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A.A. Struwig.

24 NOVEMBER 1960.

HOF HERVAT : VERSKYNNINGS SOOS VOORHEEN.

ANDRIES ABRAHAM STRUWIG, beëdig. verklaar:

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Struwig, you told us that you drove a radio car to Sharpeville on the morning of the 21st March of this year?

--- Dit is reg.

This radio car, is it the type of car that one sees that has a rather big aerial at the back? --- Dit is reg.

This radio aerial is usually at the right rear mudguard, is it? --- Dit is reg.

That was so with your car? --- Dit is reg.

Were you wearing the usual peaked cap? --- Ja.

Such as you see over there? --- Dit is reg.

And the others who were with you in the car likewise? --- Ja.

You did say that you were in the company of some Saracens that were under the command of Captain Brümmer, is that right? --- Nee, Kaptein van der Linde van twee "Saracens".

Oh, I beg your pardon. Did Kaptein Brümmer not have anything to do with the Saracens that you were accompanying? --- Nee, nie sover ek weet nie.

Do you know Captain Brümmer? --- Ek het hom daar ontmoet later.

When you drove your car into the Police grounds, were you guided by somebody in overalls, ^{who was} ~~putting~~ showing you how to come in, or putting his hand up to stop you? Do you remember any such incident? --- Nee, ek het die kar bestuur. Ek het voor gery, voor die "Saracens", tot ons die lokasie binnegegaan het. Toe het die "Saracens" voor gery, en ek het

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1,523.
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A.A. Struwig.

hulle gevolg.

The Saracens were in front and you followed the Saracens? --- Dit is reg.

So the Saracens went into the grounds first and then you drove in after the Saracens? --- Dit is reg.

Is it possible that some officer in overalls may have been there, giving an indication to the driver of the car - I presume that is yourself - without your remembering it today? --- Ek glo nie een van die manne op die "Saracens" het iets met die bestuur van my kar te doen gehad nie. Niemand het vir my gewys waar ek moet stop nie; ek het gestop waar hulle stilgehou het.

Now, is it possible that it might have happened, but you don't remember it today? That is all I want to know from you. --- Van Johannesburg af tot by die lokasie het Kaptein van der Linde voor, ek sal sê in die "pit" van die "Saracens", bo-op die "Saracens" het hy gesit, en toe hy in die lokasie inkom kan ek nie met sekerheid sê of hy daar gebly sit het nie, maar hy my nie gewys waar ek moet stilhou of wanneer om te ry nie.

You later drove from the entrance of the location into the Police Station grounds through those double gates on the western side? --- Dit is reg.

It is at the point where you drove your car in through those gates, that I am asking you to recollect whether there was a man in overalls who might have been beckoning with his hand or giving some sign to you like a Traffic Inspector, as to how your car should go or when it should stop. Do you remember such an incident? --- Ek kan niks daarvan onthou nie. Dit mag so wees, maar ek kan dit nie onthou nie.

Now, at the time that you came into that Police Station, was it then that you heard these words about Sato

Maar/....

Manor? --- Die eerste keer was voor ons die Polisiegronde bereik het. Toe was die "Saracens" 'n hele ent voor my.

No Now, when you got in past those gates, did you have a look at what the crowd was like? --- Ja, toe ek in die Polisiestasie was het ek, in die Polisiegronde.

I am referring now to the time when you car passed through those gates, and you got out. Did you then look at the crowd? --- Ja.

What was the behaviour of the crowd as far as you could judge? --- Hulle het geskree en hulle was opstandig, en baie oproerig.

You will agree that they were not dangerous at that stage? --- Ek sal sê hulle was heelwat gevaarlik op daardie stadium.

It did not appear to you to be like a group of people, perhaps a little excited, but curious and looking to see what was going on in the Police grounds? --- Nee.

Mr. Strawig, I am going to show you Exhibits 45 and 46. These are photographs of a motor-car that entered through the western gate of the Police Station. Now, I would like you to look at the motor-car. You will notice that there is a radio mast at the rear right mudguard. Is that perhaps your car? --- Nee Edelagbare.

NEE DIE HOF:

Kyk na altwee portrette, ars. 45 en 46. Op een van hulle sal jy sien hy het T.J. nommerplate? --- Ja, hierdie is 'n 1958 Ford, en ek het die dag 'n 1959 Chev. gery.

Daardie kar is nie joune nie? --- Nee.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You say the model of your car was? --- 'n 1959 Chevrolet.

And the car that you see there is a?

Dear/....

DEUR DIE HOF:

Die kar wat jy daar sien is jy sê 'n 1958 Ford? ---

Dit is 'n 1957 of 'n 1958 Ford, Edelaghare.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You recognise that car as one that might have been with you? --- Ek weet nie op watter stadium nie, maar hy het nie saam met ons gekom van Johannesburg af nie, nie saam met die "Saracens" nie. Dit lyk in elk geval soos een van ons Polisiekarre.

Do you remember the car perhaps coming in sometime after your arrival? --- Ek sal nie dit sê nie.

Did you perhaps see it there upon your arrival, as having preceded you? --- Nee, Edelaghare.

I would like you to have a look at the people crowding around the fence there, in Exhibit 45 and Exhibit 46. Look at it generally. Would you say the crowd as they are demonstrating there, would be more or less the same as what you saw them doing when you came? --- Nee, toe ons die Polisiegronde nader het van die Bantoes om die kar saangedrom en die kar vasgehou, en ek het met groot moeite die gronde binnegekome. Hulle het met hulle gathand en vuus teen die kar ook geslaan, en dit is gladnie soortgelyk as die skare wat hier opgemerk is nie.

Now, having got into the grounds Mr. Strawig, and looked back towards the crowd, your car you say was hit while you passed through the crowd? But having got into the Police grounds, and having looked back on the crowd, would you say the crowd as you then looked at it, was similar to the crowd as you see in the photographs? --- Hier op bewysstuk 45, dit is ongeveer soos die Bantoes was. Hulle het geskree en hulle hande in die lug opgesteek.

Similar to Exhibit 45? --- Ongeveer Edelaghare, soos die/....

die aan die linkerkant van bewysstuk 45.

Now Mr. Struwig, you told us in your evidence-in-chief that you saw Colonel Pienaar speaking to certain Africans?

—Ja, hy het gepraat met hulle.

Do you know if he caused any of the people to whom he was speaking to be arrested? — Herhaal net die vraag asseblief?

Do you know if he caused any of the people to whom he was speaking to be arrested? — Nee Edelagbare, sover ek weet nie.

You are quite certain it was Colonel Pienaar who was talking to Africans? You are not confusing him with some other senior Police official? — Dit is een van die voorvalle, dit is net kort voor die skistery het ek gesien dat hy praat met die Bantoes, van hulle, maar ek kon nie hoor wat hy sê nie want daar was 'n groot lawaai.

DEUR DIE HOF:

Die kwessie is of jy seker is dit was Kolonel Pienaar? en nie miskien een van die ander hooggeplaaste offisiere daar nie? — Nee Edelagbare, ek is seker dit was Kolonel Pienaar.

Ken jy hom goed? — Ja.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Colonel Pienaar gave evidence here Mr. Struwig - I don't recollect his saying that he spoke at any stage to Africans? He told us he was so busy lining his men up, there was not time to do other things that I suggested he might have done? — Edelagbare, in die omgewing van die hek, net nadat Kolonel Pienaar uit die kar uitgeklim het, het hy teruggestap in die omgewing vanwaar die manne gestaan het, en hy het gepraat in die rigting van die Bantoes. Of hy met hulle self gepraat het of met die Polisiebeamptes, kan ek nie sê nie.

Daar/....

Daar was 'n oorverdowende lawaai en ek kon niks hoor wat die gesprek oor gegaan het nie.

Then you went on to say in your evidence-in-chief that you saw an African taken by Policemen to the Police buildings? --- Ja, askeg reg kan onthou was dit Kolonel Spengler gewees.

And as far as Colonel Pienaar is concerned, he may have been speaking, but it might not have been to Africans, it might have been to Police officers there or Police Constables or members of the Force? ---Dit is reg.

So when you said that he spoke to Africans in your evidence-in-chief that was a slip or a mistake on your part? --- Ek is onder die indruk dat hy het met hulle gepraat, maar ek kan nie met sekerheid sê hy het nie. Ek kon nie die gesprek gehoor het nie.

You may have been mistaken? --- Ja, ek kon verkeerd gewees het as ek gesê het hy het met hulle gepraat, en in werklikheid het hy nie.

Now, you saw an African taken away and you say possibly it might have been Colonel Spengler who took him? --- Dit is reg.

Whoever the person was who took him, he was a senior Police officer, was he? ---Ja, as dit Kolonel Spengler was - as ek kan reg onthou was dit hy en hy is 'n senior Polisie-offisier.

Did you notice how he took him away? Had he seized his person, put his hand on any part of his body, or anything like that? --- Ek het gesien toe hulle albei wegstep. Ek kan nie nou presies onthou hoe hy saam met hom weggestap het nie.

He may have put his hand on his body, and he may not have? --- Dit is reg.

Did/....

A.A. Struwig.

Did you have the impression that the man was under
I,528.
arrest from the way that he moved off with Colonel Spengler?

— Ek het opgemerk en gedink hy gaan nou Polisiestasie toe vir
vondervraging, en ek kon nie sê of hy gearresteer was of nie.

Were you somewhere near the gate? — Ek was nie ver
van die hek af nie.

And did you keep looking at the gate all the time
while you were standing in the Police grounds? — Ek weet
nou nie. Verwys u nou na voor die skietery of nie?

Yes, before the shooting? — Hoe lank voor die
skietery?

Five minutes before? — Ek sal nie sê ek het al
die tyd die hek dopgehou nie.

Was that western gate a centre of any special
interest to you? Were there things happening there that would
have attracted your attention? — Ja, lank voor die skietery
het daar Polisiemotors ingekom, en dan het van die Polisie-
beamptes die hek oopgemaak, sodat die Polisiekar kon inkom,
en daarna weer die skare teruggedruk om die hek toe te maak.

Apart from the Africans whom you saw going away
with Colonel Spengler, did you see any others removed from the
vicinity of the gate towards the Police buildings? — Nie
sover ek kan onthou nie.

Now, almost immediately before the firing began,
were you looking in the direction of the gate? — Nee, ek kan
nie onthou nie.

It has been said by some witnesses that at that
time there was a kind of tug-of-war going on between members
of the Police, and among them Colonel Spengler, and members of
the crowd, and the centre of the tug-of-war was an African man
who was being pulled by Colonel Spengler the one way and the
crowd another way? Do you remember any such incident? — Ek

kan/....

kan nie onthou dat ek soets gesien het nie.

If such a tug-of-war had developed, would your attention have been directed to it by the whole circumstances of the situation then? — Ek glo niek want die skare was baie oproerig gewees en ek dink enigeen sou sy aandag meer bepaal op die skare die naaste aan jou. Dit mag wees dat ek soon-toe gekyk het, maar ek sal dit nie kan onthou nie.

Anyway, you then went on to say that just before the shooting stones were thrown from the crowd? — Dit is reg.

Were these stones coming from somewhere in the region of this double gate on the western side? — Klippe het vanwaar ek gestaan het, in my gesigslinje het klippe van vooraf, van direk voor my gekom. Ek kon nie sien of daar klippe aan die linkerkant ook van my was nie, of gegooi was nie.

And in relation to the gate Mr. Struwig, where were you standing? — Ongeveer 15 na 20 voet van die noordekant van die hek. Ek wil net sekermaak Edelaagbare.

Do you see Exhibit 13? That is an aerial photograph of the Police Station grounds and the crowd around the Police Station. Do you see that? — Dit is reg.

You will notice that there is a group of people inside the grounds, and they are approximately opposite the western gate? — Dit is reg.

Now, as far as that group is concerned, would you have been above them in the photograph or below them? — Volgens die foto was ek seker ongeveer 5 tree, 5 na 10 tree, aan die noordekant van die mense wat in die binnekant van die Polisiegronde staan.

That is above them, to the top of the photograph? — Dit is reg. Dit is waar ek gestaan het kort voor die skietery. Dit is soos ons ingeval het daar. And/....

A.A. Struwig.

1,530.

And approximately how far from the fence were you?

--- Ongeveer 5 tree.

Now, you say that these stones were thrown. Is there anything that you observed immediately before the throwing of the stones, that you could relate ^{possibly} as to the cause for the stones coming over? --- Ek kon niks sien nie.

DEUR DIE HOF:

Kan jy mooi verstaan? --- Wat die skare uitgelok het?

Is daar iets wat net voor die klipgooiery gebeur het wat dit kon veroorsaak het? wat jy gesien het? --- Nee.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Mr. Struwig, did you perhaps notice just about that time, whether any of the crowd had broken through the gate and had entered into the Police grounds? --- Nee, ek kan nie onthou dat ek die hek daardie tyd dopgehou het nie. Dit mag so wees.

Apart from seeing stones come over, did you notice anything else? --- Kieries, Edelagbare.

Are you quite sure that you saw "kieries" coming over as well as stones? --- Klippe en kieries ja.

Are you able to tell us from where you were the number of "kieries"? One or two, or were there a large number? --- Nee, ek sal nie sê daar was 'n groot aantal nie, maar ek het wel kieries gesien.

Two or three? --- Dit mag meer gewees het.

Four or five? --- In die Polisiegronde wel het ek 'n hele aantal kieries gesien, maar vanwaar ek gestaan het, soos ek kan onthou, het ek kieries oor die draad of oor die heining gesien kom.

Would it have been fairly obvious to any observer that "Kieries" were coming over as well as stones? --- Ja.

We/....

We have had evidence from other witnesses - if my memory serves me correctly I think it was Colonel Pienaar himself to whom the question was put, and he does not speak to having seen "kieries" come over. You are not mistaken in what you are telling us? --- Daar het kieries vanuit die skare gekom in die rigting van die Polisiebeamptes.

Now, you say that a stone hit you? --- Dit is reg.

And where did it strike you Mr. Struwig? --- Ek is nie seker of dit my linker- of my regterarm was nie, en die arm.

DEUR DIE HOF:

Wys vir ons? Hoe meen u, aan watter liggaamsgedeelte? --- Net onderkant die kort rib, Edelagbare.

Maar jy is nie seker of dit links of regs was nie. En op die arm is jy? --- Op die arm.

Was dit een klip? --- Een klip ja.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you say this wounded you and you sat down on the ground? --- Ja.

I take it you had no medical treatment subsequently for this, did you? --- Nee.

And for how long did you remain on the ground? --- Tot ongeveer na die skietery.

Were you not able to get up? --- Nee.

And did you shoot whilst seated? --- Dit is reg.

Did you hear any command to shoot? --- Nee.

What was it that made you shoot Mr. Struwig? --- Die omstandighede op daardie oomblik.

Mr. Struwig, do you perhaps mean by that that hearing the others shooting, you thought that there must have been a command given and therefore you joined in? Is that what you mean by the circumstances? --- Nee, Edelagbare.

Or/....

Or did you perhaps lose your head and panic, because the shooting was starting and you then joined in? — Nee.

Now, how did you fire these shots? Did you fire them into the crowd, over the crowd, into the ground? — Ek het in die skare geskiet.

And you continued to shoot until the crowd turned and fled? — Dit is reg, toe ek gedink het ons is nou buite gevaar toe het ek opgehou.

When the others stopped shooting you also stopped? — Ek sal nie sê ons het gelyktydig gestop nie, maar ek het gestop.

Approximately? — Ja, ongeveer.

Mr. Struwig, before the shooting started, i.e. the volley from the Police, did anything happen, or was there just a "sarsie"? — Edelagbare, daar was enkelskote gewees, toe 'n sarsie. Dit het in elk geval geklink soos geweer-skote of rewolwerskote.

Now, did this seem to you to be as it were two shots coming from the Police, and then the volley coming from the Police, or something else? — Nee Edelagbare, ek sal nie kan sê van wie die eerste skote gekom het nie.

The very first shot that you heard, was it a fairly loud report? — Dit was hoorbaar gewees daren.

And the second shot, did it sound the same kind of report as the first one? — Ek sal nie kan onthou presies hoe die skote geklink het nie, maar dit het vir my geklink na skote wat van 'n vuurwapen gevuur was.

Like a .38 revolver shot? — Ek sal nie kan sê nie.

And where it came from, are you able to say? — Dit was, soos ek gestaan het, as ek reg onthou aan die linkerkant.

Deur/....

DEUR DIE HOF:

Iewers links van jouself? --- Ja, Edelagbare, soos ek gestaan het, d.w.s. aan die suidekant.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, when the shooting ceased you went outside to assist, did you? You went outside to assist, to help? ---

Dit is reg.

And you say that among the crowd outside you found an African who seemed to be unconscious? --- Hyhet so voorgekom ja.

Did he appear to be a man who might have been trampled on by a crowd that was running away? --- Ek sal nie kan sê nie. Hy het vir my gelyk asof hy nie regtig bewuseloos is nie, maar asof hy net so maak. Ek kan nie met sekerheid sê of hy wel bewusteloos was of nie.

Mr. Struwig, why do you say that he seemed - if I understood your Afrikaans correctly - to be pretending to be unconscious? Was that what you meant to convey? --- Dit is reg.

Did it not seem to you probable that in the desperate flight of that crowd, a man might well have fallen and perhaps been trampled on by others ^{and} through fright or the pressure of the crowd, become unconscious? --- Ek sal nie sê dit is nie so nie, maar die Bantoe, toe ons hom in die Polisiestasie, in die klagtekantoor bring, ek mag verkeerd wees, maar gewoonlik 'n persoon wat bewusteloos is, sal nie sy oë knip nie, aanhoudend knip nie.

But it might well have been that he was genuinely scared, suffering from shock, and he might have been battered by the crowd? --- Ek ontken dit nie.

Now, in fact it did take several hours before this man came round, and you could deal with him? Is that not so?

---Ja.

Whereabout/....

Whereabout did you find him Mr. Struwig? — In die omgewing van die hek, ongeveer 5 tree van die hek af, aan die westekant.

Immediately outside the gate, or to the south of the gate, or to the north of the gate? — 'n Bietjie aan die suidekant van die hek.

And about how many paces? — Ongeveer vyf.

That is five paces to the south of the gate, and how many paces away from the fence? — Ook ongeveer vyf.

Was he lying then on what serves as a pavement there, or was he actually in the street? — Net van die sypaadjie af, 'n endjie van die sypaadjie af. Ek weet nie of daar eintlik sypaadjies is nie, sover ek kan onthou is daar nie 'n sypaadjie nie, maar dit is 'n endjie, of ongeveer vyf voet van die draad af, vyf tree altans.

8 Now, what was it that attracted your attention to this particular person? — Ons het tussen die persone wat daar gewees het wat gewond was opgetel en gekyk hoe hulle beseer is, en gekyk of ons enige hulp kan verleen, en ek het toe die Bantoe ongedraai, en toe het ek die dolk voor by sy broek sien uitsteek.

You remember these trousers well do you? — Ek sal nie die kleur van die broek onthou nie, maar ek weet hy het 'n broek aangehad, 'n langbroek.

Now, in which pocket did you see this dagger? — Dit was nie in 'n sak gewees nie. Dit was so voor sy maag ingedruk, in die broek aan sy maag se kant.

Do you mean that it was between the shirt and the trousers? placed in the front of the trousers and supported by his stomach? — Ja Edelagbare, dit is die posisie wat die mes was. Ek het die hef bekant die broek sien uitsteek.

DEUR DIE HOF: Et was buitekant sy hemp, aan die buitekant

van/....

van sy hemp? --- Ja.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And it was clearly noticeable? --- Toe ek hom omdraai toe het ek dit onmiddellik gemerk ja.

If he would have been walking upright with this knife in his trousers in that position, and the handle of the knife as you have described it, anyone seeing him would have notice it? --- Ja.

He wore a shirt? --- Hy het 'n hemp aangehad.

And he had no jacket? --- Ek sal nie met sekerheid kan sê nie.

Well, let me put it another way, Certainly, as far as you are concerned, the handle of this dagger was not concealed by a jacket around that portion of the trousers where this dagger was placed? --- Nee, daar was nie 'n baadjie oor die mes gewees nie. Die beskuldigde het op sy maag gels en ek het hom omgedraai, en die eerste wat ek gemerk het was die hef van die dolk.

Were you in the company of anyone when this happened? --- Ja, daar was Polisiebeamptes daar in die omgewing gewees, maar ek kan nie onthou of hulle direk saam met my was toe ek hom daar gekry het nie.

Did you draw anyone's attention to the fact that you saw this man with this knife in this position? --- Ek moes want ek kon die beskuldigde nie alleen dra nie. Ek het toe 'n onbekende persoon - ons was seker drie of vier gewees - gevra om die beskuldigde in die klagtekantoor in te dra.

Can you give us the names of any persons who were present with you and who saw this knife as you have described it to us? --- Ek ken hulle nie.

When you saw this knife did you leave it there, or was it drawn out from where it was? --- Ek het dit verwyder.

And
Etc/....

And in whose possession did it remain until you brought this person into the charge office? — ^Sover ek kan onthou het ek die mes al die tyd in my besit gehad totdat ek hom by die klagtekantoor ingehandig het as 'n bewysstuk.

Now, did you put it away on your person, or did you continue to hold it in your hand? — Ek kan nie onthou of ek die mes gedra het nie, maar ek vermoed dit moes al die tyd in my besit gewees het, so ek sal nie kan onthou waar ek hom gehad het nie.

When you took the knife out, did this person react in any way? — Nee.

Did you give him any order to stand up and walk with you? — Ek kan nie onthou nie.

Now, did you have to arrange for him to be carried because his condition was such that he had to be carried? — Ja, anders sou ek hom moes sleep, en toe het ek die hulp van ander Polisiemanne gekry om my te help hom dra.

You could not put him up on his two feet and make him walk with you, supporting him? — Nee.

How many of you took him in? — Ek weet nie. Ek dink ons was drie of vier gewees.

You carried him in in a blanket did you? — Nee, delagbare.

A stretcher? — Nee, ons het hom sommer so gedra aan die arms en die bene.

Oh, I see, you lifted him by the arms and the legs and carried him in? — Yes.

Between the time of your picking him up, and taking him into the charge office, did anything happen? Anything that you can remember that happened as you carried this man between you from where he lay into the charge office? — Nee.

Think about it carefully Mr. Struwig? You and these others/....

others are carrying this man from the street into the charge office, the knife is in your possession, you were either carrying it or you have put it somewhere, and you are going along. Did ^{anything} happen? — Ek sal nie sê die mes was in my besit gewees nie. Ek kan nie met sekerheid sê nie, maar ek vermoed ek moes hom al die tyd in my besit gehad het, en ek kan nie onthou van iets wat gebeur het vandat ons hom daar opgetel het en in die klagtekantoor gebring het nie. Ons het wel probeer om hom by te kry deur koue water oor sy gesig te gooi, of te sprinkel.

Are you sure that the knife remained in your possession and it was not given to any other of the men who were carrying this person? — Ek weet nie. Ek kan nie met sekerheid sê die mes was al die tyd in my besit gewees nie. Ek kan nie onthou nie.

When you got into the charge office what happened to this dagger? — Hy is ingehandig as 'n bewysstuk.

Did you hand it in? — Ek het ja.

So unless you gave it to some of these other men who were helping to carry, it must have remained with you from the time that you took it out of his trousers, until you handed it in? — Dit is nie noodwendig dat dit in my besit moes gewees het dan nie.

But you have no recollection of having handed it to anybody else? — Sever ek kan onthou nie.

And you have also got no recollection of any special event occurring between the lifting up of this man and your arrival with him in the Police Station? — Ek kan niks onthou nie.

Now, apart from handing this knife in and taking whatever steps were necessary in regard to this man being in possession of the knife, do you remember anything happening

in/....

in the Police Station that you think is of importance, and that you can tell us today? — Net dat ons probeer het om die Bantoe by te kry, maar dit het lank gevat voor hy eers bygekom het. As ek reg kan onthou was dit omtrent twee of drie ure gewees.

I have been asking you these questions because there may be a confusion between certain knives or daggers that were found. Colonel Pienaar gave evidence, and he speaks to a knife similar to Exhibit 44, and he was asked "Did you see who found it?" and he said "No, he was carried past me by the men, and one of the men held the knife and showed me that this knife was found. As I say there were then two of these knives". That appears at page 961, Your Worship. Now, can I assume that as far as you and your people were concerned, it was not in your group that Colonel Pienaar was shown this knife? — Sover ek weet nie.

Now, did you take a statement from this person? — Nee, ek kon nie, nie op daardie stadium nie, en ek het ook nie op 'n latere stadium nie.

He was not in any fit condition I take it to make a statement? — Nee.

And apart from the fact that he was not in a fit condition, I take it as a Policeman you would have accepted it would have been unfair to have taken a statement from a man who might have been suffering from shock or been overwhelmed by the crowd? Do you agree with that? — Ja, ek kon onder geen omstandighede van hom 'n verklaring kry nie, want hy kon nie praat nie, hy het daar gely hulpeeloos, of hy het so voorgekom.

And in the end you caused him to be arrested, you personally, for being in possession of a dangerous weapon? —

Dit is reg.

This/....

This was done on your own initiative? — Ek het n verklaring gemaak en hy was seker ek kan onthou aangehou te Sharpeville.

Did you yourself also make a statement? — Ek het 'n verklaring ingesit. Dit was as gevolg van my verklaring wat hulle hom sou moes aanhou.

And you have no doubt whatsoever that this dagger was found in the position that you have described it on this particular person? You can't be mistaken about that? — Nee, ek is seker daarvan.

Thank you.

CROSS-EXAMINED BY ACCUSED NOS. 1, 3, 4, 8, 38 and 39:

No questions.

COURT ADJOURNS.

COURT RESUMES:

BY MR. UNTERHALTER:

Your Worship, may I put just another couple of questions that occurred to me subsequently? — Yes.

ANDRIES ABRAHAM STRAWIG, onder sy vorige eed, vervolg:

FURTHER CROSS-EXAMINATION BY MR. UNTERHALTER:

Mr. Strawig, will you look at Exhibit 44 please? You will notice that it is a double-edged knife? — Dit is reg.

Fairly sharp I would say? — Hy is neral skerp, Edelagbare.

Do you notice that it has a sharp point as well? — Dit is reg.

It is quite a heavy weapon too? — Hy is swaar.

Now Mr. Strawig, I want to put a question to you -

I/....

I would like you to consider your answer carefully before you give it - the dagger as you see it I presume had the handle portion, i.e. that aluminium portion, protruding? --- Hy het uitgesteek. Ek kon ^{sien,} hom/dit was merkbaar gewees.

That in fact is the knife is it, as far as you can recollect? --- Sover dit my aangaan is dit hierdie mes.

The knife portion was hidden in the trousers? ---

Dit is reg.

And it was pointed downwards? --- Dit is reg.

Now, as you took it out could you see whether it was in a straight line, whether it had been in a straight line, or whether it was planted at an angle across the body? --- Ek kon nie sien hoe die posisie was wat die mes in sy broek was nie.

The man from whom you took it was lying on his stomach? --- Dit is reg.

Constable, I want to put it to you that anyone who had a knife of that length, concealed, as you have said you saw it concealed, in the trousers, was in considerable danger of cutting his penis? --- Dit kan moontlik wees.

And if we assume that he had that knife in that position whilst standing upright, and he was bowled over by the crowd or fell, it might very well be that he could do himself an injury in the stomach region or the region of the genitalia as he fell? --- Ja, dit is moontlik.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Ek neem aan u het nie sy privaatdele of maag ondersoek om te sien of hy gesny was nie? --- Ek het sy hemp uitgetrek maar ek het niens sy privaatdele gekyk nie.

Now, die kleres wat u gesien oorkom het, het u gesien wat het van hulle geword? --- Daar was van hulle ingehandig in die Polisiestasie. As ek reg onthou het ek ook/....

ook 'n paar van hulle ingehandig.

So u het wel 'n paar opgetel en ingehandig? ---

As ek reg onthou ja.

Die aantal kieres wat u gesien het, was dit nadat hulle versamel was, of voordat hulle versamel was? --- Ek het hulle gesien op die Polisieterrein lê.

U het ook gesê dat u het geskiet weens die omstandighede, en dit was nie omrede u die ander Polisie gehoor vuur het of dat u vreesbevange was nie. Wat was die omstandighede waaronder u geskiet het? Hoekom het u gevuur?

--- Edelagbare, ek wil net sê ek was vreesbevange gewees, maar ek/ghandel en in my opinie was ons almal so luidens in gevaar daar gewees, en ook ek het na aan die draad gesit en ek kon nie orent kom nie, en as ek nie 'n vuurwapen gehad het nie was ek hulpelees gewees.

En die eerste skote wat u gehoor het voor die sarsie, kon u vasstel die bron of die rigting vanwaar hulle gekom het? Was dit Polisie-skote of vanuit 'n ander bron? --- Ek sal nie kan sê met sekerheid nie.

En die kete van „Gato Manor!“, presies waar was u toe u die kete gehoor het? --- Ek het dit op die Polisiegrond ek dink een- of tweemaal gehoor, en die eerste keer toe ek dit gehoor het was buitekant die Polisie-stasie toe ons die terrein genader het.

Dit wil sê in die nabyheid van daardie westelike hek? --- Dit is reg.

Joel/....

J. MEYER.

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JOEL MEYER, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mnr. Meyer, is u 'n Konstabel in diens van die Suid-Afrikaanse Polisie gestasioneer te Sentraal, Johannesburg?

--- Dit is reg.

Hoeveel jaar Polisiediens het u? --- Dertien jaar.

En verstaan u enige naturelletale? --- Nie te goed nie.

Dra u daren kennis van enige van hulle? --- Nee, ek kan enkele woorde wat gepraat word verstaan.

Wat is die woorde wat u kan verstaan? --- Soos wanneer 'n Bantoe gesels, of twee van hulle gesels, kan ek so hier en daar 'n woord vang.

O, dit is nie alleeslik 'n besondere paar woorde nie, maar hier en daar in 'n algemene gesprek ken u 'n paar woorde? --- Net 'n paar woorde.

En watter taal is dit? --- Dit is Sesuthu.

Nou, op die 21ste Maart van hierdie jaar, het u by Sharpeville Polisiestasie gekom? --- Dit is reg.

Hoe laat het u by die Polisiestasie arriveer? --- Dit was om en by tien na half-elf se kant.

En het u per vragmotor gekom of per "Saracen" of hoe? --- Per vragmotor.

En onder bevel van wie? Wie was die Bevelvoerende Offisier van daardie eenheid? --- Dit was Hoofkonstabel Malan.

Was dit die eerste keer wat u by Sharpeville naturelledorp Polisiestasie gekom het? --- Dit was die eerste keer.

Nou, ek wil u 'n bewysstuk toon, bewysstuk 13. Heelbbo aan die foto is dit noord, suid is onder, wes is aan die linkerkant, en waar die klompie mense staan aan die westekant, dit is waar daar 'n groot hek is, waar voertuie in en uit/....

...it kom? --- Dit is so.

Nou, het u voertuig by daardie hek ingekom? --- Ja.

Was daar al Bantoes om die Polisiestasie daardie

tyd toe u daar gekom het? --- Ja, daar was baie.

En het u daar gebly tot na die skietery? --- Ja.

En het u gesien toe Kolonel Pienaar daar aangekom

het? --- Ja.

Ken u Kolonel Pienaar van sien? --- Ek ken hom van

sien.

Ontrent hoe laat het hy daar gekom? --- Ek sal

moet raai.

Nee, ek wil nie hê jy moet raai nie. U weet dit

nie?

DEUR DIE HOF:

Nadat jy daar was het hy daar aangekom? --- Dit is

nadat ek daar was.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En kort nadat Kolonel Pienaar daar gekom het, was daar enige bevel gegee in verband met die Polisiemannne wat daar gestaan het? --- Daar was 'n bevel gegee dat ons moes aantree.

En het u ook aangetree? --- Ek het ook aangetree.

Nou, aan watter kant van die grasperk het u

aangetree of ingeval, d.w.s. die noordekant of die suidekant?

--- Aan die westekant.

Ja, aan die westekant van die grasperk? --- Van

die grasperk.

Maar noord of suid van die pad wat lei vanaf die heining of die hek in die heining, tot by die Polisiegebou?

--- Ek persoonlik was suid.

Suid? --- Ja, suid van die ingang daar.

En wat was die volgende ding wat gebeur het nadat

julle/....

julle begin aantree het? — Ons het 'n bevel gekry dat ons moet laai.

En daarna wat was die volgende gebeurtenis wat u waargeneem het? — Die volgende wat gebeur het was twee skote vanaf die naturelle, en onmiddellik daarop het die klippe begin val.

Sal u net 'n bietjie harder praat mr. Meyer? U sê dat twee skote het vanaf die naturelle gekom, en onmiddellik daarna het die klippe begin val? — Het die klippe begin val.

Nou, die skote wat u gehoor het vanaf die naturelle, van watter rigting het hulle gekom? — Ek sal sê dit was so suid, suid-wes; so op die hoek.

Suid-wes? — Ja. Meer wes sal ek sê Edelagbare.

En die klippe wat geval het, vanwaar het hulle gekom? — Dit was van dieselfde rigting.

Was dit min of baie klippe wat gegooi was? — Dit was baie klippe.

Was u deur enige van die klippe getref? — Ek was deur drie klippe getref.

Waar het hulle u getref? — Een het my op die bors getref, een op die hand, op die duim, en een op die lip.

DEUR DIE HOF:

Jy wys jou linkerhand, d.i. jou linkerduim? — Die linkerduim ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Het jy enige beserings opgedoen as gevolg van die klippe? — Geringe beserings.

Het u nog orent gebly nadat u raakgegooi was? — Ja, ek het orent gebly.

Het die klippe enige oop wonde veroorsaak? — Nee.

Die klippe, het u opgelet wat die grootte was van die klippe wat u getref het? — Dit het gewissel van klein tot/....

ot ongeveer hierdie grootte 'n tennisbal. (Getuie dui aan).

En daarna wat het plaasgevind? Daar was die skote, die klippe, en u was getref, en wat gebeur toe? --- Daarna het daar 'n sarsie skote ontstaan vanaf die Polisie.

En het u ook gevuur? --- Ja, Edelagbare.

Watter tipe wapen het u gebruik? --- 'n .303.

CROSS-EXAMINED BY MR. UNTERHAUSER:

You were standing somewhat to the south of the gate Mr. Meyer? --- Dit is reg.

These first two shots that you say you heard coming from the Africans, would you say that they came somewhere from the left of where you were standing as you faced the crowd? --- Dit was effens links, effens links.

The first of these shots, what did it sound like to you, revolver shots, gun shots? --- Dit was rewolwerskote.

The second one also like a revolver shot? --- Presies dieselfde.

A fairly loud report? --- Ja.

Similar to a .38 would you say? --- Ek sal nie kan aflei watter kaliber dit was nie.

But a large calibre revolver rather than a small calibre revolver? Would you say that? --- Ek sal sê dit is 'n klein kaliber.

Both of them? --- Albei.

Now, did you fire because of an order? --- Ja, daar was 'n bevel gegee wat ek gehoor het.

You are quite sure about that Mr. Meyer? --- Ek is seker.

Now, you were standing south of the gate. From which direction did the order come? more to your left, i.e. more to the south, or more to your right, i.e. more to the north/....

North? --- Dit was ongeveer soos ek gestaan het skuins agter my, regs skuins agter.

Did it appear to come from somebody who was behind the line of men? --- Dit is presies van iemand agter die manne.

Was the order given in a fairly loud voice? --- Ja.

Clearly audible by you and the people near you? ---

Dit is reg.

The word that was used in giving you the order, what was it? --- „Skiet!”

Are you able to say the rank of the person who gave that order? --- Ek sal nie kan sê nie.

You were not able at any time to find out who it was who gave the order? --- Nee.

Either from your own observations or from what you may have been told by other people? --- Nee, ek het nie gehoor van wie dit gewees het nie.

You gave evidence at the Inquiry did you not Mr. Meyer, that is before His Lordship Mr. Justice Wessels? --- Ja, Edelagbare.

At page 1162 there is the following question and answer recorded: „Het jy nie na die tyd probeer uitvind wie dit was wat geskree het nie?” and the answer is: „Ek het probeer uitvind maar ek kon nie. Sover ek kon vasstel was dit 'n offisier in bevel”. You did say that, did you not? --- Dit is wat ek van manskappe vernem het. Ek kon nie vasstel presies van wie die bevel gekom het nie.

You see, I did ask you whether you knew it from your own observation or/what other people may have said to you. I understood you to say that you did not know? --- Dit is wat ek uitgevind het by ander persone; hulle het dit aan my vertel.

So you now say that although of your own information you/....

you can't say who gave that order, but from information given to you by other people you have found out that it was given by an officer in charge? — Dit is wat ek van die begin af gesê het.

You did understand my question when I put it to you at the beginning? —Ja, ek het dit verstaan.

How many shots did you fire? —Tien skote.

And as far as the Police shooting is concerned, did it start immediately with the volley, „met die sarsie“? Het dit onmiddellik met die sarsie begin? — Die Polisiearsie het onmiddellik begin.

There were not a couple of shots that were fired by the Police first, and then a volley? — Nee, die Polisie het een sarsie gelyk begin.

And there were not any single shots from the Police before the volley started? — Nee.

You have a distinct recollection about it? You remember it clearly? — Ek onthou dit goed.

You see, others have told us that there were a couple of single shots that were fired by the Police, and then the volley? Are they mistaken, or are you? — Wel, ek sal sê dit is onwaar.

Mr. Meyer, we have also heard from many other witnesses here that they did not hear any command to shoot given, and we have been told by Colonel Pienaar, who was in charge, that he did not give that order. Now, Colonel Pienaar also added that in the ordinary course he would be the only man in that situation to give an order to fire. Now, in the light of that, is it possible that you are mistaken when you say that you heard this order „Skiet!“ — Soos ek reeds gesê het, ek het die bevel gehoor; van wie dit was kan ek nie sê nie.

Would/....

Would you say Mr. Meyer, that in the tone of voice that that command was uttered, most of the people that were in line should have been able to hear it? --- Ek sal sê dat die persone wat nêr in die hek gewees het, by die hek, moes dit kon gehoor het.

Taking the gate as the central point, you would say that the people immediately opposite the gate must have heard it? --- Ek verneem so.

You were in a group of people to the south of the gate, a distance of how many paces would you say? --- Ongeveer drie na vyf tree.

So people five paces to the south of the gate must also have heard it? Do you agree with that? --- Dit is moontlik.

Would you say people beyond a distance of five paces to the south could ^{also} have heard it from the loudness or otherwise of the command? --- Wat dit verder gewees het betwyfel ek of hulle souets kon hoor.

And of course if people five paces to the south must have heard it, I take it you agree that there is no reason why people five paces to the north of the gate should also not have heard it? Do you agree with that? --- Dit is moontlik dat hulle dit kon gehoor het.

This I take it, because whoever uttered the order, was as far as you could estimate opposite the gate? --- Ja.

Thank you, Your Worship.

CROSS-EXAMINED BY ACCUSED NOS. 1, 3, 4, 8, 38 and 39:

No questions.

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR:

André/....

ANDRE THOMAS KALLIS, duly sworn, states:

EXAMINED BY THE PUBLIC PROSECUTOR:

You are a Constable in the South African Police stationed at Vereeniging? — That is correct.

What is the length of your Police service? — Approximately two years and eight months.

And all at Vereeniging, apart from your Police College service? — No, I was stationed at Fordsburg in Johannesburg and at Vereeniging.

And do you speak or understand any of the native dialects? — No.

Now, on the 20th March this year, at approximately 11 p.m. did you accompany a unit under the command of Captain Cawood into Sharpeville Native Township? — That is correct.

And were you a member of the various patrols that went about dispersing groups of natives that night? — That is correct.

Did you remain on duty continuously from the time that you went there at 11 p.m. until the following morning, or did you have a break? — No, I remained on duty continuously.

And the following morning at approximately 7.30 a.m. were you in the vicinity of the Municipal offices in Seciso Street? — Yes, I was.

Now, before you you will find - if you will turn right to the beginning of that book you will see Exhibit 2, which is a photostatic copy of an aerial photograph of Sharpeville. You can see right at the beginning on the righthand side, i.e. on the eastern side, it is marked "Kanters", and right up Seciso Street. Do you understand that? — Yes, I can see it.

And who was the Commanding Officer when you were in the vicinity of the Municipal offices? — Major van Zyl was/....

1,560.

A.T. Kallig.

was then in command.

How did it come about that you went down to the Municipal offices? --- We were patrolling, and then when we came to the station they told us.... Well, there was hardly anyone there at the Police Station, and they told us we must go down to Seciso Street, the main company is there.

And who was the immediate patrol officer in command of your section that went down to Seciso Street? --- I think it was Sergeant Scheepers. I am not sure.

And which route did you take to get to Seciso Street, to the Municipal offices? Did you go along Seciso Street or...? --- No, we took a longer route. We heard there were

As a result of a report you had received you took a route and arrived in Seciso Street from the back? Is that so? --- That is correct.

And were there any native crowds in Seciso Street when you arrived in it, that you saw? --- Yes, there were.

A large or small number? --- There was a very large number.

Can you give the Court an estimation of it? --- I would say approximately 10,000. I can't be sure. It can be more, but I can't be sure.

And in which direction were these natives facing? --- They were facing towards Vereeniging.

And what was their attitude in general, i.e. of the mob that was facing Vereeniging? --- They were very noisy and they were shouting, and a few of them were dancing, and there was a group moving up and down Seciso Street.

Did you notice whether any members of this crowd had any weapons of any description? --- Yes, I saw that a group on the righthand side, just past the hostel, they were collecting stones, and they were putting it into a heap there, and/....

and others had stones in their hands and they had "kissies".

Did you notice whether any members of this crowd were removed by any Police officers? --- Yes, I never actually saw the people that were removed, but I saw that there were people removed.

Did you see these persons after they had been removed and they were already under detention by the Police? ---No, I saw one of them before.

You saw one of them before he was removed? ---That is correct.

And this one that you saw before his removal, what was he doing? --- He was walking up and down Seciso Street. He was with a large crowd around him, and he was putting his hands up in the air with his thumbs up, and he was shouting "Africa!" and then the whole crowd shouted after him "Africa!" and they went on like that.

Did you see who removed this person? --- No, No, I never saw that.

Will you be able to point out this man who was moving up and down? ---Yes.

Well, I think you had better do it now. If this man is in Court to day, will you have a look round and see if he is here? --- Yes, Your Worship.

Can you point him out? --- It is accused No. 1. (Accused No. 1 is pointed out by the witness).

Did you remain there with Major van Zyl when teargas was used and a baton charge was effected? --- No, I was accompanying After the baton charge, just at the end of the hostel, at the road there, they were stoning us.....

Well, let us go slowly. Apparently you were there. Were you present when teargas was used? --- Yes, I was present.

And you were present when a baton charge was effected/....

A.T. Kallis.

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effected? --- I was present ^{1,552} then too.

And did you run out of Seeiso Street into one of the side-streets pursuing the people you were dispersing? --- That is correct.

And you say what happened to you in those side-streets? --- They started stoning us.

Who stoned you? --- The natives standing around there.

Were you struck by any stones there? --- No, not then, because then we went back.

Just at that point, you were not struck by any stones there? --- No, not then.

And after you had re-grouped yourselves where did you go, i.e. after that particular incident in Seeiso Street? --- We were still in Seeiso Street, and then we went back and we got a delivery van, with an open back. We went back into Seeiso Street, where they stoned us. Then they started stoning us again, and then as I got off, we were just out of Seeiso Street, and then they started stoning us as I say, and then the van stopped and we got off. Then Constable Coetzwe, who was running next to me, got struck on the head with a stone, and then the stone hit me on my right ankle and on my left shoulder at the back here. (Witness indicates the spot to the Court).

Did you fall to the ground or not? Were you able to remain erect or not? --- No, automatically I fell down to try and dodge the stones, because the stones were falling.

So you were struck by two stones there? --- Yes, I was.

Did they cause any open wounds at all? --- No, on my ankle was a very small wound, but my back was just bruised.

Now, I just want to be sure on one point. Was it the/....

the impact of the stone or the fact that the stone struck you on the ankle that caused you to fall, or was it in an attempt to avoid further stones that you went down into a kneeling position? ---I cannot remember. It could have been any one.

And there were little skirmishes there after the stones had been thrown and you were struck I take it? --- That is correct.

And after the skirmishes there, where did you go to? --- Then we were patrolling through the location after that.

And were you in any further incidents where stones were involved whilst on this patrol? --- Yes, I cannot remember which street it was, but we were riding in a van and then the stone struck the van.

A stone struck the van? ---That is correct.

Now, were you near or far from the Sharpeville Police Station when that happened? --- No, at that time we were far away from it, Sir.

And did you eventually make your way to the Sharpeville Police Station? --- That is correct.

Can you recall what time it was that you arrived at the Sharpeville Police Station? ---It must have been approximately twelve o'clock. I cannot be sure.

And did you enter by the western gate, i.e. the big gate between the clinic and the Police Station? ---No, I was not at the Police Station itself. I was at the bottom of Zwane Street.

BY THE COURT:

You never got into the Police Station? --- No, I never got into the Police grounds.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did you remain with a Police unit there until the firing started and afterwards, i.e. all the time? --- Yes, I was/....

was there all the time.

Do you know the name of the Police Officer in command of that Police unit? If you don't, then just tell us.

--- No, I am afraid I have forgotten the name.

Do you know the rank of the Officer who was in command? --- Yes, he was a Captain.

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

Where were you whilst the parade was being constituted? Could you see or hear what was going on whilst the parade was being constituted? --- No.

And when you were brought to the parade by the Officer in charge of the parade, what question was put to you by this Officer? --- First of all he asked me if I knew any of these persons personally, so I said no. Then he said I must go through them and I must look carefully and I must see if I recognised anyone of them who took part in the riots up there.

The riots at Sharpeville? --- That is correct.

And were you able to point out anybody? --- Yes, I was able to point out two.

Two persons? --- Two of the persons.

Now, did you experience any difficulty in finding these people and pointing them out? --- No, not actually. I mean I went through the lot and then I came back again just to make sure, and then.....

Did you walk the length of the whole parade first of all, without pointing anybody out? --- That is correct.

And then you came back, and on your way back you pointed out the two persons? --- That is correct.

And are any of those persons whom you pointed out at the parade herein Court today? --- Yes.

Will/.....

Will you step down and place your hands near the shoulder of each person that you pointed out? --- (Witness points out accused No. 1 and accused No. 41).

You have now pointed out accused Nos. 1 and 41 as the two persons that you pointed out on the parade on the 19th April? --- That is correct.

Now, whereabouts did you see No. 41 accused on the 21st March? --- Sir, it was at the Police Station, where I was standing in Zwane Street.

And whereabouts was he in relation to the Police fence? Let us put it that way, to the fence surrounding the Police Station? --- He was I would say about 20 yards from us, but I cannot actually exactly say how far he was from the fence.

I see. Was he in the street though? --- Yes, he was in the street.

And what I am trying to find out is whether on the edge of the crowd or was he three or four deep or ten deep in the crowd, or was he by himself in an isolated portion of the street where there was no crowd? --- No, he was in the crowd.

And did you notice what he was doing? --- Yes.

What was No. 41 accused doing when you saw him? --- He was jumping around and also shouting "Africa!" and "Iswe Lethu!" - I don't know what it means though.

You saw him jumping around and shouting "Africa!" and "Iswe Lethu!"? --- That is correct.

Did you notice whether he had any weapons at all? --- No, I can't remember.

Now, at the time that you saw No. 41 shouting and carrying on, were there any others doing similar actions? --- Yes, there were. There were native females. They were all jumping around and shouting.

What was it that attracted your attention to that spot/....

spot where No. 41 accused was? — As I say he was shouting....
shall I say he was shouting the loudest.

And the fact that this man was shouting "Africa!"
and "Iswe Lethu!" very loudly, did it have any effect on any
other persons, on the crowd, at all? — Yes, it did. As he
shouted others joined in with their jumping and shouting.

Did you see what eventually became of No. 41
accused? — No.

Did you remarks or shouts which you could distinguish
or hear audibly coming from the crowd at all whilst you were in
Zwane Street, i.e. apart from "Africa!" and "Iswe Lethu!"? —
We were standing there with our rifles, and some of them
shouted, and opened their shirts and said "Skiet ons! Skiet
ons!"

You did not oblige them did you? — No.

BY THE COURT:

You mean they opened up their chests? — That is
correct Sir.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Kallis, you were in the vicinity of the hostel
in Seciso Street at the time of the teargas charge and the
baton charge? — That is correct.

You later went off to the station and took up
your position in Zwane Street? — That is correct.

Under the command of a Captain whose name you don't
remember? — That is correct.

Until you went off to the station, were you in
Seciso Street, and in the cross-streets nearby? — That is
correct.

Approximately what time did you leave to go to the
station? — No Sir, that I cannot say, because we were
patrolling and I cannot say at what time we left the
patrolling/....

patrolling to go to the station, but I can say that we arrived at the station about approximately twelve o'clock.

Do you say that you were patrolling as you went on your way towards the station? ---No, we were patrolling and then we went to the station to see where the main company was.

And then you remained at the station? ---And then I remained at the station in Zwane Street.

Was the patrol mostly in Seeiso Street and the cross-streets giving off from Seeiso Street? --- No, it covered..... Most of the times it was there, but we covered the whole locations too.

Now, when you went off to cover the rest of the location, did you leave Seeiso Street and the cross-streets nearby behind you, or did you keep returning to them? --- We kept returning to it.

For most of the time would you say that you were near Seeiso Street and the cross-streets, or away in other parts of the location? ---No, I would say that most of the time we were at Seeiso Street and the cross-streets there.

Do you know Head Constable Heyl? --- I know Head Constable Heyl.

Were you together with him for any part of the time? --- At Seeiso Street I saw him amongst the crowd of Police who were standing there, but I cannot recall if I was with him actually doing the patrolling or at any other time.

You say you were not with him doing the patrols? --- No.

Do you know Major van Zyl? ---I know Major van Zyl. Do you remember Head Constable Heyl being together with Major van Zyl at any time of that morning? ---Yes, I saw Head Constable Heyl speaking to Major van Zyl, but I do not know/....

know what they said.

Would this have been in Seciso Street somewhere near the island that runs in that street? ---Yes, that could have been on the island.

And you were somewhere nearby at that time? --- That is correct.

At that period you had not gone off on your patrols to other parts of the location? --- No, that was before. That was before they threw the teargas too that I saw the two of them together.

Did you see them also after the teargas was thrown? --- I cannot recall if I saw them after the teargas had been thrown. I can't recall if I saw them afterwards.

Did you see them after the baton charge? ---No, I never saw them together.

When you say that, are you correct in what you said earlier that you saw them talking together, or do you mean that you saw them talking together on one occasion, but you did not see them together after the baton charge? --- Yes, that is what I mean. I saw them together before the teargas, but I can't recall seeing them together after the baton charge.

Do you remember seeing Head Constable Heyl in some of those side-streets roundabout the time when the stoning took place? ---Yes, I think Head Constable Heyl, I saw him and he was running. He was also running with us at the baton charge, but I am not sure if he hit himself or if he was just running with us; I really don't know.

That was during the baton charge? --- That was during the baton charge yes.

But at a certain stage you were in one or other of these cross-streets giving off from Seciso Street and there were/....

were some stoning taking place? ---That is correct.

Now, at that time when the stoning was taking place, did you see Head Constable Heyl? ---No, I never saw him at that time.

Apart from the stones that you say werethrown at you, was there anything else that you want to report as having occurred in those side-streets? --- Yes, there were shots fired. I can't say it was fired at us, and I can't say it was our people. I know it was very nearby, and I personally thought it was fired at us, because it came shall I say from the crowd standing against ^{of} the houses.

You saw nobody with weapons in their hands? --- No, I saw some with "Kieries" and there were a few with pieces of iron.

But fire-arms? You saw nobody with fire-arms? --- No, I saw no-one with fire-arms.

You saw no flashes and saw no smoke? ---No, I saw no flashes and no smoke.

Then all that you are going by are certain sounds that you heard? ---That is correct.

These sounds might have come from a place elsewhere than the crowd that you were looking at? ---No, I was not looking at the place where the sounds came from. They came from the side, against the houses, and I was looking down the street.

Could the sounds have come from the streets nearby? --- I think it would have been too loud for that, because it sounded very loud.

Nobody was struck? ---Not that I know of.

They sounded you say like shots? --- That is correct.

I suppose it could not have been crackers? --- No, I would not know.

You/....

A.T. Kallis.

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You would not know. Who was with you when you heard these shots as you have described them? --- I cannot recall, because we were approximately fifteen. I can't even say it was fifteen, but we were quite a few in the street at the time.

And the other Constable who was injured at the time, Coetzee did you say his name was? --- Yes.

Was he there when you heard the shots? --- Yes. It was actually just as he fell down. I ran on then you see, and then I heard the shots fired. I don't know if he heard it too.

You see, we have had evidence given here earlier that at the time that Constable Coetzee was struck on the head was it by a stone? --- That is correct.

A fire-arm was discharged by a Policeman, and I think if I am correct it was this very Constable? A warning shot was fired to scare apparently the people who were throwing stones at him. Now, may that have been the shot that you heard? --- I suppose it could be, but I don't think so because I was as I say in front of him, and he must have shot past me if he did not shoot up in the air then. I doubt if he would have done that.

You did not actually see him shoot? --- No, as I say he was behind me at the time and the sound came from the side there, because I ran into the street and he was behind me then.

Anyway, being behind you the shot may in fact have come from him, and you may be mistaken in saying it came from elsewhere? --- I might have been mistaken.

Do you know if Constable Coetzee saw that you were struck as well by stones? --- I really would not know.

You did not require any medical attention? --- No.

You made a report about having been struck with these/....

these stones? --- Yes, I told.... I can't remember who it was, I think Sergeant Scheepers too. Later on I told him I had been hit, but it did not need any attention.

Now, when you got to the station and you were placed in Zwane Street, how exactly were you placed? Have a look at Exhibit 2. Mr. Kallis, do you see the word "Polisiestatie"?

---Yes, I do.

The arrow is pointing towards the building? ---Yes.

Now, you see the streets to the south? That is called Zwane Street? --- Yes.

Now, you were somewhere in that street were you? --- Yes, I was.

Now, there is an "X" and there is an "XI" to the right of the Police Station as you look at it? --- That is correct.

And you can see that there is an arrow mark pointing towards the word "Hek"? --- Yes.

On the lefthand side as you look at it? --- Yes.

Now, bearing those positions in mind, where were you drawn up? ---Sir, a little in front of where the "XI" is.

When you say in front, do you mean to your left, i.e. to the west? --- Yes, but I would say it was just in line with the first house on the otherside, the Police Station side, where we lined up.

Now, Zwane Street runs east to west. How were you posted? In a north-south direction or in an east-west direction? --- In a north-south direction, across the road.

And were you with a big group of people? --- That is correct.

As far as the crowd was concerned, at one stage was a portion of the crowd in front of you, and a portion of the crowd behind you? --- That is correct.

Did/....

Did you get on well with the crowd during the time you were there? — No Sir, as I say they were jumping, they were jumping about in front of us, and they had their thumbs up under our noses, right in front of us, and there was a native female — but I don't know who it was — but she spoke just in front of my feet, but I don't know who she is or what she looks like. There were native females and they went and lifted up their dresses at the back and they bent over, and they were shouting, but I could not understand what they said.

Nobody assaulted you though? — No, not at the Police Station.

And you remained in that position until the firing started? — That is correct.

Did you hear the firing when it commenced? — Yes, I heard the firing. I was standing in front of the line of men. I can't remember, but they were standing about three rows there, and when the firing ^{started} and the groups started running away I moved to the back.

When you say the groups do you mean the crowd? — The crowd yes.

Now, what did you hear when the firing started? What was the first thing that you heard? — The first I think was ^a single shot and then a volley of shots. It was, how could I say, like.....

A blast? — Yes, it was not long. I would say it was about five seconds, I don't know.

That is the volley of shots? — That is the volley of shots yes.

And did you say that before that there was a single shot? — There was a single shot, but I doubt if there was a second between the two, because as I say they were so worked up, the crowd at least, they were so worked up that I expected anything/....

anything then, so I don't know what happened; I saw there was some movement at the front, and then I just heard a single shot, but I can't say it was a single shot and then a pause and then a volley of shots. It was just one shot and then.... It could have been two together too, I really cannot tell.

A split-second difference between this first shot or these two shots that might have been together, and the volley? ---That is correct.

Right at the beginning, the first shot that you heard, from which direction did it come? Along Zwane Street? ---Yes, towards the Police Station. It was towards the Police Station.

Northwards, or north-west? Have a look at the map again. Would you say that it came from directly in front of you on the western part of Zwane Street, or somewhat towards your right, or somewhat towards your left as you faced west along Zwane Street? --- I say it was towards the west. We were facing west, and it came from towards the west. I can't say it was the Police who fired or one of the crowd who fired, because it was just a single shot.

But you say it was towards the west? ---Towards the west.

You yourself were facing towards the west? --- That is correct.

You don't say it came either from your lefthand side or your righthand side, it came from straight in front of you to the west? --- Yes, as I say it could have been further ahead on the left or the right, but I can't say - we stood towards the west - exactly where, I can't pin-point the place where the shooting took place.

And immediately this shooting started, did the crowd start/....

1,564.

A.T. Kallis.

start running? --- No, not the whole crowd. I saw the back lot, I would say they were still standing still.

Was that because they could not get away? --- No, these were the ones right at the back. I don't mean towards the Police Station, I mean at the back of the crowd, and those almost in the centre. They were, how shall I say, they were pushing a bit forward. I don't know if it was to see or what it was, but then later, just a few seconds too, and then they turned round and they also ran.

Now, there were a very large number of people in front of you? --- In the crowd?

In the crowd as you stood lined up across Zwane Street? --- That is correct.

The portion of the crowd in front of you must have been several thousands? Would that be correct? --- That is correct.

You stood there from approximately twelve o'clock until the firing started, which was just about half past one or a little after that? --- That is correct.

Now, do you have any clear recollection of many of the faces of the people who were there? --- No, not many, but I do recognise a few. I mean not a few, but there are some whom I have seen previously in the location, and who I saw there.

How many would you say, when you try to recall their faces to your mind, you can still remember today clearly? --- No, I would not say I could remember them clearly. There are some who, as I say, I have seen before.

When I say clearly, sufficiently well to recognise them again if you were to look at them again? How many of those? One, two or three? --- No, I would not know. I would be able to recognise a few if I saw them again, as I say.

But/....

1,565.

A.T. Kallis.

But you can't say how many, two, three, four? ---

No, I can't say how many.

Well, a very few I take it? --- Yes, very few; there won't be many.

Now, you pointed out accused No. 41 as being a person whom you saw dancing about that day and shouting? --- That is correct.

Were there many others during that hour and a half doing the same thing? --- Yes, you see the main crowd, as I say the crowd was not actually against us. There was I would say about twenty paces or more - it can be more - opening, and these ones came out of the crowd and danced in front of us, and went back to the crowd, and as a result of that some others joined them too.

How many of these performers apparently in front of the crowd were there? --- No, there were not very many, but I...

Ten, twenty, thirty, five? --- No, I think about ten.

About ten? --- About ten.

And they kept coming out of the crowd, dancing in front of the crowd in this open space that separated you from the crowd, and then going back into the crowd? --- That is correct.

And then coming back a second time? --- Yes, actually they never went completely back. They just went, I would say moved about, and as they came near the crowd some more came out of the crowd and joined them.

Let us get this clear. Those that came out of the crowd and danced in this open space that separated you, were they always the same group of people, or were there fresh ones coming in? --- No, a few of them remained, as this one female and the accused I pointed out. They stayed there and

as/....

as I say those are the only two that I can remember that were there at the time, but I won't be able to recognise the female again if I see her.

Now, how is it that the female who apparently kept coming out of the crowd time and time again, is a person whom you can't recognise, or you say you would not be able to if you were asked to, and yet the man is a person whom you say you do recognise, i.e. accused No. 41? --- Because I have seen accused No. 41 before the time in the location, so I was able to recognise his face when I saw it again.

Now, you were there for about an hour and a half. Do you say that the people who kept coming out and performing in this open area did that for about an hour and a half, for the whole time you were there? --- No, I could not say how long, because I moved about myself; I did not stand and look at the crowd for the hour and a half myself. I moved towards the back, looked for some water to drink, and I came back again.

On how many occasions would you say that you saw accused No. 1 performing as you have described it? --- No, I can't say on how many occasions, but I remember he was there before I went to the water, and when I came back he was still there, and I can't remember what happened to him or where did he go, I can't say.

You saw him on two occasions at least that you can remember? --- That is correct.

For how long on those two occasions did you keep looking at him, five minutes, two minutes, one minute, ten minutes? --- I can't remember.

Was it a very short time or a very long time? --- No, at one time it was quite some time; I can't say approximately/....

approximately how long.

You paid quite a deal of attention to him? ---

That is correct Sir, because he was shouting so loudly.

He shouted loudly, you had seen him before, and he kept re-appearing on at least occasions? --- That is correct.

It made a clear image on your mind? ---That is correct.

That being so Mr. Kallis, I wonder if you would be kind enough to describe his clothing to us as you saw it? --- No, I can't remember his clothing.

Nothing at all? --- No, I can't remember.

Well, let me start. Was he wearing shoes or was he barefooted? --- I cannot remember. I did not look at his feet, I looked at his face.

You looked at his face. Do you know if he had any headgear on? --- No, I cannot remember that either.

How is it Mr. Kallis that if you looked at his face, and the head is not very far from the face, and you have such a clear recollection of this man, because of the number of times he kept appearing, that you can't remember whether he had any headgear on at all? --- Well, as I say I have seen the man before. I can't remember if he had it on before either, and so when I saw his face I recognised him, but I cannot recall now if he had anything on at that time.

Well, did he have on long trousers or short trousers? --- I never looked at his clothes, I looked at his face.

Did he have a jacket on or was he in an ordinary shirt? --- I really do not know.

We have got to accept then that apart from your recollection of the face of the man, you can remember no other details whatsoever about him, other than this dancing and his face/....

face? --- That is correct.

I want you to have another look at him please. You have now had a good look at him? ---I have had a good look at him.

Now Mr. Kallis, I want you to be perfectly fair to this accused. The evidence that he is going to give is that he at no stage was standing with the crowd; he was wounded, and he happened to be in a portion of the area quite far removed from Zwane Street, in other words, on the northern side of the Police Station, and not on the southern side? That is the evidence he is going to give. Now, in the light of that, and in the light of your looking at his face and so on, do you care to reconsider the evidence that you have given? --- No Sir, I have told the truth.

Now, were you with other men from Vereeniging when you were stationed in Zwane Street? --- Yes, I was.

While you were standing there were you talking the one to the other? --- We might have said a few words, but we were mostly looking at the crowd.

When you noticed this man jumping up and down as you claim, did you draw the attention of any of your colleagues to him, and point him out and say "Look at that man performing like that", or words to that effect? --- No, I can't recall if I did. I might have, I suppose I did, but I can't remember to whom.

About how long before the firing did you see this dancing performance that you have described? --- That could have been anything from three-quarters of an hour to a quarter of an hour before the shooting, but as I say I can't remember the exact time that the dancing took place either, or for what length of time either. As I say I don't know whether the accused moved away before the shooting, or whether he remained there/....

there, or anything like that, I can't.

Did you look towards the Police Station grounds, inside the grounds, at any time while you were drawn up across Zwane Street? --- Yes, I did, but as I say I can't remember what I saw there. I remember there were a few people who were standing around inside, Policemen, and I could see the top part of one of the Saracens; I think so, but I never saw people being lined that or anything like that. I heard of it afterwards, but I ^{never} saw it then.

Did you see any Africans inside the grounds? --- Not apart from African Constables. I think there were a few inside.

You saw nobody walking around inside the grounds in plain clothes, no African dressed like that? --- No, not that I can remember.

Now, at the parade you say you pointed out a person, i.e. accused No. 41? --- That is correct.

You are quite sure it is accused No. 41 whom you pointed out at the identification parade? --- I am sure.

You have no doubt about it? --- No doubt about it.

Do you perhaps remember what he was wearing then?

--- No, I can't remember what clothes he was wearing then either.

Thank you, Your Worship.

CROSS-EXAMINED BY ACCUSED NO. 1:

Can you perhaps tell me what time it was when you saw that crowd in which you say you also saw me? --- Approximately, or it could have been anything from seven-thirty to eight o'clock, or still later too, I don't know.

In which vicinity was this crowd with which you I was also concerned? --- I was standing with my back to Vereeniging, and it was on the righthand half of the road.

The/....

1,570.

A.T. Kallis.

The road goes up in two, and this crowd was moving up and down, they were collecting more all the time.

I want to know in which part of Seeiso Street, because Seeiso Street is a fairly long street? --- Just past the hostel, there is an open piece of field, and it was just next to the open field, just past the hostel, and past the shops.

BY THE COURT:

Put Exhibit 2 in front of the accused, as well as the witness.

BY THE WITNESS:

You see over there? They were moving up and down and across there upon that side, and they were coming down here towards this place. The crowd was standing over here. (Witness demonstrates on the plan).

BY THE COURT:

The position is you have now pointed out to the accused where you say you saw him? --- That is correct.

BY THE INTERPRETER:

The witness is indicating where there is an "X2" in Seeiso Street.

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

Can you perhaps give an indication of after passing the hostel, how many yards this crowd was away from the hostel? --- No, I could not say how many yards they were away. I don't know.

8 But as far as I could gather from what you are now saying, they were a little distance away from the hostel? --- That is right. We were standing at the hostel and they came up and they went back.

When this crowd came back, can you perhaps how many paces it was from you, or how many yards? --- You mean when/....

When it came towards me, or when it went away?

When it came ^{back} and went away, can you say how many paces or how many yards it was when it came? --- I mean when it was here or after it went away? What do you mean now?

The crowd you say came along towards where you were standing near the hostel? --- Yes.

Now, I want to know can you estimate the distance from the spot where you were standing to the spot where the crowd turned away? --- Oh, I would say it was ^{from} about ten yards; I feel it would be about fifty feet, because they came and they came against the crowd; they were facing us, and they came through and they went back again.

Was I still in company of the crowd at that stage?

--- Yes.

You say I was dancing in front of that crowd. Can you perhaps demonstrate how I was dancing? --- I never said he was dancing. I said he was walking with his hands outstretched like this, and when he did this and he shouted "Africa!" then the whole crowd started shouting "Africa!". I never said he was dancing.

When I stretched my hands out in the way you are now showing or demonstrating to His Worship, was I then walking with the crowd, away from you, or at what stage did I do that?

--- No, as I say when it was nearby I saw it. When he was near to us then I saw him definitely doing that. The whole crowd was around him, they were cheering and also shouting "Africa!", and I saw him do it.

Can you say then if I was in front of that crowd with my hands outstretched, how could the crowd, i.e. to say the people in the middle of the crowd or towards the back, how could they have seen them that I was demonstrating the way you are now demonstrating? --- He walked with the crowd.

When/....

When he came near to where we were standing he walked out and he walked in front of them, and he did that, and he turned around and he walked back. He did not walk like this the whole time, he was walking and then he did this, and then he shouted and then the whole crowd shouted too. (Witness demonstrates to the Court).

Did I not at any ^{time} stop, and did I all the time move up and down. At that time when we had reached that thirty paces or ten yards away from you, did I perhaps stop in front of the crowd? and look towards your direction, or did I perhaps stop in front of the crowd and look towards the crowd, or did I not at any time stand still? --- Yes, he came to the front. He was not moving continuously. As I say he moved a little away, and then he stood still, and then he shouted and he did this, and he walked on there. As he went on like this more gathered with him, and later on they came down to the crowd and ^{they} stood still there, i.e. there with the crowd. That was ^{just} like a little bit before we threw the tear gas.

Can you say perhaps if I at any stage stood still? Whether I got on top of a chair or a table, or on top of a fence or what? What did I stand on? --- No, apart from when you came out of the crowd and went back and when they opened up for you, I hardly ever saw you, but I could see you had a grey hat on. I am not sure, but he did have a hat on.

Did you see when the first person was being arrested, or did you only see the person who have described as being arrested? --- I never saw it. I just heard someone had been arrested, because I was not watching him the whole time. Just slightly after that I lost trace of him, and I never saw him again after that, until in Boksburg.

BY THE COURT:

Constable Kallis, did you see anybody arrested?

No/....

No, Your Worship.

You saw nobody arrested but you heard about it? ---

CROSS-EXAMINATION BY ACCUSED NO. 1 CONTINUED:

Is that then excluding me? --- Yes, I never saw you arrested.

I am putting it to you that you may be making a mistake when you say you saw me with perhaps a grey hat on? I am a person who usually does not put on a hat? What do you say about that? --- I say that I am not sure whether it was grey; I can't remember. He did have a hat on. He never had it on his head most of the time, but he had it in his hand too, and then later on when I saw him he did not have the hat on. Then I think someone gave him the hat and he put it on, and when he walked through and the crowd opened to him, and he was walking ahead, and everyone was cheering him. Then he walked away, and I just saw the crowd moving up and down, and when he came back I saw he was in the middle of this crowd again.

Did you not perhaps get the impression that I was then busy receiving hats from other people, when you say you saw me standing in front of the crowd? --- No.

Why in your evidence-in-chief did you not give a description of this hat which you now say I may have received from one of the members of the crowd? --- I did not think it was necessary to mention the hat. I was just telling him when he asked me.

I am putting it to you that I never asked you what I was wearing. You volunteered that information to me, and you told me about the hat that I had received from another individual? --- What do you want to know about the hat?

I am putting it to you that I never had a hat on that/....

that day, and that you did not see me there? ---No, I did see you there and I did see you with a hat on. As I say it was only for a few minutes. I don't say you were wearing a hat the whole day.

I am again putting it to you that you did not point out ^{me} at the identification parade at Boksburg? --- I pointed you out at Boksburg.

I heard you saying in your evidence-in-chief that you were only in a position to point out or to recognise a person because you had already seen him on a previous occasion. Now, taking my case, how ^{were} you then able to point me out having not seen me on previous occasions prior to the 21st? --- The trouble is I only saw you on the 21st, which was the occasion I saw you before the parade, and I pointed you out at the parade because I recognised your face again.

Can you say whether I was arrested before the teargas was thrown, or was I arrested after the teargas bombs were thrown, i.e. according to you? --- I was not watching you the whole time. I never even saw you arrested, I don't know when you were arrested. As I say I lost sight of you before the teargas ... it could have been about ten minutes before the teargas was thrown; I really don't know, I can't remember, I don't remember seeing you at the time of the teargas either.

The person you say you saw being arrested.....

BY THE COURT:

The witness has said he did not see you arrested, and you can't put it to him in any other way.

CROSS-EXAMINATION RE ACCUSED NO. 1 CONTINUED:

I am again then putting it to you that if you did not see me being arrested there, it then follows that you are making a mistake and you did not see me walking up and down in front of the crowd there? --- Look, I saw you walking. I

never/.....

never saw anyone arrested, because I moved away; I don't know on which side they arrested you. I was moving about, I was not standing still myself.

I am now putting it to you that on the day when I give evidence here I am going to deny that I was present there and that you saw me moving up and down there? What do you say about that?

BY THE COURT:

Just a moment. You are going to deny you were present where?

BY ACCUSED NO. 1:

That I was moving up and down in front of that crowd as you say?

BY THE COURT:

Because you will remember at the inspection-in-loco you made a point of pointing out to me where you were arrested.

BY ACCUSED NO. 1:

Your Worship, that was not in front of the crowd. No further questions.

BY THE COURT : TO THE WITNESS:

What the accused is putting to you is that he is not the man whom you saw dancing about in front of the crowd there, and that you are mistaken about the identity of that person? —No, I am sure it was him.

COURT ADJOURNS.

COURT RESUMES:

NO CROSS-EXAMINATION BY ACCUSED NOS. 3, 4, 8, 38 and 39.

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

Hendrik/.....

HENDRIK JAN MICHAEL BEYL, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is 'n Konstabel in diens van die Suid-Afrikaanse Polisie gestasioneer te Sharpeville, Vereeniging? --- Tydens die ongeluk was ek daar gewes maar op die oomblik is ek op Vereeniging gestasioneer.

En hoe lank Polisiediens het u? --- Dertien jaar.

En hoeveel jaar is u op Sharpeville gestasioneer?

--- Ek is op Sharpeville gestasioneer vandat die stasie oopgemaak het op die 23ste Oktober van laaste jaar, tot Augustus hierdie jaar.

Nou, het u baie te doen gehad met die inwoners van Sharpeville naturelledorp? --- Ja, ek het.

En verstaan u enige naturelletale? --- Nee.

Nou, op die aand van die 20ste Maart hierdie jaar, was u aan diens te Sharpeville naturelledorp? Dit is die aand van die 20ste, d.w.s. die dag voor die werklike onluste? --- Nee.

En op die 21ste Maart hierdie jaar, was u by die Polisiestasie voor en tydens die skietery? --- Ek het kwartvoor-drie op die 21ste Maart aan diens gegaan.

In die voormiddag? --- In die voormiddag ja.

Maar, ek wil dit net vasstel. Tydens die skietery was u wel by Sharpeville Polisiestasie? --- Ja, ek was by Sharpeville.

En vroeër daardie oggend, was u ooit in die omgewing van die Munisipale kantore? --- Ja.

Dit is die Munisipale kantore in Secisossstraat?

--- In Secisestraat ja.

En op die 19de van April hierdie jaar, het u 'n uithenningsparade bygewoon te Boksburgtronk? --- Ja.

Kon u sien of hoor wat aangegaan het by die parade, tydens/....

tydens die opstel van die parade? — Die parade was alreeds opgestel gewees toe ek daar aangekom het.

En watter vraag het die Offisier of die beampte in bevel van die parade aan u gestel toe u daar by hom kom? — Die beampte in bevel van die parade het vir my gesê dat ek langs die lyn moet afloop, en ingeval ek iemand sien daar wat ek ken wat tydens die onluste op Sharpeville gewees het, moet ek hom uitwys.

En het u enige persone uitgewys? — Ja, ek het.

Sal u in staat wees om vandag die persone, as hulle hier is, uit te wys wie op daardie parade was? — Ja.

Mnr. Beyl, sal u net deur die mense in die Hof hier kyk aan die regterkant, en sien of daar enige persone is wat by die parade was en wat u uitgewys het? — (Getuie wys uit beskuldiggdes nrs. 1, 3, 4, 7, 27, 31, 36 en 38).

DEUR DIE HOF:

Die getuie het nou die volgende persone uitgewys, nrs. 1, 3, 4, 7, 27, 31 en 36, asook 38.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, ons sal eers by beskuldigde nr. 1 begin. Waar het u hom op die 21ste Maart gesien? — Beskuldigde nr. 1, die eerste keer wat ek hom gesien het daardie oggend was by die Sharpeville hostel.

En wat het hy gedoen daar? — Hy was, soos dit vir my voorgekom het, die leier, wat die klomp Bantoes daar gelei het. Hy was die persoon wat hulle opgestook het en met hulle gepraat het daarso, dat hulle kon uitjou teenoor die Polisiebeamptes wat daar teenwoordig was.

Het u gesien wat het van beskuldigde nr. 1 geword daardie oggend? — Edelagbare, hy is gearresteer daar by die hek van die hostel.

Het u gesien wie hom inhegtenis geneem het? — Ek

is/....

nie heeltemal seker nie, maar ek dink amper Speurdersersant
Bessels.

Het u miskien opgelet of gesien of Speurdersersant
Bessels enige ander persone daar weggeneem het? --- Daar was
twee persone gevang gewees die oggend daar, en hulle was in die
vangwa gesit wat ek bestuur het.

Nou, het u beide persone se arrestasies waargeneem
of gesien? --- Ek was daar gewees met die vangwa.

By die vangwa? --- By die vangwa.

Kan u sê wie was die eerste persoon wie daar gebring
is, d.i. beskuldigde nr. 1 of die ander persoon? --- Beskuldigde
nr. 1 was heel eerste na die vangwa toe gebring.

En dan die ander persoon? --- En dan die ander
persoon.

Die ander persoon, sal u in staat wees om daardie
persoon uit te wys? --- Dit is onwaarskynlik.

Het u opgelet of beskuldigde nr. 1, sowel as die
tweede persoon, enigiets aan hul baadjielapelle gehad het?
--- Hulle het op hulle lapelle gehad rooi kaartjies van omtrent
 $1\frac{1}{2}$ duim in vierkant.

Het u opgelet, was daar enige geskrif op daardie
kaartjies? --- Ek is nou nie meer seker of dit net die
"A.N.C." was nie, maar daar was van hulle wat op gestaan het
"Away with passes!"

En het altwee van hulle hierdie "Away with passes!"
kaartjies aan hulle gehad? --- Ja.

En beskuldigde nr. 3, waar het u hom gesien? ---
Beskuldigde nr. 3, hy was in die gronde van die Polisie-stasie
te Sharpeville.

En wat het hy daar gedoen? --- Hy het daar rondge-
loop en geskree "Away with passes! We want freedom!" Dan
steek hy sy hande in die lug op, en dan skree hy "Iswe Lethu
Africa/....

"Africa!" en dan stap hy na die skare toe en dan praat hy met hulle daar, en dan steek hy weer sy duime op in die lug, en dan skree die hele skare weer "Iswe Lethu Africa!"

In watter verband met beskuldigde nr. 3 gestaan teenoor die skare? --- Hy het opgetree as 'n leier vir hulle daar.

En het u gesien wat het van hom geword? --- Hy was ook gearresteer, d.i. daarse in Sharpeville.

Daar by die Polisiestasie? --- Ja, by die groot hek aan die westekant is die beskuldigde gearresteer.

Nou, het u gesien wie hom in besit geneem het daar by die hek en hom weggeneem het? --- Ek reken dit was Kolonel Spengler gewees.

En beskuldigde nr. 4? --- Beskuldigde nr. 4 was ook biene in die gronde gewees van Sharpeville Polisiestasie.

Wat het hy gedoen? --- Hy het ook geloop en skree "Iswe Lethu Africa!" Hy het uitdagings gerig aan die Polisie, na die skare geloop en met hulle gepraat, en dit het al gelyk of hy hulle opsweep teenoor die Polisie wat daar was.

En wat het van hom geword? --- Hy is ook daar gearresteer die oggend, en ek reken ook dit was Kolonel Spengler wat hom gearresteer het daar.

Nou, ek wil u net verwys na bewysstuk nr. 13, d.i. 'n lugfoto van Sharpeville Polisiestasie, voor ek verder aangaan. Nou, heel bo aan die bewysstuk, dit is noord en suid is heel onder, aan die linkerkantse kant is dit wes, en die regterkantse kant is dit oos. Aan watter kant was beskuldigde nr. 3 en 4 gewees? --- Hulle was aan die suidekant en aan die westekant van die Polisiestasie.

Nou, die volgende beskuldigde wat u genoem het was beskuldigde nr. 7? --- Beskuldigde nr. 7 was een van die persone wat saam met die skare langs die draadheining gewees

het/....

...et, aan die westekant van Sharpeville Polisiestasie.

Ek wil net sy ^{posisie} probeer meer in besonder vasstel,

nr. Beyl. Kyk, u sal sien dat die westelike kant waar die
rasperkie is ^{is} opgedeel in twee deur middel van daardie pad
wat vanaf die hek in die heining tot by die gebou loop, en
ons praat gedurig van die noordekant van daardie ^{westelike} afdeling
en die suidekant. Nou, waar was beskuldigde nr. 7, aan die
noordekant of die suidekant van daardie pad? --Hier aan die
suidekant naby die hoek. Ek het hom 'n hele paar keer daar
opgemerk.

En wat het hy gedoen? --Hy was ook een van die
persone wat sy duim in die lug opgesteek het en geskree het
en gedans het, en 'n dreigende houding aangeneem het teenoor
die Polisiebeamptes wat daar was.

U sê u het hom 'n hele paar keer waargeneem daar?

-- Ja.

En beskuldigde nr. 27? -- Hy het ek ook daar
gemaak. Hy is ook op daardie punt gemaak. Edelagbare, ek
wil net meld dat hulle het nie net altyd op een plek stilge-
staan nie. Aan die suidekant, reg voor die Polisiestasie, is
'n klein hekkie, en hulle het van die klein hekkie af ombeweeg
na die westekant na die groothek toe.

En wat het nr. 27 gedoen mar. Beyl? -- Hy was ook
een van die persone wat daar rondgedans het, sy duim in die
lug in gestoot het, en "Afrika!" geskree het, en 'n dreigende
houding aangeneem het. Ek kan hier ook net meld dat terwyl
die vliegtuie oor die Polisiestasie gevlieg het, was daar
van die beskuldiges wat hulle vuiste in die lug in opgesteek
het na die vliegtuie, en hulle hoede en goed in die lug in
opgegooi het.

Was dit vriendelike gebare wat hulle gemaak het?

--Nee, hulle het dreigende houdings ingeneem. Ek is seker

daarvan/....

arvan as hulle die vliegtuig kon bygekom het sou hulle hom
afgeruk het!

Die geleerde Advokaat het nie mooi gehoor het. Kan
dit net herhaal, d.i. wat u gesê het? — My opinie was dat as
alle die vliegtuig in dielande kon gekry het, dan sou hulle
om afgeruk het grond toe.

DEUR DIE HOF:

Dit is nog te sê as hulle 'n vliegtuig kan afruk!

—Ja, Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En beskuldigde nr. 31? — Hy was ook in daardie
leel gewees.

Het u hom ook gesien beweeg van daardie klein hekkie
tot om en na daardie suid-westelike hoek? — Na die suid-
westelike hoek, na die groot hek toe.

En was daar enige verskil tussen sy optrede en
die optrede wat u reeds beskryf het? — Nee, die optrede was
omtrent dieselfde gewees.

En beskuldigde nr. 36? — Hy was dieselfde.

En die laaste een, beskuldigde nr. 38? — Ek het
hom persoonlik geken van Sharpeville, en ek het hom op daardie
suidelike hoek gesien staan.

En wat het hy gedoen? — Hy het dieselfde gedoen
as wat die voriges gedoen het.

Hoekom is u aandag in besonder op hierdie mense
gespits wat u uitgewys het? — Ek het ook daar in die gronde
beweeg, en ek het met beskuldigde nr. 3 gaan praat, want die
Polisiestasie het net nuwe boompies, d.i. nuwe heiningboompies
gekry, en om hom te laat verstaan dat hy hulle nie moet plat-
trap nie.

Die Polisie het toe lateraan geskiet daardie dag,
is dit reg mnr. Beyl? — Ja.

En/....

En nadat die skietery oor was het u buitekant gegaan tussen die dooies en die verwondes in? — Ja, na die skietery het ek ook uitgegaan.

En was u toe later in die aanklagkantoor gewees, toe die mense ingedra is of ingebring is? — Ja, ek was in die klagtekantoor.

En was daar enigiets in besonder in verband met enige van die wat ingebring is wat u aandag getrek het? — Voor die toonbank, aan die publiek se kant, daar het 'n Bantoe op sy maag gelê. Ek het vir die Polisiebeamptes wat daar teenwoordig was gevra of hy ook een is wat geskiet was. Hulle het aan my gesê....

Ja, het u enige beserings aan hom gesien? — Ek het geen beserings gesien aan hom nie.

Het u enigiets anders gesien? — Ja, een van die Polisiebeamptes het 'n mes aan my gewys.

Kan u net die mes beskryf? — Hy is ongeveer, die lem met die handvatsel, plus minus 12, 15 duim, en 'n lembreedte van omtrent 'n duim; die lem is omtrent 'n duim breed.

Nou, ek wil u 'n bewysstuk toon, d.i. bewysstuk 44. Herken u daardie bewysstuk? — Ja, dit is die mes wat aan my getoon was daar.

En die Bantoe man teenoor wie die ander lede van die Polisiemag 'n rapport aan u gemaak het, sal u in staat wees om hom weer uit te wys? as hy vandag hier is? — Ek is nie heeltemal seker nie, maar ek dink dit is Konstabel Struwig.

Ja, maar sover as die Bantoe man aanbetref.....

DEUR DIE HOF:

Maar dit is Konstabel Struwig dink jy wat wat gedoen het? — Wat aan my gesê het dat hy het daardie wapen aangehad.

Die/....

Die bewysstuk gehad het, is dit reg? ---Ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En sal u in staat wees om die Bantoeman uit te wys wat daar gelê het? --- Ja. (Getuie wys beskuldigde nr. 43 uit).

Die man, die beskuldigde nr. 43, u het hom nie by enige uitkenningsparade uitgewys nie, mnr. Beyl? --- Nee.

Kan u miskien sê of daar enige rede is hoekom u hom nie uitgewys het nie, d.w.s. ek neem aan dat hy wel op 'n parade was? --- Dit is moontlik dat ek hom kon ^{miskien} ~~gemaak het~~ daar op die parade, as hy teenwoordig was.

CROSS-EXAMINED BY MR. UNTERHALTER:

Constable, you were waiting to give evidence this morning? --- Ja.

Were you present while Constable Struwig was giving his evidence, or were you in the neighbourhood while Constable Struwig was giving his evidence? ---Nee, ek was nie.

And when Constable Kallis gave his evidence were you not nearby? ---Ek was buite gewees.

Were you not standing at the entrance to the door here? ---Nie in die deur nie, buite op die sypaadjie.

Did you hear what was going on? ---As jy daar buite staan kan jy skaars 'n woord hoor wat hier gepraat word.

You could not hear what was going on? ---Nie alles nie. Dit is moeilik om te hoor wat hier gepraat word.

Now, you have described the arrest of No. 1 accused and some other person, both of whom were brought to the van which you were driving? ---Ja.

DEUR DIE HOF:

Was jy die bestuurder van die vangwa? ---Ek was die bestuurder van die vangwa gewees.

Cross-examination/....

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You are quite certain as to the order, i.e. that No. 1 accused was brought to the van first, and then the other person, whoever he might be? — Dit is al 'n hele lang ruk terug, maar my opinie is nog dat beskuldigde nr. 1 eerste na die vangwa verwyder was.

Now, you said that each of these persons had a red ticket on their lapel? — Ja.

Did they each have one on their lapel? — Ja.

Are you quite sure about that? — Daar is moontlik van hulle wat twee op elke lapel gedra het, maar die meeste van hulle het een op die lapel gehad.

But these two particular people who had been arrested they each had one? — Ja.

Now, you say the words on it were "Away with passes!" — Ja.

And then you said something about it is possible there were the words "A.N.C." on it? — Ja, dit is so.

Now, why do you say that Constable? — Omdat ek van daardie welfde kaartjies al gesien het.

Had you seen those letters on the tickets worn by other members of the crowd that day? — Ja, daar was baie van hulle wat daardie kaartjies gedra het.

So although you are not sure that the letters "A.N.C." were on the tickets that were worn by No. 1 accused and this other person, you are perfectly certain that other members of the crowd had tickets with the letters "A.N.C." on it? — Beskuldigde nr. 1, ek is nou definitief daarvan seker dat op syne het gestaan "Away with passes!"

Constable, just answer the question. As far as members of the crowd generally were concerned, many of them

wore/....

were tickets on their lapels? — Ja.

And you saw on those tickets the letters "A.N.C."?

— Ja.

You have no doubt about that? — Nee.

Constable, we have had a lot of evidence here about meetings of the P.A.C. We have not heard, until the evidence you have just given, that anyone was wearing a ticket with the letters "A.N.C.". — Die "A.N.C.". staan vir African National Congress.

And that is what you saw? — Ja. Daar kan moontlik gewees het met die "P.A.C." op, maar ek sal nie daarop kan vasstaan nie.

That made no impression on you, and that you can't remember seeing? — As so 'n moeilikheid dreig dan loop jy nie net persoonlik om te kyk wat dra die persone nie.

In other words, because of everything you were busy with that day, you really can't be expected to remember tiny little details? That is what you are saying? — Dit was so 'n deurmekaarspul gewees dat jy kan nie definitief gesê het nie „Luister, ek gaan net persoonlik vir daardie ding kyk, of gou vir hierdie ding kyk nie“. Dit is onmoontlik om te sê dat dit of so en so het gebeur.

Now, the second person also had a label on him? —

Ja.

And the wording on that label as far as you can remember? — Dit is onmoontlik om dit te sê.

Did you see among any of the people a label with the words "Africa for Africans! P.A.C."? — Dit kan moontlik wees, maar ek het nie so opgelet nie. Al het ek dit ook gesien het ek nie notisie daarvan geneem nie.

Now, at the charge office you say you saw No. 3 accused arrested, you think by Colonel Spengler? — Ja.

How/....

How was the arrest effected Constable? --- As ek
kan onthou dink ek het Kolonel Spengler hom geroep.

Yes, and then? --- Daar was nog 'n persoon by hom
wes. Ek weet nie of dit 'n Polisie-offisier was of wat sy
ag was nie, maar die was ook in siviele klere.

Yes, carry on? How was he arrested? --- Hulla het
hom daar eers gepraat en toe bring hulle hom in die Polisie
"yard" in.

How did they bring him in? Did Colonel Spengler
touch him? --- Hy het hom aan sy arm gehad en hy het hom ingelei
agter in die Polisie "yard" in.

When you say he had him by his arm, do you mean that
he grasped him round the upper part of the arm? --- Nee, ek
sal teen hy het hom so aan die arm geneem, en met hom aangestap.
Daar was geen geweld gebruik nie. (Getuie demonstreer).

He took him round the upper part of the arm? --- Ja.

And he held him like that while they walked together
towards the Police buildings? --- Ja.

And as far as No. 4 accused is concerned, how was
he removed? --- Ek sal nie kan sê hoe die arrestasie daar plaas-
gevind het nie. Toe Kolonel Spengler met beskuldigde nr. 3
na agter loop, het ek ook na die agterplaas toe gegaan, en ter-
wyl ek nog daar in die agterplaas was toe het hulle beskuldigde
nr. 4 daar aangebring.

Who brought him in Constable? --- Ek dink dit was
ook Kolonel Spengler gewees.

Was he also holding him in this manner you have
described for No. 3 accused? --- Ek kan nie sê nie, want ek
was binne in die klagtekantoor gewees, en toe ek uitkom toe
staan hulle met beskuldiges nr. 3 en 4 en gesels daar buite.

Now, you say that you observed No. 7 accused at
the/....

How was the arrest effected Constable? — As ek
kan onthou dink ek het Kolonel Spengler hom geroep.

Yes, and then? — Daar was nog 'n persoon by hom
wees. Ek weet nie of dit 'n Polisie-offisier was of wat sy
naam was nie, maar die was ook in siviele klere.

Yes, carry on? How was he arrested? — Hulsh het
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was binne in die klagtekantoor gewees, en toe ek uitkom toe
staan hulle met beskuldiges nr. 3 en 4 en gesels daar buite.

Now, you say that you observed No. 7 accused at
the/....

fence outside the Police Station? --- Ja.

And you say that he was shouting, sticking his thumb up, dancing, and showing a threatening attitude to the Police? --- Ja.

Now, what do you mean by a threatening attitude to the Police? --- As 'n persoon 'n dreigende houding met jou neem, dan is dit dat hy is kwaadaardig teenoor jou.

And how did he demonstrate that? --- Om te skree die Polisie, wat hy geskree het kan ek nie eintlik mooi verstaan nie, maar op die manier wat hy sy arms geswaai het na die Polisiebeamptes daar-kon jy sien dat dit is 'n dreigende houding wat hy ingeneem het teenoor die Polisie.

Now, as far as the movements are concerned, you said in your evidence-in-chief that he stuck up his thumb and that he danced? ---Ja, as hy sy duim opsteek dan skree hy "Afrika!"

Do you say that the sticking up of the thumb and the shouting of the word "Africa!" is according to you a threatening attitude to the Police? ---Ja.

Why do you say that that is threatening? --- Nadat die leiers hulle opgestoek het, het hulle daardie teken gegee om te bewys hulle wil vry wees van ons af, hulle wil die Polisie nie daar hê nie.

You are aware are you not, from the work that you do among African people in the location, that this putting up of the thumb is really a sign, a national sign or gesture, of the African people? Do you agree with that? ---Ja, daardie duimopstekery kan jy op verskillende maniere vat. Jy kan dit vat op 'n vriendelike manier, maar daardie dag was dit nie vriendelik gewees nie.

Now Constable, I can understand that if a person takes a clenched fist and he demonstrates it towards you like

that/....

at. That is ordinarily accepted as a threatening gesture?
 Do you agree with that? --- Dit is.

But what was there about the salute so to speak,
 this gesture of the people in the crowd and this man in
 particular, that made you think that it was a threatening gesture
 rather than the ordinary kind of salute that apparently they
 indulge in whenever there is a meeting of these people? ---
 Lag ek net vra wat bedoel die Advokaat eintlik met daardie
 vraag?

DEUR DIE HOF:

Nee, jy moet net vrae beantwoord en jy moet nie
 vrae vra nie. --- Maar ek kan hom nie mooi verstaan nie, Edel-
 agbare.

Nou goed, sê dan so.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

What is there Constable, about the use by this man
 or anyone else of this salute, which apparently is a national
 salute, that you thought was threatening? ---Elke keer as
 hulle 'n Polisieman sien dan tart hy die Polisieman uit, en
 om verder te bewys dat hy wil sy oorwinning hê dan steek hy sy
 duim op. Nou, volgens my mening is dit dat daardie duim-
 opstekery ook 'n dreigende houding was teenoor die Polisie.

Constable, have you ever been to a meeting with a
 large number of Africans there? ---Nee.

Are you aware Constable, that when a speaker stands
 up to address a crowd of Africans, the first thing that he does
 before he commences his speech is he lifts his thumb in the air
 and he says: "Majesty ^{May, by} Africa!" Are you aware of that? ---
 Nee, ek weet nie. Ek was nog nie by so 'n vergadering gewees
 nie.

And are you aware that nobody in the crowd construes
 his putting up his thumb in those circumstances as being
 threatening/....

threatening? — Ek het dit aangeneem as dreigend teenoor ons.

You of course might be mistaken? — Nee. Hulle het 'n dreigende houding ingeneem teenoor ons, en ek kan nie sê dat ek daar verkeerd is nie.

This may be something entirely subjective on your part?

BY THE COURT:

I am not so sure that you have not got the Interpreter guessing now. You have got me guessing. What do you mean by the question?

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Something that is just personal to yourself, something preconceived as far as you are concerned? — Nee, dit is nie net teenoor my nie. Al die Polisiebeamptes wat daar gewees het het dit aangeneem as 'n dreigende houding.

Not born of any prejudice Constable? — Nee.

Now, No. 7 accused is not going to deny that he was there, but the question I want to ask you is this. What is there about No. 7 accused that makes you remember so clearly that he was doing the things that you have described? — Ek was gestasioneer in Sharpeville lokasie. Ek ken baie van die Bantoes. Ek het baie met hulle te doen gehad.

9 Yes, carry on? I want an explanation please? — En met die sekere beskuldiges het ek al voorheen te doen gehad.

DEUR DIE HOF:

Jy het al voorheen te doen gehad met? — Met die beskuldigde.

Nr. 7? — Nr. 7.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

So you recognised him as being present? — Ja.

How is it that you remember, apart from his being present, that he was doing all these things? — Nie net hy alleen/....

1,590.

H.J.M. Beyl.

leen het dit gedoen nie, hy en die hele klomp Bantoes wat
ar bymekaar was; almal het dit gedoen.

There were a large number of them there that were
apparently demonstrating in the way that you have described? ---

Can you be sure that even though there were a large
number of them demonstrating, he was precisely one of those
who was dancing, singing and lifting his thumb in the air? ---
ly sou nie alleen daar doodstil gestaan het en niks gedoen het
nie, as sy makkers saam met hom die manewales en goed uitgevoer
het daar nie. Elke Bantoesman en Bantoesvrou wat daar teen-
woordig was het gedans en gesing, en duim in die lug opgesteek,
en uittartings uitgeskree teenoor die Polisie.

Are you serious when you make that last statement
Constable? ---Ja.

Do you mean it to be taken literally by His Worship?

--- Ja.

You know, various witnesses have given estimates
of this crowd as being between 12,000 and 15,000, a very large
crowd? I take it you you will agree with that? --- Ek het
ongeveer tienuur die oggend vir die eerste keer by die Polisie-
stasie gekom. Dit is min of meer die tyd toe hierdie foto
geneem is, en dit is omtrent die getal wat daar gewees het
ongeveer tienuur. Daarvandaan het hulle aangekom en aangekom,
en dit is moeilik om te sê, 15,000, 20,000.

There were a very large number of people there, were
there not? --- Ja, daar was 'n groot klomp gewees.

And are you saying to His Worship that of all these
thousands of people you can personally vouch that everyone of
them was dancing and singing, and acting provocatively? ---
Almal die wat ek kon sien het dit gedoen, want beskuldigde nr.
3 het geloop en so elke vyf tree het hy met hulle gepraat en
dan/....

dan het hy sy duim in die lug gestoot, en as hy sy duim in die ^{stoot} lág/dan lyk dit of die Bantoes daar buite mal word, en dan skree hulle en hulle sing, en hulle gaan te kere. So het hy van die suidekant af geloop tot om na die weste toe.

Constable, I am putting it to you that you could not personally have seen the behaviour of every single one of the members of that crowd, to be able to say this afternoon that every one of them behaved in the way you have described? It is not physically possible, I am putting that to you? — Ek was daar gewees en ek het gesien wat is die houding van die Bantoes wat hulle daar ingesem het.

BY THE COURT:

You can take his statement as modified. He said "All those that I could see indulged in this conduct".

BY MR. UNTERHALTER: CROSS-EXAMINATION CONTINUED:

Are you now correcting it as His Worship has said?

BY THE COURT:

No, he has given that evidence already. He modified it a few sentences back.

DEUR DIE GETUIE:

Ek het dit gesê, sover as wat ek kon sien.

DEUR DIE HOF: AAN DIE GETUIE:

"Almal die wat ek kon sien het dit gedoen".

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

So without exception every single person that you could see, was indulging in this practice? — Ja.

And you were able to see most of the crowd? — Ja, jy kon baie sien.

And you ran your eye I take it down most of the crowd on the western side? — Dit is nie dat ek net buite gewees het nie, ek was binne gewees, en as ek uitkom dan sien ek hulle maar weer indieselfde omstandighede.

Yes/....

Yes, whenever you had the opportunity you ran your eye down the western side? — Ja, want jy verwag gevvaar en jy is maar altyd op die uitkyk waar die gevaar sal uitbreek.

And you ran your eye down the southern side in Zwane Street also from time to time? — Ja.

And do you say of every single one of the people, whom you looked at with your own eyes, there was not a single person who was not dancing or singing or shouting? There was not a single person who was standing there quietly and peacefully. Is that what you are telling me? — Edelagbare, op daardie oomblik kyk jy nie net waar sien jy 'n persoon wat doodstil staan nie. As jy maar kyk dan sien jy 'n swart massa wat dans en skree en sing en te kere gaan.

Constable, did you not at any time see any person who was standing there peacefully and quietly? — Dit is moontlik dat daar gewees het.

I am not asking if it was possible, I am asking if you did see it Constable? — As hulle by die een kant begin sing dan staan die ander stil, en dan begin hulle sing, en naderhand sing die hele lot deurmekaar. So daar is van hulle wat doodstil gestaan het.

So you can't speak to anyone having stood there peacefully and quietly? — Nee.

Now, you were answering me a little while ago about No. 7, and you were saying that if the rest of his friends were dancing and singing and so on, he must have been doing the same? Is that how I understood your answer? — Ja.

Do I understand from that that you are drawing an inference that because he was within a group of people who were doing it, he must have been doing it himself? — Ek het hom gesien toe die vliegtuie daar bo vlieg, dat hy sy vuur in die lug in opsteek daar na die vliegtuie.

So/....

So you don't draw an inference from that, but you personally saw him stick his fist up in the air? — Ek het dit gesien.

Did you personally see all the other acts which you have described as coming from him? — Hy het ook gesing, gedans, duim in die lug gestoot, en deur daardie kon jy sien hy het ook 'n dreigende houding aangeneem.

All of which you noticed personally as coming from No. 7? — Van hom, en van die res van die Bantoes wat daar was.

He is going to admit he was present, but he is going to deny that he did what you have described? — Dan sal hy net leuens vertel.

Now, as far as No. 27 is concerned, what is it that makes you so certain that he likewise has behaved that way? He was there, but I want you to tell us why he sticks in your memory as a person who did the same things? — Omdat ek hom al verkeie kere gesien het in Sharpeville, en voordat Sharpeville se Polisiestasie daar oopgemaak het het ons in Sharpeville diens gedoen. Hy is bekend aan my, maar wat sy naam is sal ek nie kan sê nie.

Just to go back a moment to No. 7. You know him because you have seen him there previously? — Ja.

You watched him doing the various things, and you say that you remember that because he is a man who is known to you? — Ja.

Are you able Constable this afternoon to go further and give us any description of what he was wearing, what his clothes were like? — Dit is onmoontlik vir my om daardie te beskryf. Maartmaand is 'n lang tyd terug en dit is onmoontlik.

Now, as far as No. 27 is concerned, is there any description of his clothing that you can give us? — Dit is onmoontlik/....

onmoontlik.

You just remember the movements and the face? ---
Edelagbare, as jy so na 'n skare kyk dan let jy nie op wat
hulle dra nie.

No. 27 will similarly deny that he did the things
that you have described? ---Wat ek gesê het is die waarheid.
Ek het 'n eed hier geneem om die waarheid te praat, en ek
praat die waarheid.

And No. 31 and 36, you say the same of them? ---
Dieselfde.

And they will similarly deny it? --- Wel Edelag-
bare, dan sê ek hulle praat ook leuens.

Constable, were you in the line of people who
were drawn up by Colonel Pienaar? --- Nee, ek was nie.

You did not yourself shoot, did you? ---Nee.

But you carried a weapon I take it? --- Ja, ek was
gewapen met 'n rewolwer.

Is that the only weapon you carried? No rifle? ---
Nee, ek het geen geweer gedra nie. Vangwabestuurders dra
net 'n rewolwer.

No other weapon at all then? --- Geen vuurwapens
van enige ander soort nie.

Apart from fire-arms, no other weapon? --- Ja, ek
het 'n sambok ook gehad.

How did you come to get possession of the sjambok?
--- Ongeveer sewe-uur die oggend van die 21ste Maart was ons
daar voor die hostel se hek gewees. Daar het ek 'n Bantoe-
konstabel gesien met 'n sambok.

Yes? --- Ek het die sambok van hom afgeneem.

What did you do with it? ---Ek het die sambok saam
met my in die vangwa gehou.

Yes, carry on? --- Toe ons by Sharpeville Polisie-
stasie/....

stasie kom die oggend het ek die sambok uitgehaal en na my kantoor geneem.

Yes, what did you do with it there? --- Ek kan nie meer eintlik seker sê of ek met die sambok buite ook rondgeloop het in die Polisie "yard" nie, maar die sambok was meeste van die tyd in my kantoor gewees. Die sambok is lateraan daar weg; iemand moes hom geneem het, want toe die Polisie begin instroom het het hulle daar in ons kantore rondgeloop, in en uit, en dit is moontlik dat een van hulle hom geneem het. Die agtermiddag laat, toe ek na my sambok eintlik soek daar, toe was die sambokweg gewees.

When you say the Police streamed in, do you mean after the shooting or at the time reinforcements came to the Police Station? --- Toe die versterkings aangekom het.

That is before the shooting? --- Voor en na die skietery het hulle ingekom.

Well, did you leave the sjambok in your office at the time that the reinforcements came from other parts? --- Ek het die sambok daar neergesit want ek het tee gemaak vir meeste van die manne en vir die Offisiere en goed wat daar gekom het.

Yes? --- Wel, dit is moontlik dat in daardie tyd dat iemand die sambok daar kon geneem het sonder my medewete.

Did you make tea for them when they arrived round about eleven or half past eleven or something like that? --- Ja, ek het, want ons het ongeveer tienuur of net na tien daar gekom. Ek het vir ons tee gemaak - ons was vyf persone - en na dit het Luitenant Visser van die speurdiens en 'n paar van sy manne daar gekom, en ek het vir hulle tee gemaak, en toe het die Polisieversterkings begin instroom.

So would you say that you missed the sjambok round about eleven or half past eleven? --- Nee.

When? --- Die aand sal ek sê, die middag laat.

When would you say you left it in the Police Station?

--- Soos ek sê dit is onmoontlik vir my om te sê hoe laat ek hom daar gesit het. Op daardie oomblik glo ek nie ek het na my horlosie gekyk nie, d.i. elke keer as ek die sambok neersit wat watter tyd dit is nie.

Would you have left it in the office before the firing started? --- Ja.

Now, we understand it is unlawful for a Policeman to carry a sjambok? Is that correct? --- Ja, dit is onwettig vir 'n Polisiebeampte terwyl hy op diens is om 'n sambok te hê.

It was for that reason that you took it away from this African Constable at the hostel? ---Ja.

In a case like that, if you have impounded a sjambok, the thing to do is to put it away either as an exhibit or for whatever purpose it might be needed in the charge office? --- Nee, dit is nie noodwendig as jy iets van 'n Bantokonstabel af neem om dit in te handig by die klagtekantoor of in te skryf vir 'n bewysstuk of enigiets nie. Sover as dit my aangegaan het was daar geen misdad met daardie sambok gepleeg nie.

Well, whether you are going to hand it in as an exhibit or for ^{other} any purpose, the correct thing to do with a sjambok that is not supposed to be carried by a Policeman, is to put it away somewhere, hand it over into somebody's responsible custody? Is that correct? --- Ek het nie gewet of dit die Bantokonstabel se eie eiendom was nie.

I did not ask you that question Constable. Please try to reply. Is the correct thing to do to take that sjambok and hand it in to the custody of whomever is responsible for receiving those things from the Police? Is that correct? --- 'n Edelagbare, as daardie sekere artikel as 'n misdad beskou

word/....

word.

And if it is not Constable, what are you supposed to do with it? --- As dit nie is nie en dit behoort aan 'n persoon, dan gee ons hom terug aan die persoon.

It certainly did not belong to you? --- Nee.

Why did you carry it about at all then? Why did you not just leave it in the charge office? --- Edelagbare, as hy in die klagtekantoor gewees het was hy al lankal weg gewees.

Say that again? --- As hy in die aanklagtekantoor gelaat was dan was hy lankal weg gewees, want daar was 'n in- en uitloop gewees van Bantoes, blankes en enige persoon.

Why could you not arrange for it to be locked away? --- Ek het nie daaraan gedink om hom by die klagtekantoor in te handig nie, want sover as dit met my te doen was was daar geen misdad met daardie sambok gepleeg nie.

Now Constable, as far as you were concerned this crowd was in an ugly mood, would you say? --- Ja.

Other witnesses have said that it was necessary to be quite tactful and diplomatic with the crowd? Do you agree with that? --- Ja.

Now, I understand that you kept this sjambok in your hand rather than leave it in the Police Station, and you were walking outside in the sight of the crowd with this in your hand? Is that correct? --- In die Polisie "yard", het ek met die sambok geloop.

What do you mean by "Polisie "yard"?" The inner courtyard or the outer part where there is the grass? --- Waar die gras is. Dit is wat ek noem die Polisie "yard".

Don't you think that that was an ill-advised thing to do? --- Nee.

Why do you say it was not ill-advised Constable? --- Die sambok was nie daar met die doel, toe ek hom gehad het,

ca/....

om enige persoon met hom aan te rand nie, en vir my was dit geen misdadig gewees om met die sambok daar in die Polisie "yard" rond te loop nie.

I don't understand you Constable. You took it away from one of your own African Constables, because you said it was unlawful for a Policeman to carry a sjambok. That is correct is it not? --- Ja.

Was it any the more lawful for you as a white Constable to carry that sjambok? --- Ek was vangwabestuurder gewees. Ek het nie tussen die Bantoes rondbeweeg soos die Bantokonstabel van wie ek die sambok afgeneem het nie.

Was it any the more lawful for you to carry it about walking in that grass area of the Police yard at the time that you did? --- Ek kan nie sien hoekom was dit nie wettig vir my gewees om daar te loop met die sambok nie.

Constable, you have not explained the difference between the unlawfulness of the African Constable having a sjambok in his hand, and the lawfulness of your having it in your hand walking around in that Police yard? --- Soos ek net gesê het ek is 'n vangwabestuurder; ek het nie tussen die Bantoes rondbeweeg soos die Bantokonstabel van wie ek die sambok afgeneem het nie.

So do you then say that it is only unlawful to carry a sjambok when you are walking around among African people and not otherwise? --- Ja, volgens die opstote wat daar plaasgevind het is dit.

I want you please to look at Exhibits 45 and 46. That is a picture of a crowd of people outside the western fence of the Police Station on the 21st March. Do you see that the gates are open? --- Ja.

Do you see that there is a man with his back to the photographer? You can see him through the mesh of the gate? ---

Ja/....

Ja.

Is that person yourself? --- Die hou is alles dieselfde as ek, maar ek kan nie sê dit is ek nie.

DEUR DIE HOF:

Kyk na altwee portrette? --- Ja, hierdie een lyk meer of dit ek kan wees, Edelagbare.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now Constable, look at them carefully. Do you remember what you were doing at that stage? Tell His Worship whether that is you or it only looks like you? --- Die eerste een kan ek nie sê nie, maar die tweede bewysstuk, nr. 46, die trekke is baie op my.

It is you, is it not? --- Dit kan moontlik wees.

Not that it is possible, but it is you, is it not?

--- Ja, volgens wat dit hier is moet dit wees.

Now Constable, you see the sjambok in your hand there don't you? --- Ja.

You are only a distance of a few feet away from the crowd where you stand there? --- Ja.

You were only a few feet away from this crowd, carrying the sjambok in your hand? --- Ja.

Now, you said that you were the driver of a van?

--- Ja.

A driver of a van according to you can carry a sjambok because he does not move around among people? --- Nee, ek het nie so gesê nie.

Well then Constable, please explain to this Court why you are standing with a sjambok in your hand a few feet away from a crowd which according to you is in an ugly and dangerous mood? --- Dit is moontlik daar waar ek in die "yard" geloop het, dat die Polisiekarre ingekom het en dat ek die hek oopgemaak het vir hulle.

--- Carry/....

C Carry on? --- Dit is waar moontlik die kiekie geneem was, terwyl ek die hek oopgemaak het.

Carry on? ---Edelagbare, ek sal darem tog nie daar met die sambok onder daardie klomp Bantoes gaan inspringhet nie, en die persoon wat dit doen weet nie wat hy doen nie, want dan is hy van sy kop af.

Constable, you don't think that people in that crowd seeing you with a sjambok like that in your hand, might have got certain ideas into their heads about what you intended to do with it, or might have felt annoyed or angry? --- Ek kan nie sê wat die Bantoes gedink het nie, want ek kan nie vir hulle dink nie.

I am putting it to you that the mere possession of a sjambok like that in those circumstances, was provocative and threatening to use your own words? --- Edelagbare, as al die Polisiebeamptes met sambokke gewapen was sou ek sê dat die Bantoes sou daardie houding ingeneem het, maar een persoon met 'n sambok, ek glo nie.

You consider that the putting up of the finger in the African salute is provocative, but the possession by you as a Policeman of a sjambok in those circumstances is not? --- Dit hang af op watter manier jy jou duim opsteek, en die woorde wat jy daarby gebruik, as wat jy 'n sambok saam met jou rondra en jy gebruik hom nie.

But you consider that your possession of the sjambok in those circumstances was not provocative? --- Nee.

You say that under oath seriously to His Worship this afternoon in this Court? --- Terwyl ek daardie sambok gedra het, het ek nie met die bedoeling geloop om enigeen met daardie sambok aan te rand nie.

Constable, I am going to tell you the opinion of the senior man who was in charge there, as given in this Court

a/....

a few weeks ago, Colonel Pienaar. He was shown that photograph, and it was put to him that the person carrying it was carrying a sjambok, and he was asked whether or not such a proceeding was lawful, and he told His Worship that that was unlawful. Now, what do you wish to say to that? --- Ek weet nie wat Kolonel Pienaar gesê het nie, ek was nie in die Hof die dag nie.

Well, you can take it from me that that is what he said. On the assumption that it is the truth will you please comment on what your senior officer said about such behaviour? --- Volgens wat die Advokaat nou wil wysmaak is dat ek het daardie sambok daar gehad vir die bedoeling om die Bantoes daarmee te slaan. As dit daarvoor was dan sê ek dit is nie geregverdig om 'n sambok te dra nie.

Constable, I am asking you whether you agree or disagree with what Colonel Pienaar said? Is he wrong when he told His Worship that it was unlawful for you to hold that sjambok as you were holding it at that time? Is he wrong? --- Ek weet nie wat was aan Kolonel Pienaar gesê tydens sy verhoor nie, maar ek sê dat die sambok was nie gebruik vir enige kwaai bedoelings nie. Ek het die sambok by my gedra, en opreg moet dit onwettig wees om 'n sambok rond te dra as jy hom vir daardie doel dra wil hê.

I still have not an answer from you. Is Colonel Pienaar wrong when he told His Worship in effect what I have just given to you? Is he wrong? --- Nee, ek sê nie Kolonel Pienaar is verkeerd nie.

Well then you must be wrong? It is at page 973 of the record of evidence in this Court. I will read to you from about the middle of the page. This is what I say to the Colonel and then I get his reply: "There is a curious feature Colonel that perhaps you could assist us with. The Constable standing with his back to the camera, and his trousers can be seen/....

seen through the mesh in the gate, do you see the man that I am referring to? — Yes, I see the man. He seems to be carrying what looks to me like a sjambok in his hand. Now, do you agree that that is what it seems to be? — I agree that it looks like a sjambok, but I cannot say what it is. It may be something else. If it were a sjambok he should not as a Policeman have been carrying such a weapon? It is not part of the standard issue of equipment to Policemen? — No, he should not be carrying it as part of his equipment or anything like that. If it is a sjambok he may have picked it up or taken it from one of the crowd, I cannot say. I am not suggesting this is so, but assuming that he was holding that as something that belonged to him, or that he would use, you will agree that that could be provocative vis-a-vis the crowd? — Yes." You have understood what I have said to you? — Ja.

Do you want to comment on it? — Die sambok is nie 'n artikel van my besittings nie. Dit is 'n sambok wat ek van 'n Bantoeconstabel afgeneem het. Ek het hom in my besit gehou.

You have had a direct question from me Constable, and I have given to you what Colonel Pienaar has said.

BY THE COURT:

Mr. Unterhalter, you have invited the Constable for his comment. You must let him comment on that.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

I am sorry, have I interrupted him Your Worship?

Did you wish to add something else Constable? Then please carry on? Shall I put it to you again? — Ja.

I have read to you what the Colonel has said in regard to your possession of it. I have given you his exact words and my exact words to him. Will you please now comment on that? Will you please indicate to me when you have finished, so that I don't interrupt you again. — Dit is wat

ek/....

ek gesê het. Dit is nie 'n deel van my uitrusting nie, dit is 'n sambok wat ek van 'n Bantoeconstabel afgeneem het. Ek het niks daarby gesien dat dit onregverdig is om die sambok by my te dra nie. Ek weet dit is onwettig om 'n sambok te gebruik op enige persoon, Bantoe, blanke, of wie dit ookal is, en ek sê nie Kolonel Pienaar is verkeerd wat hy gesê het dit is onwettig om 'n sambok te dra nie.

Yes? Have you finished? ---Ja.

Then there really was no justification for you to be carrying that sjambok? It would have been a lot better to have taken it and hidden it away from sight inside the Police Station, if necessary under lock and key? Do you agree with that? --- Ja Edelagbare, as ek geweet het dat hier al die moeilikhede oor die sambok sou plaasvind, dan het ek hom liewers gaan toesluit.

Now, do I understand you correctly Constable, what you said a few moments ago about the African Constable, that you did not know whether this sjambok belonged to him or not? --- Toe ek dit by hom geneem het het ek gedink die sambok behoort aan hom. Hy het lateraan weer by my gekom om die sambok terug te kry, en toe sê ek vir hom nee, ek gee nie die sambok aan hom nie. Toe vra ek hom „Nou waar kom jy aan die sambok?” en toe sê hy vroeër die oggend het hy die sambok van een van die Bantoes afgeneem wat hulle op afgekom het.

Well Constable, in the light of the information you had from this other man, that he had taken it from somebody else, you must have known it did not belong to this African Constable? Is that not so? --- Edelagbare, as die Advokaat 'n Bantoe ken soos ek hom ken... hy sal enige ding aan jou vertel om 'n sambok in die hande te kry.

Constable, you were not in any doubt as regards this. Here is a Constable who tells you "I have taken it from somebody

in/....

in the crowd". — Edlagbare, van die Polisie of Bantoeconstabel, wat daar is op Sharpeville, wat daar gestasioneer is, daar is van hulle wat sambokke gehad het, en my opinie was en is nou nog, dat die sambok het aan hom behoort, al het hy ook vir my gesê hy het hom vroeër die oggend van 'n ander Bantoe afgeneem.

I take it he never ever laid claim to it again, did he? — Hy het my gevra — ek is nou nie seker of dit dieselfde aand was of die volgende dag nie — maar ek het toe aan hom gesê dat die sambok is weg, en eers wou hy my nie glo nie, maar ek het hom toe oortuig dat die sambok is weg, en hy het my nog nie weer lastig geval oor die sambok nie.

Now, you say that you saw accused No. 43 in the Police Station lying on his stomach? — Ja.

And a certain knife was exhibited to you, i.e. Exhibit No. 44? — Ja.

It took some time for this man to come round I understand? — Ja.

Was there not more than one person who might have been brought into the charge office while you were there, from among the crowd? — Ek het hom alleen gesien wat ingebring was na die klagtekantoor, behalwe die persone wat gearresteer was daar op die Polisiegronde.

Do you know anything about another knife that might have been similar to Exhibit 44, which was handed in at the Police Station? — Nee.

You see, Colonel Pienaar gave some evidence about these knives, and he talks of a second knife. He says at page 961: "There were two long knives with the blades about 12 inches." You know nothing of a second knife? — Nee.

You don't remember seeing it among the stuff that was properly looked up in the Police Station? — Al die wapens, klippe en goed wat daar opgetel was, was toegesluit in een

an die kamers, en die skutels was nie aan ons oorhandig om
a hulle te gaan kyk of soiets nie. So dit is moontlik
dat daar kon 'n mes gewees het, maar ek is heeltemal onbekend
met daardie mes.

Were you present, although you did not take part
in the firing, at the time that the firing commenced? —
Ek was tussen die hek aan die westekant en die ingang na die
Polisiestasie toe. Ek was by die ingang van die hek gewees
wat by die Polisiestasie ingaan.

DEUR DIE HOF:

Was jy voor of agter die linie? — Agter die linie.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And did you hear, just before the volley started,
anything that might have preceded it? — Daar was 'n vreeslike
lawaai gewees. Ek het eers - ek kan nou nie definitief sê nie
- maar dit het vir my geklink soos rewolwerskote, gehoor.
Vanwaar hulle gekom het weet ek nie, maar net toe daardie twee
skote dofweg geklink het, toe het die klippe begin kom, en
toe het ek gehoor dat net een volle sarsie losgetrek word
van die Polisie se kant af. So ek kan nie sê of daardie
eerste twee skote van die Polisie af gekom het nie, en of
hulle van die Bantoes af gekom het nie.

And the direction, north, south? — Nee, dit is
onmoontlik.

You don't know? — Ek sal nie kan sê nie, want dit
was 'n vreeslike lawaai en alles so, en jy kon nie definitief
vanwaar dit gekom het nie; ek kon nie, Edelagbare.

You know Captain Brümmer, do you? — Ja, ek het
hom daar ontmoet op Sharpeville.

And he is in the picture there, is he not, the man
in overalls that is pointing ^{to} that motor-car to come in? Do
you recognise him? It is on Nos. 45 and 46, on the lefthand
side/....

side of the picture. You see the goodlooking man? --- Ja, dit lyk soos Kaptein Brümmer wat daar staan. Daar was baie Polisiebeamptes wat in "overalls" gewees het. Die meeste van die "Saracens" manne was gekleed in "overalls".

But that is Captain Brümmer, is it not? --- Dit lyk vir my baie soos hy. Hy het 'n pankop gehad.

There is one small final question I want to ask you arising out of the evidence that you gave before the Commissioner. It is at page 2611. You were asked: "Do you remember when the three Saracens arrived under Captain Brümmer?" Your answer is: "Ja, ek kan onthou min of meer wanneer hulle daar aangekom het". "That was roundabout one o'clock or something like that, was it not?" "Ja". "At that time you say you did not have the sjambok?" "Nee". Now, you did give that evidence, did you not? --- Ja, ek het.

The question I want to ask you Constable is this. That that being Captain Brümmer in Exhibits 45 and 46, the other person being you holding the sjambok in your hand, how is that to be reconciled with the answer that you gave at the inquiry, that you did not have the sjambok then? --- Ek verstaan die vraag heeltemal reg. Toe Kaptein Brümmer gekom het het ek die die sambok gehad nie. Hierdie karre wat ingekom het was lank nadat Kaptein Brümmer "alreeds in die Polisie "yard" gewees het, en dit is moontlik dat ek alweer die sambok kon kry het daar in die kantoor en hom in my hand gehad het.

Why should you want to go and get it again Constable? --- Ek kan nie daardievraag beantwoord ^{nie,} want ek kan nie sien t het dit daarmee te doen nie. Die een oomblik sit jy die sbok neer, en jy maak 'n draai of so, en jy kom terug en hier hy en jy vat hom weer en jy loop met hom.

Did you put it down at any stage before that in Police Station? --- Toe Kaptein Brümmer met sy "Saracens"

daar/....

side of the picture. You see the goodlooking man? --- Ja, dit lyk soos Kaptein Brümmer wat daar staan. Daar was baie Polisiebeamptes wat in "overalls" gewees het. Die meeste van die "Saracens" manne was gekleed in "overalls".

But that is Captain Brümmer, is it not? --- Dit lyk vir my baie soos hy. Hy het 'n pankop gehad.

There is one small final question I want to ask you arising out of the evidence that you gave before the Commissioner. It is at page 2611. You were asked: "Do you remember when the three Saracens arrived under Captain Brümmer?" Your answer is: "Ja, ek kan onthou min of meer wanneer hulle daar aangekom het". "That was roundabout one o'clock or something like that, was it not?" "Ja". "At that time you say you did not have the sjambok?" "Nee". Now, you did give that evidence, did you not? --- Ja, ek het.

The question I want to ask you Constable is this. That that being Captain Brümmer in Exhibits 45 and 46, the other person being you holding the sjambok in your hand, how is that to be reconciled with the answer that you gave at the Inquiry, that you did not have the sjambok then? --- Ek verstaan die vraag heeltemal reg. Toe Kaptein Brümmer gekom het het ek die die sambok gehad nie. Hierdie karre wat ingekom het was lank nadat Kaptein Brummer alreeds in die Polisie "yard" gewees het, en dit is moontlik dat ek alweer die sambok kon kry het daar in die kantoor en hom in my hand gehad het.

Why should you want to go and get it again Constable? --- Ek kan nie daardie vraag beantwoord nie, want ek kan nie sien t het dit daarmee te doen nie. Die een oomblik sit jy die sambok neer, en jy maak 'n draai of so, en jy kom terug en hier hy en jy vat hom weer en jy loop met hom.

Did you put it down at any stage before that in Police Station? --- Toe Kaptein Brümmer met sy "Saracens" daar/....

daar gekom het, het hy 'n koppie tee by my in die kantoor gedrink, waar ek vir die ander persone ook gemaak het.

So your explanation is that you put it down and therefore you did not have it when Captain Brümmer came, and when the car came you had gone back to the Police Station and you had picked it up and you had come back to the gate? — Ja, dit is min of meer gewees.

You say that that is a possibility? — Ja.

You don't say it definitely did happen? — Toe Kaptein Brümmer gekom het is ek definitief ek het nie die sambok in my hande gehad nie.

CROSS-EXAMINED BY ACCUSED NO. 1: No questions.

CROSS-EXAMINED BY ACCUSED NO. 3:

Op die stadium toe u my daar by die Polisiestasie gesien het, het u my net die eenkeer gesien of het u my meer as eenkeer daar gesien? — Toe ons by die Polisiestasie kom het hy binne in die Polisie "yard", aan die binnekant van die draad, op en af beweeg totdat hy gearresteer was.

Kan u miskien sê watter tyd dit was toe u my daar die eerste keer gesien het, en ook watter tyd dit was toe ek arresteer is? — Soos ek sê ek kan nie definitief sê dit is die tyd nie, maar dit was hier by tienuur se tyd gewees.

DEUR DIE HOF:

En sy arrestasie, hoe laat was dit? — Ongeveer 1.15, Edelagbare. Ek kan nie definitief sê dit is die tyd nie.

Maar hy was daar of jy het hom daar gesien vir 'n aansienlike tydperk? — Ja.

Jy praat hier van omtrent drie uur of so? — Nee Edelagbare, ek het hom langer as dit gesien.

Van tien tot een, of een-vyftien. Dit is al wat hy wil/....

wil weet, hoe lank jy hom gesien het.

KRUISVERHOOR DEUR BESKULDIGDE NR. 3 VERVOLG:

U het alreeds 'n beskrywing gegee van wat ek gedoen het, d.i. dat ek my hand in die lug opgesteek het en geskree het "Iswe Lethu!" en al die ander dinge. Is dit so?

— Ja.

Ek neem aan u het nie al die tyd na my gekyk nie, en op ander tye het u soontoe gegkyk en u het dan weer na my gekyk. Ek wil nou van u weet op die tydstop toe u in my rigting gekyk het, was ek al die tyd besig om die dinge te doen waarvan u alreeds 'n beskrywing gegee het? — Die beskuldigde het na my en Hoofkonstabel Heyl gekom en voor ons gestaan, en gesê "Away with passes! We want freedom!" Dan steek hy sy duim in die lug en dan skree hy daardie "Iswe Lethu Afrika!" en dan bars die rumoer buite los, d.i. van die ander Bantoes.

My vraag is dit. Ek wil net weet of op elke tydstop toe u in my rigting gekyk het, op die tydstop toe ek daar beweeg het, het ek te alle tye my hand in die lug gesteek? — Nee, as hy so lank die draadheining afloop en hy ^{het} gesels met die Bantoes aan die anderkant van die draad - wat daar gepraat was kon ek nie hoor nie, en ^{ek} verstaan ook nie hulle taal nie - en dan steek hy sy duim in die lug op en dan is die rumoer daar buitekant soos hulle almal duime opsteek en skree en dans en te kere gaan.

Ek stel dit aan u dat ek ontken nie dat ek teenwoordig was daar in die omgewing van die Polisiestasie soos u beweer nie, maar ek ontken dat ek my duim in die lug gesteek het soos u nou beweer voor Sy Edelagbare? — Hy het verskillende kere daar gekom. Hierdie woordekan ek definitief van hom onthou wat hy gesê het: "I only speak one language. Away with passes! We want freedom!", en dan steek hy sy duim in die lug. Dan draai hy hom om en dan stap hy weer terug na die skare toe.

Ek/....

Ek stel dit weer aan u dat ek het nie my duim in die lug gesteek nie. As u wil hê dat ek ons teken moet gee dan moet u dit vra, en ek sal dit aan u wys? — Hy het my gevra of hy sy duim in die lug gesteek het, en ek het noual tweekeer verduidelik hoe hy dit gedoen het.

U het ook gesê in u hoofgetuienis dat ek het vir voorgekom asof ek die leier was van die skare wat daar verader het? Is dit so? — Ja, hy het nie vir my voorgekom of my 'n leier is nie, hy was die leier.

Hoe kan u dit verklaar? — Die middag laat, nadat die moeilikheid tot bedaring gekom het, het ek beskuldigde saam met Speurdersersant Wessels uitgeneem na waar hy woon. Daar het ek gehoor of verstaan dat hy die Sekretaris is van die beweging van hulle.

Ja, ek verstaan dat u sê dat nadat ek arrester was het u toe Sersant Wessels vergesel na my woonplek, en u het daar gehoor dat ek die Sekretaris is van die beweging, maar ek stel dit aan u dat vroeër die oggend, voor u seentoe gegaan het, het u nie geweet dat ek die Sekretaris was nie? — Nee, ek het nie geweet hy was die Sekretaris toe nie, maar hy het opgetree as die leier daar, want hy was die enigste persoon eers wat binne in die Polisie draad rondgeloop het en met die mense gepraat het.

As u dan geweet het wie die leier was, waarom het u dan beweer dat beskuldigde nr. 4 ook die leier was van die skare? — Dit is omdat hulle die enigste twee binne in die draadheining gewees het. Beskuldigde nr. 4 het eers later gekom. Toe ek weer sien toe sien ek beskuldigde nr. 4 is ook binne die draadheining, en hy was ook een van die persone wat geloop en praat het met die persone, en dit is daarom wat ek aangeneem het dat hy moet ook 'n leier wees.

Ek sal dit so stel. U neem dit so aan, en u is

nie/....

Is seker dat ons die leiers was van die skare nie? ---Ek was seker dat hy 'n leier was.

Geen verdere vrae nie.

WISVERHOOR DEUR BESKULDIGDE NR. 4:

U het ook gesê dat u seker is dat beskuldigde nr. 3 ek die leiers was van die skare, en u het ook gesê dat ons die skare opstandig gemaak het? Kan u nou sê op watter manier ons die skare so opstandig gemaak? --- As hy nie 'n leier was nie wat het hy binne in die Polisie "yard" gemaak?

BY DIE HOF:

Probeer tog die vraag beantwoord. Op watter manier jy het hulle die skare opgestook? ---Omdat hy ook hier binne in die draadheining was, en met die mense gepraat het, en hy ook met die mense praat dan word hulle ook soos wat hulle vrees en dans en daardie dreigende houdings en goed inneem.

WISVERHOOR DEUR BESKULDIGDE NR. 4 VERVOLG:

Is dit daarom wat u dan sê dat die skare opgesweep is? ---Wat hy met hulle gepraat het kan ek nie sê nie, maar hy klaar met hulle gepraat het dan kan jy sien dat die mense opgesweep met wie hy gepraat het.

Was dit nie raadsaam, nadat u opgemerk het dat die skare opgesweep was, om vir beskuldigde nr. 3 te sê dat hy moet vir die skare sê hulle moet nie so opstandig wees nie, om vir beskuldigde nr. 3 te sê dat hy moet nie die boompies op die plattrap nie? --- Ek het nie met beskuldigde nr. 3 enige wisselwaring aangegaan nie.

Ek wil hê u moet aan Sy Edelagbare demonstreer, nadat die bewering gemaak het dat die skare was besig om te dans en te skree "Iswe Lethu!" daar, hoe die skare gelyk het d.w.s. hulle gesigte, hoe het hulle gelyk? ---Nee, dit is

onnoentlik/....

onmoontlik vir my om te demonstreer.

Ek sal u sê waarom ek u hierdie vraag vra. Dit is omdat mense kan sommer daar staan soos wat die skare daar gestaan het, en skree "Iswe Lethu!" sonder dat die persone 'n dreigende houding inneem? — Elke keer wat hy by die persone gekom het het hulle daardie houding ingeneem.

Soos u dit daar gesien het, en soos u nou sê, was die skare dan opgesweep? — Ja.

Ek stel dit aan u, en dit is my laaste vraag, dat die skare was nie opgesweep nie, of die skare was nie so opstandig soos u probeer om vir die Hof te vertel nie? — My opinie was hulle was opgesweep.

En ek stel dit verder aan u dat as die skare opgesweep is, dan sou die skare nie so geskree het soos u nou beweer dat hulle daar geskree het en gesê het "Iswe Lethu!" ensovoorts nie? — Dit is alles. Dit het met alles ooreengekom, die geskree, die gesing, die gedans en alles.

Geen verdere vrae nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 8: Geen vrae nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 38:

U het alreeds vir die Hof gesê dat u ken my baie goed as 'n inwoner van Sharpevilledorp. Kan u sê op watter wyse u my ken? — Edelagbare, ek het hom baie in Sharpeville gesien.

Wat het ek gedoen toe u my gesien het? — Dit is nie noodwendig dat hy iets gedoen het nie. Met sy rondloop daar het ons baie te doen met hulle.

Toe u my gesien het was u ook daar in die lokasie gewees? Het u daar rondgestap of rondgery? — Ek was gestasioneer in Sharpeville. Ek het baie rondgegaan in die lokasie, so ek kan nie die definitiewe plek sê waar hy was of

so/....

so nie.

Kan u miskien net 'n bietjie terugdink en kan u miskien onthou op watter plek het u my op 'n sekere tyd gesien? --- Dit is onmoontlik vir my om op daardie vraag te antwoord, want die populasie is baie groot, en ek kan nie net definitief sê ek het hom daar gesien nie.

Ek stel dit aan u dan dat u my die eerste keer daar by die Polisiestasie gesien het op die 21ste Maart 1960, daar waar u gesê het ek het daar gedans en geskree, d.i. omdat u is nie in staat om een plek te meld waar u my gesien het en wat ek besig was om te doen toe u my gesien het op enige geleentheid daar in die lomsie nie? --- Edelaagbare, daar by die Polisiestasie was nie die eerste keer wat ek hom gesien het nie.

Is dit korrek dat u het gesê dat u het my in die omgewing van die syhekkie van die Polisiestasie gesien, en ek was daar besig om te dans en my hande op te steek, ensovoorts?

--- En skree ja.

As ek u goed verstaan het toe u die antwoord gegee het op 'n vraag wat aan u gestel was deur die verdediging, het u gesê dat as die mense hulle duim so in die lug opsteek dan wys dit dat die mense kwaad is? --- Ja.

Ek stel dit aan u dat ek was nie daar teenwoordig waar u beweer u my gesien het nie? --- Dit is ^{waar} ek die persoon gesien het.

Ek stel dit aan u dat die wyse waarop ek daar gedans het, as dit korrek is, dan het ek nie gedans soos u nou beweer nie, maar ek het net soos 'n gewone persoon gedans? --- My opinie was anders oor sy dansery.

Is dit korrek dat u het gesê u is al vir dertien jaar in die diens van die Suid-Afrikaanse Polisie? --- Ja.

In die dertien jaar diens het u op die meeste

plekke saam met Bantoes gewerk? ---Nee.

Het u miskien ondervinding van hoe om skare uitmekaar te jaag? ---Ek kan nie sê nie. Die Offisiere is in bevel en hulle gee die bevel wat ons moet doen.

Maar ek wil nou van u weet was u miskien vantevore in die groepe van Polisiemanskappe wat deelgeneem het in die uiteenjaag van die persone wat daar vergader het? --- Ek het nie daarin deelgeneem nie.

Ek sal die vraag maar laat staan omdat u nie my vraag antwoord nie.

DEUR DIE HOF:

Wat is jou vraag wat hy nie antwoord nie? Stel jou vraag kort en duidelik en dan sal jy 'n antwoord kry.

KRUISVERHOOR DEUR BESKULDIGDE NR. 38 VERVOLG:

Behalwe die 21ste of die 20ste van Maart hierdie jaar, het u miskien deelgeneem op ander geleenthede aan die uiteenjaag van persone wat daar vergader het, d.w.s. 'n skare of soiets? --- Ja.

DEUR DIE HOF:

Waar was dit en wanneer? --- In 1951, in Newclare.

KRUISVERHOOR DEUR BESKULDIGDE NR. 38 VERVOLG:

Die skare wat u destyds daar saam met die ander lede van die Polisiemag uitmekaar gejaag het, was daardie skare of het daardie skare gedans of gedemonstreer of betoog op 'n sekere manier? ---Hulle het ook geskree daardie dae, en ons was net 'n bevel gegee vir 'n knuppelstoraloop op hulle.

Het hulle miskien hulke duime in die lug opgesteek? --- Nee, dit is lank terug, ek sal nie kan sê nie.

Ek stel dit aan u dat u het my net die eerste keer gesien op die ^{31ste} 21ste Maart om twaalf middernag nadat ek arresteer was, en dit was dan die eerste keer wat u my gesien het/....

1. 24.

H.J.K. 207.

...? --- Nee, ek kan nie dit se nie. Ek weet nie daarvan of

...ie.
Ek stel dit aan u dat op die betrokke dag was u
by die Polisiestansie gewees? --- Gewis, want die dag was ek
aan die Polisiestansie nie.
Gaan verdere vrae nie.

KRUISVERHOOR DEUR MEDELIEDER NR. 19: Gooi vroeë nie.

DEUR DIE HOFT: OOR 11-52 TOT DAARDIE FOR

...plekke saam met hantseer gew...
...het u mitiesse om...
...nitmekar te jaag? --- Ek kan...
...in bevel en halfes gee die...
...Nee, ek wil nou...
...in die Groepe van Polisie...
...uitreiking van die persone...
...nie daarin deelgeneem nie...
...En sal die vroeë...
...vroeë antwoord nie...
DEUR DIE HOFT:
...Wat is jou vroeë...
...Jantseer kort en duidelik...
KRUISVERHOOR DEUR MEDELIEDER NR. 19:
...Behalwe die 21...
...Ja, het u mitiesse deel...
...uitreiking van persone w...
...of oortseer? --- Ja...
DEUR DIE HOFT:
...Wat was dit...
KRUISVERHOOR DEUR MEDELIEDER NR. 19:
...Die skare wa...
...lede van die...
...skare of het daardie...
...op 'n sekere...
...en ons was...
...hulle...
...Het hulle...
...Nee, dit is lank...
...Ek stel dit...
...Geen op die State...
...Groepeer was, en dit