

S. Store 326:323.2(68232) Com

Volume 23

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1615 — 1678

ON RESUMING: 25.11.1960.

ACCUSED ALL PRESENT.

APPEARANCES AS BEFORE:

HENDRIK JAN MICHAEL BEYL b.v.:

HERVERHOOR DEUR P.A.:

Mar. Beyl, u was onder kruisverhoor geneem in verband met die vyandige houding van die skare wat teenwoordig was op die 21ste van Maart?---Ja.

Het u miskien opgelet - kan u miskien uitgebrei oor enige uitdrukkings of gesigte wat u miskien waargeneem het? ---Die skare, soos ek hulle gesien het, daar was geen vriendelike houding tussen hulle gewees nie. Wat ek daarby bedeel, is hulle gesigte het wreedaardig veergeken, daar was geen lag op hulle gesigte enigiets nie, en elke keer as hulle die uitroep gee en se aan, dan druk hulle nader aan die draadheining wat om die Polisiestasie te Sharpeville is.

P.A. GEEN VERDERE VRAE.

DEUR DIE HOF:

Sal jy nog 'n slag na Bewysstuk 45 kyk. Die perseem wat sy hand se ophou, dit lyk vir ons soos Kapt. Brammer, sien jy hom daar?---Ja.

Nou vir wie hou hy sy hand volgens daardie portret op, vir die bestuurder van die kar, of vir iemand anders miskien? Kyk neei? ---Ek sal nie kan sê nie, vir wat dit vir my veerker is dit nie vir die bestuurder van hierdie voertuig nie. Ek kan nie meer enthou of daar nog voertuie agter daardie voertuig ingeken het nie.

Jy kan nie enthou nie?---Ek kan nie enthou nie.

Dit kan miskien vir 'n voertuig agter daardie voertuig wees, dit kan miskien vir die skare wees?---Dit

kan/

kan meentlik vir die voertuig wees, dit kan meentlik ook vir die skare wees.

Maar jou eie houding - kyk na jou houding op altwee pertrette, is jou aandag op die kar of op die skare? --Op die skare? Nee, my aandag is op die voertuig, maar Kapt. Brunner.

Jy het gesê dit is, sees ek verstaan, onwettig vir n polisiebeampte om n sambek te dra terwyl hy op diens is?---Ja.

Ek weet van geen wet wat dit verbied nie, is dit nou bleet een van die Polisieregulasies of seiets wat dit verbied?---Dit is n regulasie vir ons om nie sambekke te dra nie.

Dit is net blote regulasies...?---Dit is nie n neergeskrewe wet nie.

Dankie, staan maar af.

DIE KROON ROEP:

PIERCE SEROBONYANE s.s.:

(SESUTHEU).

EXAMINED BY P.P.:

Are you a Native or a Bantu Detective Constable in the S.A. Police, stationed at Vereeniging? --- That is correct.

Did you give evidence at the Commission before the Judge? ---No.

Now, how long have you been in the Police Force? --- This is my 14th year in the Police Force.

And how long have you been stationed at Vereeniging? ---In all my life as policeman, I've been stationed here at Vereeniging.

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

Now/

SEROBANYANE/

Now, during your term of office here, were you ever stationed at Sharpeville Police Station as distinct from the Vereeniging Charge Office? --- I was never stationed at Sharpeville Police Station. 1,617

And as a detective, does your work bring you into contact with the inhabitants of Sharpeville Native Township? --- Yes.

Now, whereabouts is your house in relation to the Sharpeville Police Station, is it towards the Municipal Offices side, or beyond that, towards the Sports Grounds side? --- As one enters the location, as one walks past the offices, on the right hand side, my house is situated somewhere there.

Now, on the 21st of March...

BY COURT:

How far from the offices? --- It is approximately half a mile from the offices.

P.P.:

Does Your Worship want me to pinpoint it perhaps a little bit more precisely?

BY COURT:

I don't know whether you want it or not.

P.P.:

No, I'm satisfied.

On the 21st of March, this year, that is the day there was shooting here at the Police Station, did you have to report for duty at the Sharpeville Police Station?

--- That is correct.

And what time did you leave your house to go up to the Police Station? --- I left my house at 5.15 in the morning to proceed to the Police Station.

Did you go by foot, or by bicycle, or some other means of transport? --- I went on foot.

And/

And did you enter Secise Street and walk up towards the Police Station? ---Yes.

Now, when you entered Secise Street, were there any Bantus gathered in the street? ---Yes.

Was there anything unusual about the numbers of the bantus that you saw gathered in Secise Street? --- Yes, I saw a big crowd there in the street, Secise Street.

Was that a crowd that you don't normally see on any other working day, is that what was unusual about it? --- Yes, an unusual crowd.

Were you in civilian clothes?---I was in civilian clothes.

And as you walked up the street, did you hear any remarks or shouts, or observed how members of this crowd was conducting themselves? --- The crowd shouted "Iswe Lethu Africa", and lifted up its thumbs.

Now, what does "Africa iswe Lethu" mean?--- According to my knowledge, it is "Africa, our country".

Have you heard and seen - have you heard these words before in any other location, coupled with the sign that you'd just shown, the thumbs-up sign? --- No.

Has this any special significance, people saying "Africa Iswe Lethu", and giving the thumbs-up sign? --- It means that Africa must come back.

Did you hear any other remarks at that stage, whilst you were proceeding on your way to the Police Station? --- I hear what I've already described, and they were also singing "Nkosi sekeleke Africa".

What does that mean? --- That is Xhosa, I do not understand Xhosa.

And were you involved in any incidents on your way up to the Police Station? --- No.

And/

And at the Police Station, were you detailed to accompany some European detectives on patrol with vehicles through the location? ---That is correct.

Did you eventually, your patrol, bring you back into Secise Street? --- That is correct.

Were the crowds there when you reached Secise Street again?---Yes, many crowds.

Bigger or smaller than that crowd you'd seen originally on your way to the Police Station? --- On both sides of Secise Street, the left and the right side, there was a crowd which lined up the street.

Was that crowd bigger or smaller than the crowd you'd seen earlier when you made your way to the Police Station? ---It was bigger than the crowd I'd seen previously.

What time was this approximately when you came back into Secise Street and saw this bigger crowd? --- It was 6.15 in the morning when we returned.

And did you have to drive past this crowd that was gathered in Secise Street? ---Yes.

In which direction were you proceeding, towards the Municipal Offices or on your way from them? --- We proceeded from the Police Station to the Offices, and then turned again and proceeded again towards the Police Station along Secise Street.

So you went down to the Municipal Offices, turned, and then came back after a while? ---Yes.

Now as your vehicle proceeded down Secise Street on its way to the Municipal Offices, did anything happen as you drove past the crowd? ---Yes.

What was it that happened? --- The people who were standing alongside the street threw stones at our vehicle.

Now you mentioned it was a van. Was this the type of van that they call a 'vangwa'?

BY COURT:

What type of vehicles is that - I don't know...?---I was in a motorcar.

P.P.:

It was a motorcar you were in?---Yes.

BY COURT:

Did they now throw stones at a van or at a motorcar? --- They were hitting this motorcar as well as the van with stones.

P.P.:

Were any of the persons who were either in the van or in your car in a police uniform? --- In our car it was only detectives. The uniformed police were in the van.

And you say stones were thrown at the vans and at your car? --- Yes.

And did any of the stones hit the car that you were travelling in?--- Yes.

Were any window panes broken at all, or were it just the other portions, the metal portions of the car that were hit? --- No window panes were broke, it was only the metal portion of it which was damaged.

Are you able to tell the Court approximately how many stones struck the vehicle in which you were travelling? --- I'm unable to say how many stones struck the car.

Now, before you you have Exhibit No. 2 which is a photostatic copy of an aerial photograph of Sharpeville. Now can you see where Secise Street is?---Yes.

And can you see where the Municipal Offices is? ---

BY COURT:

I think you'd better explain. He seems to be/

be looking at the wrong part of it altogether.

P.P.:

Can you see the Municipal Offices? -- Yes.

And then you get the hostel? ---Yes.

And then you get another public building which is marked on there, the Post Office and the Milk Depot. Then you get the schools and the market and the Bus terminus? --- Yes.

Now, whereabouts were your vehicle travelling in Secise Street when stones were thrown at it? ---

If you can assist the Court by pointing out in the vicinity of which public building that occurrence took place? --- That is...

BY COURT:

Mr. Interpreter, apart from the map, can he remember near which place that took place, near the offices, the communal hall? --- Just on the short street which passes near the school, the first street which passes just below the school, it was just there the car was stoned.

P.P.:

And did your vehicles, or the convey you were in, did they stop when the stones were thrown, or did it proceed on down the street? --- It proceeded on, it did not stop.

And did you meet any other detachments of police further down towards the East, that is the Municipal Offices side in Secise Street? --- Yes.

Near what building were they drawn up? --- They were standing in front of the Municipal Offices.

And can you recall the rank of the officer who appeared to be in charge of the police detachment there?

--- It was a certain Captain.

A Verseniging policeman, or from another

centre/

centre?—I do not know whether he is a Captain of here, but he was a Captain.

Do you know Capt. Caweed?—Yes.

And this Captain apparently wasn't Captain Caweed? — I did also see Capt. Caweed, but the one I saw there, it was not Capt. Caweed.

Was Capt. Caweed also present together with this other Captain? —Yes.

And were there any crowds in the vicinity of that police detachment that was drawn up there, with Capt. Caweed? — Yes, a very big crowd.

And in which direction was this big crowd moving? —It was standing at one spot, it was not walking, that crowd.

Was there anything that prevented it from going further?—No.

Where were the police,—at the Municipal Offices, this Capt. Caweed, what were they doing there?— They were standing outside the vans, standing there doing nothing.

Did you notice whether any of the police officers spoke to the crowd in general? —When the crowd proceeded towards the direction of the Police Station, near that area there called "Putsae Setenie", on the Map, Exhibit 2, the crowd stopped there and the Captain spoke to the crowd then.

Is this in the vicinity of the Municipal Offices now that you're talking about?—No, it is just — he is pointing at this portion marked 'A', but towards Sedra Street, the block where Putsae Setenie is marked, he is pointing there. The crowd stopped there..

BY COURT:

I can't follow the evidence, you'll have to

give/

give me another print, it must have that on there, please.
Does he point to the letter 'A' on Exhibit "7" --- In Secise
Street, at the intersection of ...

I can see no 'A' in Secise Street?---There
is no 'A' - the 'A' is towards the North in Secise Street,
from that intersection.

Get back to Secise Street. Show me in what
part of Secise Street this crowd was. You can see the words
there, the Milk Depot, do you know where that is, the Post
Office, the Hostel, the Brewery? ---Yes.

Well now? ---Just in front of the School in
Secise Street.

Just in front of the school?---Yes, where
there is the first indication of a '1'.

Just in front of the words Secise Street?---

Yes.

At the '1'.

P.P.:

But we were talking about the Municipal
Offices. How did the crowd get up to there? --- The crowd
was along Secise Street there, it filled up Secise Street.
The police then left the Municipal Offices for the spot
where I've just indicated to you.

And what happened to the crowd as the police
proceeded up from the Municipal Offices towards the spot
you've just indicated? ---When the vans and our car was as
far as the second '1E', the crowd then stood in front of the
vehicles in Secise Street and blocked our way.

Now look, I'm getting all confused now. You
were down at the Municipal Offices where you saw Capt. Cawood
and another Captain, isn't that correct?--- Yes.

Is that clear to you, at the Municipal Offices
where Capt. Cawood was, and another Captain? --- Yes.

You/

BY COURT:

You say there was a crowd in Secise Street, facing the policemen? ---Yes.

How how far away from the policemen was this crowd in Secise Street? --- The police were standing in the middle of the road while the crowd paraded on the pavements of Secise Street.

How far away from the policemen was this parading crowd - what distance? --- A distance of about from where I'm standing to the wall there.

BY COURT:

About 8 paces.

P.P.:

And did any policeman - did you notice any police officer speak to the crowd there, at that stage? ---No, I did not.

Then the police apparently moved off from that position outside the Municipal Offices, approaching up Secise Street, towards - in the direction of the Police Station. Is that correct? --- Yes.

And what happened to the crowd which was 8 paces away when the police moved off, up the street?--- When the vehicles moved off, the crowd also followed us.

BY COURT:

Behind the police now? The crowd followed behind the police?---They followed behind the police. |

P.P.:

The two Captains, were they in the same unit that moved off down Secise Street, or did they remain behind? ---They also left.

Was there any difficulty in moving with these vehicles along the street? --- There was no difficulty in moving the vehicles along Secise Street. The only difficulty which was encountered was the throwing of stones, which

damaged/...

damaged the cars.

So more stones were thrown from the crowd, I take it? ---Yes.

And was the vehicle you were in struck again?---Yes.

Now how far up Secise Street did your vehicles proceed before it stopped again? ---Just after having passed the Post Office, proceeding towards the Police Station, the vehicles then stopped, in that vicinity.

Did you see the reason why the van stopped? --- Yes, I did see the reason why we stopped.

What was it?---It was because the crowd blocked the way, the vans could not pass.

And did any police officer speak to the crowd at that point? --- The Captain whom I do not know, then spoke to the crowd.

Did you hear what he said? ---I did not hear what he said because of the noise.

And how did this crowd react to this Captain when he was speaking to him? --- The crowd did nothing other than shouting and singing and putting up their thumbs, and the others shouted and said "Why don't you shoot".

What happened after that, after the Captain spoke to the crowd? --- While the Captain was addressing the crowd at about 10 o'clock, I and Captain Clete then left and proceeded to Evaton.

So you didn't see what happened to the crowd before you left for Evaton? --- No.

And did you return to Sharpeville again after having been to Evaton? ---Yes.

And were you present at the Sharpeville Police Station when the police opened fire? --- Yes.

What time did you arrive at the Sharpeville Police Station/...

Station, coming back from Evaton? --- When I returned from Evaton we still found the crowd standing at the same spot where we left.

What time did you return to Sharpeville Police Station, having been to Evaton?---We returned from Evaton at 11.30 a.m., and then we stopped at the spot where we originally left the crowd until we left at about 2 - I think we arrived at the Police Station about 2p.m.

Well the spot you're talking about, is that the spot in the vicinity of the Post Office where the Captain had been addressing the crowd before you left for Evaton? ---Yes.

And how long did you stay there at that spot? --- (Before reply) When you came back from Evaton? --- Approximately an hour and a half or two hours, that we remained at that spot.

BY COURT:

Is this spot in Secise Street now?---Yes.

P.P.:

And what eventually happened to that crowd that was gathered in Secise Street? --- While we were there, there was a person there amongst the crowd, who was wearing this soldier's lumber jacket.

Tell me a little bit more about this person? --- Then this person said to the crowd it should go up to the Police Station, all of it. Eventually the crowd then went up to the Police Station. We then followed behind the crowd.

Did you see who led them up to the Police Station? ---It was the same person who was wearing the soldier's lumber jacket who requested the crowd to go up.

And did you follow this crowd?---Yes.

And where did this crowd go to? --- This crowd proceeded/

of the Police Station.

And you were there when the firing took place at the Police Station?---Yes.

And afterwards, did you go out and help with bringing in the wounded and the dead? ---Yes.

And later on, approximately a month later, on the 9th of April, this year, at Beksburg, did you attend an identification parade? ---Yes.

When you were brought on to the parade, what did the officer in charge of the parade ask you to do? --- We were asked to point out those people whom we saw at the Police Station on the 21st of March.

Were you able to point out anybody?---Yes.

Will you be able to point out those persons whom you saw on the parade today, if they are present here in Court?---
Yes.

BY COURT:

How many people did you point out at the parade? ---

Five.

Yes.

P.P.:

Will you go down and examine the people who are seated on the right hand side of the Court and see if there is anybody there that you pointed out.

MR. UNTERHALTER:

Your Worship, before the witness proceed to do this, I must say to the Court that I've been given certain information by certain of the accused. I do not wish to make any submission to the Court before I get fuller instructions - the information was given to me really by only one of them, and I would welcome an opportunity, at this stage, if Your Worship would grant it to me, of a very short adjournment to
get/

get the opinions of some of the other accused in connection with a matter that was raised with me, whereafter I may have to make an application to the Court, or I may keep my peace, but if Your Worship will give me, say, five minutes adjournment, I'll not detain the Court longer than that.

COURT ADJOURNS.

COURT RESUMES:

BLERCE SEROBANYANE
MR. UNDERMASTER TO Court:

Your Worship, there appears to be some disquiet in the minds of the accused regarding the question of their identification in Court. There isn't anything specific about which I've been instructed, but their attitude is this, that they sit in this Courtroom, and they are available, so to speak, for inspection by people who might look in through the door, or who might come in before the Court commences and look at them, and they feel they would like to be protected. Now, Your Worship, there is one suggestion which I would like to make on their behalf, with respect, at this stage, that may perhaps allay their disquiet and it is this. As far as the Court generally are concerned, their numbers are fairly well known, but even if they are not, they would like to have the number, instead of being displayed outside on their lapel, put into their pocket and if it then becomes a question as to whether No. so-and-so is No. So-and-so, to produce it from the pocket. They feel that in those circumstances, if there is anything at fault with an identification which they suspect might arise through associating a particular number with a particular person, that they would enjoy that measure of protection, and it is for that reason that at this stage, on their behalf, I suggest that to the Court for consideration.

P.P.:

It is perhaps a natural fear which accused people
might/

might entertain. Perhaps I might make a further suggestion before my identifying witness identifies anybody, if he should do so, that we could allay their fears further by jumbling them up a little bit - they should be in serial order, if that is the fear.

BY COURT:

No, I'm not going to jumble them up, we'll never get them back in their correct order. No. I'm sorry, I can't agree with that suggestion, but what is there to stop the accused themselves - they are now suspicious of the witness - what is there to satisfy me that they are not going to sit in the wrong order, with their numbers hidden. I'm a bit suspicious myself. They can mix themselves up there without these numbers displayed, can't they.

MR. UNTERHALTER:

Well, Your Worship, I think I could on behalf of the accused give the Court...

BY COURT:

Well you see, that's all right. The accused give assurances, but they don't trust anybody else.

MR. UNTERHALTER:

Your Worship, with respect, there is a difference. I must say this, they are in jeopardy because they are on trial, and being in jeopardy, I think that if there is any merit at all in this disquiet they...

BY COURT:

I'm full agreement with their taking those numbers off if they want to, provided we are going to be certain that the man who sits in the position of accused No. so-and-so, is going to be that person. I have sat now for almost two months, and if I have to identify any of those men at the back, pass them in the streets, I wouldn't be

able/

able to. I can identify these six men sitting in front, and that's all I can say about it.

MR. UNTERHALTER:

Well, Your Worship, this morning Hmpt. van der Berg drew my attention to the fact that there had been an interchange of two people, one of them appears to be a little worried, but I would submit that the Captain is, if I may say so with respect to him, a competent officer who would be watching them in any event. I can't of course personally guarantee this, but I would say this, I do believe that I enjoy the confidence of the people whom I represent sufficiently well to say that if they give me an undertaking that they will remain in their proper positions, and I ask them to honour that undertaking, they will listen to me exactly the same way as I'm perfectly sure they will respect an order from the Bench, that if the numbers are concealed, they must remain in their correct positions. In any event...

BY COURT:

I haven't got any undertaking from them that they are going to keep those number tabs, not loose and thrown about, or come along with some other tabs with another number on it.

MR. UNTERHALTER:

Perhaps, Your Worship, the suggestion was made that instead of the number being displayed it should be tied on and turned round the other way.

BY COURT:

No, I don't know that tying on makes any difference. To have a ticket there with nothing on it, is useless.

MR. UNTERHALTER:

May I just add this, Your Worship, it is a serious matter, and I think the accused realize that in this respect they/

they're really on trial on another aspect, and that is they must keep faith with the Court, and if they should abuse any indulgence that the Court should extend to them, I think the accused are well aware that they would then have to take the consequences. That being so, I submit that the Court is in complete control of the situation and...

BY COURT:

I'm mindful of the incident the other day, when something the Court Orderly did was complained about. I haven't gone into it or what happened...

MR. UNTERHALTER:

There have been isolated incidents throughout this period, and Your Worship will recollect that...

BY COURT:

No, the accused seem to have a general suspicion against everybody.

MR. UNTERHALTER:

Well, I wouldn't go so far, with respect, as to say that they have a suspicion against everybody. I'm sure that the people who are present, the people in this Court, and if I may say so, with respect, Your Worship too, enjoys the confidence of the accused. There is no question that, as far as that is concerned, that their disquiet does not exist, but Your Worship, the Court will recollect that yesterday, in the course of my cross-examination of Cons. Beyl, I put certain questions to him about his presence in the precincts of this Courtroom, and he said that he was just outside there. Now perhaps it is in order to be outside there, I should imagine, however, it would have been much better for him in the circumstances, to have remained in his waiting-room and not to have come anywhere near it. Now, right or wrong, that is the impression that's been sown in

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the minds of the accused, but Your Worship, I think I could say with full authority that the accused are not suspicious of everybody. In the nature of things there were a very large number of Police witnesses that had been called, identification is an issue in this case, policemen remain outside, certain of the policemen live in Vereeniging, and although I make no imputation at all that anyone has acted improperly, ^{if} the accused entertain the notion that one policeman might perhaps be taking another policeman into his confidence, then, in order to let them have peace of mind, if I may put it that way, any provision that can be made that would assist in that, certainly at the beginning, I submit, can only advance the interests of justice and not retard it, and for that reason I would merely ask that they be permitted either to turn the label around, or to put it in their pocket, and to give on their behalf the assurance that they will not alter their positions, if I may say so with respect, I wouldn't go as far as my learned friend in suggesting that they be mixed up, although I do appreciate that he makes that suggestion to Your Worship, it is the desire on his behalf also to...

BY COURT:

We are not going to conduct identification parades in Court, yet.

MR. UNTERHALTER:

I don't ask for that, Your Worship, and I am indebted to my learned friend for this demonstration of fairness and I'm sure that it just springs from that, but I do suggest that this proposal about the labels might have your consideration.

BY COURT:

I want to ask all the accused, I want to ask each individual/...

individual accused, does he know what his number is?
 Johannes Monyake, you are accused No. 1, Thaddeus Netampe,
 you are No. 2, Nyakana Tsele, you are No. 3, Thomas More,
 you are No. 4. Albert Matlala, you are No. 7. Emmanuel
 Teketsi, you're No. 8. The next number is No. 19, Adam
 Saikwane. No. 22, Isaac Motaung. No. 24 Azail Kutoane.
 No. 27 Johannes Seretho. No. 30 Anna Lethege. No. 31
 Thomas Msinango. No. 36 Peter Thabane. No. 41 Simon
 Mhlambi. No. 43 Edward Moloto. No. 52 George Qotshai,
 No. 63 Leeahael Musibi. No. 65 Hophay Marabe. No. 74
 Messes Mooli. No. 75 Paulus Moleke. No. 76 Peter Molefe.
 Very well. Now 38 and 39 are there of course, they're
 the tother two defending themselves, Stefaans Lope and
 David Ramedibe. Is that right now?—Yes.

Now, you heard your numbers, you've got your
 numbers and can each remember his number. Very well, to
 help you remember these numbers, you've each got a label
 with a number on. You may now take those labels off, but
 each one must keep his label and always have it with him
 when he is in Court, so if called upon at any time, he must
 be able to show it. Clear? Now I'm doing that, I'm making
 this order because it is of importance that you people
 should think and know that you are being tried fairly.
 Although I may be satisfied that you would be tried fairly
 with the numbers displayed, if you feel that you're not
 quite happy, you're now happier, then that is the point that
 matters.

In regard to witnesses not yet called, Mr. Pres-
 enter, I would suggest that they do not wait immediately
 outside the Court door. If there is a waiting-room some-
 where, let them do so, out of hearing please.

P.P.:

Your Wership, Captain van der Berg and I anticipated
 this/

this sort of trouble and we did instruct witnesses please, there is a waiting-room just outside here, Sir, to remain there and not to come within the precincts of the Court. Unfortunately, whenever we do see one who might not obey that instruction, we chase them away straightaway.

BY COURT:

Very well, but they might be told before the time, in the mornings, that they are please not to come near the door, please not to come so close to the Court that anybody has the impression they are peeping in or listening.

MR. UNTERHALTER:

Your Worship, may I thank the Court.

THE CROWN CALLS:

PIERCE SEROBANYANE s.s.:

BY COURT TO MR. UNTERHALTER:

There is a further point, Mr. Unterhalter, as the witness points out somebody, how are we going to get the number on record without the witness then, after his pointing out, knowing the number. He is then as able to convey it to somebody outside as he would be otherwise. I'm afraid, to get the matter recorded properly, as the man points out an accused, if he does, I must have that accused person's number.

MR. UNTERHALTER:

Yes, that is so.

EXAMINED BY P.P. (continued):

Before the tea adjournment you were asked to step down and to examine the persons seated on the right hand side of the Court, to see whether any of the persons you identified at the parade are present here today.

BY COURT:

Is it correct that this witness was outside the Court during this discussion now?

P.P./

P.P.:

Yes, that is so.

BY COURT:

Out of hearing? Are you satisfied that he was out of hearing? Accused generally nod that they are satisfied that he was out of hearing. Very well.

Now, step down and see if any of the people whom you identified at the parade are in Court. Don't confine yourself to these on the right hand side only, in other words, you may look at the side where the public is seated. Now go down and have a good look and see if you can point out these people. All right, we don't need your ticket, No. 3 No. 3, No. 1 - now these numbers I want please, No. 19, No. 22, No. 27.

All right, the witness seems to be finished. Yes, Mr. Prosecutor.

P.P.:

Now let's deal with accused No. 3. Where did you see him? ---

BY COURT:

On the 21st of March, where did you see him? --- I saw him at Sharpeville Police Station.

P.P.:

What was he doing when you saw him? --- He was walking in front of the crowd, shouting and saying "Africa iswe lethu", with his arms lifted up, both his arms lifted up.

Did you see what happened to accused No. 3? --- I do not know what eventually happened to accused No. 3.

BY COURT:

You then did not see what happened to him? --- Yes.

P.P.:

And accused No. 1, where did you see him on the 21st of March? --- Sharpeville, out side the fence.

BY/

BY COURT:

At Sharpeville - Where outside the fence? ---
Outside the Police Station yard.

P.P.:

What time was that? ---I think it was after two o'clock.

Whereabouts did you see him - you've got the portion of the fence which is right opposite the clinic. Do you know which fence I'm referring to - that is called the portion on the Western side. Do you know which side I am referring to now, the Western side?---Yes.

And you know right in front of the Police Station, in that street called Zwane Street, it is a big street with an aisle in the middle, that is called the Southern side of the Police Station. Do you know whereabouts that side is now, in your mind? ---Yes.

Then of course you've got the sides opposite to these. Now whereabouts, on which side, did you see accused No. 1? ---I saw accused No. 1 on the clinic side of the Police Station.

BY COURT:

On the? ---Clinic side, on the Western side of the Police Station.

P.P.:

And what was it that attracted your attention to No. 1 accused? ---I was looking at them.

Yes, but how did it come about that No.1 attracted your attention. I take it you weren't looking at him directly, but something must have attracted your attention. Were there other people gathered round there, in that vicinity, round that fence, or was he by himself? ---There were other people, there were many.

And/

And did you know No. 1 at all before this particular day, the 21st of March? — Yes.

BY COURT:

You knew him previously?—Yes, I knew him previously.

P.P.:

How had you learnt to know him?

BY COURT:

I don't know if that is relevant, until he raises the matter. What was he doing when you saw him, standing still, or doing what? — They were standing there, shouting...

No, I'm concerned with No. 1 only? — He was standing there, saying "Africa iswe lethu".

Apparently with others, is that why you say 'they'?

---Yes.

P.P.:

Was that the only occasion on that day when you saw No. 1?—Yes.

Did you see what happened to him....

BY COURT:

Just a moment. Do you know which man we're talking about as No. 1 accused now?—Yes, I'm pointing at him.

That is right, you are pointing at him.

P.P.:

Did you see what happened to No.1 eventually?—

No.

And accused No. 19...

BY COURT:

Let him just for a moment stand up, then he can sit down again. That's the man we're talking about now.

P.P.:

Where did you see accused No.19 on the 21st of March/

March? ---On the right side of the Police Station, that is still on the Western side, on the North side of the main entrance gate of the Police Station.

What was he doing? --- They were shouting there and saying "Africa".

No. 19, what was he doing?---He was staying there, saying "Africa Iswe Lethu".

No. 22?

BY COURT:

Yes, all right, sit down.? --- I saw accused No.22 when we loaded them in the vans.

I beg your pardon,"when we loaded them into the vans"?---Yes.

What stage was that? Was that the first time you saw him? ---Yes.

P.P.:

Was that before or after the shooting?--- After the shooting.

Was he wounded? --- Yes.

Now, whereabouts was No. 22 accused picked up from and put into the van? ---He was on the tarred portion between the clinic and the Police Station.

BY COURT:

Were you there when he was picked up?---Yes, I was present.

P.P.:

No. 27?---No. 27 was standing in the area in Zwane Street, earlier.

When you say earlier, do you mean before or after the shooting?---That was before the shooting that I saw him there.

You saw him standing in Zwane Street, and where was/

was he standing in relation to the Police Station? ---
Not far from the fence of the Police Station.

And what was he doing? --- He was also shouting,
saying "Africa Iswe Lethu".

Now, I want to show you an Exhibit, Exhibit 9. How
would you describe this Exhibit? --- This Exhibit 9, jacket,
the witness describes it as similar to the one which was
being worn by a person who requested the crowd in Secise
Street to follow him up in the Police Station direction.

Exhibit 9 then must be this article of clothing
which you described as an army lumberjacket? --- Yes.

Will you be able to point out the man when you
saw wearing Exhibit 9, that is the army lumberjacket? --- No,
I'll not be able to point him out.

Where exactly were you when the firing commenced
by the police? --- I was standing on the right side of the
main entrance gate on the Western side, against the cell
walls.

And when the firing broke out, what did you do? ---
When the firing commenced, I sang underneath the detec-
tive's vehicle.

BY COURT:

Under the detective's? --- Vehicle. I hid myself
there.

Did you hide yourself? --- Yes.

P.P.:

And did you come out after the firing had
stopped? --- Yes.

Was this the first time that you'd been in the
neighbourhood of firing? --- Yes.

Now, during your stay in Vereeniging, in the Sharpe-
ville Native Township, have you heard of the Pan African
Congress/...

Congress? --- Yes.

And did you ^{1,641} ever have any circular letters or pamphlets from them, having been put in your letter-box or pushed under your door, pri^{or} any time prior to the shooting?

--- Yes.

On how many occasions did you find these types of circular letter in your post-box or under your door? ---

I think it was on two occasions, if I'm not making an error.

And were they put in your letter-box or pushed under your door?---They were pushed under my door.

Did you see or hear when they were pushed under the door, or did you just wake up the following morning and find that these things were there?--- I found them there in the mornings. I did not hear when they were being placed under my door.

And were they in English language or in a native language? ---If I'm not making an error, some of them were written in English language and others were written in Sesuthu language, that is a native dialect.

And what were the contents in general of these two circulars - what did you understand by them? --- Although perhaps I may not be able to recall all the contents of the pamphlets, I do recall that some of them stated that on the 21st of March, no male person will go to work. They went on further and stated that if people are arrested, then they should not ask for bail or engage defence counsels.

And was there any indication on these letters what body or who issued these pamphlets? ---I do not know.

Will you have a look at Exhibit 5, just read it through - I just want you to make yourself acquainted with it because I'm going to ask you some questions about it? Now, how does the substance of Exhibit 5 compare with the substance

of/

of the circular letter that you read? ---Yes, it is similar.
And how does the mental picture which you carry in
your mind of the manner in which the circular which you read
was set out, in the way of the paragraphs, the way it was
printed, the spacing, compare with Exhibit 5? --- I think it
compares.

And who is supposed to have issued that - what
words stand at the bottom of Exhibit 5? --- R. Sebukwe.

And any designation as to who that man is, on that
Exhibit 5? --- Yes, National President....

That's all right, you say issued by the National
President of the P.A. C. Now, does that perhaps assist you
- can you tell the Court now who purported to issue the cir-
cular that you read? ---R. Sebukwe.

Now, the other pamphlet that you - you say on two
occasions circulars or pamphlets were pushed under your door,
was the substance of the other pamphlets any different to the
one you've just described? --- It is not different, but the
other circular, the matter inside was short. It was not as
long as this one, and it was white in colour.

And can you remember what the substance was of that
circular? ---No, I cannot be able to remember all, but I do
remember what was written.

Yes, tell me please? ---The circular stated that
on the 21st of March, 1960, no male person should go to work.
And that they demanded £35 per month as wages, that is £8 per
week. Further on it stated that they demanded £1 a day.

Can you recall which of the two came out first,
the one you've just described, or the previous one? --- The
one described first, it is the one that I saw first.

P.P. NO FURTHER QUESTIONS.

BY COURT:

What happened to these pamphlets that you found
under/

map. Then the crowd followed behind, proceeded and joined the crowd which was higher up Seaside Street and which later on blocked the way for the police to pass.

Now, the police that proceeded this crowd, I take it, walked with their backs to the crowd that was following behind these police? — Yes.

And did they come to the point where this other crowd was in safety? — Yes.

Now, you say that when you — you went off to Evaton some time after that, and then you returned? — Yes.

It would be about 11.30, did you say that you returned — I'm not sure about that? — Yes, that's what I said, 11.30.

And the same crowd was still there? — Yes.

That is the crowd towards which the police were going and the crowd that had followed the police, I'm not saying the same individuals, but approximately the same size. Is that what you're saying? — Yes. The crowd which followed the police behind, when it reached the point where the other crowd was, it then separated into two and then again joined behind the other crowd which eventually then blocked the way for the police.

Whether they were the same people or not, there was a crowd of similar size in the same spot when you came back from Evaton? — Yes, that time it was a very large crowd.

Now, did I understand you to say that having returned at 11.30, you remained at that spot until about 2 o'clock? — Yes, I said so.

Now, you must have come to the Police Station very shortly before the firing, or a long time before the firing? — We remained there at the Police Station after I arrived there, for some time, and then the firing commenced.

Now/

1,645

SEROBANYANE/

Now, perhaps you're mistaken about the times - I don't think these times are right, according to the evidence we've had from others, it can't be 2 o'clock? --- I've already said that it is possible that when we arrived there at the first spot where we stopped, it was approximately 11,30 and I also said it is possible that it may have been 2 o'clock in the afternoon when we arrived at the Police Station.

You didn't look at your watch, did you?---I do not possess one.

You see, the firing is supposed to have commenced roundabout 1.30, so you must have got to the Police Station earlier than that, if you got there before the firing?--- If you say the firing started at 1.30 or it happened at 1.30, then I cannot deny that.

Now, you went to the Police Station and did you notice what happened just before the firing, were you watching the Western fence?---Yes, I was watching.

Did you see any Africans inside the grounds, who were not policemen and who were wearing civilian clothes?--- Yes, I did see them.

Did you notice if any of these people were arrested? ---I noticed that a tall one was arrested as well as a short person.

Now, did it seem to you as they were being arrested, was their body taken by the policeman in the sense of a hand being placed on the arm of the one being arrested? ---Yes, that's what I saw.

Can you perhaps remember seeing a man with a straw hat who was arrested?--- Yes, I knew a straw hat, but I do not remember seeing a person with a straw hat being arrested.

Were any person wearing a red waistcoat arrested?

No, I do not recall-

Did/.

Did you notice whether this tall person, as you describe him, seemed to resent what the police were doing and there was a kind of struggle between them? — No, I did not see this person resent what was being done to him by the police. I could not see, because I was obstructed by the Police Station.

Did you see any of the police strike any one of the men who were being arrested — hit him? — No, that I did not see. Or try to trip him? — That I did not see.

Just before the firing, did you hear anything of the special? — It was the noise of the crowd which I heard. You only heard shouting coming from the crowd? —

And a stone which I noticed, which struck a European constable who were standing on the south side of the main entrance gate of the Police Station. You heard the police firing revolvers shortly after this, and rifles? — Yes.

So you heard shouting, and you saw a stone — did this come out of the crowd? — Yes. Was there anything else startling that you heard during the firing? — No, I should tell the direction of the crowd that you think you should tell the Court about? — Yes. I heard two sounds which sounded

pointed out at the identification parade, as being present as the sounds of a revolver. Coming from the crowd? — Yes.

And you said it was from the Western side? — Yes. Now, would it have come from the Western side after 2 o'clock, i.e. between the big gate and the Police Station yard? — Yes.

Not from the Zwane Street side? — Yes. I take it that you will where? — In the vicinity of the Police Station and the person was, and wherever you were. I should have seen the clinic, that is where the sound came from after 2 o'clock, if you accept that the sound was about 1.30? — It was in the vicinity of the clinic and the Police Station, just in front of the

Not from the Zwane Street side? — Yes. I take it that you will where? — In the vicinity of the Police Station and the person was, and wherever you were. I should have seen the clinic, that is where the sound came from after 2 o'clock, if you accept that the sound was about 1.30? — It was in the vicinity of the clinic and the Police Station, just in front of the

Did you hear any shots at all, at any stage, while before the firing, would you say? — Yes.

Dis/...

Did you notice whether this tall person, as you describe him, seemed to resent what the police were doing and there was a kind of struggle between them? — No, I did not see this person resent what was being done to him by the police.

Did you see any of the police strike any one of the men who were being arrested - hit him? — No, that I did not see.

Or try to trip him?—That I did not see.

Just before the firing, did you hear anything special? —It was the noise of the crowd which I heard.

You only heard shouting coming from the crowd?—
And a stone which I noticed, which struck a European constable who were standing on the South side of the main entrance gate of the Police Station.

So you heard shouting, and you saw a stone - did this come out of the crowd? —Yes.

Was there anything else startling that came from the direction of the crowd that you think you should tell the Court about? —Yes. I heard two sounds which sounded as the sounds of a revolver.

Coming from the crowd?—Yes.

Now, would it have come from the Western side, i.e. between the big gate and the clinic, or would it have come from the Southern side, i.e. towards Zwane Street, or where? —In the vicinity of the Police Station and the clinic, that is where the sound came from.

Not from the Zwane Street side? — As far as I could hear, it came from the direction in the vicinity of the clinic and the Police Station, just in front of the clinic.

Did you hear any shots at all, at any stage,
from/...

from Zwane Street? ---No, I did not hear any shots.

You didn't see any policemen in Zwane Street shooting?---The police who were standing in Zwane Street, I could not see, because I was obstructed by the Police Station.

These two shots that you say you heard, were they loud shots or soft shots? --- They were loud shots, the shots of a revolver when it fires.

Would you say, if you can, whether they were of the same loudness as revolver shots fired from a police revolver? ---I have no experience concerning the noise caused by a police revolver and an ordinary revolver.

You can't tell us?---No.

You heard the police firing revolvers shortly after this, and rifles?---Yes.

You can't say if there is any difference between the first two shots and any revolver shots that you may have heard during the firing? --- No, I cannot explain.

Now, you said that you saw various people, you pointed out at the identification parade, as being present at Sharpeville Police Station on the 21st of March?---Yes.

And you said in your evidence in chief that about after 2 o'clock, you saw No. 1 accused outside the Police Station yard?---Yes.

I take it that you will agree that whoever the person was, and wherever you saw him, it couldn't have been after 2 o'clock, if you accept what I say that the shooting was about 1.30? ---It was my own opinion when I said we arrived at the Police Station at 2 o'clock, and I already agreed that I do not deny when it was put to me that the shooting commenced at 1.30.

So you claim to have seen accused No. 1 a little while before the firing, would you say?---Yes.

Did/...

Did you pay particular attention to him? — I only had a look at him, I did not pay particular attention to him.

Have you seen him previously in the location, in the course of your duties? — Yes, he is a person whom I've often seen.

You recognized him clearly, is that what you're saying? — Yes.

You're quite sure about that?—Yes.

Now, we've had evidence in this Court that No. 1 accused was arrested many hours before the shooting. I'm not going to make the assumption that he was arrested and thereafter released, we haven't heard that, but on the assumption that he was arrested and detained, do you still persist in saying that it was No. 1 accused that you saw just before the firing, outside the Police Station? —Yes, I still say it.

You are aware that you are giving evidence under oath before His Worship? — Yes.

And that it is your bounden duty to speak the truth and nothing but the truth?—Yes.

And you still persist in claiming that you saw No. 1 accused shortly before the firing, dancing and shouting 'Africa', in front of the Police Station? — Yes.

Now, are you equally certain about the behaviour of No. 19 - I'm not querying his presence there, but are you certain he was doing the things that you described? —

BY COURT:

No. 19 - make sure who is that man.?—Yes, I am certain.

MR. UNTERHALTER:

As far as No. 22 is concerned, did you observe him

at/

at about the time that the aeroplanes were flying over -
were you at the Police Station then? ---Yes, I was present
when the aeroplanes flew about the Police Station.

You were there for the whole period when the
aeroplanes flew about?---No.

For most of the period? ---Yes.

I'm sorry, I was drawing your attention to accused
No. 22, I meant to draw your attention to accused No. 27.

Now, did you notice him during the period that the aircraft
was flying around? --- Yes.

Did you have a very close look of him?---Yes, I did
have a look at him.

You say that he was shouting "Africa Iswe Lethu"?
---Yes.

Now, I'm not querying his presence there, but
are you perfectly certain that you pointed him out at the
parade? --- Yes, my mind leaves me that impression that I
pointed him out at the parade.

You say your mind tells you that. Do you mean that
you're not perhaps certain? ---I have forgotten. This happened
some time back, my memory does not recall everything very
well.

Now I want to ask you a question. When you told
His Worship in your evidence in chief that you pointed out
accused No. 27 at the parade, why didn't you qualify that and
say "I'm not quite sure, I may have pointed him out", then
His Worship could have the exact state of your mind? ---
At that time I did not say that because I did not think of
saying it.

I don't understand that. You knew that everything
that you say is going to be weighed, and therefore you must
give your evidence carefully and not negligently, don't you?

---Yes.

Is/...

Is it possible then that in having described No.19 and No. 27 as having behaved in the way that you say you saw them behaving, but in fact you're also not quite certain, that you want to tell His Worship that? --- No.

Because you see, No. 27 is also going to deny that he behaved in the way you described. He's going to say that he was there, he may not have been on that spot there, but he didn't behave the way you say he behaved. What do you say to that? --- There is no person who can admit when he is arrested already, he must deny everything.

Is that the view you have of human nature? ---Yes.

Now, - but apart from No. 27 having....

BY COURT:

Though sometimes people do plead guilty.

MR. UNTERHALTER:

You said that accused No. 27 said "Africa Iswe Lethu". There was nothing else that you noticed about No. 27? --- No.

At no time?---Yes.

You see, it is said by somebody else that at the time that the aeroplanes flew over, he, among others, waved his fists at the aeroplane and indicated, gave the impression, that if he and they could have dragged the aeroplanes out of the sky, they could have done so. You noticed nothing of that, I assume? ---That I did not notice.

Now, you've also said that you saw No. 22 being loaded into the van after the shooting, presumably as a wounded person? ---Yes.

BY COURT:

Look at him carefully again, let him stand up?

MR. UNTERHALTER:

You have no doubts about what you said? ---No.

Do you know him well, or was that the first time you'd/...

you'd seen him? --- I knew him well.

Do you claim that you recognized him as someone you knew well, as one of these unfortunate people who'd been hit and who was then being taken away? --- Yes.

You see, he will give evidence that he was wounded, but he is going to say that he wasn't taken away outside the Police Station, assisted by the police? --- (Before reply) He is going to say that wounded as he was, he was able to make his way home, and it was from there that he was taken to the Vereeniging hospital? --- Most people when were removed to hospital, on arrival at the hospital they then ran away and returned to their homes.

Will you just comment on what I've said to you? I'm putting it to you what accused No. 22 is going to say in evidence, that he wasn't loaded into a van - I assume when you say he was loaded into a van, it was with police assistance, do you mean that?---Yes.

BY COURT:

Accused No. 22, as you put it to him, say he was never loaded into a van?

M.R. UNTERHALTER:

He says he made his own way home? 999If he say so, then I do not know, but I saw him there at the van.

Just one moment. You say 'If he says so, then you do not know', do you mean by that that you're not able to deny his version, viz that he was not loaded into the van? --- I deny that he was loaded into the van.

Are you saying that correctly, do you say you deny that he was loaded in, or do you say you deny that he was not loaded in? --- I will contradict that when he says he was not loaded into the van.

BY COURT:

"I will contradict it when he says? ---He was loaded/

loaded into the van.

He was loaded into the van? --- Yes.

Then you deny that he was loaded into the van?

Is that right? --- We loaded him into the van.

Oh, make up your mind what you are going to say please. You deny that he was loaded into the van, but you say "We loaded him into the van". Now, those are two inconsistent statements. What are you now trying to say? --- I deny it when he says he walked on his own feet. I say he was loaded into the van.

BY THE COURT : TO THE INTERPRETER:

Mr. Interpreter, are you having any difficulty in understanding this man, or is your interpretation correct?

--- No, I am not having any difficulty.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Anyway, you are quite clear that you loaded him, together with other people, into the van? --- Yes.

You will admit that it was at a time of very great confusion? ---Yes.

I am sure that you together with everybody else, was trying to do your best to get people away as quickly as possible and to help them? --- Yes.

It was not a time for standing by and taking careful note of what a person looked like? --- There was no time, but if you know a person then you know him.

And is there anything apart from the fact that you happen to know this man, as you claim No. 22, that makes you remember him today so clearly as a person that you loaded into the van? --- No.

Do you know anything about his wounds by the way, if you took notice of him? ---No.

I want to put it to you that particularly in regard/....

in regard to your evidence regarding No. 1 accused, ^{and} that generally you have very poor powers of observation and recollection, and that is what I shall submit to His Worship when I argue this case. Now, what do you say about that? --- Will you please repeat the question?

I say that your powers of observation and memory are very ^{poor?} ~~poor~~ You can't rely on them, nor can anybody else? --- I heard that.

CROSS-EXAMINED BY ACCUSED NO. 1: No questions.

CROSS-EXAMINED BY ACCUSED NO. 3:

You have already told the Court that when you saw me there at the Police Station, I was shouting and saying "Africa! Iswe Lethu!" Are there no other things which you could perhaps tell His Worship that you saw me doing at the same time as I did these things that you have described? --- No, there are none.

At the stage when you saw me at the spot where you say you saw me, were you standing on the stoep of the Police Station, or were you walking up and down there? --- I was walking from where I was to the front portion of the Police Station, and I again returned to the spot where I had been.

I heard you say you received a pamphlet which you found underneath the door of your house, and you say you read that pamphlet. Did you understand the contents very clearly? --- Yes.

I take it then that you were not surprised on the 21st March, 1960, when you saw the people having gathered at the Police Station, because you already had knowledge that it would happen? --- That is so.

I believe then that when you saw these people
having/....

having gathered at the Police Station, you then had it in your mind that those people went there not to fight, but they went there as a result of having read what was contained in the pamphlet as you had done too? --- Yes, what I read in that document which I call a paper, that did not make mention of a war.

Seeing that you were there for some time, from the time that you arrived there at the Police Station, until the stage the shooting commenced, can you perhaps tell the Court whether there was any fight ^{between} the Police and the crowd, or was there none? --- There was no fight, but the crowd threw stones at the Police, and one stone injured one of the Constables on his left eye.

If I am not perhaps making a mistake, you did not make mention of stones in your evidence-in-chief, but you only made mention of a particular stone which struck a particular European Constable, who was in the precincts of the Police Station? --- Yes, it is true that I said so, but they threw stones on the premises of the Police Station, and not a stone.

At that stage where was I? Could you see me, and was I still walking about?

BY THE COURT:

At the stage of the stone throwing? At the stage of the stone throwing could you still see accused No. 3? --- I did not see him at that stage when the stones were being thrown.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

I heard you again saying that you hid yourself under a car. You are now rectifying it, and saying it was under a car and not a van? --- Yes, that is correct.

But/....

But I am putting it to you that as far as my knowledge goes, a car is not as high as the table, i.e. the bottom part of the table, so that a person could hide himself under it, i.e. a person of your build? --- That particular car was high to such an extent that I was able to hide myself underneath it.

Was it then just at the moment when the Police started firing, and during the course of the firing you were under that car, or you had hidden yourself under that car, and you remained there for some time after the firing, and then you came out? Is that so? --- Yes, but the firing took about fifteen to twenty seconds, and then I came out from under the car.

I believe that late in the evening, after I had been arrested, you arrived at the Police Station and you saw me seated somewhere there on the premises of the Police Station, or did you perhaps not see me? --- I do not recollect having seen you there at that time.

I am putting it to you that you did see me there, and I even asked whether people had been killed outside there, or whether people had only been injured outside? --- No, I do not recollect that.

Why I am putting that to you is because when you found me seated there where you found me at that particular spot, you appeared from your facial appearance to be having a feeling of pity for me, you felt some mercy for me, and you even asked me "Why did the Europeans shoot innocent people outside there?" --- No, that is not correct.

Today you are making mention of the throwing of stones, but on that particular day when you saw me, i.e. at the stage when you found me seated there, you did not tell me anything about the stones, and that surprises me today. What

do/....

do say about that? ---No, that is not so. I ^{never} had a conversation with you there.

After you had received this pamphlet, and having read the contents and understood it, did you not perhaps have it in your mind that you should also follow the rest and go to the Police Station on that day? ---No.

I think I may be right when I put it to you that there was no person who came to you and requested you or induced you to come with him to the Police Station on that day, on the 21st? ---Yes, that is true.

No further questions.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Did you see No. 3 accused after the shooting some time when he was being held in an office or somewhere for questioning? --- I did not go to the office.

No, I know you did not go to the office, but did you see him after he had apparently, or let us put it this way. Did you see No. 3 accused being taken in or taken away from the fence and inside by anybody? --- I saw accused No. 3 when he was being taken in through the main gate, into the building.

BY THE COURT:

Just a moment. What do you mean through the main gate, into the building? The gate in the fence or the gate in the building? --- I mean the main entrance of the building.

Where the vehicles go into the backyard? Is that right? --- The main entrance of the building itself, the Police Station building, and not the gate.

Yes, but where the vehicles go into the inner courtyard? Is that the place? --- Yes, Your Worship.

Re-examination/...

RE-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did you ever see No. 3 accused after that? --- No.

Was there any reason why you did not react to this pamphlet and go along on the 21st March to the Police Station?

--- Yes. It was because I do not involve myself in things which do not go in agreement with the Government.

BY THE COURT:

Where were you at the time when teargas bombs were used? Do you know about it? Were you there or not?

--- I did not even see those teargas bombs.

Well, I am told that they were used somewhere in Seeiso Street near the hostels and the Municipal offices. You were not there at that time? ---I was not there at that time.

EPHRAIM NYEMBEZI, duly sworn, states: (Witness speaks Sesuthu).

EXAMINED BY THE PUBLIC PROSECUTOR:

Do you live in Sharpeville Native Township? --- Yes.

And how long have you been living there? ---I arrived there in 1947.

And have you been working in Vereeniging those past thirteen years? --- Yes.

Now, do you remember when the Judge was here taking evidence about happened on the day that people were shot at the Police Station? --- No; I do not know anything about that. I do not remember.

Do you remember the day anyway when the Police opened fire with guns at the Sharpeville Police Station?

--- Yes, it was on a Monday.

Were/....

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E. Nyembesi.

Were you there when the Police fired? --- Ngwas not there.

Now, the night before the day that the firing took place, were you asleep in your house? --- Yes.

And do you live in that house together with your wife and two children? --- Yes.

And a brother? --- Yes.

And your brother's name is? --- Manazi Nyembesi.

He is not alive anymore? --- He was shot on that day.

Now, during that night, the night before the shooting, did anything happen at your house? --- No, nothing happened there.

Let me put it to you this way. What time did you go to bed approximately?

BY THE COURT:

What time did you go to bed on the Sunday? --- I often go to bed at 10 p.m. on other days.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Well, was it approximately about 10 p.m. that you went to bed on this Sunday? --- Usually I go to bed at the same time, 10 o'clock.

Were you disturbed at all during the night by anything? --- Which night?

That night, the Sunday just before the day of the shooting? --- No, I was never disturbed.

And what time did you get up the following morning? --- I usually wake up at 8 o'clock.

So once you had gone to bed the previous night at 10 o'clock you slept right through undisturbed until the following morning when you woke up at approximately 8 o'clock?

--- Yes, nothing.

And/....

And once you had woken up and got dressed, what did you do? -- I then left.

BY THE COURT:

You then? -- I then left.

You left the house? -- Yes, I left the house.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And where did you go to? -- There was no particular place which I was going to, because I was supposed to go to work at night, to do night shift.

Yes, but what did you do once you had got up in the morning? Did you go anywhere? Did you leave the house at all? That is what I am trying to find out. -- I remained there and drank liquor.

In the house? -- Yes.

Did you go ^{out} at all from your house that day?

BY THE COURT:

We are talking now about Monday, the day of the shooting. I think you might be mixed up. -- After I had drunk the liquor I then left and proceeded to one of my relations.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

At what time was that approximately? -- I did not look at the time.

Well, can you tell the Court whether it was before or after midday? You know when the sun is usually in the middle of the sky, then we call it midday. Was it before or after midday? -- My shadow was already on my left side, when I was standing.

Had you had lunch yet? -- I had already drunk a lot.

BY THE COURT:

Listen, will you mind trying to reply to the questions?

questions? We did not ask you how much you drank. The Prosecuted wants to know when you went to your friend, had you had your midday meal? --- I had already had beer, which is my food, and which I could not leave behind when I have my meals.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

So you did not have any other lunch besides beer? Is that what you are telling me? --- With the exception of having taken beer, liquor, I had some milk and porridge.

And who was the friend you went to see? --- Kaizer.

Does he live far from where you live? --- He is a considerable distance from where I live, away from my home.

Did anybody go with you to see Kaizer? --- I was alone.

Now, to get to Kaizer's house, you have to cross either Zwane or Seeiso Street? --- I cannot say whether I did cross Seeiso Street or Zwane Street, because I am illiterate, I cannot read.

BY THE COURT:

Don't you know which those two streets are? --- No.

EXAMINATION CONTINUED:

On your way to see your friend did you notice any large groups of natives in any of the streets that you walked through on your way to see him? --- I came across people who were running away when I heard the shots.

When you came across these people who were running away, were you anywhere near the Sharpeville Police Station? --- I also ran away when I saw people running away, because I heard shots being fired.

Were you anywhere near the Sharpeville Police Station when that occurrence took place? --- At the spot where I was standing I was below the Police Station as I looked at

it/....

it from that spot.

BY THE COURT:

Yes, it is very interesting to hear that you were below the Police Station, but the Prosecutor has put his question twice, whether you were near it or far away from it?

BY THE INTERPRETER:

Your Worship, the witness is indicating a distance, and he says it was about from I don't know, I cannot make out the word that he is pronouncing.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Well, can you indicate the distance?

BY THE COURT : TO THE PUBLIC PROSECUTOR:

Mr. Prosecutor, what purpose are you calling this witness for? To tell me he saw people running away, or what? --- I am still trying to find out what he saw that day Sir.

Haven't we heard enough? All right, proceed now.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Can you indicate the distance that you were from the Police Station when this occurrence took place?

BY THE INTERPRETER:

Your Worship, the witness is again indicating a distance and he says it is about from here to the Home Pipes. He says it is the Home Pipes.

BY THE COURT:

A distance from where to Home Pipes? ---From where I am standing.

It is from here to the Home Pipes? ---Yes.

Is that what he means now? Just make sure please?

--- Yes.

I/....

I suppose it should be Hume Pipes and not Home Pipes!

New Mr. Prosecutor, you have got the distance and you can lead other evidence if you want to, to help me as to what that distance is. I don't know.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did it take you a long time or a short time to walk that distance? I am talking of the distance from here to Hume Pipes or vice versa?

BY THE COURT:

Let him get outside the Court and point out the distance. Must we go about it in this involved manner.

Can you point out the distance, if we take you outside the Court here where you can see a distance and point it out? --- I am saying I was a distance of about from here to Hume Pipes.

I will now adjourn and the accused and everybody will be present when outside you point out to me that distance.

COURT ADJOURNS.

COURT RESUMES:

EPHRAIM NYEMBEZI, under his former oath, continues:

BY THE COURT:

Now Ephraim, you have now outside in the street pointed out to the Court and everybody present the approximate distance that you were away from the Police Station when you saw the people running away? Is that right? --- Yes.

And are the accused all agreed and you Gentlemen that we agreed that that distance could be stated to be about 300 yards?

By/....

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E. Nyembezi.

BY MR. UNTERHALTER:

That is so, Your Worship.

BY THE COURT:

And the undefended accused?

BY THE ACCUSED:

Yes, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Was that the nearest distance that you ever came to Sharpeville Police Station on the 21st March, 1950? --- That was the nearest distance I was. I never went nearer than that, because thereafter I then heard shots being fired and I saw people running, and I also turned and ran away.

Now, I don't think I asked you what your address is in Sharpeville, did I? What is your home address? --- No. 8082.

BY THE COURT:

That is your house number? --- Yes.

EXAMINATION CONTINUED:

Can you read and write? --- No, I do not.

Now, did you make a statement to the Police? ---

Yes.

And did you put your thumb print on the statement which you made to the Police? --- Yes.

Now, was it a white Policemen who took the statement from you? --- Yes.

And was there a native Policeman who was used as an interpreter for you? --- Yes, he was interpreting.

And did you have any difficulty in understanding this Policeman who was interpreting? --- He was interpreting to me and I thereafter told him what to say.

And were you asked to swear that what you had

said/....

said in your statement was the truth, the whole truth, and nothing but the truth, so help me God? --- No, there we do not take the oath by lifting up our hand.

Was the white Policeman using a typewriter or was he writing with a pencil or a pen? --- He was using a type writer.

Now, will you have a look at the thumb print on this statement? --- Yes.

Is that your thumb print? ---Yes, it is mine.

BY MR. UNTERHALTER:

Your Worship, it might save time perhaps if my learned friend would permit me to look at the statement now?

BY THE PUBLIC PROSECUTOR:

Yes, Your Worship. I merely wanted the witness to identify it before I put the contents of it to him.

BY MR. UNTERHALTER:

But before my learned friend does that, do I have his permission and the Court's permission to look at the statement? It will save time possibly Your Worship.

(Mr. Unterhalter reads the statement made by the witness).

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, I propose to read out what was said in the statement and then to ask you whether you said what was taken down.

BY THE COURT:

Mr. Prosecutor, as I look at Section 286 that is not the way you should set about it. You may put it to the witness, or the Court may, that he has given evidence which is inconsistent with a previous statement that he made. I think that is what you have in mind, i.e. after you have given him sufficient particulars as to when and where he made that statement/....

statement, and that is all you may do; then you may prove the statement.

BY THE PUBLIC PROSECUTOR:

Yes, I will have to call the interpreter and the person who took it down.

BY MR. UNTERHALTER:

Your Worship, I should like to be of assistance to the Court if I may. As far as the people whom I represent are concerned, I shall have no objection to this statement going in. It is not properly my place to say anything regarding anyone else Your Worship, but I have been privileged to see the statement, and it may be that others when I don't represent may possibly be prejudiced. I don't say that they will be, but it may be, and just in an endeavour to assist the Court I merely make mention of that.

BY THE COURT:

Yes, I quite realise that, and that is why I have not ^{looked} ~~asked~~ that statement yet, but I think what you ought to do - you have done it partly - is to give the witness particulars so as to designate the occasion when the alleged previous statement was made; they must be mentioned to the witness. Then he can be asked the question whether he has made a statement with which his evidence in this case is inconsistent, and when he has answered that the party calling him as a witness may do so

BY THE PUBLIC PROSECUTOR: EXAMINATION CONTINUED:

I will just take it further Sir.

The statement which you made to the Police and which I have just shown you, was that the only statement you made to the Police? --- Yes, it is the only statement.

And if I tell you the date - it was apparently on the 5th/.....

5th April this year in the morning - can you recall that? ---
No, I do not remember. I am not able to.

BY THE COURT:

The date the Prosecutors ^{suggests} is two weeks and one day
after you saw people running and heard shots. Now, can you
remember that? ---Yes, I made the statement after people were
dead.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, is your evidence today inconsistent with what
you said in that statement?

BY THE COURT:

Well, give him a choice. Is it consistent or
inconsistent? ---It is the same; the statement is the same.

NO CROSS-EXAMINATION BY MR. UNTERHALTER.

NO CROSS-EXAMINATION BY ACCUSED NOS. 1, 3, 4, 8, 38 AND 39.

BY THE COURT:

You cannot read English? ---I cannot read English
or read Sesuthu. I did not attend school.

He can stand down meanwhile.

BY THE COURT:

This witness is not discharged, and he must remain
at Court.

BY THE PUBLIC PROSECUTOR:

I call Philemon Skozane, may it please Your Worship.

BY THE COURT:

On this matter of the statement now or on some-
thing else? ---Something else Sir. I have not the witnesses
available at the moment for the statement.

Well, you Gentlemen had better identify that
statement by your initials or something. I don't want to put
my initials on it, but I want no argument afterwards when it

is/....

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P. Skozane,
E. District.

is proved, if you are going to prove it further. Mr. Unterhalter, will you and Mr. Laudin initial each page, and date it I ^{would} suggest.

BY MR. UNTERHALTER:

Yes, I shall do that Your Worship.

PHILEMON SKOZANE, duly sworn, states: (Witness speaks Sesuthu)

EXAMINED BY THE PUBLIC PROSECUTOR:

Do you live in Vereeniging in Sharpeville Native Township? --- Yes.

How long have you been living here? --- For ten years.

Do you remember the day of the shooting at the Police Station at Sharpeville Native Township? --- Yes.

Were you present at the Police Station when the firing took place? --- I was not present at the Police Station.

Now, that all happened on a Monday, is that correct? --- Yes, I heard so.

The day just before was a Sunday? --- Yes.

Did you go to sleep at your house in the Sharpeville Native Township on the Sunday night? --- Yes, as usual.

Who else occupies the house with you? --- My children.

Your wife and children? --- Yes.

Are your children adults and working already, or are they still at the school going age? --- My children do not attend school. They are still too small.

And did anything disturb you during the night?

--- Yes, there was something which disturbed me.

Can/....

Can you tell the Court what it was that disturbed you? --- A group of young men came there, although I did not count how many they were. They then said I should get up and accompany them, and if I did not then I should give them my pass.

What time approximately was this? --- If I am not making a mistake it was between 12 and 1 a.m.

Were you in bed when they came there? ---Yes.

And how were you brought to your senses, how were you woken up, what was it that woke you up? --- A knock woke me up. As usual, if a person knocks on the door, then one must get up and open the door for that particular person.

Was there anything abnormal about the knock? --- No, they only knocked at the door and told me what I have already told the Court. There was nothing further that I noticed about the knock on the door.

Approximately how many were there of this group?

I don't expect you to give the exact number - you say you did not count them - but was it a big group or a small group? --- Those who were in the street were a small group, and those who were there on the premises were three in number.

Did you notice whether any members of this group were carrying any weapons, such as sticks and things like that? --- No, there was nothing they were carrying.

And what did you do when this request was addressed to you? --- I tried to make further enquiries from these people, whether they had waken up other residents who were ^{living in} ~~living in~~ the same street as I, and they then agreed that they had done so. I then went out in their company. I think I only crossed one street from my home, and then we were also told to wake up some other people there. It was at that stage that I ran away back to my home.

Now/....

Now, why did you go with this group in the beginning?

--- They said at the beginning when they came to me, that I should wake up and take my pass with me, or if I did not accompany them then I should give them my pass, and if not so then some mishap will befall me.

So why did you accompany them? --- I followed them because of the phrase they used in saying if I did not go with them some mishap or trouble will befall me.

And what mishap or trouble did you consider would befall you? --- It was because when I looked at their numbers they were more than one, and I did not have faith in the discussion that they had with me, and that is why I had to follow.

Yes, but what did you fear would happen to you if you refused to go with them? --- As I have already said that when they said to me "If you do not come along with us then some trouble will befall you", and I took it from that that any type of trouble may come to me.

You see, my difficulty is I don't know what you mean by trouble? --- There were many dangers at that time that I thought of. I thought perhaps they may induce me by force to accompany them, or they may injure me with their knives, or any type of trouble, some similar trouble.

Did you take your pass book with you when you went with them? --- Yes, it was there.

Did you take it with you when you went? --- Yes.

Did you keep it on your person, or was it taken from you, or did you hand it to anybody? --- It was in my pocket all the time.

And you say you ran away at one stage ~~the~~/went home? --- Yes.

Why did you not run away sooner than you in fact did? ---Do you mean that I should have run away at the stage when they still spoke to me?

I take it that you ran away at the first available opportunity? Is that what you are trying to tell me? --- Yes, I ran away at that stage and I considered it convenient for me, i.e. when I was asked to wake up some other people.

Did you recognise any of the persons who came along and requested you to accompany them? --- I did not even know or recognise any of them.

Now, the following morning did you have to go to work? ---Yes.

And did you leave your house to go to work? --- Yes.

What time did you leave your house? ---I usually leave my house at five in the morning.

And did you follow your usual practice on this morning? --- Yes.

And how did you go? On foot, with the intention of catching public transport, or a bicycle or something like that? --- I am a person who often cycles on a bicycle.

So you left by pedal cycle to go to work? --- Yes, and I proceeded to the station. There I thereafter have to board a train.

Did you go to the Vereeniging station to board the train? ---Yes, that is where I often board my train.

You are employed by the South African Railways and Harbours? --- Yes, I am a worker or an employee there.

And did anything happen to you when you cycled on your way through the streets of Sharpeville Township to go to work? --- Nothing.

And you went to work that day? --- Yes.

And what time did you come home? --- I arrived home

at five p.m.

And I take it then you heard about the trouble that had taken place at Sharpeville Police Station? --- Yes.

The following morning, the Tuesday morning, did you set off again by bicycle to go to work at approximately the same time? --- Yes.

Did you reach your place of employment on the Tuesday morning? --- Yes, I did reach my place of employment, but on arrival there I then asked for permission to return home earlier in case I met the people who may cause some trouble for me.

And was that permission granted? --- No, the permission was not granted to me.

Why did you want to come back earlier than usual? --- It was because I found many people who made reports to me that they had been stopped from going to work.

Did anything like that happen to you? --- No, I did not even wish that it should happen to me.

Do you get paid by the day? --- Monthly.

Now, do you know Seciso Street, i.e. the main street?

--- Yes, I know it.

Does your route to work take you down Seciso Street?

--- No, I do not follow that route. My route takes me the other side of the dam. I then proceed to Brick and Tile.

So you go through the veld to get there?

BY THE COURT:

Can't you go along Seciso Street for any distance?

--- No, I go through the veld.

To what firm? --- Brick and Tile.

Did you say past the dam? --- Past the dam, and I proceed on to Brick and Tile.

No/....

NO CROSS-EXAMINATION BY MR. UNTERHALTER.

NO CROSS-EXAMINATION BY ACCUSED NOS. 1, 3, 4, 8, 38 AND 39.

IZAK RAMPAI, duly sworn, states: (Witness speaks Sesuthu).

EXAMINED BY THE PUBLIC PROSECUTOR:

Do you live in Sharpeville? ---Yes.

And how long have you been living in Sharpeville? ---
For seventeen years I have been living here in Sharpeville.

Do you remember the day that the shooting took
place at Sharpegille Police Station? --- Yes, I do remember.

Were you present at the Police Station when they
opened fire? --- No, I was not present.

Did you only hear about it lateron? --- Yes, I
heard about that lateron at work.

That was a Monday that this took place? --- Yes.

Now, the previous day was a Sunday, and the Sunday
night did you go to bed? ---Yes, I did.

Are you a married man? ---Yes.

Have you got children? --- Yes.

Are they school going children or are they working
already? --- Some are still going to school and others are
already working.

How many children have you? --- I have six children
in all.

And how many work? --- The eldest was killed. There
is only one who is working amongst those who are alive.

And are you the sole breadwinner of the family? ---
Yes, as well as my wife; she assists me.

And the Sunday night after you had gone to bed did
anything/....

anything wake you up during the night? ---Yes, on Sunday night I was awoken.

How were you woken up from your sleep? --- I was waken up by a big noise.

A big noise just outside in the street, or can you describe more in detail how the big noise woke you up? --- The noise I am referring to were knocks which were on the door as well as on the windows, which I heard.

Was anything broken or damaged as a result of this knocking? ---No, nothing was damaged.

And did you yourself go and open the door to see what it was all about? --- Yes, I did open the door.

What time was this roughly? --- It was at night, right in the middle of the night; I cannot say, I did not look at the time, I was afraid.

And when you opened the door what did you see outside? ---I saw many people.

And did anybody speak to you? Did you see who had been knocking at the door, or was there anybody in that vicinity? --- They spoke while they were walking away, saying "Let's go, let's go!", i.e. those people I saw outside when opening the door.

And what did you do? --- I followed them.

Were you dressed or were you in your night clothes? --- I was dressed in my night clothes, as well as my overcoat.

Why did you follow these people? --- They kept on saying "Let's go, let's go!" so that I could not sleep if I remained behind.

Why not? It is your house, and you could sleep there if you wanted to? --- When I woke up I was very much scared. I was very afraid.

What were you afraid of? --- Because it was the

first time I saw such a large number of people coming to wake us up at that time of the night.

And as you walked with these people did you find out why they had been so keen to wake you up and take you along with them? --- While they were waking up people in another house I heard them talk amongst themselves that "We are proceeding to the ground there".

Did you find out why you were going with them to the ground? ---No, I did not know. I did not even make enquiries.

And did you see anybody you knew amongst the persons with whom you were? --- Not even a single one I happened to know; not even a single person amongst those I happened to know.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, what is your neighbour's name? --- Sam.

Have you got one on the other side too? --- Piet Nxobo. He is a Policeman.

Do you know anybody by the name of Norman or Hendrik? ---Yes, I know Hendrik and Sam; the other one I do not know. I do not know Norman.

Did you see any of them that night? --- We live together, and we were all waken up that night.

And where were you taken to? Where did you go, I am sorry Sir. Where did you go? --- We then went around the Putsa Setenie section.

Yes, eventually what happened to you and the people you were with? --- We then walked along the tarred street and on reaching I suppose what is the house of one of the residents, Molame, there we then stepped and we saw vans approaching there, i.e. at that spot.

Now, how were the people behaving themselves that you/....

you were moving along with? — The group which woke us up was subsequently divided into two groups. There was a group walking in front, that kept on going into particular premises and waking up people, and the group with which I remained kept on saying "Let's go, let's go!", and we proceeded on. That is what I heard them saying.

And when you reached this place where you saw vans approaching, what happened there? — Yes, we arrived there.

The vans arrived there? — When the vans arrived there Police got out of the vans. They then asked us "What do you want here?", and then we explained to them that we had been waken up, and then they said "Go back!" and they started hitting us, assaulting us.

Were you struck too? — I was right at the back of the crowd and I was the first person to run away, and I was never struck.

And did you go back home? — Yes, I then left for home.

BY THE COURT:

Did you reach your home? — Yes, I reached home.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Were you disturbed anymore that night after you had got back home? — Nothing ever disturbed me thereafter.

And the following morning, did you get up? Did you have to go to work on Monday? — Yes, I got up.

At what time was that roughly? — I woke up at seven o'clock. I had to obtain the keys at 8 o'clock. I only start work at 10 a.m.

BY THE COURT:

Just repeat that? — I woke up at 7 o'clock in the morning, and there is a place where I have to get the keys at

8/....

8 o'clock, and then I only start working at 10 a.m.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Do you work at one of the beer depots as a cashier?

--- Yes.

So you must be familiar to many of the residents of the location? ---Yes, they know me.

And did you carry on with your usual procedure of getting up and getting the key at 8 o'clock, and then going to work at 10 a.m.? ---When I came out of my yard, with the intention of proceeding to work, in the street and in the vicinity of my home, I saw a group of people who were there. I then made enquiries from others as to what these people were doing there, and they told me that people are not going to work, and "You must get back too". I then went back.

And did you stay in your house that day? --- Yes, I remained at home that day.

Is your house far from the Police Station or nearby?

--- I am right at the section, i.e. the first section of houses at Putsao Seteni. I am a distance away from the Police Station.

Did you hear the guns going off that day round about midday? --- Yes, I did hear them.

And did you go up to see what had happened, or did you stay put at home?

BY THE COURT:

Mr. Prosecutor, you said guns go off at midday; I am sure you did not mean that.

BY THE PUBLIC PROSECUTOR:

Well Your Worship, midday is just an approximate term. I don't mean the precise high noon. I meant in the middle of the day.

BY THE WITNESS: I did not go there, but at a later stage I then/....

then saw ambulances passing there, i.e. at the place where I was.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, before this day, the day of the shooting, did you ever get any circular letters put under your door at home?

--- No, I never received any.

Have you ever heard of this famous society calling itself the P.A.C.? --- I heard about this after this had happened.

BY THE COURT:

You had not before this heard about the P.A.C.? --- No, before this incident I never heard about it.

BY MR. UNTERHALTER:

Your Worship, I am not able to cross-examine, and the reason is the following. I have listened to all this evidence thinking that at one point or another it might be relevant to the charge sheet. I have imagined that in particular it would be relevant to paragraph 3 of the main charge, where there are allegations in regard to persons having been forced to leave the safety and sanctity of their houses, alternatively that it might have some bearing on that or some other aspect of the charge sheet. Your Worship will observe that the name of this witness is Isak Rampai. I do not see his name anywhere at all in the charge sheet, and in the circumstances I have no instructions on this matter at all.

Really I suppose one could object to this evidence as having to be struck out because it is not part of the charge sheet, but I don't wish to make any application until Your Worship has heard my learned friend.

BY THE PUBLIC PROSECUTOR:

Sir, I will remedy that formally by making an application to amend the charge sheet, and I submit that Your

Worship/....

Worship could avoid prejudice by granting my learned friend a
remand over the weekend, to cure any prejudice which the
Defence relies upon. I apply formally for an amendment
of paragraph 3 Sir, on page 6 of the charge sheet, by the
insertion of the words "Isak Rampai" after "Zephania Maphike",
is. paragraph 3 to count 1.

BY MR. UNTERHALTER:

I have no objection to the amendment, Your Worship.

BY THE COURT:

I would suggest that the other accused defer their
decision on cross-examination until Mr. Unterhalter has gone
into the matter. I had in any case proposed to adjourn
round about this stage, and I will adjourn now.

COURT ADJOURNS UNTIL 25.11.1960.