enige moment gegee het ook. Sy het
 hom nie pap hier teen haar weggehou nie.

I take it that, standing as she was against
 the fence, she couldn't have thrown that stone unless she
 would have raised her arm above the top level of the fence?
 —Sy/

—Sy ken haar hand lig en...

DEUR DIE HOF:

Om dit te kan geel mees sy die hand lig?—

Ja, sy mees hom gelig het, seker.

MR. UNTERHALTER:

The only way she could have thrown that stone, if she were to do it, as one throws a ball underhand at cricket, is if there was no fence between. You agree?—

Sy ken hom dan geel het, ja.

You are agreeing with me?—Ja, sy ken se eek geel het.

I'm putting it to you that if she wanted to throw it as one throws a ball underhand at cricket, she couldn't have thrown it because the fence would have prevented the stone going past. She would have had to throw that stone as one throws a cricket ball, overhand, in order to get past the fence. Do you agree with that?

DEUR DIE HOF:

Verstaan jy? —Ek het nou nog nie juis gesien hoe geel hulle onderhand kriket nie, maar ek veel sy ken hom deur die draad geel het se eek.

MR. UNTERHALTER:

Are you suggesting that the mesh of the fence was sufficiently wide or open, that if she threw that stone, the according to you the size of a fist, it would be able to go through that mesh?—Ek het nie opgelet hoe groot dit is nie. Ek se sy ken meentlik se geel het, of hy sou deurgaan daar, weet ek nie.

How can you really say that? How can you really tell that to His Worship, that you didn't know the size of the mesh?—Ek het dit heelis nie gemaak, nou nog nie. Ek kan nie vir u die grootte van die gate se nie.

Se/

So you can't say at all definitely that if she had thrown underhand, it would have gone through the mesh and into the police grounds?— Dit ken meentlik gewees het as die gate groot genoeg is, ek het nie gekyk hoe groot dit is nie.

But you don't know it?—Nee, ek het nie gekyk hoe groot is die gate nie.

So you are only stating possibilities and not your own knowledge?—Ek stel nie meentlikhede. In die geval as ek dit ken wees dat hy deurgaan het daar, ek het dit nie afgeneet nie. As ek die klip gehad het self, en gegee het, ken dit meentlik deurgaan, ken ek sien die grette van die gat.

I want to put it to you that in the position that you've described this woman as standing, with this stone in her hand, and the hand somewhat low down near her body, that is not a position from which you would infer that she was about to throw the stone. Do you agree with that or not? —Ek stem nie saam nie.

I take it that you didn't actually see her raise her hand and throw this stone?—Ek het haar persoonlik gesien geei.

How, will you tell us, did she throw it in an overhand manner?—Ja, sy het die klip so gevat en so gegee.

Much as a cricketer who is in the field, picks up a ball and throws it overhand to the wicket-keeper? —In die rigting van die polisie, ja.

I'm not going to ask His Worship to take judicial notice of the fact that it is a rather difficult feat for a woman to throw overhand. Most women don't throw overhand. Are you quite certain you saw her doing it?—Ek

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het al gesien hulle geel baie hard oor eek. In my loopbaan het ek dit dikwels gesien.

Now, as regards the dress of this woman, just give it to us again?—Sy het presies daardie selfde reei-kolletjies deek oor haar kop gehad.

And what else?—Sy het n bleuerige rok aangehad.

And any shoes? —Ek het nie gekyk of sy skeene aangehad het nie.

Stockings?—Ek het nie gekyk na haar bene nie.

I understand it was a very hot day, wasn't it?—Ek kan nie sê hoe warm dit was nie.

Well, you remember the position of this woman so clearly, surely you can remember what the temperature was? —Ek het my nie aan die hittegevoel gesteur nie.

Well, was it a cold day?—Ek kan heel nie sê hoe warm dit was of hoe koud dit was nie.

How is it that you don't remember that, whereas you remember these other things so clearly? —My aandag was meer op die skare bepaal as op die hitte.

Was the sun not shining?—Die son het gekyn, ja.

It was about noon, or a little after noon, on a day in March, in sunny South Africa, is that correct? —Ja.

We've had evidence that some cold drinks were brought in from members of the crowd to the police. Did you see that?—Ja, vroeg die oggend eekal, en die middag. Die wat die middag daar gebring was, was juis wat die oggend oorgebly het.

And if you didn't refresh yourself with the cold/

cold drinks, did it perhaps refresh your memory that perhaps it was a hot day because the cold drinks were brought in for the police?—Daar is nie kafees waar mens koffie kan kry nie. Die oggend was n rowwe ete vir ons voorgebring. Tee was n koel drankie, sal ek maar sê en die nasmaak af te sluk van die dros beskuit wat ons ge-eet het.

I put these questions to you because the evidence that will be given by Accused No. 30 is that she was not wearing that 'deek' at all on that day. It was a hot day, and she was wearing a Basuteland hat?—Ek is tevrede sy het presies daardie selfde deek, het sy aangehad. Hy lyk net so.

She is going to give evidence that that is how she was dressed, with a blue spotted blouse and a yellowish, greenish skirt with little spots on it?—Nee.

Now, I mentioned the Basuteland hat - this is now painted blue, it wasn't painted blue then, you'll notice it has got the straw colour inside, and she is going to say that this is the hat that she was wearing?—Nee.

A typical, conical shaped Basuteland hat that people from Basuteland wear?—Nee.

You say you saw accused No. 30 jumping up and down and shouting. Did she seem very excited?—Ja, sy - ek weet nie hoe om dit uit te druk nie, sy het vir my redelik opgewonde gelyk.

Did she jump and dance for quite some time?—Ja, net tye het sy stilgestaan, dan het sy weer gesprong. Met tye was sy stil - het sy nie gesprong nie.

It was a fairly violent form of exercise that she was indulging in?—Ja, die sal ek sê.

And/

And she was doing it, even though there were intervals, for quite some time? ---Nee, dit het nie lank aangehou nie.

Five minutes?---Ja, dit is baie moeilik om n skatting te maak hoeveel minute of so.

But it was very energetic exercise? --- Ek weet nie hoe streng dit vir haar gewees het nie.

Well it required the use of quite a deal of energy on the part of this person who was dancing and jumping up and down, and shouting and so on? ---Dit is bietjie moeilik om te sê, ek weet nie heel lank sy kan uit hou met seiets nie.

Well, even if she was doing it for half a minute, it would require quite a deal of exertion, would you say that?---Dit mag meentlik haar n bietjie meegemaak het, ek weet nie.

DEUR DIE HOF:

How high was she jumping in the air, van die grond af, sou jy sê, hoe hoog was haar voete? Jy weet daar is n verskil as jy nou met so bietjie rondtrippel?--- Dit is moeilik om te sê hoe hoog. As ek nou moet sê, dan is ek nie seker nie.

Sal jy sê sy het gespring en nie net rondgetrippel daar nie? ---Ja, heel lank.

She was jumping and not just tripping about.

MR. UNTERHALTERS

Would you say that she was jumping to the maximum height that she could, above the ground?---Nee, dit kan ek nie sê nie, ek weet nie hoe hoog kan sy spring nie.

Eighteen inches? ---Nee, ek kan nie sê nie.

You can't say. Now, with the dancing, was she stamping her feet vigorously as sometimes you see African women/

women do? ---Wel, sy het, ek het gesê in die lug gesprink.
Ek is nie - ek het nie opgelet na haar veete nie.

And as far as dancing is concerned, did she
stamp her feet as she danced?---Nee, ek het saggig nie daarna
gekyk of sy haar veete op die grond hard stamp en tekere
gaan nie.

I take it you can't describe the dance -
can't classify it?---Ja, n Basetsedans kan ek redelik goed
verduidelik, maar dan loop hulle gewoonlik in n kring. Hulle
staan nie op een plek en so maak nie. Ek het dit baie gesien
al in my loopbaan.

I want to put it to you that accused No. 30
- we've had evidence of this already in another connection -
is a woman who suffers from a leaking valve in her heart, and
that a woman in a condition such as that would not have
exerted herself in the way that you've described would have
been very dangerous for a person with a heart complaint to
have done that sort of thing?---Ja, ek weet nie hoe gevaarlik
sy dit beskou het nie, maar sy het dit gedoen.

Let me put it to you in another way. If at
that very moment you had been told "This is a woman with
bleed pressure, and a heart condition and a leaking valve",
would you have expressed surprise that a woman suffering
from such a condition should have been indulging in such
violent exercise?

BY P.P.:

That's a medical opinion....?---Dit is vir

my medik en die vraag...

MR. UNTERHALTER:

Well, wouldn't you have been surprised to
have been told that that is a sick woman and seen her doing
that, surely you would have said "It is a strange thing for

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a woman with a leaking valve in her heart or with a heart condition to be doing"?—Ek weet nie, dit is meer n vraag sou ek sê, aan n medikus. Ek is nie 100% om te sê of dit gevaarlik is of nie, vir haar nie. Ek het geen ondervinding nie.

I take it as far as the injury to yourself is concerned, it was so minor that you really made no report about it?—Nee, ek het nie eers afgeboek ook nie.

DEUR DIE HOF:

Ja, maar het jy verslag daaroor ingedien?—

Nee, ek het nie.

MR. UNTERHALTER:

As far as the language is concerned, the Accused No. 30 is going to say she can't speak Afrikaans?—

Ja, ek weet nie of sy dit nou kan praat of nie, maar ek is oertuig sy het dit gepraat.

Now, you attended the identification parade at the Boksburg prison, was it?—Ek het.

At what time of the day was it, that you were called in?—Ek dink dit was die namiddag wat ek ingereep was.

Is it correct that it was fairly late in the afternoon, it was getting dark?—Ek glo nie dit het al donker geword nie.

But it was towards evening?—Ja, die namiddag.

Was the light, according to you, sufficient to enable you to identify the person whom you pointed out?—Ja, baie goed.

At the time that you had to come in, was the door leading into the yard open at all, or not? Where the parade was held?—Die deur was toe. Hy was net oopgemaak as iemand nêrens ingaan. Ek het ook daar heelagter - ons

het/

het daar gesit, skuins in die hoek. Toe hulle my naam
roep, toe het ek verontes gegaan.

Weren't you some distance away from that
door while you were kept waiting?—Ja, ons het n hele
klemp daar in die smal plekkie gesit en wag tot hulle die
persoen uitroep wat hulle wou hê.

When you were asked to point out people who
were there at the Police Station on the 21st of March, did
the person who told you this, walk with you towards the
parade while he was telling you this, giving you your
instructions as he took you down towards the line of people
who were there?—Nee, hy het nie saam met my geleep nie.
Hy het by die hek vir my gest - by die deur.

He spoke to you then?—Ja.

In an ordinary quiet voice just as I am
speaking to you - I hope I'm speaking to you quietly?—Ek
kan nie sê hoe hard nie. Ek voel amper dat hulle ken dit
meentlik heer op die parade wat hy vir my gest het.

You're not sure. He didn't say anything else
besides that, did he?—Nee.

Can you describe please the clothing that the
person when you pointed out was wearing on that day?—Sy
het nie die blou rok aangehad daardie dag nie.

Yes, but what I would like to know from you
is what was she wearing?—Daardie dag het ek nie neel opge-
let nie. Ek het net haar gesig - reguit na haar toe geleep.
DEUR DIE HOE

But constable, how does it come about. You
are now describing something that took place in a much calmer
atmosphere, a month later, the 19th of April instead of the
21st of March, it is nearer to you in time. You had a good
look at a lot of people and you pointed her out, surely, if
you remember so clearly her clothes on the 21st of March,
you/

you should be able to tell His Worship something about her clothes on the 19th of April? — Ek het spesiaal opgelet die dag, want ek was bang ek doen beserings op. Ek het haar spesiaal deeggehou daar met die klip in haar hand. Sy het my aandag baie goed getrek daarse.

Well, approach it from this way, was she wearing anything at all on her head, on the parade? — Ek weet nie, dit is bietjie moeilik vir my om dit te sê. Ek het nie haar

You knew that you had to point out the woman who was at Sharpeville on the 21st of March, and you therefore looked at the row of people with great care, didn't you? — Ek het nie geweet wat ek daar moet gaan uitwys nie alverens dit aan my gesê was nie, daar by die deur na my naan geneem was.

It is all right, but in due course you were told that you had to go and point out the persons, if any, who were at Sharpeville on the 21st of March. You knew that? — Ja, dit het hulle daar vir my gesê.

You therefore had to expect a large group of people who were lined up, and you had to inspect them carefully, didn't you? — Ja.

And I suppose you did inspect them carefully? — Nee, ek het vinnig verbygeleef en ek het reguit na haar toe gegaan en gesê dit is sy.

That means that you recognized her? — Ek het haar dadelik herken toe ek haar daar sien staan.

You came up and you looked at her, and you now see her there in the line as the same person as you saw opposite you at the fence? — Ja, ek het haar dadelik herken.

And you can remember today looking at her as she stood on that parade, and seeing her face? — Ja.

New/

Now, let your mind's eye just reconstrue the scene. You're on the parade ground and she is on the parade ground, you're looking at her and you're sure that this is the same person. Tell us how - if she had anything on her head?--Regtigwaar, ek kan dit nie sê nie.

Was she wearing a dress or was she wrapped in a blanket?--Ek kan nie sê of sy tegedraai was of wat die geval was nie.

I'm putting it to you that your powers of observation are not of the best?--Nee, ek sal sê myne was goed gewees want ek het haar baie goed enthou.

And that as much as you are unable to recollect the details of her dress as you pointed her out on the parade, so, in the same way, you can't be certain as to the identity of the clothing of the person who was opposite you on the 21st of March?--Ek is baie certuig dit was korrek sees ek gesê het.

If this woman, Accused No. 30 as you claim, was right in the front row near the fence, and I take it that the fire from the police was directed straight towards the crowd in a westerly direction, is it?--Ja, in so n rigting.

She stood in great danger, did she not, of being wounded where she was?--Ja, ek sal sê sy was in gevaar daar waar sy gestaan het.

If, in fact, she claims that the shot reached her when she was just South of the shops in a North-westerly direction, can you say how that can come about?--Wel, ek weet nie hoe vinnig sy weggespring het dalk nie, of wat aangegaan het met haar op daardie moment nie, dit was abaisdeurskaar, ek kan nie sê nie.

As far as you're concerned, do you know anything about the direction of the police fire - say the

police/

police have fired in a North-westerly direction..?—Ja, ek weet in watter rigting— sees ek gestaan het is dit meer so..

That is in a Westerly direction?—Ja.

Would it be easier for you if I showed you the map. Now if you'll please look at the map, you will see the Police Station indicated, and the shops indicated - Exhibit 2. You've got the positions clear?—Ja, dit is die Polisie-stasie en die winkels.

Now, I don't know if you can answer this question, but from the way in which the police were firing, and the way you say their guns pointed, would you say that some of these shots could have gone in the direction towards the shop?—Nee, ek kan nie dit sê nie.

You're not sure about it?—Nee..

You can't say. Did you fire because you thought an order had been given, hearing the other shots, or was there any other reason why you personally fired?— Nadat ek gewend was het ek geskiet - nadat ek gegesig was.

I want to be fair to you. Do I understand that you decided to shoot because you'd made up your mind "If someone is throwing a stone at me, then I'm going to fire back". Is that what you're saying?—Nee, ek het geskiet nadat ek certuig was - my lewe was in gevaar, ek was certuig daarvan, daar is groot moilikeid daardie moment. Ek het nie juis gewag dat ek moet raakgesig word nie.

You didn't shoot because you heard other people shooting? —Nie daareer nie. Ek het nie sonner vir die plezier gaan skiet nie, net omdat ek hulle geheel skiet het nie.

No, no, I'm not suggesting that. I want to get this clear, you didn't shoot because you panicked and because you heard other people shot. You shot because you

made/

made an independent decision, is that correct? ---Ek het net geskiet enrede ek 100% certuig was kyk, hier is nou gevaar vir my lewe.

You yourself didn't see the arrests taking place near the gate?---Nee.

You didn't see any struggle at the gate?---Nee.

Did you have any occasion to look at the gate just before the big firing started?---Ek weet nie of ek na die hek gekyk het toe nie.

You see, other people were standing at different points in these Police grounds, some North of the gate, some South of the gate, and apparently their attention seems to be attracted, wherever they were standing, to what was going on at the gate. You yourself did not have your attention attracted to it?---Nee, ek het nie die hek deegheue nie.

MR. UNTERHALTER NO FURTHER QUESTIONS.

ACCUSED Nos. 2, 3, 4, 8, 28 and 39 NO QUESTIONS.

COURT ADJOURNS.

COURT RESUMES:

ERNST HENDRIK FOCHE n.o.o.:

HERVERHOOR DEUR P.A.:

Marj Fouche, by die uitkenningsparade toe die mense daar gestaan het, waarna het u gekyk en hulle uit te ken?---Ek het reguit na die gesig van die beskuldigde gekyk, reguit na haar toe gelyp.

Is dit die enigste middel wat u gebruik het om hulle uit te ken, net gesigte?---Ja, en dan haar lyf, haar onderden en die, maar ek het haar sommer gesien, dadelik.

In verband met Bewysstuk 13, d.w.s. die lugfoto van Sharpeville Polisie-stasie, hoe het dit gebeur dat u die verkeerde plek uitgewys het op daardie kiekie?---

Die/

Die moeilikheid is die rigting het my bietjie uitgegaan.
 Die kiekie wat ek gehad het - ek verbeel my die Noord en
 Suid, die rigting daaar het my net bietjie dronkgegaan.
P.A. GEEN VERDERE VRAE.

DIE MOON ROEP:

JACOBUS CHRISTIAAN VISSER Edeleerw. verklaar:

VERHOOR DEUR P.A.:

Mr. Visser, u is 'n Luitenant in die S.A.

Polisie verbode aan die Spurdien en gestasieneer the
 Vereeniging?—Dit is reg.

En heelank is u by Vereeniging gestasieneer?

—Vanaf Julie, 1958.

En heelank polisie diens het u? —Vanaf

April, 1942.

En verstaan u enige natuurletale?—Nee.

Nou, voor die 21ste van Maart, hierdie jaar,

as 'n lid van die spurdien, het u ooit bewys geword dat
 daar gaan betogings gemaak word deur natuurle?—Ja, ek het

in besit geken van verskeie omdraers wat in die lokasies
 versprei is.

Sal u asseblief na Bewysstuk 6 kyk, 47,

49 en Bewysstuk 5. Nou het vergelyk die pamflette wat in

u besit geken het met die bewysstukke? Wat ek wil weet is

was dit soortgelyke pamflette of was dit anders as die?—

Dit is moeilik om te sê. Dit wil my - die strekking van

die woorde van die bewysstukke is dieselfde as die wat ek

hanteer het destyds.

En elk van die bewysstukke wat u daar het,

gee voor dat dit uitgereik is deur die Pan Africanists

Congress, nie waar nie?—Dit is reg.

En/

En die pamflette wat in u besit gekom het, was dit...?—Deur die selfde organisasie uitgereik.

Het u ooit n pamflet gesien wat die dag van die betoging bepaal het?—Ja, die algemene strekking van die pamflette was tot dien effek dat die 21ste Maart die dag van betoging sou wees.

Neu wanneer, heelank voor die 21ste van Maart het u n pamflet gesien waar die werklike dag, d.w.s. die 21ste Maart, bepaal was?—Dit is baie moeilik om te sê. Die verskillende pamflette het met verloop van tyd in my besit gekom. Ek het natuurlik almal aangestuur Hoofkantoor toe.

Neu, op die oggend van 21ste Maart, hierdie jaar, het u eers na van der Bijlpark toe gegaan?—Dit is reg.

Hee laat het u na van der Bijlpark vertrek-gery?—Dit was na 8 vm.

En tot op daardie tydstip, het u enige klagtes van onrus ontvang in verband met Sharpeville Naturelledorp Polisiestasie?—Nee.

En u het toe later weer teruggekom na Ver-eeniging toe?—Nee, ek het van van der Bijlpark af na Sharpeville gegaan.

Hee laat het u by Sharpeville aangekom?—Ongeveer tussen 10 en 11 uur reed.

En van watter rigting het u Sharpeville Naturelledorp genader?—Vanaf die hoofpad, Barrage-Ver-eenigingpad, daardie rigting.

Verwys asseblief na Bewysstuk 2, dit is n lugfoto - n fotostatiese afskrif van n lugfoto. Wat ek wil probeer vasstel is het u deur die plek gery wat hulle noem 'Site' - "Erf en Diens", toe u die Sharpeville Polisiestasie genader het, of het u ingekom by die Munisipale kantore?—

Ek/

Handwritten text on the left page, including names like 'J. A. A.', 'DIE NROON HOEF:', 'JACOBUS CHRISTIAAN VISSER', and 'VERENIGING'. The text is partially obscured and difficult to read due to the angle and quality of the scan.

Ek het van 'n Suidelike rigting van van der Bijlpark gekom,
van 'n Suidelike rigting ingekom na die Polisiestasie toe,
by die Polisiestasie verbygery...

Laat ons net daardie Suidelike rigting....?

—Hier op die Plan kan ek net beduiem min of meer.

Mees u eers/die veld ry en...?—Ja, 'n stuk
oer die veld, tussen die pad en die lokasie het ons deur
die veld gery. Daar is 'n pad in elk geval.

En toe u inkom het u verby die spersgrense
verbygery en toe regs gedraai in Zwanestraat?—Ous het links
gedraai in Zwanestraat, voor die polisiestasie verbygery tot
in Secisestraat...

DEUR DIE HOF:

Wag 'n bietjie - Ja? —En met Secisestraat
in die rigting van Vereeniging gery vir 'n paar honderd tred,
sal ek sê.

P.A.: —Nou toe u verby die polisiestasie gery het in
Zwanestraat, het u van Oos na Wes beweeg? —Nee.

DEUR DIE HOF:

Het u met Zwanestraat by die polisiestasie verby-
gery of met die systraat, voor die groot hek verby? — Ek
het met Zwanestraat gery, en net as jy reg voor die polisie-
stasie op die hekkom, het ek regs gedraai.

P.A.: —By die groot hek verby? —Dit is reg, by
die groot hek verby, en die draai na Secisestraat.

Dit is in die straat seker naam op?—Ja.

En die winkels toe? —Dit is reg, ja.

Nou toe u weggetrek het van van der Bijl, was
dit u bedoeling om direk na Sharpeville Polisiestasie te kom?
—Nie eintlik nie. In van der Bijl het ons onbevestigde
geragte gehoor dat....

Ja/...

WISSER/
FOCUS

1,457.

Ja, ek wil nie die...?—Ja, ek het maar
 Harpeville toe gegaan om te kyk eintlik wat aangaan,
 En toe u by die polisiestansie verbyry, was
 daar enige bantees in die engewing van die Polisiestansie?
 —Daar het klempies bantees in die engewing gestaan.
 U het gesê dit was entrent 11 uur wat u daar
 gekom het?—Ja, ek wil my verstaan dit mag miskien vroeër
 wees, dit mag 11 uur gewees het.

DEUR DIE HOF:

Die getuie het netnou gesê 10 - 11 uur...?
 Ja, tussen 10 en 11 uur. Ek dink dit mag vroeër, voor 11 uur
 gewees het.

P.A.:

Entrent hoeveel bantees was daar by die
 Polisiestansie toe u verbyry het? —Dit is baie moeilik om
 te sê, dit was so klempies van 10, 20 en miskien 30.

Ja, maar hoeveel klempies van 10 tot 30
 het daar gestaan?—Wel, op hierdie stadium was dit onseentlik
 om te sê.

En waar was die meeste van hierdie klempies
 gekonsentreer, aan watter kant van die Polisiestansie - as u
 na Bewysstuk 56 kyk, dit is miskien u beter een en sal u
 nie beïnvloed nie - 56 is 'n lugfoto van die polisiestansie
 wat geen bantekare aantoon nie?—Entrent Suid-wes van die
 polisiestansie.

DEUR DIE HOF:

Moste was Suid-wes van die Polisiestansie.

P.A.:

En het u op daardie tydstip stilgehou en
 miskien navraag gedoen wat seker hulle daarse?—Nee.
 U het toe aangehou ry en toe regs gedraai,
 d.w.s. Oos in Secisestraat?—Dit is reg.
 En tot watter punt in Secisestraat het u

VISSER/

1,459.

ery? Hoe ver, as u kan miskien....

DEUR DIE HOP:

Bewysstak 2 sal u miskien...?—Ek sal sê

paar henderd treë totdat ons die groep, n hele swerm
bantees voor ons in die straat gesien het.

J.A.:

Haby watter publieke geboue - daar is n
peskantoor, melkery, busteterminus en so aan tot daar by die
hospitaal en die kantore?—Dit is moeilik om te sê tot watter
punt.

En hoe groot was hierdie klomp bantees wat
u gesien het?—Dit was n groot skare. Die hele straat - dit
was n dubbele straat, alkaante was net een swart massa gewees.

Is u bereid om enige skatting te gee - n
numeriese skatting van die skare?—Dit is baie moeilik om
te sê. Ek sal sê dit was duisende, gewis.

Duisende. En het u daar stilgehou of net
weer omgedraai?—Ons het toe, op advies van een van die
ander speurders wat by my was, het ons toe links gedraai in
een van hierdie strats.

Wat was die heading van hierdie skare voor u
- in watter rigting het hulle beweeg, hierdie skare?—Hoe,
dit het vir my gelyk hulle dram saam. Hulle het nie na ons
geken nie, en ek kon ook nie sien dat hulle verder gaan nie.

En wat was die heading van die skare?—Ja,
dit was net n geruas gewees, n heeltemal luidrugtige geruas.

Het u enige wapens gesien tussen lode van
die skare?—Nie wat ek kan onthou op hierdie stadium nie.

Wie was toe saam met u? —Daar was n paar
speurders, e.a. Sers. Reynecke, onthou ek, Pieterse - ons was
net twee veertuie gewees.

Twee veertuie. Watter soort veertuie was
hulle?—Die een was n Zephyr en die ander een - ek dink sê

was

1,459.

VISSER/

was n Volkswagen, maar ek is nie seker nie.

Meterkarre?—Meterkarre, ja.

En in watter rigting het julle uitgedraai
uit Secisestraat?—Oms het links uitgedraai, d.w.s. min of
meer in n Noord-westelike rigting.

En waarheen het u gegaan?—Tee het ons met
die volgende straat wat regs afdraai, het ons tee regs afge-
gaan tot onder by die Munisipale kantore, by die Administrasie
kantore.

En wie was in bevel daar by die Munisipale
kantore, ken u dit vasstel of nie?—Nee, ons het net - ons
het deurgeken en weer met Secisestraat terug na Sharpeville
se kant gery, want voorkant het ons tee gesien was daar
pelisiemanne, en voertuie, en die greep bantees was voor
hulle gewees, d.w.s. tussen hulle en die pelisiestatie, en
daar het ek vir Majeer van Zyl gekry.

En was u by gewees tee Majeer van Zyl met die
skare gepraat het, of was u by gewees ten tye van enige
traangasgebruik of knuppelleep wat daar sou...?—Nee.

Het u lank daar vertraag daar by Majeer van
Zyl of nie?—Nie lank nie, want ek het vir Majeer van Zyl
n beedskap gegee wat ek by die Administrasiekantore ontvang
het, en hy het kort daarna die teneel verlaat en teruggegaan.

En waarheen het u gegaan?—Ek het na
daar gebly en met Kapt. Coetzee wat daar was - wel, daar by
hem gebly en tee het ek hom lateraan gesê dat ek ernstig
veel oor die veiligheid van die manne by die Pelisiestatie
omdat die skare bantees op daardie tydstip weg beweeg het in
die rigting van die Pelisiestatie.

Het u miskien opgelet heeken hulle nou - wat
was die oorsaak van die skare, dat hulle nou ongedraai het
en weg beweeg het in die...?—Ek ken geen oorsaak vasstel
nie.

En/

1,450.

VISSER/

En u het toe dan uit u eie inisiatief besluit om na Sharpeville Polisiestatie te gaan?—Ek het eers vir Kapt. Coetzee gesê, toe sê hy vir my hy glo die dit is nodig nie, en dit was my my derde keer wat ek die verseek aan hom gerig het, en na heelwat tyd verloop het, wat hy toe gesê het dan kan ek maar gaan kyk wat daar aangaan.

Was u in uniform daardie dag?—Nee.

Burgerlike drag?—Burgerlike drag.

En u het toe uiteindelik by Sharpeville Polisiestatie gekom?—Ja.

Het u dit van Zwanestraat af genader, of deur middel van Secisestraat?—Oms het - waar ons gestaan het in Secisestraat, links gedraai, heeltemal agter om die polisiestatie gegaan en in Zwanestraat opgekom.

Was daar enige verskil in die bantees die keer - toe u die polisiestatie nader, was daar enige verskil in die klempie bantees, in die getal van hulle wat daar saamgedrom het?—Dit was toe duidelik dat die massa wat ons in Secisestraat gesien het, het toe rondom die Polisiestatie saamgetrek.

Hee laat was dit toe u daar gekom het?—

(Voor antwoord) Ek wil u nie beperk tot 'n sekere tyd in minute nie, maar net by benadering?—Ja, dit was heelwat na 11 gewees het, maar dit is baie moeilik om te sê.

En is u bereid om 'n skatting te gee van die skare op die Polisiestatie daardie tyd?—Ja, daar was seker omtrent 8,000, sou ek sê.

U sê 8,000?—Ja.

En wie was in bevel van die Stasie toe u daar gekom het?—Hoofkenstabel Hoyle was daar gewees.

Het hy enige rapporte aan u gemaak oor enige insidente?

insidente wat daar plaasgevind het of selets? Ek wil nie die inhoud van die rapporte hê nie, ek wil net weet of hy wel..?—Ja, ons het die kwessie diskusseer.

En het u met enige nie-blanke of bantoes gaan praat na u daar gekom het?—Ja, beskuldigde No. 3 was blykbaar die leier van die skare gewees, want almal was aan die buitekant van die draad; hy was aan die binnekant.

Aan watter kant was dit?—Wel by het rondgestap, rondom die draad aan die binnekant, en met die mense gepraat.

Het u opgelet of No. 3 enige goed aan sy klere gehad het - enigiets aan sy klere..?—Ja, hy het n etinkt aan sy bors gehad.

Het u gesels wat daarop staan - was daar enige skrif ..?—Dit was so n pienk kleur gewees, daar was op geskrywe. Die ding dink ek is lateraan beslag epgelê na sy arrestasie deur iemand, ek is nie seker nie.

Maar kan u sê wat was daarop geskrywe - kan u entou?—Dit het iets te doen met 'Passes', maar ek kan nie die presiese waarde entou nie.

Sal u met na Bewysstuk 39 verwys - dit is n pienk ene? —Dit sal ieds soortgelyks gewees het, ja.

Dit is die Bewysstuk wat - wat staan daarop, op daardie ene?—"Away with passes. P.A.C."

En wat was u bedoeling, heeken wou u met No. 3 beskuldigde praat? —Dit was vir my duidelik dat hy die leier van die skare was, en ek het hom nader geroep en met hem n geselskap aangekoop.

Wat het u vir hom gesê?—Ek het hom gevra "Wat is julle doel, wat maak julle hier". Toe sê hy vir my "Ek is die Sekretaris van die Plaaslike tak van die P.A.C. Ek, sowel as die mense hier rondom het nie bewysboeke nie.

en/

1,462.

VISSER/

"... ons ken - ons wil gearresteer wees". Ek het hom gesê
 "... kan nie se n massa mense hier by die Polisiestasio
 ... isves en arresteer nie, dit is net onlogies. Hy sê
 "Ek sal teruggaan as julle vir my sê ons moet teruggaan,
 maar ons sal weer terugkom en ons sal die polisie lastig
 val totdat hulle ons arresteer".

En het u enige verdere gesprek gehad?—Ja,
 hy het gesê dat hulle - die P.A.C. eis dat alle bantoes
 £35 per maand moet verdien; dat hulle wil hê dat die
 mense van Ghana en Basoetseland na die Unie kan kom wanneer
 en sees hulle wil, sonder enige beperking.

En wat het u besluit om met hierdie man te
 doen - het u hom enige raad gegee of ..?—Oms het, nadat
 ons ; rakkie gesels het, het - ek het hom nie enige raad
 gegee nie want die posisie toe was toe maar net dat daar
 was niks veel wat mens kon doen daarentrent nie.

Wat bedoel u, daar was niks wat u kon doen
 nie?—Kyk, hulle het gestaan. Hulle was n paar duisend wat
 nou staan en wag om gearresteer te word. Hulle is opreerig
 aan die anderkant, aan die buitekant van die draad, en deur
 hom weg te stuur en die feit dat hulle weer sou terugkom sou
 nie die saak oplos nie want hulle was beslis dat hulle wou
 opgesluit wees.

Hoe het u die gesprek teneinde gebring met
 beskuldigde No. 3? — Oms het nog gepraat, hy het gesê nog
 dat "Sobakwe gaan ons eerste President wees".

Van wat?—Van Suid-Afrika - ja, ek kan nou
 nie gakket of hy gesê het Suid-Afrika of Afrika nie, maar
 Afrika gewis. Oms het nog gepraat toe het hy omgedraai en
 toe het hy sy hande net se opgetel en toe hy hulle se optel
 toe het die hele skare se uit een mond uit n seert van n
 kreet laat weergalm.

1,463.

VISSER/

Het u geheer wat die kreet was, of was dit
n geluid?—Het n geluid, ek ken nie heer nie.
Gaan maar aan? — Wel..

Ek wil u nie lastigval terwyl u die
teorie...?—Nee, u kan maar...

Tee die skare die kreet laat weergalm, wat
het toe daarna gebeur? —Ek was maar daar rend gewees, ek
weet nie of u na n spesifieke gebeurtenis verzygs nie, ek was
maar daar rend gewees. Ek het hem natuurlik vir hem gesê
dat hy vir sy mense moet sê dat hulle agter die draad moet
bly en nie die draad se druk nie want die draad het - hulle
het hem gedruk tot seker entrent n 50 grade hoog.

Hooveel grade was dit?—Entrent 50 grade.

En het hy geheer gegee aan u verseek?—Ja,
hy het met die mense gepraat en hulle het teruggegaan maar
onnidellik daarna maar weer teruggekom. n Paar van die
jonges, byvoorbeeld het die draad se gestaan en druk en
se getrek - gespeel - heeltemal n uittartende heuding
ingeneem.

Tee u daar was - daar by Sharpeville Polisie-
stasie geken het, was u bewus dat versterkings op pad was
van ander dorpe?—Nee.

En wat het u besluit en te doen - daar was
hierdie skare daarse, en onder daardie omstandighede?—
Dit het vir my duidelik geword dat die skare besig was en
aan te groei. Ek ken by die bewegings op die huite punte
sien dat hulle besig is en aan te groei, en ek het besef
dat as hulle die Polisie-stasie se sternaloop op daardie
stadium, dat die manne wat binnekant was nie genoegsaam
sou wees en weerstand te bied nie. Ek het toe u nota ge-
skryf en dit aan Kapt. Coetzee gestuur.

Wie het u gebruik as beedskapper?—Ekukuus?

Wie/

1,464.

VISSER/

Wie het die meta geneem - seentoe geneem?

—Ek dink dit was een van die banteekenstabels wat gester deurgegaan het - eer die draad op 'n plek gegaan het.

Was die man in uniform?—Hy was in uniform.

—Nou aan watter kant by die draad agter gât het hy deurgegaan? —Ek het nie gesien nie, maar ek verstaan dit is ...

Wel u het hom nie gesien nie?—Ek het nie gesien toe hy uitgaan nie.

DEUR DIE HOF: Kan u vir my sê of hy by Swanestraat se klein hekkie uitgegaan het, of by die groot hek, of by 'n ander plek? —Ek stel my voor dat ek gehoor het dat hy sonner agter eer die draad gegaan het, nie in Swanestraat nie, heeltemal agter.

P.A.:

—Dit wil sê - is dit aan die Ooste of aan die Noordkant?—Dit sal omtrent aan die Noord-ooste kant wees.

En was daar enige bantees daar by daardie hekkie?—Nie veel nie. Daar was daar rond, maar nie veel nie.

Wat was toe die notatjie wat u geskryf het?—Ek het net gesê dat die getalle groei aan en ek weet nie of ons die fert sal kan hou as daar iets moet plaasvind nie, hy moet 'n plan maak, of woorde tot die strekking.

En daarna, het enige versterkings opgedaag?—Ek het later gesien dat 'n klomp manne aan die Oostelike kant van die polisie-stasie, in Swanestraat, saamgetrek het 4 polisie-manne, en min of meer dieselfde tyd, of voor of daarna, het daar ook polisie nog by die polisie-stasie opgedaag.

Onder bevel van Kapt. Thoren?—Dit is reg. Het u daar gely tot die polisie geskiet het?

—Ja.

Nou, het u ooit - het ooit enige persoon melding gemaak daardie dag dat hulle wag vir 'n heeggeplaatse

beampte wat sou die skare kom teesprek het?—Ek het dit ooit geheer nie.

In u gesprek met beskuldigde No. 3, het hy miskien ooit enigiets gesê wat daardie indruk geskep het, dat miskien 'n heeggeplaatste beampte sal die skare op 'n besondere tyd kom teesprek daarse? — Beslis nie.

En op die - later, op die 19de van April, by Boksburg, het u 'n uitkenningsparade bygewoon?—Dit is reg.

Waar was u tydens die optel van die parade - kon u sien of heer wat daar aangegaan het?—Nee.

En toe u na die parade gekom het, het ginal in 'n lyn gestaan?—Ja.

En watter vraag was aan u gestel?—Iets tot die effek dat ek, indien ek kon, enige persone moet uitwys wat ek die dag van die 21ste by Shaggeville gesien het.

En het u enige persone uitgewys?—Ek het beskuldiges No. 3 en No. 4 uitgewys.

Waar het u beskuldigde No. 4 gesien daardie dag?—Hy was ook binnekant die draad by geleentheid, saam met beskuldigde No. 3.

En hoe het hy homself gedra - wat was hy besig om te doen?—Dit was vir my duidelik dat hy ook een van die leiers was.

DEUR DIE HOP:

Het u miskien met No. 4 gepraat?—Ja, ek het met hom gepraat.

Kan u onthou wat daar gesê was tussen u en hom - wat hy gesê het?—Ek het nie met hom gepraat waar ons alleen was, ek en hy nie, maar 'n hele paar geleentheid nadat ek en beskuldigde No. 3 gepraat het, het ons weerde gewissel, ek met die ander twee waar hulle bymekaar gewees het. Ek kan nie onthou wat gesê was nie.

P.A. GEEN VERDERE VRAE.

CROSS-EXAMINED BY MR. UNTERHALTER:

Now, I take it you were not particularly disturbed by the groups that you saw outside the Police Station when you first passed upon your entry from the South?—No, I was not.

And similarly the groups that you by-passed in Secise Street, when you went to the left and then came to the Municipal offices, similarly did not disturb you?—That was a disturbing factor because there was a big number and it was obvious to me that, well, they were there for some purpose - congregating, not proceeding anywhere.

What disturbed you was the fact that there were such a large group of people there on a workday - a Monday morning?—That is correct, yes.

DEUR DIE HOF:

U moet sê of u wil die getuienis getelk hê aan u, of u kan in Afrikaans antwoord, net sees u wil?—Dit is reg, dankie.

MR. UNTERHALTER:

But apart from the fact of their assembling and there being such a large crowd there, there was nothing in the behaviour of the crowd that you passed in Secise Street, that disturbed you?—No.

Now, you remained for some little while together with Capt. Coetzee on the Eastern portion of Secise Street, with the crowd between you and the Police Station?—That is correct.

And you only became disturbed again when that crowd moved off towards the Police Station and you thought the Station might be possibly endangered?—That is correct.

I understood you to say that you - that

Captain/

Captain Coetzee was with you all the time? —Whilst we were in that position in Secise Street? yes.

Yes? —Yes, he was in the vicinity - we were in the vicinity.

Now, he also saw this crowd move off, away from where you were stationed, in the direction of the Police Station?—He must have seen them.

Now, this fear communicated itself to you as this crowd moved away?—Yes.

And then you reported what you thought about the situation to Capt. Coetzee?—That is correct.

But he didn't seem to agree with you, that you should depart and go and strengthen the forces at the Police Station?—Apparently yes, he did not.

Now, might that be because possibly your fears were unfounded?—It is difficult to say. I don't know what he thought at the time. Possibly he did not have the first hand knowledge of what the position was at the Police Station.

When you suggested that you ought to go to the Police Station, didn't you add "Because they're very badly manned there and they need a few extra men"? —Well, I did not know what the position was there as far as men were concerned. I argued this way, I passed that way, I saw policemen, I didn't know how many they were, and I saw the groups there and with the big crowd joining the groups, it might possibly be a dangerous situation.

May it be that Capt. Coetzee formed a different impression to the one that you gained at the beginning, because the departure of the crowd was an orderly and peaceful departure?—It was. It was just a question of dwindling away, going away from there.

Anyway, in the end you were able to persuade

him/

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him that you should be permitted to go and you went off—
 Yes. I may add that just about at that time a native
 constable came from the Police Station and he made a
 report to Capt. Goetzee in my presence, that the crowd was
 gathered at the Police Station, and it was at that time when
 I left.

This African constable was dressed in uniform?
 —He was dressed in uniform. They were two together, on
 bicycles.

And they appeared to be quite in order, nothing
 wrong with them?—Nothing wrong.

Now, you then departed and you did also arrive
 at the Police Station?—Yes.

You've said in your evidence in chief, as
 I've noted it, it was clear that the crowd in Secise Street
 had now assembled around the Police Station?—That is correct.

This was an assumption that you make of their
 having been a large group of people in one area, and then when
 you came back to the Police Station, you found the crowd
 swelled, you therefore assumed that the people who were in
 Secise Street, had transferred themselves to the Police
 Station?—That, coupled with the fact that at the time
 when I entered the yard of the Police Station, I couldn't
 see any other crowd in the direction where I came from.

Now, it is of course possible, I don't say
 it did happen, but it is possible that that crowd had in
 fact dispersed and the numbers around the Police Station
 may have come from other points in the location?—It is
 possible.

Now, you say that you found Head Constable
 Hoyl in charge, you had a discussion with him, and then you
 found No. 3 accused inside the wire fence?—Correct.

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He gave you the impression that he was the leader of these people?—Yes.

I take it not only did he give you that impression, but he confirmed it by the influence that he later exercised over the crowd in your presence?—That is correct.

I believe he was able to calm the crowd by his order, would that be right?—Yes.

And when he did tell the crowd to retreat from the fence, they obeyed him at least for a certain time, the came back afterwards but they did listen to him?—Correct.

I take it that in your conversations with him you treated him courteously when you spoke to him without rudeness? —Yes.

Did it perhaps occur to you that here was a man who might be useful in controlling the crowd and assisting the police to calm that crowd if the occasion should arise? — He was certainly capable of controlling the crowd to a certain extent.

Did you yourself form the idea that it might - you might wish to use him to control the crowd if necessary, or to use him as an intermediary? —Well, if I remained in charge I possibly would have. It is difficult to say. It depends on the circumstances.

The crowd, by and large, although they were shouting, was still a fairly orderly crowd, would you say? — Well, there was a big noise and I would say sections of the crowd were orderly, but other sections were definitely not.

Let me try to put it another way. It would not be correct to describe the crowd prior to the removal of No. 3 accused, as a wild and hysterical crowd?—No, I would not.

Dac/

But on the other hand, I take it, it was a crowd that it was desirable should not be excited and should not be provoked or insulted or have anything done to it that might lead to a serious situation?—Yes.

And there was nothing, of course, that you did in your dealings with No. 3 and No. 4 accused that would provoke the crowd?—No.

Now, you decided at a certain stage to send a message for reinforcements principally because the size of this crowd had become very huge?—Yes, and the other reason was that the fence, as I say, had at that stage been forced over to 50 degrees, and I thought that if the fence should break, the automatic result would be that the crowd would flow in, and if it should have happened, then I was of the opinion that there was not enough police to withstand the situation as it could have been.

Well really, these two reasons I suggest to you, interrelated. Here was a big crowd and this crowd, you say, through pressure, was causing this fence to lean inwards. Would you agree with that?—Yes.

And if this physical barrier had been removed by having been pressed down through the weight of the crowd, there would then be neither a physical nor a psychological check on the crowd and things might have got out of hand?—That is correct.

I take it that in a way, although some of these young men, according to you, were pulling at the fence, the real reason for this fence going forward, was the huge pressure from...?—From the back.

From the back, upon the fence?—That is correct.

Would it be fair to say that in a way this pressure,

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From the back, upon the fence?—That is correct.

Would it be fair to say that in a way this pressure?

pressure was really unintentional, it is the kind of thing that happens anywhere among big crowds where pressure are exerted?—Yes.

So you sent for the reinforcements by means of another constable, was it, or two constables?—Yes, a note via a bantu constable.

Now, as far as the point of departure of this messenger is concerned, you don't speak of that out of your own personal knowledge. I rather gathered from your evidence in chief that you were conveying something that had been conveyed to you by somebody else about his having got out at the North-East corner of the Police Station?—Yes, that is correct. I am sure, however, that he did not go out at the front gate. I'd say at any two of the front gates - any of the front gates.

May he have gone out, however, at a point where the crowd was quite thickly assembled?—It is possible. I did not see him go out.

I can't give you the specific wording of an earlier witness, but the impression that I'm under is that there were more than one constable for the second expedition of messengers - there were two, and they were both in uniform. They appeared to pass through the crowd, and on their return, to come back through the crowd, and the crowd let them come and go without causing them any hurt at all. You'd agree with that, would you?—I can't deny that, although I am sure that they did not leave the premises through any of the two front gates. They may have come back that way, I don't know. The impression that I can recollect about that situation is that one was given the note, and he departed towards the back of the building. Now, it is difficult to say what happened to him then.

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At that time, was there a big concentration of the crowd on the Western side of the Police Station, that is outside these big gates?—Yes, there was a congregation there.

Would you say that this constable messenger must have passed through some fairly dense concentration of the crowd?—It depends on where and how he left the yard.

Yes, but if he went through the West gate - departed anywhere from the West side of the Police Station, to judge by the density of the crowd, he must have passed through a very big group of people?—Definitely, yes.

You see, it may be that with the lapse of time, possibly, you've forgotten some of the detail. There is something that you did tell the Commissioner at the hearing in April of this year, and I want to read it to you to refresh your memory. You say at the bottom of page 470 "a Mens het nou nie tyd en sulke tye nie - het ek 'n notatjie geskryf aan Kapt. Coetzee en dit moët een van die banteë kenstabels wat ons agter uitgestuur het, d.w.s. aan die Westekant van die Polisiestasie, gestuur, waarin ek het kortliks vir hom gesê het dat die posisie raak hier dat as daarmet geweld plaasvind, ons nie in 'n posisie sal wees om die fert te kan hou nie, en of hulle iets daarentrent kan doen". You did say that?—That is correct. I may just point out that the back of this Police Station is not on the Western side, but on the Eastern side, so it might have been that I might have mentioned the wrong direction, but the back of the Police Station is definitely not on the Western side.

On the other hand, again I'm under the impression that for the most part, you were roundabout the front portion of the Police Station, that is near that small

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gate that gives on to Zwane Street?—Yes..

That is where you had most of your discussions with Accused No. 3? —Yes, more or less on the corner section, i.e. the corner to the North, that is where the congregation was, between that gate and the big gate.

You see, that is not the North Section - let me show you Exhibit 13.

BY COURT:

Look at Exhibit 13 there. The Prosecutor has kept it away from you up to now.

MR. UNTERHALTER:

You have it before you?—Yes.

Now as we look at the Police Station, you see that gabled portion jutting out from the main portion of the building and facing you in the photograph. That is the main entrance to the Police Station?—Yes.

That faces South, as it looks towards you, that is South?—Yes.

Because the street running parallel to the bottom of the photograph is Zwane Street?—Yes.

On the left of the photograph is another street, running up the length of the photograph, that is the unnamed street, running from South to North, past the two big gates?—Yes.

Now, for most of the time, were you somewhere near that gabled portion, what I called the Southern entrance to the Police Station?—Yes, between the Southern and the Western side, that is where the double gate is.

Now, may it not be that when you gave your evidence before the Commission, you positioned yourself as being more or less continuously facing the Southern portion of the crowd, and then, when you sent this constable away,

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he went through some portion of the Western part, and since you're facing the South most of the time, in your own mind, when you said "We sent him behind", you meant something that was behind you physically, and when you said the Western side, it genuinely was the Western side?—My impression of the back of this Police Station, would be the portion facing South.

BY COURT:

Facing South? South is at the bottom of the photo?—I'm awfully sorry, facing East, that would be the back of the Police Station. Now, when I was - I was in the charge affixe at the time when I wrote this note, and he went through, into the courtyard, and I presume that from there he went East, to the back.

MR. UNTERHALTER:

Anyway, you can't be sure of that?—No, I can't be sure.

You didn't observe through which entrance he came back?—No.

Some little while after that you noticed a group of men in Secise Street, somewhere towards the East - in Zwane Street?—Yes.

Now, perhaps you can assist us. Your frame of mind, as I understood you, was the following. Here was a group pressing against this fence. If the fence were overwhelmed, maybe the Police Station would be overwhelmed, and it would be very necessary to have men in case of such an emergency? —Yes.

You saw this group of police in Zwane Street, to the East. Did it not occur to you that they would be better posted inside the Police Station grounds, in view of your frame of mind that I've just described to you, rather than the way you saw them in Zwane Street, to the East?—

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It possibly would have, but I was satisfied when I saw - there was a Captain in charge of them and I was satisfied when I saw that there were police in the close vicinity.

So to speak, you had some moral backing because there were now some of your colleagues nearby?—Yes.

But didn't it occur to you that if, in fact, this trouble that you feared, came about, there would be a turmoil and a mix-up of these police with the crowd, they wouldn't be nearly as effective as they could be if they were with you facing the crowd, and together as a group?—That might have been so, but it would have been fairly difficult for the police at that stage to get into the police yards, because the fence on both sides were actually blocked, unless they would have come from Seaside Street, on the other side, it would have been possibly better, but they were on the opposite side then.

If you look at Exhibit 13 again, you will notice that in the photograph itself, I don't think that there is anybody at all on the Eastern side. Am I correct?—That is correct.

At the time that you noticed this contingent of police, you subsequently learned that Capt. Coetzee was in charge...?—Yes.

Was the Eastern portion of the Police Station similarly deserted?—It is difficult to say, because I do not know at what stage it was, what the position would have been at the stage when I noticed them, but there were definitely - I mean, the Eastern side was never as crowded as the South and the Western side.

Would you go so far as to say that there were hardly any people there, throughout the whole of this incident? — It is difficult to say.

Would/

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...—Yes.
...You saw
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Would you perhaps agree that if it was necessary to move this contingent of police that were in Zwanest Street into the Police grounds, they would have got through with ease on the Eastern side, if it meant jumping over the fence?—They could have, yes. I may just point out that I do observe that this picture, Exhibit 13, does not cover the whole police grounds. There is definitely a portion towards the East, which is fenced off, which is not included in this photograph.

In other words, there may have been a crowd to the East, but it has been cut off by the...?—That is correct.

But be that as it may, even if that were so, there would have been less dense there than on the West and on the South, and the police could perhaps have made their way through?—If they wanted to get through, yes.

Mr. Labuschagne, the Location Superintendent, told us that he made his way into the police grounds via a somewhat similar route. Now, will you agree with this proposition that that contingent of police remained outside because in all the circumstances of the case, in fact, it wasn't necessary for them to assemble with the rest of you inside the police grounds?—I don't know what their instructions were at the time. I think it must have been roundabout that same time when Capt. Thereon came too with some of his men, shortly afterwards - it is difficult to say what their instructions were.

Yes, I don't expect you to tell us that. I only want to get your own frame of mind. Wouldn't you say that in point of fact you didn't worry unduly about these men being inside rather than outside because the state of the crowd was not such that warranted the immediate transfer of these outside men into the police grounds?—No.

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You agree with me?—I agree with you.

Well now, these reinforcements under the command of Capt. Theron then arrived, and I take it that at that stage you surrendered your command to Capt. Theron? —Well I never actually had command of the situation. I was just prepared to take the responsibility because I was the senior man, but not being in uniform it is difficult to take command in a situation like that because the majority of people don't know who you are.

Anyway, you'd assumed responsibility?—Yes, I assumed, and when Capt. Theron arrived, it was a sort of automatic take over.

Yes, and you didn't, yourself, do anything on your own initiative after that, as you might have done, had Capt. Theron not been there?—That is correct.

I wonder if you, yourself noticed the arrival of a certain motor vehicles containing senior officers of the police? —I can recollect having seen one, I think. The others, when I saw them, they were there. I cannot recollect having seen one car entering the front gate.

Captain Brummer, do you remember his arriving with the Saracens? — I saw the Saracens when they came, I don't know whether he was in charge of them, Capt. Brummer.

You don't remember seeing a man in overalls..? —I saw Capt. Brummer. I saw him once he was inside the yard, I saw him, but as I say, I don't know whether he was in charge. I know now that he was in charge of the Saracens.

Anyway, you saw him there. Do you remember an incident of Capt. Brummer being near the West gate and beckoning a car to come through, or act, so to speak, as a Traffic Policeman?—No, I can't recollect that.

You don't remember?—No.

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You remember the arrival of Col. Prinsloo and Col. Spengler, I take it? ---I don't know which car it was. I saw one car coming in, but I don't know which car it was.

BY COURT:

Yes, now the difference would have been that in the one car there were two C.I.D. Colonels, presumably in civilian clothes, and in the other one there was a uniformed Colonel. Which one can you remember - doesn't that help you? ---Yes, it does. The car in which Col. Spengler and Col. Prinsloo came, it came in and it sort of pulled off to the left hand side. I remember them getting out of the car. That is the car I can recollect having come in.

MR. UNTERHALTER:

You know Col. Spengler, of course, you recognized him? --- I know him.

Did you notice his effecting any arrests of No. 3 or No. 4 accused? ---Just after he had taken No. 3 accused by the arm, just at the stage when he was handing him over to Capt. Willers, I arrived at the scene and he told me that I must accompany them inside, which I did.

By 'them', do you mean No. 3 Accused and Capt. Willers?---That is correct.

Did you see Head Constable Heyl nearby at that time?---There was quite a congregation at that time. I can't recollect having seen him.

Do you know Sergeant Wessels of the Security Branch?---I know him.

Did you see him there on that occasion, i.e. when No. 3 accused was brought by Col. Spengler?---I can't recollect.

Did you likewise notice the arrest of No. 4

Accused? --- No.

You never, at any time, saw him being removed from the area of the Police Station grounds?--- From the time I accompanied Capt. Willers with accused No. 3 inside, I did not come out again until after the shooting.

When you met Col. Spengler and Capt. Willers, whereabouts in the grounds or the building were you?---They were just inside the gate.

Just inside the gate at the Western side?--- At the gate.

They were at the gate? ---At the gate. Capt. Willers, Col. Spengler and No. 3 accused?---Well, there were more people there.

No, but even if there were more people, you say that at the Western gate there was Capt. Willers, Col. Spengler and No. 3 accused?---Yes, amongst others.

Now, was it then at the Western gate that you saw Col. Spengler arrest, as you believe, No.3 accused? ---Yes, that is correct.

Did you then walk with Capt. Willers, Col. Spengler and No. 3 accused from the Western gate towards the building?---No, only with No. 3 accused and Capt. Willers. Only the three of us. I mean, we were together. Whether the Colonel perhaps followed behind us, it is difficult to say, but the three of us went in.

And you, from the time you left that West gate with Capt. Willers and No. 3 accused, neither saw nor heard Col. Spengler, although he may have been near you? --- That is correct.

Now, was No. 3 accused walking in the company of yourself and Capt. Willers, towards or detained by either

of you, or did he walk separately and alone next to you?
---That I cannot remember, but there were certainly no
resistance on the part of No. 3 accused.

As you took him away, or he accompanied you,
did you notice anything in the behaviour of the crowd?---No.

The crowd didn't seem to be annoyed or to
express its resentment or become a little more angry? ---I
wasn't in a position then to take notice as to the reactions
of the crowd because I immediately left the scene and went
inside. It is quite possible that it happened, I don't know.

But until that point - you're not able to
tell us what happened after you came into the building -
until that point the behaviour of the crowd was by and
large similar to what you've described earlier in your evi-
dence to me about 15 minutes ago?---I think that the crowd
were sort of impatient, that is my views of it.

But they could still not be called wild or
hysterical or anything like that?---No.

And then you were in the buildings when you
heard the shooting?---That is correct.

I take it that although you had this infor-
mation from No. 3 accused about the crowd being there to be
arrested for not having reference books, that you personally
did not hear any member of the crowd offer himself for arrest?
---No.

As far as you noticed no damage was done by
this crowd?---Except for the fence.

The leaning over of the fence?---Yes.

When Col. Spengler handed No. 3 accused over
to you, he made no inquiries of you in regard to this man or...?
---No.

I take it that you didn't say anything to the

Colonel/

Colonel either about No. 3 accused?—No.

Would that be because you'd been given an order by your superior officer and your duty was to carry out that order?—Yes, that was - I had not spoken to the Colonel, and at that stage it was just for me to carry out that order, that is to accompany accused No. 3 and Captain Willers inside.

If that crowd had remained outside the wire fence, did you think that it would ever become necessary to shoot at that crowd?—Not without their doing anything.

Not without their doing anything. And I take it, similarly, you had an impression that the people in front actually wanted to get into the Police Station grounds, deliberately?—No, if they wanted to get in they could have got in.

And if you're to be perfectly fair to this group of people, would you say that the crowd showed patience - the general description of what you saw over the whole period?—It is somewhat difficult, but I'll put it this way, that they definitely got impatient towards the end. On the other hand they could have become more impatient than what they actually showed.

And from the earlier part of the morning until, say, these arrests, or the arrest of No. 3, the crowd did show patience?—Yes, as I explained to you now, they became impatient, but to my mind they could have become more impatient.

That is more or less what you said at the Inquiry. I'd just like to read to you the words you used there. At page 2594, you were asked this question: "Weren't you afraid that the crowd might get a little impatient?— Surely they showed patience by being there from that morning."

and I was not afraid that they would get impatient." You did say that, didn't you?—I did say that, it all depends at what stage that question was asked. At what stage of the proceedings, because I don't think I can make myself more clear than that. They did show patience, but towards the time that I went in, it was clear to me that they did become impatient. I think it is a condition on which we might differ there.

MR. UNTERHALTER NO FURTHER QUESTIONS.

ACCUSED Nos. 1, 3, 4, 8, 38 and 39: NO QUESTIONS.

RE-EXAMINED BY P.P.:

Did Col. Spengler give you any idea as to why you should accompany Capt. Willers - for what purpose?

---No.

And did you remain with Capt. Willers all the time he was with accused No. 3, that is until the shooting?

---Yes.

And what was Capt. Willers doing with accused No. 3?—He was busy questioning him.

What was No. 3's attitude to being questioned - how did he react to being questioned? — He supplied the information required by Capt. Willers.

But did he reply spontaneously to any question put to him, or was there any hesitancy or reluctance from time to time?—Well, he did not give me the impression that he was reluctant in answering the questions. Whether the answers he gave were correct, I wouldn't know.

You mentioned that if the fence was overwhelmed, the Police Station itself might be overwhelmed. Now, was there something about this crowd, from what you saw, which led you to come to that conclusion that the Police Station might be overwhelmed and that is why you wanted

mere policeman? -- I looked at it this way, that if the fence should give in, the automatic result would be pressure from the back and people coming inside, and by one man coming inside the fence on this side, another one from another side of the fence, or atleast from another angle, from another corner, or the others from the other corner, they might think well, that is the word for action, or something. Just the smallest mishap could have resulted in the whole crowd coming in.

So there must have been something about the mood of the crowd as a whole which worried you? -- Well, they were definitely rowdy, the crowd was rowdy.

When you noticed Capt. Theren taking up his position to the South of the Police Station, did you notice how many men he had with him?--Captain Coetzee..

Capt. Coetzee, yes. You remember he took up his position and you were satisfied that there was a police unit in the vicinity. Were you able to assess the number of constables or men that he had with him?--No, I was not able to do so.

But were you able to assess at all the strength of the unit by the number of trucks or vehicles that were there?--I could see there was quite a number of policemen.

You made further mention that sections of the crowd were orderly and other sections were not. Now, how were these sections that were not orderly behaving- did you hear anything said by these sections at all?--You would get the tsatsi element, which you could easily distinguish. Then you'd get the other portions like - more the elderly people, who, you could see, were just standing there and doing nothing.

What is your description, or what do you understand by 'tsatsi'? -- The young, irresponsible type.

That/

That is the equivalent of the young European ducktail? —That is so.

Now, the two gates you were referring to, that you said the messenger didn't go out of, is that the Western gate and the Southern gate?—Yes.

You mentioned that the crowd that you saw in Secise Street - I think you used the words dwindled away - in other words, it just sort of broke away and drifted off towards the Police Station?—Yes, I don't think dwindled is the correct word there. Actually they moved further away from us, from where we were standing. You see, we could only see the one border on the ground.

Yes, but was it a crowd moving on blue, or was it portions of the crowd that went?—No, on blue.

P.P. NO FURTHER QUESTIONS.

DEUR DIE HOF:

Luitenant, u het gepraat van Kapt. Spengler, beskuldigde No. 3, Kapt. Willers en uself by die Westelike hek. Watter Westelike hek bedoel u, die hek in die draad, of die hek in die gebou?—Nee, die hek in die draad.

Dit is die hek in die draad aan die Westelike kant van die gebou?—Ja.

Dankie, u kan maar afstaan.

HOF VERDAAG:

HOF HERVAT:

DIE KROON ROEP:

FREDERICK PIETER JACOBUS GOETZEE, b.v.

VERHOOR DEUR P.A.:

You are a Captain in the S.A. Police Force, stationed at Jeppe, Johannesburg?—I am.

On the 21st of March, this year, did you

proceed/

proceed from Johannesburg to Sharpeville Native Township, Vereeniging, together with a police unit?—I did.

And did you have approximately 20 men in your unit?—Yes, I had 14 whites and 6 bantus.

And what time did you arrive at Sharpeville Native Township, approximately?—Approximately 10.20 a.m.

Will you have a look at Exhibit 2, that is a photostatic copy of an aerial photograph of Sharpeville.

Can you see where it is marked 'Kanters'?—Yes.

Now these are the Municipal Offices at the entrance to Sharpeville Native Township?—Yes.

Did you proceed and stepped there?—I stepped further up, about at the seventh cross street in Secise Street, that is where I found Major van Zyl and his men.

And did you remain there with Major van Zyl for some time?—I did.

And whilst you were there, was there an occasion when Lieut. Visser of the Vereeniging Police approached you?—Yes, he said to me that there were men at the Police Station, and at that stage the whole street were still full of bantus, and I told him that we'll see later on, to send somebody over to the Police Station.

And did he make more than one request to you to proceed to Sharpeville, for instance?—I cannot remember,

but I know about once that he came to me, and then, after we'd received a certain message, then he came forward again, and then I sent him with reinforcements of Central, 12 men, I sent him to Sharpeville Police Station.

Had any other reinforcements arrive from other parts?—The Saracens had arrived, but they pulled up near the Municipal Offices there.

And/

DEUR DIE HOOF:

HOOF VERDAAG:

HOOF BERTAL:

DE ERGON ROEP:

FRERIEK PIERRE JACOBS:

VERHOOR DEUR P.A.A.:

HOOF VERDAAG:

HOOF BERTAL:

DE ERGON ROEP:

FRERIEK PIERRE JACOBS:

VERHOOR DEUR P.A.A.:

And did you remain there when any teargas or baten charges were effected?—No.

And then, did you eventually proceed to the Police Station, and I understand that you took up position in what is called Zwane Street?—That is right.

Just on the South-Eastern corner of the Police Station?—That is right.

And did your unit remain there until and after the firing by the police at the Police Station?—Yes, until about 20 or 25 minutes after the shooting.

What was your first intimation of the firing. Would you describe the sounds of the shots that you heard at the Police Station, or in the vicinity?—There were - a scream went up on the Western side of the Police Station where I subsequently found out there was a big gate, and just after the scream went up, I heard an explosion, a shot, like that from a small caliber revolver or something. Then I heard a louder report. That may have been a police revolver or a Sten gun on single fire. And then there was a burst of firing.

Now, up to that stage, had any of your men fired any shots?—No.

And up to that stage, had you heard any shots from any other source in your immediate vicinity?—No.

Did your men open fire after the firing commenced?—No, I did not see anybody fire.

P.P. NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. UNTERHALTER:

Captain, when you and your group of men arrived in Zwane Street and stationed yourselves somewhat East of the Police Station, were there a large number of Africans in the street?—Yes, I estimated between 10,000 and 15,000 when I arrived. They grew - all the time they

still;

still came along.

All your men were in uniform?—Yes, there was a man in private clothes, when I subsequently established was, I think, Mr. Labuschagne, the Superintendent there, but he left us just after we took up position, and some of his Municipal Constables were there, but they were also in uniform.

I understand that there is an island in Zwane Street to divide the one portion from the other?—That is correct.

Now, were your men stationed in the area of the island, or on the North side of Zwane Street, i.e. more towards the Police Station, or on the South side of Zwane Street?—No, there is a street leading into Zwane Street, and on the other side there is an open lot. I was on the Eastern side, according to this, I was on the Eastern side, just next to the island. Where the island stopped there for the intersection, that is where I put my men across the street.

Captain, you're looking at Exhibit 2, are you?

BY COURT:

I think the witness may as well mark that place there, please.

MR. UNTERHALTER:

Just see if that is Exhibit 2, because...

BY COURT:

Exhibit 2, yes, that is right.

MR. UNTERHALTER:

Now, if you look at it Captain, you will see just where that black transverse line runs across this photograph in the bottom left hand corner of the photograph, a series of words "Saal, bibliotek, kliniek", etc.?—Yes.

That black mark, I believe, is the wing of

the aeroplane from which the photograph was taken. Now, immediately above that black line is a space through which the arrows are going?—Yes.

And to the right of that, i.e. to the East of that, is a group of buildings which you'll see are designated by another arrow as the Police Station?—That is right.

You're with me so far?—Yes, I follow.

Now, you see that the road that is running to the South of the Police Station is Zwane Street?—That is right.

And you'll see that a certain point East of the Police Station is a letter X?—That is right, that is where I was drawn up.

You were drawn up there?—Yes.

Now, did your group of men then run West from X, i.e. towards the Police Station, or East from X, i.e. past these figures X.1 or 2?—No, we were North to South, according to this Plan, straight across Zwane Street. We blocked the street, in other words.

You blocked the street running North to South, more or less at the position 'X'?—At the position X, yes, at the right hand island there, just next to that, I had my men across the street. You can see the island on the photo.

Now, at the time that you arrived, there were a large number of people there?—Yes.

And your unit took up position in that crowd?—Just next to it, about ten yards from the crowd, that is where we took up position. The crowd had by then already expanded to the left hand section of this island there, just a little way up, there is an electric pole there. They had already grown as far as that.

It would be easier if we used the terms North/South. Your unit was stretched across the street, at point X, in a North/South direction?—That is right.

Now, when you say that the crowd had expanded, you mean that they had expanded South beyond the island, or North, above the island?—They came towards us, i.e. East. As the crowd grew it moved East, nearer to us.

And was there not also a certain stage when this crowd was not only in front of you, because I assume that you faced West along Zwane Street, towards the crowd...?—That is right.

But portions of the crowd were also to the East of you and behind you?—Yes, the infiltrated my lines until I stepped them, and then they went round this block here, and they came up behind us.

So that in a certain sense you were really surrounded. There were men in front of you and there were men behind you?—But these behind me was a small crowd, about 500.

Now, to your North and to your South, that would be as you faced West to your left and to your right, in that cross street, were there also people?—There was a crowd of bantus on the North side of Zwane Street, at the corner where that house is there, but they were spectators. They did not associate themselves with this other crowd at all. There were about 50 of them.

And to the South of the letter X in Exhibit 2, were there also people in the cross street?—No, that cross street was clear. They came along, as they came along they came along that street, and went into the crowd.

So there were really people on three sides of your unit, in front of you and behind you and the spectators

to/

to your right?—The spectators were on my right, yes.

For how long did you remain so posted?—

I arrived there at roughly 11.30 and I remained there until about 20-25 minutes after the shooting had stopped and all the people had been taken away.

You say you arrived there at 11.30, was it?

—11.30 approximately.

I believe the shooting took place roundabout

1.30?—That is right.

So you would have been there approximately

two hours?—Yes.

During that time I presume that your men were in no manner whatsoever attacked by the crowd?—No, they were only aggravated by the crowd, they were cursed and threatened, but they were not attacked. One youngster came along and he tried to hit one of the Vereeniging constables and he grabbed the piece of iron out of his hand and I told him to let him go.

These insults and this one attack was an isolated incident?—No, we were jeered all the time, all the time, and they threatened us so badly that several times I had to tell my men to be ready, and when I told them that, they pointed their guns at these bantus and then they stopped.

What I mean by isolated incidents is that they occurred on more than one occasion but they occurred from certain elements in the crowd, from the more heeigan element in the crowd?—There were agitators moving around in the crowd all the time, and they upset these people. As soon as there is a lull, then they move around them again and then they come forward again and they carry on with the insults and the threats. They were just spelling for a fight.

In other words, an otherwise friendly and peaceful/

peaceful crowd was being worked upon by some group of men moving about in that crowd?—They were not friendly to us, but at times they became quiet, and when these people moved around amongst them, then they were absolutely aggressive. Some of them went hysterical.

If the crowd had not been influenced by these people moving around among them, been left to themselves, they wouldn't have been aggressive?—I'm afraid I cannot express an opinion there, because a person who is demonstrating like that gets tired after wa while, and they go quiet, and it is possible that even on their own they may have become aggressive again because it was a dreadfully hot day and they were bound to get tired.

They might have become aggressive, but on the other hand, in the absence of these agitators, they might not have become aggressive?—It is possible.

Somewhere in that crowd, in that period of two hours, you must also have seen faces of atleast some laughing and friendly people?—I did not see any friendly ones. I saw some very worried ones, especially one poor bantu woman. She was chased into that crowd by a tsetai. He drove her in like an animal, and she had a baby on her hand, about a 4 year old baby, and that woman was most unhappy, and at that stage there was nothing that I could do for her because I had my hand s full.

In other words, one can't condemn every single member of that crowd, there were a lot of unfortunate people there who were having influences brought to bear upon them such as this old lady that you talk about?—Yes, definitely there were some.

You didn't move into the police grounds at any stage?—I moved in after it was all over, then I went

and/

and I took over.

I mean prior to the shooting, you didn't move...?---No, I did not.

Can I suggest to you that you didn't think it necessary that your men should be stationed in the police grounds?---I received instructions from Major van Zyl to stop any further march on Vereeniging at all costs and I wanted manoeuvrability because on my arrival I regarded that Police Station as a death trap, because if there was a concerted storm on it, these men would have been trampled to death, these inside, and I wanted to manoeuvre, I wanted to be outside so, in case it was necessary, that I could ledge an attack on the flank, because I expected the corner pole to collapse, and if that corner pole did collapse, they would have stormed that Police Station. Those at the back would have thought that those at the back had already charged.

Of course those at the back might have been under a misconception. All that they would have seen were the people in front moving forward ...?---Yes, and they would have followed suit...

They would either have followed suit or they might have been impelled forward by the sheer momentum of the crowd?---Yes, it could happen.

Captain, one of the difficulties that has been suggested to the Court from other witnesses here, has been the following, that if the crowd had entered the police grounds and become mingled with the policemen there, it would have been impossible to protect the policemen because one wouldn't have known who one would have shot at and hit? ---Yes.

You follow that, don't you?---Yes, it happened to me once. I couldn't use my firearms, I had to withdraw amidst jeers. That taught me a lesson that I will never/

never forget, it happened in Kersten, Port Elizabeth once.

Now, if that statement is a valid one, assume for a moment it is, didn't it appear to you that having your men surrounded on three sides by this crowd, if any incident were to occur whereby this crowd would start to move, and your people possibly get swallowed up on the crowd, you'd be in precisely the same position, viz your men mixed up with the crowd, and you would be powerless to shoot?— You cannot do it. It happened to me. They just come along and they stand up against you and they smother you and you can't use your arms at all. It happened to me.

Captain, I don't think I've made myself clear. You've agreed with me that this may be a valid statement about the danger of getting up in a confused crowd....?—Oh, that danger was always present.

And it was present on the occasion when you were stationed outside the Police Station?—Yes, definitely.

Now, because of the existence of that danger, did it not seem to you to be wiser to go inside the police grounds where the possibility of being mixed up, would at least be checked by the presence of a wire fence? —No, I think I would have fallen out of the frying-pan into the fire. At least where I was, I had space to maneuver, but inside the Police grounds there was no place to maneuver.

Is it not so, Captain, that apart from your desire to prevent a movement of the crowd eastward, past the barrier that you'd thrown up across Swane Street, the need of the crowd was not so gravely dangerous as to make you think along the lines that I've just suggested to you, about being mingled up with the crowd?—I thought about that all along!

along, that is why, if they approached beyond ten yards, I had my men threaten them with guns, to stop them.

But Captain, notwithstanding that, you had 500 members of this crowd behind you as well?—Yes. I posted five men behind, five Europeans, behind my convey.

But isn't it so, Captain, that if that crowd was really so gravely menacing, and immediately dangerous, you couldn't have left your men in that situation, so I'm putting it to you that that crowd was not really gravely threatening?—I'm afraid they were gravely threatening. That was the ^{biggest} dilemma that I ever found myself in in my career in the police.

You see, it is very difficult, Captain, in the light of what you've just said, to understand why you allowed your men to remain in the midst of a gravely threatening crowd, when you could have made your way into the grounds and had at least the protection of being nearer the Saracens and a bigger group of men?—No, in dealing with that situation, I decided that the only hope for that situation was that if they should attack the Police Station, to launch an attack from the flank, and I was prepared to throw everything I had into an attack on the flank the moment they attacked the Police Station. If they attacked me first, then I would have had to defend myself as well as I possibly could.

But Captain, do you say this notwithstanding your being aware of the fact that had there been this mass movement by the crowd, your line might have been broken, your men may have been mixed with the crowd who...?—We would have been trampled to pieces.

And your own group of men, in firing, may have shot on their colleagues. Do you say that despite of that/

that?—Definitely. If they infiltrated amongst us, we could not have our weapons without killing our friends.

And the statement you've just made to me, you say notwithstanding what you've just admitted to me. Captain, did Mr. Labuschagne accompany you to the Police Station?—Yes.

And he made his way to the Police Station grounds alone?—Yes.

It is correct, isn't it, that the people were friendly and they let him pass?—They had to let him pass. There was — the bands were here, I was here. I saw this man when I subsequently heard was Mr. Labuschagne, walk between the two lanes of us. There were a lot of spectators on the corner there, and he climbed over the fence there. He did not go through this crowd, he went along this lane between the police and the crowd.

But if, by very reason of having let him pass and get into the Police Station grounds, they were at least not hostile to him?—Not at that moment, because they could have charged him there, then they would have run the risk of being fired upon by the police on the other side, but they were only about ten yards from each other.

But they didn't charge?—They did not.

So they were not hostile?—Not to him at that stage.

It is a fact, is it not, that there was a European member of the Press moving round somewhere near you, you had some ideas about arresting him and then you thought you'd better leave well alone?—That is right, he had a camera on his chest.

He was a European?—Yes.

Now the crowd certainly didn't molest him?—No, they would not. As far as I knew, the bands were

would not molest the Press, if they can possibly help it.

Do you know, Captain, why members of the Press enjoy this particular benevolence on the part of African crowds?—Well, they give a lot of publicity to the bantus' grievances in their newspapers, that is the only idea I've got why they enjoy more than we do. We save their lives and look after their homes, but they don't accord us that privilege.

This of course is a guess on your part, as to the reason why...?—No, I'm absolutely convinced about that.

It is your own private opinion though?—I've been working with the bantu all my police career. In January I'll have 25 years service. I've always been in or on the border of bantu territories. I have many bantu friends and I think that I knew a lot about the bantu.

I want to put it to you, Captain, that the crowd let this European Pressman alone, because essentially, the crowd was still a peaceful and friendly crowd?—Not to us.

They were peaceful and friendly towards this particular individual?—Yes, they cheered him.

Now, you say that you heard a small caliber fire-arm...?—It sounded like one.

..Report. Did it come from anywhere further West along Zwane Street, would you say?—It came West. The echo of that shot came from that high wall of that clinic, and that is how I caught it, because that noise was so terrific, I don't think that I would have been able to get that noise, but my own opinion is that the echo was sent back from that high wall of the clinic, so it must have been there at that gate where that shot was fired.

Now, you're suggesting, therefore, that the

shot/

shot was fired somewhere West of the Police Station, the echo was caught by the clinic wall and thrown back to you?—Yes, it must have been between the Police Station and the clinic.

Now, could it also have been North of the Police Station and the clinic?—I don't think it could have been, because then the sound would have been lost to me.

But isn't it possible, Captain, that even at Northernly points, the high wall would have caught the echo of the sounds moving, so to speak, in a North-westerly direction, through the clinic, and then throw it back towards you in a South-Easterly direction. Do you follow what I am putting to you?—Yes, it is possible, but very improbable, because sound waves travel straight, as far as I know. They wouldn't travel on a curve towards the wall there and then back to me, because that wall is not very long. It must have been there near the gate, amongst these people assembled there, otherwise I'm sure I would not have heard the sound.

Won't you agree, Captain that sound travels in concentric waves and not in straight lines?—It goes up and down, but it goes straight, as far as I know, I may be mistaken.

I don't want to have a discussion on physics with you, but one point is relevant to what I'm saying to you. If you drop a pebble into a pool, then you notice that the ripples go out in concentric circles?—Yes.

Now don't you think that sound waves, once a report starts these waves moving, also move in concentric circles, so that if I'm at the West, you're at the East, somebody else is on the North and somebody else is on the South, we all hear that sound because the sound has come to us in a concentric wave. Do you agree with me?—Yes, but the noise was so great there that I'm sure if it was not fired between/

between these two buildings, I would not have been able to hear it.

You see, I'm putting this to you because I want to suggest that it is equally possible that if the sound came from the Western portion of the Police Station, or from North-west of the Police Station, may it also not have come from the South-west of the Police Station, the wave similarly being caught by the high clinic wall and then bounced back to you?—No, I'm sorry, I cannot agree with my learned friend there.

Mr. Labuschagne gave evidence of having heard a shot just before the volley started. He placed it as coming somewhere from the South?—No, I don't know. I cannot see how it could have come from there.

As far as your men are concerned, you're absolutely certain that not one of your men might have fired that shot?—It has been known to me after the investigation was in progress that one man had fired while the volley was being fired on the other side there, that one man amongst mine had fired two shots. I knew nothing about it, I didn't hear it. There was a terrific din then.

The whole situation at that stage, Captain, was a very disturbed and confused one?—It was disturbed, but I shouldn't say confused. When the firing broke out, then it was confused.

Isn't it possible, Captain, that in the light of the evidence as we've heard it from Mr. Labuschagne, and having regard to what you've just said, one of your men fired two shots, although you only found that out from another source?—I did yes.

Isn't that—that was while the shooting was going on at the gate.

Isn't it possible that in fact the shot that preceded/

preceeded the velley was a shot that was fired by this very man and you mixed the situation up and can't remember it clearly?—Impossible. It was comparatively - there wasn't very much noise, at that very instant, just before the scream went up, there wasn't very much noise at my end. Some of these tsatsis went and sat on the island and they pretended to be smoking dagga, and everybody's attention was centred on them, and then the cry went up. Then I heard this report, and I heard a louder report. The I heard the velley. So at that moment, just before the firing started, it was comparatively quiet at my end.

Now, the first small caliber report that you heard, you say came from somewhere in the neighbourhood of the clinic wall?—It must have been between these two buildings.

The second somewhat louder report, where did that come from?—From the same source. I placed that as in the same direction, and I thought it was either a police revolver, or a Sten gun that was on single action.

As far as the first report is concerned, are you clear, as far as you could judge from the direction from which it came, that it came from outside the police grounds?—I couldn't say. It came from the direction of the clinic.

Would you say that the second report came from exactly the same spot, or may it have been more East, in other words, more closer to you?—It was louder, so therefore I thought that this was a policeman that shot. It must have been - that is why I said it was a police revolver or a Sten gun.

How far were you from the furthest man in your line?—Well, I was in the centre by the island, and my men were right across the street. It was about, I should say, ten paces.

The furthest man was not further than ten

paces from you?---Yes. Then I had a man posted on top of my riot truck, to watch and to tell me if anything happened there at the Police Station, but he was behind me, about 7 or 8 paces. And then there were these men behind that were guarding these that had infiltrated and these who'd gone round. They were about, I should say, 45 to 50 yards away.

Now, the man whom you subsequently ascertained had fired these two shots, was he on top of the riot van, was he in the group immediately under your command, or was he in the group 40 or 50 yards away?---I heard that he was the man who was on top of the riot van.

Now Captain, how does it come that, if he were the man, and if he were a distance of 7 paces away from you, firing what I presume was regulation police equipment, a revolver, was it, or a rifle?---He was armed with a revolver, I think. I'm not sure, he was one of the Ver-coming men, and they were withdrawn immediately on our arrival at the Police Station, they were withdrawn to another trouble spot. I'm not sure how he was armed.

Well, whatever he was armed with, how does it come that at a distance of 7 paces, you were unable to - you did not, in fact, hear a double report?---There was a terrible noise. From that firing at the gate there, at the Police Station - I cannot describe it, but - and then the ricochets were flying amongst us there too, some Sten gun must have struck some - and the ricochets were coming our way. I did not hear any shots from my men, and those in front of me that I could see, I did not see one of them fire.

This firing, whenever it took place, took place in the course of the general firing coming from the Police Station?---It must have, otherwise I would have pointed/...

pointed it straightaway.

Now, the noise that was created at the time of the police firing and which apparently drowned the noise of the two shots that came from the top of your riot van, was that a noise only of the police firing, or was it a noise also from the crowd? ---Some of the crowd were screaming, but it was mostly that firing, because you can imagine between these two buildings, and that high wall throwing the echo this way, it was a terrific din.

But the noise principally was caused by the rattle of firearms, not by voices? ---Yes, especially these Sten guns. I hope I never hear them again.

Did you remain to assist, did you, after the firing ceased?---No, I was watching the crowd that had run South. They formed up about 300 - 400 yards away from us, and they were all looking in one direction, and it seemed to me that somebody was addressing them, and that is why I kept my men on the spot in case they stormed the Police Station in force again, because the other men were then engaged in carrying the dead or wounded, the casualties, into the Police Station.

In fact, nothing else developed though?---No.

Brigadier Els was at the Police Station when you arrived?---When I arrived, yes.

Do you, yourself, happen to know how he, being such a highly placed officer in the Force, came to be there at that time?---No, I was most surprised. I even saw our present Commissioner, General du Ploey there, and I never saw them arrive because from where I was posted I couldn't see the reinforcements arrive because they came from the other side and into the police yard.

You see, Captain, we've heard ^{some time} ~~from~~ ^{to} ~~time~~ throughout/

time throughout this case, that a rumour was abroad amongst the people that they should assemble outside that Police Station in order to hear, at about 2 o'clock, an announcement concerning passes, to be made by a very highly placed police officer. Now, can you throw any light on that, can you say....?

---No, I knew nothing about that, and the people that I saw at the Police Station, not one of them tried to hand themselves over for arrest. I did not see that there was a guard posted at the front gate - the front entrance of the Police Station. I didn't see a guard there and they didn't go in there to hand themselves over for arrest, and for them to hand themselves over at the back door, is most improbably.

Captain, what I was asking you about was not the members of the crowd wishing to surrender themselves for arrest, but the members of the crowd having assembled there to hear an address about passes from some senior police officer?

---It is possible that a large number of the crowd were misled, because I knew for sure that there was nobody coming there, because when Major van Zyl left me, he said he was going to ask for reinforcements, and he was also going to report to the Deputy Commissioner.

Captain, during the two hours that you were on guard across Zwane Street, did you hear any chance remarks from the crowd about - "I wonder when this man is coming to talk to us"?---No.

Of course you don't speak the African languages, do you?---I can speak Xosa, yes.

You can't speak some Suthu? ---No, I can't.

Or understand it?---No, I can understand a bit of Zulu.

Now, as a very senior officer yourself, it

is rather remarkable, is it, that General du Ploey and Brigadier Els were there?— Yes, but as I said, we were in a terrible situation there, and I - well, I think that when they received the report that we were in such a bad position, they came along to come and give leadership. That is what I thought at the time.

Notwithstanding the fact that Col. Pienaar, a highly placed officer in the Force, had been deputed to give that leadership?—Yes, but I didn't even know that Col. Pienaar was there, or that he had arrived.

Anyway, as far as you're concerned, there's no connection between Brigadier Els and General du Ploey and this rumour that a highly placed officer was to address the crowd at a certain time?—Yes, it is not customary for highly placed officers to address the Bantu. They are addressed by their Bantu Commissioner, if there is anything that we want to bring to their notice, it is done through their department, through the man that they know.

As far as you're concerned there's no connection between this rumour and these highly placed officers?—None whatsoever. I think that they came along to give leadership.

MR. UNTERHABER NO FURTHER QUESTIONS.

ACCUSED No. 1, 3, 4, 8, 18, 19 NO QUESTIONS.

RE-EXAMINED BY P.P.:

Captain, you mentioned that there were men stationed 45 yards behind you, keeping your rear in observation?—Yes, five men.

Did you hear any firing from them?—No, I must have heard it. If there were any firing, I must have heard it because they were only armed with .303 rifles.

ing started?—Yes) You mentioned that a cry went up before

That is now from the Western side?—From where I subsequently found out the gate was, because from my position I couldn't see the gate.

Could you describe the cry?—It was just a general cry and they surged around, and I could see that they were gesticulating with their hands, and then I heard this report.

Now, in your experience with other bantu crowds and at Kersten, as you've mentioned, have you ever heard any cry on a similar vein as to this one?—No.

Now, when you say you were at Kersten, that at Port Elizabeth, is it?—Yes.

Were you there at the time when they had these tragedies and the burning of the biscoeps?—No, then I was at East London and I had a similar experience there, when they murdered Dr. Quinlan.

Is that the man at Duncan Village?—That is right.

Now, you did mention that your men were cursed and villified. Did you hear what curses were uttered and what threats were uttered?—Oh, we were cursed for everything, they said "Jou bledie beer, jou bledie neer, jou 'fekken' hend", words like that.

And what threats or other taunts...?—They wanted to fight, they said "Come along, let's fight".

P.P. NO FURTHER QUESTIONS.

DIE KROON ROEP:

ANDRIES ABRAHAM STRUWIG b.v.:

VERHOOR DEUR P.A.:

U is a konstabel in diens van die S.A.Polis
Jan Hofmeyer,
gestasieneer by Radlwyk/Johannesburg?—Dit is reg.

Hoelank diens het u as n pelisie beampte?---

7½ jaar.

En is dit alles op die Witwatersrand, of..?---

Ja.

Prat u enige naturelletale? ---Ek is nie een van die tale magtig nie.

Neu, op die 21ste Maart, hierdie jaar, het u met n radievoertuig deurgêken vanaf Johannesburg na Sharpeville naturelledorp?---Dit is reg.

Het u die voertuig bestuur?---Dit is reg.

En het u saam met ander voertuie gekem?--- Twee

Saracens.

Was dit onder Luit. Freemantle?---Kaptein van der Linde.

Kapt. van der Linde. En uiteindelik het julle by die Pelisiestatie gekem?---Dit is reg.

Omtrent hee laat het u by die Sharpeville Naturelledorp Pelisiestatie gekem?---Tussen 11,30 vm., en 12 uur die middag.

En nadat u uitgeklim het, ek verstaan dat die Pelisiestatie was toe omsingel deur n skare bantees, is dit reg?---Dit is reg.

Het u enige aanmerkings geheer wat vanuit die skare gekem het?---Ja, van die bantees het vir ons geskree ons moet uit die lokasie uitgaan, en hulle het geskree "Gate Maner", en gewys na die Pelisiestatie asof hulle wil sê "Dit is Gate Maner".

Wat was u gevoelens toe u hierdie geheer het? ---Ek het bang gevoel.

En ek verstaan dat op n later stadium het Kol. Pienaar daar gekem, en was u een van die lede van die

Neu veer u in die linie getree het, het u opgelet wat die heading was van die bantees, het u enige ander verdere waarde geheer vanuit die skare se kant? — Al wat hulle — hulle het geskree "Afrika", ens., en hulle was baie opstandig, uittartent en uitdagend.

Op watter manier het hulle julle uitgetart? — Van die bantees het hulle hende oopgeknep en hulle berse tonteengestel en gesê "Skiet ons".

Ek wil u net 'n kiekie teen, Bewysstuk 13, nou heelte is Noord, onder is Suid, dan is Wes en Oos. Het u die posisie?—Ja.

Nou wat ek nou net wil vasstel, sien u die pad van die westelike hek by die heining, en wat lei tot by die gebou, op die grasperk?—Ja.

Waar het u gestaan, die Noordelike of Suidelike gedeelte, volgens daar die Plan?—Aan die Noordelike kant.

En ek verstaan daardie dag het die polisie geskiet?—Ja.

Nou veer die polisie geskiet het, het u opgelet wat daar by die hek plaasgevind het?—Ek het gesien dat Kol. Pienaar het met bantees gepraat daarse.

Kol. Pienaar?—Ja.

Was hy in uniform?—Ja.

Maar was daar enige insident daar by die hek, net voordat die polisie begin vuur het, behalwe vir daardie een?—As ek reg onthou, 'n bantoe was daar weggegaan deur een van die polisiebeamptes.

DEUR MIE HOP:

Het jy gesien dat 'n bantoe werd deur 'n polisiebeampte weggegaan?—Ja.

Na die polisieostasie toe?—In die polisiegronde in.

P.A.:

Neu veer die polisie geskiet het, wat het gebeur daar vanaf die skare se kant, veer die polisie ge-
vuur het?—Die bantoes het met klippe en kieries begin
geei op die polisie.

DEUR DIE HOF:

Laat die getuie my lieverste vertel wat
gebeur het van die stadium af wat die bantoe weggeem is.
Wat het gebeur daarna?

P.A.:

Die bantoe is toe weggeem, wat het daarna
gebeur?—a Hele rukkie daarna, toe het die bantoes met
klippe en kieries begin geei op die polisiebeamptes wat daar
in n lyn eggevern was.

Was u deur enige van die klippe getref?—Ja.

Heveel klippe het u getref? —Ken het my
op die arm en onder die kertrib getref.

Watter arm was dit?—As ek reg onthou was
dit die regterarm gewees.

Die regterarm en die kertrib, sê u?—Ja.

Vanwaar het die klippe gekem?—Reg van veer
af, waar ek gestaan het, d.i. aan die Westekant van die
Polisiestasie.

Het u enige pyn gevoel toe die klip u getref
het?—Wel, ek was - ek sal nie sê bewusteles nie, ek was
buite aksie gewees, my wind was uit gewees, ek het geval en
ek ken nie weer orent ken nie.

U sê u het geval?—Ja.

Ontrent - het u gesien wat ontrent die groot-
te van die klip was?—Nee.

Het u enige eep wunde of knousplekke opgedoen
of nie?—Net knousplekke.

Het u opgelet of enige ander polisie wat daar in gelid gestaan het, deur klippe getref is?—Ek ken nie sien nie. Ek weet dat daar later van rapporte ingekom het.

En daarna, wat was die volgende ding wat daarna gebeur het, nadat die klippe vanuit die skare gegee is? Wat het toe gebeur?—Toe was daar skietery gewees, van die polisie kant af.

Kan u net beskrywe hoe die skete begin afgaan het?—Dit was n paar enkele skete gewees, en toe n sarsie.

Was daar enige ander skete voor die enkele skete, wat u geheer het?—Nee.

En na die skietery oor was, het u uitgegaan tussen die gewendes en die deesies daar buitekant, aan die Westekant?—Ja.

En het u enige bantee daar gekry, in besonder?—Ja, ek het toe n bantee tussen die gewendes daarse gekry. Hy het vir my veergeken asof hy bewusteloos was. Ek het vasgestel dat hy - Ek het hom - voor in sy breek was n delk gewees van ongeveer 15 duim lank, n tuingemaakte delk.

Ek het n Bewysstuk hierste, bewysstuk 44,.. herken u daardie Bewysstuk?—Dit is die Bewysstuk voor die Hof.

Was daar enige wonde of beserings aan hierdie bantee wat veergeken het as bewusteloos?—Nee.

Nou, net om te probeer vasstel waar u hom gekry het, het u Bewysstuk 13 daar voor u?—Ja.

Kan u net aandui...?—Van die hek af, aan die Westekant, ongeveer 5 treë van die draad af, 5 treë van die hek af...

Noord, of Suid, of net regver die hek?—Dit is Suid-Wes van die hek af.

Suid-wes van die hek af...?—Ongeveer 5 treë.

En wat het van hierdie bantee geword, die een
 et die delk?—Oms het hem in die Polisiestacie ingedra en...

U en wie neg het hem ingedra?—Ander polisie-
 beamptes, hulle is onbekend aan my.

Sal u instaat wees om die man uit te wys?—Nee.

U het toe wel 'n titkenningsparade bygewoon op
 die 19de April, te Beksburg trek?—Dit is reg.

En ken u sien toe die parade opgestel is, of
 heer wat daar aangaan toe hulle diemans by die parade opstel?

—Ja, ek ken nie die beskuldigde uitwys wat die delk gehad het
 nie?

Het u enige perseen uitgewys daar by die parade?

—Ek het wel 'n perseen daar uitgewys, maar dit is nie die een
 wat die delk gehad het nie.

Sal u weer daardie man wie u destyds by die
 parade uitgewys het, kan uitwys vandag?—Ja.

As hy hier is? Sal u met deur die klempie
 daar kyk en sien of die man hier is? — GETUIE WYS No. 4
 BESKULDIGDE UIT.

DEUR DIE HOF.

Jy sê dit is iemand wat jy by die parade op
 Beksburg uitgewys het?—Ja.

Maar dit is nie die man met die delk nie?—

Nee, ek ken hem nie uitwys nie.

P.A.:

Waar het u No. 4 gesien?—Hy was aan die
 binnekant van die polisiestacie gewees. Hy het beweeg aan
 die binnekant van die draad.

Is dit op die 21ste, by Sharpville?—Dit

is reg.

DEUR DIE HOF:

En weet jy wat van dieman geword het wat

julle/

Julle ingedra het? —Hy was aangehou daarse vir besit van n
gevaarlike wapen. Hy het verklarings, ens., ingesit daarse.

Verder weet jy nie wat van die saak geword

het nie?—Nee.

P.A. GEEN VERDERE VRAE.

MR. UNTERHALTER TO COURT:

Your Worship, may the cross-examination of
this witness be reserved. I've not had an opportunity of
reading the evidence that he gave at the inquiry, and I'm
afraid without that...

BY COURT:

Yes, well I'm not going to say that I'm not
going to allow you to reserve it, but I think there has been
time enough for counsel to be ready to cross-examine. I must
express that view, that is the way I feel about it. There has
now been enough time for counsel to know whether he is going to
cross-examine a witness or not.

ACCUSED Nos. 1, 3, 4, 8, 10. 19 NO QUESTIONS.

BY COURT TO MR. UNTERHALTER:

The position then, Mr. Unterhalter, is I take
it there is no cross-examination at this stage, but should you
wish to cross-examine the witness, you will notify the prose-
cutor and apply to me for cross-examining, and I will certain-
ly go into the question of giving you permission. I probably
will, I'm not binding myself, I think that's fair enough.

MR. UNTERHALTER:

Your Worship, the Court will have observed,
I don't think at any stage have I detained the Court so....

BY COURT:

No, please don't misunderstand me...

MR. UNTERHALTER:

There's just been a slight misunderstanding

as to the time at which this witness would be called.

BY COURT:

Well, will you notify the prosecutor if you want him back for cross-examination?

MR. UNTERHALTER:

I should imagine, I'M almost certain that I'll be ready to cross-examine him to-morrow morning. It might save trouble.

WITNESS STANDS DOWN.

THE CROWN CALLS:

FREDERICK JOHANNES CORNELIUS STAPELBERG b.v.:

VERHOOR DEUR P.A.:

U is n kenstabel in diens van die S.A.Polisie, gestasieneer te Johannesburg - is dit te Sentraal?—Sentraal, Johannesburg, dit is reg.

En heelank diens het u? Vanaf watter jaar?

—Vanaf September, 1957.

En wat is u eenderden, as ek mag vra?—Ek is

23 jaar.

Neu, op die 21ste Maart, hierdie jaar, was u by Sharpeville Naturelledorp? —Dit is reg.

En het u ook in gelid gestaan saam met die ander kenstabels daardie dag?—Ja, ek het ook in gelid gestaan saam met hulle.

Het u daardie dag enige beserings opgedoen?

—Ja, ek was met n klip teen diekop gegee.

Vanwaar het die klip gekom? — Hy het reg van veer gekom, d.w.s. hy is uit n Westelike rigting gegee.

En ek verstaan dat die Polisiestacie was toe onsingel deur n skare bantees daardie dag?—Dit is reg.

Neu/

Neu het die klip vanuit die skare gekom, of vanuit n ander bren?—Dit het vanuit die skare gekom.

En wat het van u geword toe u die klip ontvang op die kop? — Wel, asgevelg van die fers waar- se die klip gegee is, het ek teen die grond geval.

Het jy jou bewussyn verloor, of nie?—Nee, ek het nie my bewussyn verloor nie.

En hoe het u weer reggekem, het iemand u gehelp of het u weer self opgestaan?—Daar het n konstabel langs my gestaan wat my weer op die been gehelp het.

Was daar enige oep wende wat vereersaak is daar die ...?—Nee, ek het geen oep wende gehad nie.

Het u enige knousings gehad daarse? — Wel, daar was n swelsel op my voerkep gewees vir n paar dae.

Het u enige mediese behandeling daarvoor?—Ek het geen mediese behandeling ontvang nie.

P.A. GEEN VERDERE VRAE.

DEUR DIE HOF:

Die gebeurtenis, het dit gebeur veer of nadat daar geskiet was, of ten tye van die skietery?—Ek was raakgegee net voordat hulle begin skiet het.

Het jy self ook geskiet, of nie?—Ek het drie skete met die .303 geweer geskiet.

Is dit toe jy nou weer opgestaan het, of wanneer?—Dit was nadat ek opgestaan het.

MR. UNTERHALTER: CROSS-EXAMINATION RESERVED; UNTIL AFTER ADJOURNMENT.

ACCUSED NOS. 1, 3, 4, 5, 15, 19: NO QUESTIONS.

COURT ADJOURNS.

COURT RESUMES.

FREDERICK JOHANNES CORNELIUS STAPELBERG b.v.:

CROSS-EXAMINED BY MR. UNTERHALTER:

If I understood you correctly, you say that
you/

you fired after you'd fallen and the stone had struck you?—Dit is reg..

..And you'd been assisted to your feet?—

Dit is reg.

Now, when this stone struck you, did the firing generally, from the police, started immediately?—Dit het min of meer direk daarna begin.

While you were lying on the ground, the firing from the police continued?—Dit is reg.

While you were being assisted to your feet by the other constable, the firing was still in progress?—Ja.

And then when you found yourself on your feet, you took your gun and you fired three shots?—Dit is reg.

Now, did you ever hear an order to stop firing? —Ja, ek het die bevel "Staak vuur" geheer.

DEUR DIE HOF:

Jy het die bevel wat geheer? —"Staak vuur"

het ek geheer.

Staak vuur.

MR. UNTERHALTER.

Constable, when did you hear that? — Wel, dit was - hee sal ek sê, toe die bevel "Staak vuur" gekom het, toe het ek alreeds opgehou skiet.

So did you stop even before you heard the words "Staak vuur"?—Dit is reg.

What was it that made you stop firing before you heard the command "Staak vuur"? —Daar was van die konstabels wat saam met my in die linie gestaan het toe ons aange-tree het, het voor my ingeskep en ek het daaraan opgehou vuur.

When you got to your feet and you were about to shoot yourself, the rest of the police were shooting, what

was the state of the crowd, were they already running away?

---Party van hulle het neg teen die draad gestaan.

DEUR DIE HOF: Op watter stadium was dit?---Dit was toe ek op my voete gekom het.

MR. UNTERHALTER:

When the stone knocked you to the ground, did you remain on the ground for a little while, a few seconds?

---Miskien 'n sekonde of twee, maar ek is dadelik deur 'n ander kenstabel op my voete gehelp.

From the time that the police started to fire until the time that you started to fire, what period of time elapsed - 5 seconds, 10 seconds, 3 seconds? Approximately?--- Wel, min of meer 5 sekondes.

And do you say that even after a period of 5 seconds of firing by the police, there were still members of the crowd standing at the crowd, did you say?---Dit is reg.

You see, we've had evidence from other witnesses in this case, and although they haven't spoken of any periods of time, the effect of the evidence has been that this crowd turned and fled immediately the firing started?---Toe ek op my voete gekom het, het een van die bantees neg 'n klip opgelig en na my te goei. Hy het ongeveer 4 treë anderkant die draadheining gestaan.

Yes, carry on? ---Ek het teeny eerste skoot / op die bantee gevuur.

DEUR DIE HOF:

Op daardie besondere een?---Dit is reg.

MR. UNTERHALTER:

And did he fall?---Die bantee het geval.

What did you say he was doing just before you fired at him? ---Hy het 'n klip in sy hand gehad en dit bekant sy hoof gelig en die klip te goei.

Even/

Even assuming that he was going to throw that stone towards the police, I don't know if he was going to throw it at you or that's what you're saying, did you think that you were entitled deliberately to take aim and shoot at him with a .303 rifle?—Sees ek gesê het, die bantse het ongeveer vier treë anderkant die draad gestaan...

MR. DIE HOF:

Vier treë? —Anderkant die draad gestaan, en hy was regver my en ek kon sien dat hy direk na my mik.

MR. UNTERHALTER:

He hadn't yet thrown the stone at you?—Nee, hy het nog nie die klip gegooi nie.

You were keeping him under observation as a man who had a stone, and about to throw it at you?—Dit is reg.

Now, if in fact he had thrown that stone at you, and you were keeping him under observation, could you not, in watching the flight of that stone, have avoided it hitting you by ducking or stepping aside or running back? —Asgevolg van die klippe wat toe alreeds gegooi is, het die polisievanne wat saam met my in 'n lyn gestaan het, deurmekaar geraak en rondom my gestaan met die gevolg dat ek nie kon padgee het nie.

I understand that there was a line of police who were firing, and who were in the act of firing towards the crowd. Is that correct?—Dit is reg.

Now you're not suggesting that this line of men who were busy firing, were at the same time moving around in such a way as to impede you? — Nadat die klippe die eerstekeer gegooi is, het ons nie meer in 'n reguit lyn gestaan nie, alans nie waar ek gestaan het nie.

Whether they were in a direct line or not, you're not suggesting that whichever way these men, busy firing, were standing, they were moving around at the same

time. You're not suggesting it, are you? ---Wel, met die begin, toe hulle gegee het, het hulle, van die konstabels, redbeweeg en nie deur die klippe raakgegee te word nie.

But during the time that this line of men, I understand there were about 70 of them, they were not moving around, isn't that so? ---Waar ek gestaan het, het hulle beweeg.

So are you suggesting that the men were running around, and at the same time they were busy firing at the crowd?---Die konstabels het nie...

BY COURT: TO MR. UNTERHALTER:

Don't put things into his mouth which he is not suggesting. He has not suggested running, he has not used any word in the nature of running.

MR. UNTERHALTER:

Well moving. Are you suggesting that these men were moving around at the same time that they were firing? ---Ja, hulle het sentyd epsygestaan en nie deur die klippe raakgegee te word nie.

While they were in the act of firing?---Dit sou ek nie ken sê nie. Ek weet nie of hulle op die oomblik toe hulle beweeg het, geskiet het nie.

Just say that again, the recording machine interrupted what you were saying? ---Ek sou nie ken sê of hulle geskiet het terwyl hulle epsygestaan het nie, en nie raakgegee te word nie.

I don't understand your answer, because I understood you to say earlier that while these police were firing, you were unable to move around because other people who were firing, were moving around and were getting in your way. Did I misunderstand you?---Dit is reg.

Now, what is right, that I misunderstood you,

time. You're not suggesting it, are you? ---Wel, net die begin, toe hulle gegee het, het hulle, van die konstabels, redbeweeg en nie deur die klippe raakgegee te word nie.

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I don't understand your answer, because I understood you to say earlier that while these police were firing, you were unable to move around because other people who were firing, were moving around and were getting in your way. Did I misunderstand you?---Dit is reg.

Now, what is right, that I misunderstood you,

er that what you said earlier is correct? — Ek het gesê toe die bantee sy hand epgelig het en na my te gee, was daar twee of meer konstabels direk agter my en ek kon dus nie gee pad nie.

Why couldn't you move to the side, if the stone were thrown at you and you had to avoid it, left or right? — Ek mag op daardie oomblik nie daaraan gedink het nie.

Alternatively, if there were constables behind you, why couldn't you have pushed into them and knock them over in your desire to avoid this stone that was thrown at you? — Sees ek gesê het, ek het nie daaraan gedink om dit te doen nie.

Although you didn't think of moving yourself in a position to avoid this stone if it were thrown at you, you did think that you were entitled to raise your rifle, apparently, and if I understood you correctly, to aim at this man who had this stone in his hand, aimed towards you. You did think that? — Dit is reg.

He didn't actually throw the stone? — Nee.

And you fired at him before he threw the stone? — Ja, indien ek nie geskiet het nie, sou hy wel die klip gegee het.

You say that if you had not fired at him, he would have thrown the stone at you, or he might have thrown the stone at you? — Hy sal die klip na my gegee het.

He would have thrown it at you? — Dit is reg.

How can you be so sure that he certainly would have thrown that stone at you? — Ek kon aan sy houding sien dat hy van plan was om die klip na my te gee.

And is that the only reason why you discharged your first shot at him? — Dit is reg.

12/

If you had been on duty in the town, and you would have been walking down the street, and an African had picked up a stone similarly....

BY COURT:

Mr. Unterhalter, I don't think there is any analogy between the position you're about to put and the position that the witness is talking about.

MR. TUNTERHALTER:

Your Worship, will the Court permit me please to put it?

BY COURT:

Yes?

MR. UNTERHALTER:

If you had been walking down the street and someone had picked up a stone and had raised it in the way you've described, as if he were going to throw it at you, would you have shot him? — Die omstandighede daar is heeltemal anders, en ek sou miskien dan nie geskiet het nie.

Well now, what exactly is the difference between the two, that led you in this particular case to shoot at this man, and which would not have led you in the example that I've given to you? — Daar sou dit net een man gewees het wat gegee het, maar daardie dag daar was daar baie wat gegee het, daaron het ek op hem gevuur.

So you fired at this man who was about to throw a stone at you, because other people together with him, had been throwing stones? — Dit is reg.

Did you perhaps fire as well because you were angered by the fact that you had been hit and had been felled by the stone that hit your forehead? — Nee.

You were not at all angry at having been struck by a stone when you were standing there, exposed? — Nee.

Are/

Are you quite sure of that?—Ja, ek is absoluut seker daarvan.

You seriously suggest that after five seconds of firing by the police into that crowd, this man was still there, braving the fire, and ready to throw it at you, and that about 10 to 15 yards, turned away and running for his life?—Dit is reg.

At the time that you started to fire, were any members of the crowd running away, or were they still all there, looking at the police? —Baie het alreeds ongedraai en weggehardloop.

And despite the fact that many had turned and fled, this man was still standing there with the stone, not even having thrown it, but aiming it to throw at you?—Dit is reg. Dit was ook nie net hy nie, daar was nog 'n hele paar, 'n hele klomp, sal ek sê, wat net gestaan het onderkant die draad. Daaren het ek ook die twee ander skote afgevuur in die grond, met die bedoeling om hulle die skrik op die lyf te jaag.

Did you say that besides this man there were others who remained behind and were also preparing to throw stones?—Daar was nog ander gewees, maar ek het nie klippe in hulle hande gesien nie. Hulle het rondgestaan, teen mekaar vasgehardloop en prebber en wagte kon, party van hulle. Party het nog gestaan en kyk.

This man was the only man that you saw, who still remained behind with a stone in his hand as if he were about to throw it at the police?—Dit is reg.

You say that others were standing there, some of them trying to get away - I'm not sure if that is what you said?—Dit is reg.

And others just standing and looking?—Ek sal nie sê hulle het net gestaan en kyk nie. Hulle was in

elk/

elk geval neg met hulle gesig na vere en het agteruit gestap.

So as far as the others were concerned, if their faces were still towards the police, they were nevertheless retreating and others were actually running away. Is that correct?—Dit is reg.

This was the only one, as far as you could see, in the whole crowd, that wasn't retreating, that was remaining there in the face of the fire, in the act of throwing the stone?—Dit is reg.

Do you remember in which hand he had the stone? —Ja, hy het die klip in sy regterhand gehad.

And can you demonstrate to us how he was standing at the time?—Hy het gewoonweg gestaan en die klip bekant sy kop gelig, sy arm bekant sy kop gelig.

Now, between him and the fence, what distance was there? —Ek sou sê ongeveer 4 treë.

And was there anyone between him and the fence?—Nee, daar was niemand tussen hom en die draadheining nie.

Now, immediately before that, had there been people right up against the fence, before the firing started?

—Ja, hulle was tot teen die draad gewees.

Had you perhaps noticed this particular man as being right up against the fence before the firing started?

—Nee, ek het hom toe nie gesien nie.

These shots that you fired into the ground, whereabouts did they go into the ground?—Ek het geskiet duskant die draad, d.w.s. aan die kant van die heining wat ons gestaan het.

Does that mean that you shot into the ground still in the Police Station area, or in the ground beyond the fence, into the street?—Ek het geskiet in die grond direk in die Polisieterreing.

