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1,679.

28TH NOVEMBER, 1960.

COURT RESUMES : APPEARANCES AS BEFORE.

BY THE COURT:

Mr. Interpreter, before we proceed you can perhaps explain to the undefended accused that when we adjourned the other day the Public Prosecutor asked for an amendment to the charge, by inserting Izak Rampai's name as one of those whom it is alleged that the accused forced under threat of death or grievous bodily harm to leave the safety and sanctity of their houses or rooms, and to accompany them on their rampage. Mr. Unterhalter drew attention to the fact that his name was not amongst the names of the persons mentioned, and the Prosecutor asked that his name be inserted, and as far as Mr. Unterhalter was concerned he said he then had no objection to that. Now, what is your attitude accused No. 1?

Let me explain to you and to the others who are undefended. The Court can only allow such an amendment if it is of the view that the accused will not be prejudiced in their defence. Now, the accused will be prejudiced in their defence if they are taken by surprise by this man's evidence, and if they cannot cross-examine him properly, but if having heard his evidence and they later on want to cross-examine him, that prejudice may disappear. The Court has an undoubted discretion to allow cross-examination of a witness to be heard later on, after the accused have had an opportunity of considering his evidence and deciding what their attitude towards his evidence is going to be. There now has been an adjournment from Friday afternoon until Monday morning, during which time they have had the opportunity of considering his evidence, and if necessary I am prepared to agree to a further adjournment to allow them at a later stage to have him brought back for cross-examination.

I/....

1,699.

Isak Rampai.
S. Lerm.

I don't mean an adjournment of the trial, but his cross-examination could stand down.

ACCUSED NOS. 1, 3, 4, 8, 38 and 39 have no objection to the amendment to the charge sheet being granted.

BY THE COURT:

In those circumstances I will add this witness' name in paragraph 3 of the particulars to count 1. I will just simply add it after the last name that is given there, i.e. Zaphenia Maphike.

IZAK RAMPAI, duly sworn, states: (Interpreted).

CROSS-EXAMINED BY MR. UNTERHALTER:

No questions.

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

BY THE COURT:

The witness may stand down, but tell the undefended accused that if something occurs to them that they want to put to the witness, perhaps even in the light of further evidence by other witnesses, they are at liberty, as any party to the case is, to ask for permission to recall the witness, and as far as I am concerned such applications will receive consideration.

STEFANUS LERM, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is 'n Speurdersersant in diens van die Suid-Afrikaanse Polisie gestasioneer te Marshallplein, Johannesburg?

--- Ek is.

En/....

En u is 'n lid van die span ondersoekbeamptes in verband met hierdie saak? ---Ek is.

Op die 5de April.... hoe laat was dit? --- Dit was 9 uur in die oggend, toe is die verklaring voltooi.

Het u 'n verklaring geneem van ene Isak Rampai? ---
--- Nee, dit was Ephraim Nyembezi.

Ek is jammer, Ephraim Nyembezi.

DEUR DIE HOF:

Is Ephraim Nyembezi hier vannêre? Ek dink hy behoort binne in die Hof in te kom mnr. die Aanklaer, sodat hy kan hoor.

Explain to this witness that he had better listen to this evidence. He can sit there amongst the public and listen to the evidence; it is probably of some consequence to him, and he must stay inside the Court until I have discharged him.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Waar was die verklaring geneem? ---Dit was by die Sharpeville Polisiestasie in die distrik van Vereeniging geneem, op die 5de April hierdie jaar.

Die getuie wat nou ingebring is, herken u hom Sersant? --- Wel, ek herken hom as 'n persoon van wie ek 'n verklaring geneem het; ek kan nie sê hy is die spesifieke persoon nie.

En wat was die toestand van die persoon van wie u die verklaring geneem het, sover as bedwelmende drank of verdowingsmiddels betref? --- Hy was volkome nugter en by sy volle verstand en gesond.

En het u 'n tolk gebruik? ---Bantoe Speurderkonstabel James Mtikane het vir my getolk van Sesuthu na Afrikaans en weer terug, aan die getuie Ephraim Nyembezi, van 8082, Sharpeville lokasie. Hy is werksaam by Stewart en Lloyds, en sy

werksnommer/....

werkanommer is 450.

Sersant, het u 'n tikmasjien gebruik om daardie verklaring te neem? --- Ek het.

En op watter manier het u die verklaring geneem? Deur middel van vrae of deur 'n algemene vraag in die begin en dan net afgeneem het wat hy gesê het? --- Dit is afgeneem wat hy gesê het. Dit was vir 'n dubbele doel geneem, die verklaring. Dit was geneem vir hierdie Hef, of vir die ondersoek as gevolg van die aangeleentheid.

DEUR DIE HOF:

En ook vir die regterlike ondersoek? --- En dit is ook geneem vir 'n geregtelike ondersoek teenoor hierdie persoon se broer wat dood is by hierdie aangeleentheid.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En nadat die verklaring geneem is, hoe was die inhoud aan die getuie bekend gemaak? --- Die prosedure is dit. Dit word aan die getuie verduidelik, wat is die doel van die verklaring, waarom 'n verklaring van hom verlang word. Hy word versoek en gevra of hy bereid is om 'n verklaring te maak, of hy bereid is om 'n beëdigde verklaring te maak. Die eed word aan hom verduidelik, d.i. wat die doel van die eed is, en waarom hy die eed moet neem as hy dit verkies, en dan word hy ook gevra of hy bereid is om die verklaring te onderteken wanneer hy dit klaar gemaak het. In hierdie geval was die persoon bereid om 'n beëdigde verklaring te maak, en hy was ook bereid ^{om} deur dit te onderteken deur sy duimafdruk daarop te plaas. In hierdie geval was dit ook nodig dat die verklaring nees beëdig word, aangesien sit ook nees dien as 'n verklaring by 'n lykskouing, wat beëdig moet wees.

En wie het die eed geneem? --- Die verklaring is deur my afgeneem en die eed is geneem deur Speurderkonstabel Pieterse.

So/....

So die verklaring was toe aan die getuie oorgelees voordat hy sy duimafdruk daarop gesit het? --- Ja, toe is dit aan hom verduidelik en hy het die eed geneem voor Speurderkonstabel Pieterse in my teenwoordigheid.

En dit is die verklaring wat u nou voor u het, bewysstuk 62? --- Ja.

DEUR DIE HOF:

Sersant Lera, het u nou daar getik wat die tolk aan u verhaal? --- Ek het.

U het nie die persoon direk verstaan nie? --- Nee, ek het nie. Hy het ^{Sesuthu} Basotha gepraat. Ek het dit ook hier onderaan geskryf dat dit vertolk is van Sesuthu na Afrikaans, en deur wie dit vertolk is. Ek het 'n verklaring geneem wat die tolk aan my gesê het.

Dit bestaan uit twee bladsye? --- Dit is reg.

DEUR DIE HOF : AAN DIE PUBLIEKE AANKLAER:

Mnr. die Aanklaer, dit is nou duidelik. Hierdie getuienis is net getuienis kragtens Artikel 286 om bewys te lewer van die verklaring wat die persoon Ephraim Nyembezi gemaak het? --- Ja.

Mr. Unterhalter, is there perhaps anything you would like to put to the witness?

BY MR. UNTERHALTER:

No thank you, Your Worship.

BY THE COURT:

And any of the undefended accused? Explain to them that what the Prosecutor is attempting to prove and he is averring, is that Ephraim Nyembezi gave evidence before me which is in conflict with a statement he made to the Police, to this witness and to an interpreter.

Can you explain perhaps for their information just on what points you allege a conflict Mr. Laudin?

By/.....

BY THE PUBLIC PROSECUTOR:

Yes, Your Worship. In his evidence Sir he mainly stated that he remained at his house and then he went to visit a friend, and he was nowhere near the Police Station. In his statement he alleged that he was awoken during the night by a crowd of Bantus, who forced him to come with them under threat of burning his house. He went with them and eventually they were dispersed by the Police, or they managed to get away; anyway, the following day he went to the Police Station and he stood there at the wire fence, together with the Police.

BY THE COURT: TO THE PUBLIC PROSECUTOR:

Anything else of importance? --- Those are the only ones of importance.

Mr. Prosecutor, he has not in this statement to the Police implicated directly any of the accused? --- No Sir, he does not mention the identity of any person.

He does not identify or implicate any person directly? --- No Sir.

JAMES NTIKANE, duly sworn, states: (Witness speaks Sesuthu).

EXAMINED BY THE PUBLIC PROSECUTOR:

Are you a Bantu Detective Constable in the South African Police and presently stationed at Marshall Square, Johannesburg? --- That is correct.

On the 5th April this year, were you stationed at Vereeniging? --- That is correct.

And on that day, the 5th April this year, at approximately 9 p.m. did you act as an interpreter for Detective Sergeant Lera when he took a statement from a witness? --- Yes.

Have you got Exhibit 62 before you? --- Yes, I have Exhibit/....

Exhibit 62 before me.

Was it in respect of that statement that you acted as an interpreter for Sergeant Lerm? --- Yes.

And from what language and into what language did you interpret? --- Although I cannot say what Sesuthu dialect I was speaking, I interpreted from Sesuthu generally into Afrikaans.

Now, did you have any difficulty at all in understanding the Sesuthu that was spoken by the witness? --- No, I did not.

And did you faithfully and to the best of your ability interpret from the one language to the other and vice versa? --- Yes.

And were you present when the witness was required to take the oath? --- Yes.

And did you interpret the oath to the witness too? --- That is correct.

BY THE COURT:

Did you interpret correctly and to the best of your ability? --- Yes.

Just have a look at the Exhibit and tell me, as far as you can recollect, whether that is the statement which you interpreted between the person Ephraim Nyembezi and Detective Sergeant Lerm? Just have a good look at it, and see if you can tell me that you can recognise it? Is your signature on it? --- Yes, my signature is affixed to it.

Did you sign it as interpreter? --- Yes, Your Worship. Yes, this is the statement, Your Worship.

NO CROSS-EXAMINATION BY MR. UNTERHALTER:

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

EPHRAIM NYEMBEZI, duly sworn, states: (Recalled).

BY THE COURT:

I am going to read out to you, and the interpreter is going to interpret to you, the statement which you say you did make to the Police. The Prosecutor contends that that statement is in conflict with your evidence the other day. You have heard the two witnesses giving evidence this morning as to the circumstances in which they took the statement from you. "Ek is 'n volwasse Banteeman en ween te Sharpeville vir die afgelepe dertien jaar. Ek werk reeds te S. en L. vir die afgelepe een jaar". Ek weet nie wat S. en L. voor staan nie; dit is seker die firma se naam. "Ek is gebore in Basoeteeland te Berea en is reeds in die Unie vir die afgelepe dertien jaar. Getroud, en ek ween saam met my vrou en twee kinders te bogenelde adres, d.i. nr. 8082. Ek ken die oerledene. Hy is my breer, Manase Nyembesi, wie ook te Sharpeville saam met my in dieselfde huis gewoen het. Hy is 'n Basoete en is in Basoeteeland te Berea gebore sestien jaar gelede. Hy het na Sharpeville gekom saam met my gedurende 1947. Hy het te Wire Works, Vereeniging, gewerk vir die afgelepe een jaar, en sy werksnommer is aan my onbekend. Ek entou gedurende die nag van Sondag, 20 Maart 1960, het ons in my huis te gemelde adres gaan slaap. My breer, die oerledene, het ook in 'n kamer in my huis geslaap, maar nie in dieselfde kamer as ek nie." Ek sal nou die res uitlees en dit heef nie op die masjien opgeneem te word nie; dit is 'n gedeelte van die rekord. (Die Hof lees die verklaring aan die getuie voor).

Nou het ek jou verklaring aan jou uitgelees wat jy aan die Polisie gemaak het. Dit lyk vir my hier is twee belangrike punte van verskil tussen jou getuienis en hierdie verklaring/....

E. Nyembezi.
(Recalled).
M. Mmotong.

verklaring, en dit is dat in jou getuienis het jy gesê dat
Sendagnag het daar niks gebeur nie, en jy het maar in vrede
deurgeslaap, en in jou verklaring sê jy dat daar nense jou ken
reep het, en jou en jou breer weggevat het en julle het wakere
dinge gedeën. In jou getuienis sê jy jy was neeit by die
Polisiestacie nie, en die naaste wat jy was was die afstand
wat jy aan ons uitgewys het hier buitekant die Hof, ongeveer
300 tree sees ons dit beoordeel. In die verklaring aan die
Polisie het jy gesê jy het selfs teen die draad gestaan aan die
suidekant van die Polisiestacie. Nou moet ek vir jou waarsku,
dat dit nie nodig vir jou is om iets verder te sê nie. Ek
weet nie wat die Kreen gaan doen nie. Dit is meentlik dat jy
kan aangekla word dat jy twee teenstrydige verklarings onder
eë afgelê het. Jy is nou gewaarsku jy hoef niks te sê nie,
en as jy iets sê dan kan dit meentlik in getuienis teen jou
gebruik word ingeval jy aangekla word. Verstaan jy dit nou
noei? --- Ek verstaan, Edelagbare.

Is daar miskien iets wat jy wil sê, of wil jy
liewers stilbly? --- Your Worship, nothing happened during the
evening, the night of the 20th. When I made that statement I
was forced to make that statement.

Yes, anything else? --- That is all. I have nothing
to add.

He is in the witness should anybody want to put
anything further to him?

(No further questions).

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

BY THE PUBLIC PROSECUTOR:

Your Worship, I don't wish to examine the man any
further/....

further, but I would like to state that we have obtained this document from Preteria and it is required back as soon as possible, and photostatic copies of the document have been made Sir.

BY THE COURT:

Where are the notes that he is alleged to have made? Just let him identify that surely?

BY THE PUBLIC PROSECUTOR:

Perhaps my learned friend might do it Sir? It was his point under cross-examination, that he was taking.

BY THE COURT: TO MR. UNTERHALTER:

Well, let the witness just identify it. Did you want this in? Did you want to cross-examine him, because as I understood the position, that you wanted to see that, i.e. this and certain other entries, and if you ^{don't} want to make any further use of them, as far as I am concerned they need not go into the record, but if you did then naturally there it is; it is available to you Mr. Unterhalter.

BY MR. UNTERHALTER:

Your Worship, with the leave of the Court perhaps I could put one question after he has identified it.

BY THE COURT:

Very well then. Mr. Prosecutor, let him identify it?

Now he hands in..... Which notes are these?

BY THE PUBLIC PROSECUTOR:

Sir, these are the notes which he took on the 10th January, 1960, at what he alleges to have been a meeting at the house of Emanuel Teketsi.

BY THE WITNESS:

Yes, Your Worship. (Exhibit 63).

By/....

BY THE PUBLIC PROSECUTOR:

That note which you have in your hand, is that in your handwriting? --- Yes.

And it refers to notes which you allege you made on the 10th January, 1960, when you attended a meeting at the house of one Emmanuel Teketsi? ---That is correct.

BY THE COURT:

Now firstly Mr. Unterhalter, can we use a photostatic copy as far as you are concerned?

BY MR. UNTERHALTER:

I have no objection to it.

BY THE COURT:

Very well then, I will mark the one in front of me as Exhibit 63.

Mr. Prosecutor, you say the original is required by somebody else?

BY THE PUBLIC PROSECUTOR:

Yes, Your Worship. The original is here for my learned to compare with the photostatic copy.

BY THE COURT:

If you tell me it is a photostatic copy I will accept it.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Mmeteng, when you gave evidence last time you told us that you wrote down, both in your ordinary pocket book and on a separate slip of paper, the names of the people who were present at the meeting at 8171, Sharpeville, on the 10th January, 1960? --- That is correct. I said so.

Now, you have also stated in your evidence that No. 2 accused was among the people who were present there on

that/....

that occasion, and you noted his name down? --- I said he was present, accused No. 2, and that I wrote down the names in the book.

You will remember that I questioned you about the names in your own pocket book, ^{and} the name of accused No. 2 was not there? --- That is so.

Now, I have looked at Exhibit 63, and I cannot see the name Thaddea Nteampe among the list of names of people when you have recorded as being present? Do you agree with that? --- Yes, that is correct.

Thaddea Nteampe is No. 2 accused? --- Yes.

Now, in the light of the evidence you gave that you had written down this name, not only in your note-book but on this rough piece of paper, can you explain how it is that despite that evidence the name is not on Exhibit 63? --- If the name of accused No. 2 does not appear on these notes now before the Court, it may be perhaps that they treated ^{me} very well, to such an extent that I even forgot to write his name down there.

I am putting it to you that the reason why the name is not here on Exhibit 63, as indeed it is not in your pocket book, is for the simple reason that he was not present, and that is why you did not note the name down? --- I saw him there.

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

COURT ADJOURNS.

Court/....

HOF HERVAT:

JOHANNES PETRUS PRINSLOO, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is 'n Konstabel in diens van die Suid-Afrikaanse
Polisie gestasioneer te Sentraal, Johannesburg? --- Dit is reg.

Op die 21ste Maart hierdie jaar was u teenwoordig
by die Sharpeville Polisiestasie toe die Polisie gevuur het?

--- Dit is reg.

Het u enige beserings opgedoen?

DEUR DIE HOF:

Was jy een van die lede wat daar in linie opgestel
was? --- Ja, Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Het u enige beserings opgedoen daardie dag? --- Nee,
ek het geen beserings opgedoen nie.

En op die 19de April hierdie jaar, by die Boksburg
tronk, het u 'n uitkenningsparade bygewoon? --- Dit is reg.

Kon u sien of hoor wat by die parade aangegaan het
terwyl die parade opgestel is? --- Ek kon niks sien of hoor
nie.

En toe u na die parade gebring is watter vraag is
aan u deur die Offisier in bevel gestel? --- Ek is gevra om
die persoon of persone uit te wys wat ek op die 21ste Maart
te Sharpeville gesien het by die onluste.

En het u enige persone uitgewys? --- Ja, ek het
drie persone uitgewys, drie Bantoemans.

Nou, sal u in staat wees om vandag daardie drie
Bantoemans uit te wys as hulle vandag hier by die Hof is? ---
Ja.

Nou, sal u deur die persone kyk in die Hof? Met
die Hof se toestemming, as die getuie mag afstaan Edelagbare,

en/....

en sien of hy daardie drie kan sien. --- (Getuie dui aan
beskuldigde nr. 3, beskuldigde nr. 4, en beskuldigde nr. 43.)

DEUR DIE HOF:

Konstabel, u het nou drie persone uitgewys, en
volgens die rekord was hulle beskuldiges nrs. 3, 4, en 43? ---
Ja, Edelagbare.

BY MR. UNTERHALTER:

Your Worship, if I might intervene at this stage?
I have a request from accused No. 22. He informs me that he
was wounded in the left buttock - it came round to the front
portion of his leg - on the 21st March, and he suffers pain
from this wound, and he is experiencing pain particularly today.
He makes a request that he be permitted to sit in the last
row and take off his dustcoat and use it as a pillow, and put
his feet on the bench with his back towards the wall. May he
do so, Your Worship?

BY THE COURT: Yes.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

U het beskuldiges nrs. 3, 4 en 43 uitgewys. Nou,
waar op die 21ste van Maart hierdie jaar het u nr. 3 beskuldigde
gesien? --- Hy het aan die binnekant van die draad by Sharpe-
ville Polisiestasie gestaan.

En wat het hy gedoen? Wat het u hom gesien doen?
--- Hy het daar gestaan en met Luitenant Visser gesels, en dan
teruggegaan na die skare toe en met hulle gesels, waarop hulle
gereageer het op sy praat en elke keer geskree het.

Het u hom weer daardie nag gesien na hierdie voorval?

--- Ha, hy was gearresteer gewees.

Wie het hom gearresteer? --- Een van die Offisiere.

Ek is nie seker wie dit gewees het nie.

En nr. 4 beskuldigde? --- Hy was ook met tye aan die
binnekant/....

binnekant van die draad gewees.

En wat het hy gedoen? --- Hy en nr. 3 het met mekaar gesels en dan het hy ook na die skare gegaan en met hulle gesels, waarop hulle geraageer het.

En het u gesien wat het uiteindelik van nr. 4 geword? --- Hy was ook gearrester gewees.

En nr. 43? --- Nr. 43, na die skietery het ons tussen die gewondes geloop, ek en Konstabel Struwig, en nr. 43 het links van die hek voor in die straat gels op sy rug, soos iemand wat bewusteloos is. Ons het na die beskuldigde gekyk, of hy enige wonde aan hom het, en kon geen wonde vind nie, waarop Konstabel Struwig hom deursoek het en 'n self-gemaakte mes gevind het by hom, wat ingestek was voor by sy broek, tussen sy broek en sy heup. Ons het hom toe daar opgetel en na die aanklagtekantoor geneem, waar hy later weer sy bewys herwin het.

Ken u die bewysstuk nr. 44? --- Ja, 'n mes soortgelyk aan daardie een.

CROSS-EXAMINED BY MR. UNTERHALTER:

You were a member of the line of Police that stood facing the crowd just before the shooting? --- Dit is reg.

At the time just before the shooting? --- Dit is reg.

Now, in relation to the gate Constable, were you opposite the gate or were you a little to the left of the gate as you faced it, or a little to the right of the gate? --- Ek was aan die linkerkant 'n bietjie.

When you use the word "left" do you mean left of the gate as you are looking at the gate? --- Dit is reg.

DEUR DIE HOF:

Met ander woorde, as jy na die hek kyk dan was hy skuins regs voor jou? --- Dit is reg, Edelagbare.

Cross-examination/....

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

About how many paces to the left of that gate were you approximately? --- Ek sal sê ongeveer tussen 10 en 15 tree.

Were you a fair distance down the line then? --- Nie baie ver nie. Daar was 'n paar aan my regterkant gewees.

Did you hear any order to fire being given by any Officer? --- Nee.

Or by any other person? --- Nee.

Now, do you remember what happened just before the shooting? --- Ja.

Can you tell it to us in your own words? --- Ja. Kolonel Spengler, as ek reg onthou, het van die Bantoes daar gearresteer. Een Bantoe was gearresteer ^{en} ingebring, en 'n tweede poging was aangewend om 'n tweede een te arresteer, toe die hek feitlik oopgeleop was deur die skares Bantoes buite, en net daarna het die skietery plaasgevind.

Now, how did Colonel Spengler arrest this first person? --- Hy het hom geneem by sy baadjie soos ek wys aan die Hof, en hom ingebring. (Getuie demonstreer).

He took the upper portion of the left arm of the person he was arresting? --- Ek weet nie watter deel van sy arm hy hom geneem het nie, maar hy het hom aan sy arm geneem.

As you demonstrated it it seemed as if you were seizing the clothing of the Interpreter by way of example? --- Ja.

Is that how you remember it? --- As ek reg is.

To you as a Policeman it seemed quite clear that this man was being arrested? --- Ja, hy was ingebring deur die Kolonel.

And did it seem to you that he was being brought in as if he was under arrest? --- Hy is ingebring. Ek kan nie sê of die Kolonel hom wel gesê het dat hy hom arresteer of nie.

Hy/....

Hy is ingebring deur die Kolonel.

I know you can't say, but all I want to get from you is what impression did it leave you with? Did it seem to you as if he was being arrested? --- Ja Edelagbare, dit het so voorgekom.

Now, you spoke about the arrest of another man. Was that similarly carried out by Colonel Spengler? --- Ja.

And by Colonel Spengler similarly? --- Ek is nie seker of dit Kolonel Spengler gewees het wat die tweede een ingebring het nie, want daar was meer mense voor my en ek kon nie presies sien wat met die tweede een aangaan nie.

Constable, did you see any struggle between the person who was arresting any of these people, and the people being arrested? --- Nee.

Do you remember seeing anybody with a straw hat being brought in? --- Nee.

Or anyone who might have been wearing a red waist-coat? --- Nee.

You did not see any of the people, not necessarily these two, but somebody else being struck by a Policeman? --- Nee, ek het dit nie gesien nie.

Or anybody being tripped up? --- Nee.

Now, you said that.... Oh, one other thing. Did you see any struggle at the gate as if the crowd were trying to pull somebody back and the Police were trying to pull him into the grounds? --- Nee, ek kan nie onthou dat ek dit gesien het nie.

I have asked you to tell whatever you remember in your own words, and you said that you saw these arrests, and some people did you say from the crowd came through the gate? I am not sure if you said that? --- Ek het dit gesê.

And then the shooting started? --- Ja.

Now/.....

Now, apart from that, is there anything else that you remember as having happened just before the shooting, that you think you ought to let us know about? --- Edlagbare, as dit miskien is, toe Kolonel Pienaar ingekom het met sy motor, het die skare die hek die skare was binne in die hek gewees, en hy het moeilikheid ondervind om deur die skare te kom by die hek.

Did anything else happen on the part of the crowd that you can remember, i.e. just before the shooting, that you ought to tell us about? --- Daar was klippe gegooi vanaf die skare na die Polisie.

Anything else? --- En natuurlik dat die skare baie oproerig gewees het, en dat hulle teen die draad gelf het wat om die Polisie-stasie gespan is.

And then you say the shooting commenced from the Police? --- Dit is reg ja.

The first shots that you heard then do I understand you to say came from the Police firing towards the crowd? --- Dit is reg ja.

I take it then Constable that you did not hear any shots coming out of the crowd? --- Ek het nie gehoor nie.

Now, you accompanied Constable Struwig outside and you were looking among the dead and the wounded? --- Dit is reg, ek het.

And you say that there you found accused No. 43 lying on his back, apparently unconscious? --- Dit is reg.

Now, whereabouts in relation to the gate did you find him lying? --- Hy het aan die linkerkant van die hek gelf.

Now, when you say on the left of the gate, do you mean on the left of the gate as you look out of the Police Station towards the buildings on the opposite side, or on the left as you look towards the Police Station from the street side/....

side? --- As ek van die Polisiestasie kyk weg na die gebou.
That is from inside the Police grounds? Is that it?

--- Dit is reg.

And approximately how far from the gate was he? ---
Ek sal sê ongeveer 20 tot 25 tree.

Did that appear to you to be somewhere near the
corner of where the main street runs, Zwane Street? --- Nee,
dit was 'n ent weg van die heek gewees, na die onderkant van
die plein.sal ek sê.

What you say "die onderkant van die plein", do you
mean blackower part of this grassed in area where you had all
been lined up before? --- Nee, as ek dit so kan beduie. Ek
sal sê ongeveer in die middel van die heek en die hek.

Well now, taking the position where you are as being
the gate, and say the lefthand post of the gate as you look
out of the Police Station grounds to the street. Approximately
how far from that would you say you found the person, looking
in front of you? --- Edelagbare, ongeveer daardie paal wat
die draad daar aan gespan is. Ek sal sê omtrent vyf tree na
my toe van die paal af.

There is a tap there. Use that as your point.
That is fairly clear. Do you see the tap? --- Ja.

Well, what was the distance? --- Ek sal sê ongeveer
8 tree na my toe van die kraan af. Ek skat 'n bietjie sleg
hiervandaan.

Could the witness perhaps be permitted to step
out the distance, Your Worship?

BY THE COURT:

Very well.

Tree die afstand af tot by daardie punt. --- (Getuie
tree die distansie af).

Jy/....

Jy het 25 tree afgetree, het jy nie? --- (Antwoord van getuie onhoorbaar aangesien hy heeltemal weg van die mikrofoon af staan).

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, your estimate was absolutely wright, 25 paces?

--- Ek skat so Edelagbare.

Now, was he lying on the pavement or was he lying on the street? --- Het van die sypaadjie af.

Now, Constable Struwig also gave evidence of having seen a person, who had this knife as you have described it, but he places him as being five paces south-west of the gate. Is that wrong? --- Ek weet nie wat hy bedoel as hy sê vyf tree suid-wes van die hekkie af nie.

DEUR DIE HOF:

Kyk, die hek is in die heining wataan die westelike kant van die Polisiestasie is? ---Ja.

En soos julle gestaan het het julle na die weste gekyk? ---Ja.

So suid-wes moes links van die hek gewees het soos jy dit beskryf? --- Ja.

En noord-wes moes dan regs van die hek gewees het, en wes sal reg voor die hek wees? --- Wel Edelagbare, volgens my is dit my opinie waar ons die beskuldige gekry het.

Dit is nie 'n kwessie van vyf tree van die hek af nie, dit is ongeveer 25 of 20 tree? --- Nee, dat dit meer is.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you said you found him lying on his back? ---

Dit is reg.

So that as he lay you could see the front portion of his body clearly? --- Ja, ek het gesê sy maag, die voorkant.

Now/....

Now, was any part of Exhibit 44 clearly to be seen on his person, or was the whole of this knife concealed by his clothing? --- Ek het geen deel gesien nie.

Apart from Constable Struwig and yourself, were there any other Constables when were present when you discovered accused No. 43? --- Nie wat ek gesien het nie.

I take it that you were looking with a fair amount of attention at the man that you were examining, accused No. 43? --- Ek sal nie sê met groot aandag nie. Konstabel Struwighet hom deursoek, en ek het net bygestaan.

Now, if you did not see any portion of the knife, how was it that Constable Struwig was able to find this knife on him? --- Hy het die beskuldigde deursoek.

Now, in searching him did he unbutton the top of his trousers and so discover the knife concealed by the trousers, or how did he come across the knife? --- Nee, nie wat ek gesien het dat hy dit doen nie. Edelagbare, deursoek op die gewone manier wat jy 'n prisoner deursoek, hom orals voel op sy lyf of hy enigiets by hom het.

Now, does that mean that you saw Constable Struwig put his hands somewhere on the stomach of the accused in the process of, as you say, searching him? --- Edelagbare, as ek vir die Hof kan beskryf, soos ek sê gewoonlik voel jy aan hom, en toe het hy dit seker gevoel.

Constable, in that very grave emergency of people dead and wounded, i.e. after the shooting, do you know of any reason why Constable Struwig should have searched him in the manner you have described, he being apparently in an unconscious condition? --- Ek weet nie. Hy het seker sy eie opinie gevolg, maar ek kan miskien net dink dat hy wel wou oplet of die beskuldigde enige vuurwapens of enige ander wapens op hom gehad het.

Constable/....

1,700.

J.P. Prinsloo.

Constable, I take it that neither you nor Constable Strawig opened up this man's clothing at all? --- Nee.

I should have imagined that having gone out to help the wounded, the first thing that you two would have done would have been to examine any person lying down there, to see if he was in fact wounded and in need of assistance, before starting to search him? Do you not agree with me? ---Dit is wat ons gedoen het, maar ons het geen wond of enige bloedmerk aan hom gesien nie.

But Constable, how could you have been satisfied that he was not wounded, unless you did some stripping in order to expose portions of his body that were covered by his clothes? --- Ek dink dit is vanselfsprekend as die beskuldigde gewond was sou daar 'n merk gewees het waar 'n koesl-wond ingegaan het of daar sou bloed gewees het.

Well, did you examine the clothing carefull to see if there were any bullet marks? --- Daar is gekyk en daar was geen bloedmerke nie. Ons het nie bloedmerke of koesl-merke gevind aan hom nie.

It did not occur to you that perhaps the man might have been injured even though there were no outward signs of bleeding, visible to you? --- Nee.

Now, you told us that he was lying on his back, but the way I recollect the evidence of Constable Strawig the said he found him lying on his stomach? ---Ek het hom gesien toe ek by hom kom op sy rug lê.

And Constable Strawig has told us that the handle of this kknife was clearly visible above the level of the trousers. You have not told us about that. Now, are you mistaken or is he? ---Edelagbare, soos ek sê ek het dit nie gesien nie.

9 Did it appear to you that this man lying on his back/....

back might have fallen? --- Dit het so voorgekom, dat hy geval het. Ons kon nie sê waardeur nie, d.i. of hy deur 'n wond neergetrek is en of hy vanself geval het nie.

And may it have been that perhaps, whichever way he was lying, might have been caused by the crowd in its flight, trampling on him as they left the scene of the shooting? --- Dit is moontlik.

Constable, talking about the blood again for a moment. You say you did not see any blood on the outer clothing? --- Dit is reg.

And that therefore you did not examine him for wounds? --- Sees ek gesê het ons het geen wonde aan hom gesien nie, en geen bloed aan hom gesien nie, so ons het aangeneem dat daar geen wonde aan hom is nie.

It did not occur to you that perhaps blood might have been soaking into the undergarments without having soiled the outer garments, and that a man lying down in that condition ought to have been examined because of the shooting? --- Nee.

Will you have a look at Exhibit 44 please? --- Ja.

Constable, I take it you will agree that a knife like that, placed in the front of a person's body, and carried by him like that, while he is standing up, may cause him serious injuries if he were to fall down without that knife being removed before he falls? --- Dit kan gebeur. Dit is natuurlik seker as die voerpunt in hom insteek, dan sal dit gebeur.

Well, irrespective of whether he points the point towards him; if it is in that down position, there is a risk of serious injury if he falls? You agree with that? --- Dit kan, maar sees ek hom gekry het op sy rug, sees ek hom gesien het op sy rug lê, mag dit wees dat hy agtereer geval het, na.w. die mes sal nie insteek nie.

But/....

But it is possible Constable? You agree with me, do you not, that injuries might be suffered by a person falling from the upright position into a prone position or a supine position?—Dit mag gebeur. Dit kan gebeur. Dit is moontlik.

Now, did it not seem to you Constable, that if this man had fallen, and perhaps been trampled on by the crowd, and you found this knife in the position on his body that you have described, that you ought to have undressed him, and had a look at the lower portion of his body, to see whether there had been any injury to the lower portion of his stomach, or his genitalia, or the upper portions of his legs? Did that not occur to you? — Ons het dit nie gedoen nie.

DEUR DIE HOF:

U het nie daaraan gedink nie? —Nee.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Constable, after the shooting you had all gone out on an errand of mercy, to help those who were wounded? —Ja.

And that was uppermost in your mind, was it not? —

Ja.

Well, in the light of that can you explain why you did not make that elementary check on this man whom you found in this position? — Hy het nie ernstig verwond voorgekom nie, en daar was ander wat meer gewond en ernstiger gewees het wat ons hulp aan verleen het.

Constable, I presume you have had no medical training? — Edelagbare, ons word in die kollege eerste hulp lesings gegee. Ons word onderrig in eerste hulp.

Apart from having had training in first aid, you certainly don't claim to be an expert on medical matters, do you? You don't claim to be an expert on medical matters?

— Nee.

And you were then content, by just looking at this man's/....

man's face, and seeing the absence of blood, to assume that his terribly dangerous knife had not caused any injuries at all to the lower portion of his body? --- Ja, dit is reg.

Now, did you assist in carrying this man into the Police Station? ---Ja.

Just you and Constable Struwig, you carried him in? /

--- Ja.

Who carried the knife? --- Konstabel Struwig het die mes geneem as ek reg onthou.

Well, it certainly was not you, or you are at least certain of that? Is that so? --- Nee, ek het nie die mes gedra nie.

And there were not more than the two of you bringing him in? --- Daar het nog ander Konstabels saam deurgestap na die Polisiestasie toe, maar ons twee was alleen met die dra; ons het alleen gedra.

Now, how did you carry him? Can you describe that? --- Ons het elkeen aan 'n voet gehad, en hem aan die be-part aan sy lyf geneem en hem ingedra.

Just let me see if I understand you. Was he walking and were you just carrying him or rather supporting him under each arm, or had you lifted him bodily off the ground? --- Ons het hom opgelig van die grond af.

MR. UNTERHALTER:

Your Worship, I am not certain as to the way Constable Struwig described this. I am under the impression it was otherwise, but unfortunately I have no note in my record, i.e. my cross-examination.

THE COURT:

No, Constable Struwig described him as being carried by his hands and feet, carried. You put the same point to him as to whether the man moved along, and he said no he was bodily

carried.

carried by hands and feet, or arms and legs, I don't know.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, as he was carried Constable, do you remember any incident that happened from the point where he lay until you reached the Police Station where presumably you put him down? --- Nee.

You are quite certain about that? --- Ja.

You see, I put the same question to Constable Struwig and he does not remember anything special either. Colonel Pienaar, when he gave his evidence, said this; "He was carried past me by the men, and one of the men held the knife and showed me that this knife was found". Now, it is possible that there may have been another incident, I don't know, but as far as you are concerned it does not refer to the man that you were carrying with Constable Struwig? ---Nee, ek weet nie daarvan nie.

DEUR DIE HOF:

Het jy Kolonel Pienaar gesien? --- Ja, ek het Kolonel Pienaar gesien.

Onthou jy of jy hom gesien het terwyl julle die man gedra het? --- Ja, hy was daar gewees.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And if Constable Struwig would have shown him the knife as you passed and said something, you would have notified it and you would have remembered it? Is that correct? --- Ja.

Constable, are you absolutely sure about this knife? --- Seker entrent wat van die bewysstuk?

That it was found on the person of accused No. 43 in the circumstances that you have spoken about? --- Ja.

And despite the differences I have pointed out to you, you are quite satisfied that your version is the correct version/....

version? --- Ja.

And if No. 43 accused were to deny that he was carrying such a knife, what will you say to that? --- Wel, die mes is aan hom gevind.

It is correct is it not Constable, that it took many hours for this man to come round and be in his full senses? --- Dit het nie so lank geneem nie. Ek kan nie onthou hoe lank dit was nie, maar dit was nie baie lank gewees nie.

Well, what would you say? Ten or fifteen minutes as far as you are concerned? --- Ek sal nie kan sê nie. Ek het die beskuldigde daar gelos en uitgegaan buite toe, en nadat ek teruggekem het in die aanklagkantoor was hy by sy positiewe gewees.

Constable, give us some idea of how long it took for you to leave the charge office and come back again, and then find him restored? --- Dit mag wees tussen 30 en 45 minute. Ek is nie seker nie.

Not longer than that? --- Ek glo nie.

You see, I am under the impression that Constable Struwig said that it took three hours? --- Nee, dit is nie so nie.

I am not sure if I have put that correctly Your Worship; I am relying on certain notes that I made. I understand he did say so.

Well, if Constable Struwig said so, then I take it that he is mistaken? --- Edelagbare, ek het na, soos ek gesê het, omtrent 30 na 45 minute teruggekem en toe was die beskuldigde by sy positiewe; tensy hy miskien weer bewusteloos geraak het sonder dat ek daarvan weet.

Now, you said that you pointed accused No. 43 out on the parade? --- Dit is reg.

Were/....

Were the words that were used to you by the man in charge of the parade, spoken to you, or were you just asked to read a piece of paper as to what you were required to do? ---
Hy het dit gesê.

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

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mnr. Prinsloo, hee laat was dit wat u nr. 43 beskuldigde vir die laaste keer gesien het voordat hy verwyder was of u die Polisiestasie verlaat het? Kan u onthou hee laat dit was? ---Nee.

Kan u miskien onthou hee lank na die skietery dit was, hoeveel minute or ure, wat u die saak afgehandel het met nr. 43, d.w.s. toe u hom die laaste keer gesien het? --- Nee, ek kan nie presies sê nie.

Hee laat het u die Polisiestasie verlaat? Kan u onthou? ---Wel, ek is eers die nag daar weg.

Die nag daar weg? --- Die nag daar weg.

Het u ooit weer vir nr. 43 gesien nadat hy sy bewussyn herwin het, daardie tyd? --- Ja, ek het hom weer gesien.

Was dit al denker of nie? --- Dit was denker gewees, en ek het hom ook die volgende dag daarna weer gesien.

Wel, laat ons nou net onself beperk tot die dag op die oomblik. Waar was hy toe u hom gesien het? --- Hy was nog steeds in die klagtekantoor gewees.

Het hy gelê of wat het hy gedoen? ---Hy het gesit op die bankie wat binne in die klagtekantoor is.

Was daar enige ander mense wat aangehou was daar? ---Daar was ander Bantees gewees. Ek kan nie sê of hulle almal aangehou was of nie.

Wat ek wil uitvind is het hy daar soos 'n siek hoender gesit, of het hy miskien 'n gesprek gever? --- Nee,

hy/....

1,707.

J.P. Prinsloo.
T. White.

hy het gepraat met die ander Bantees wat daar gewees het.

Het u al gesê? Was dit voor of na sesuur? toe jy
hem daar gesien het? --- Edelagbare, ek het hem na ses weer
daar gesien dink ek as ek reg onthou.

DEUR DIE HOF:

Toe jy en Konstabel Struwig beskuldigde nr. 43 daar
gekry het, nou net voor dit, het julle saam gestap of van
verskillende rigtings af aangekom na mekaar toe, of hoe het dit
gebeur? --- Ons het van verskillende rigtings aangekom.

Wie was eerste by die man? --- Konstabel Struwig.

Met ander woorde, Struwig was by die man en toe
kom jy daar aan? --- Toe kom ek daar aan.

En toe sien jy Struwig veel hom deur? --- Dit is reg.

En jy het geen bloed iewers aan sy klere gesien nie?

--- Ek het geen bloed gesien nie.

Nou, hoe lank daarna het julle hom opgetel en wegge-
vat? --- Nadat Konstabel Struwig hom deursoek het en die mes
by hom gevind het, het ons hom opgetel en ingedra na die
klagtekanteer toe.

Was daar enige tydverspilling gewees of nie? ---

Daar het, as ek reg onthou, van die ander Konstabels en Kolonel
Pienaar daar aangekom, en daar was 'n gesprek gewees tussen
Konstabel Struwig en van hulle.

Heys 'n gesprek? --- Ja.

En toe tel julle hom op? --- Toe het ons hom opgetel
en gedra.

THOMAS WHITE, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is 'n Konstabel in diens van die Suid-Afrikaanse

persone wat daar aanwesig is teenwoordig was die dag op Sharpeville.

En was u in staat om enige persone uit te wys? ---

Ja.

Kan u onthou hoeveel persone u uitgewys het? ---

Ek kan niepresies onthou nie.

Sal u daardie mense vandag kan uitwys indien hulle wel in die Hof is? ---Ja.

Sal u afstaan en net in die Hof rondkyk en sien of daar enige persoon is wie u herken?

DEUR DIE HOF:

Die beste is gaan raak die persone aan? --- (Getuie wys uit beskuldigde nrs. 3, 43 en 39).

VERHOOR DEUR DIE PUBLIEKE AANKLAERVERVOLG:

U het nr. 3, nr. 43 en nr. 39 beskuldigdes uitgewys in daardie volgerde. Nou, waar het u nr. 3 beskuldigde gesien op die 21ste? --- Hy het binne in die Polisiewerf rondgeleef voor die skare Bantoes.

Het u gesien wat hy gedoen het? --- Ja, hy het die Bantoes teegesprek in 'n Bantestaal, en dan net sedra hy stilbly het die Bantoes hulle duime in die lug gesteek en "Afrika!" geskree.

Het u opgelet wat van die beskuldigde persoon geword het, nr. 3? --- Ja, hy was gearresteer deur 'n Polisie-effisier.

En beskuldigde nr. 43? --- Ja, hulle het hom bewusteloos opgetel net na die skietery.

En wat het van nr. 43 geword? --- Hy is ingedra in die Polisie-stasie in.

En het jy hom daarna gesien? --- Ek het hom net gesien toe hulle hom ingedra het; daarna nie weer nie.

Was dit die eerste keer wat u beskuldigde nr. 43 gesien het, d.i. toe hy opgetel is en ingedra is? --- Ja.

Eh/....

1,710.

T. White.

En nr. 39? --- Ek kan nie presies onthou waar ek hom gesien het nie.

Nou, toe u by Sharpeville Polisiestasie was, kan u onthou hoe laat u daardie oggend daar gekom het? --- Dit was ongeveer 10.15 v.m.

10.15, 10.30, daar langs? --- Ja.

En het u aannet die een kant van die Polisiestasie gebly, of het u orals rondgeleef? --- Nee, sommige tye was ek binne in die Polisiestasie, en sommige kere het ek buite om rondbeweeg.

Nou, kan u onthou of u wanneer of watter tyd u beskuldigde nr. 39 gesien het? --- Nee.

U kan nie. En wat het hy gedoen? --- Nee, presies wat hy daar gedoen het kan ek nie sê nie.

U kan nie onthou nie. Maar hy was toe iwers in die nabyheid van die Polisiestasie? Is dit waar u hom gesien het? --- Dit is korrek.

Ek neem aan voor die skietery? --- Ja.

CROSS-EXAMINED BY MR. UNTERHALTER:

Constable, you were lined up together with other members of the Police Force, facing the crowd on the western side? --- That is correct.

Now, in relation to the gate Constable, as you looked towards the crowd, were you immediately opposite the gate, to the left of the gate, or to the right of the gate? --- Ek sou sê ek was ongeveer vyf tree na die linkerkant van die hek toe.

So that the gate was then somewhere on your righthand side? --- Dit is korrek.

Just before the firing, did you hear any order to fire? --- Nee.

If/....

If an order had been given a distance of approximately five paces from you in a reasonably clear voice, would you have heard it? --- Dit is meentlik.

We have had the evidence of another Constable, i.e. Constable Meyer. He placed himself approximately in the same position as yourself. Do you know Constable Meyer? ---Ja.

Were you near him? --- Ek kan nie presies sê waar hy gestaan het nie.

This is Constable J. Meyer, i.e. Joël Meyer? --- Ja, daar was twee Meyers teenwoordig. Ons het hulle maar geken as Rooi Meyer en Swart Meyer, en ek weet nie wat is hulle voornamie nie.

DEUR DIE HOP:

Maar jy ken altwes? --- Ja.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Joël Meyer, you don't remember where he was in relation to yourself? --- Dit is korrek.

Now, Joël Meyer has said that he distinctly heard a command "Skiet!" You did not hear it? --- Wel, ek het dit definitief nie gehoor nie.

Now, I understood you to say you got hit in the stomach by a stone? --- Dit is korrek.

There was no open wound and there was no bruise? --- Nee.

And you did not go for any medical attention? ---Nee.

Now, were you present when accused No. 43 was actually picked up? --- Ek was ongeveer vyf tree van die toneel af.

Did you notice who was present at the time he was picked up? --- Konstabel Prinslee, die vorige getuie, en 'n ander Konstabel wat ek nie ken nie.

And/....

And do you remember seeing that these two Constables came to accused No. 43 together? --- Nee, ek het maar net gesien toe hulle besig was om hem op te tel.

Did you notice if Colonel Pienaar was there before he was picked up? I mean next to him or nearby him? --- Ek kan nie sê nie.

DEUR DIE HOF:

Jy kan nie vir Kolonel Pienaar daar onthou nie? ---

Nee.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Did you notice how these ^{two} Constables carried this man? --- Ek het nie so opgelet daarna nie.

Did you notice anything special that the Constables may have had while they were carrying him? --- Ja, die Kenstabel wat se naam vir my onbekend is het 'n delk by hom gehad.

And was he carrying it? --- Ja.

It was quite clear for you to see? --- Ja.

Did you notice these two Constables at any time before they picked him up, i.e. accused No. 43? --- Nee.

You did not notice them searching him or doing anything to his clothes? --- Nee, ek het net gesien toe hulle hom opgetel het.

Did you notice No. 43 after he was brought into the charge office? --- Nee.

Thank you, Your Worship.

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

CROSS-EXAMINED BY ACCUSED NO. 39:

Kenstabel, die tydstop toe u my gesien het kan u miskien skat die afstand vanwaar u gestaan het tot waar ek gestaan het? --- Nee.

Maar waar ek gestaan het was ek op 'n oep plek waar

u/....

my ken goed gesien het, en ek was nie agter die mense daar
gewees nie? --- Nee, ek sal nie presies kan sê waar hy was nie,
maar dit was of voor indie skare, of so nie baie naby dat ek
hem duidelik ken sien.

--- Die tydstop toe u my daar gesien het, kan u miskien
skat watter tyd dit was? --- Ek het die Hof alreeds meegedeel
dat ek ongelukkig nie die tyd kan sê nie.

DEUR DIE HOF:

Jy kan nie sê of dit was toe jy in die linie gestaan
het, en of dit was terwyl jy nog redbeweeg het nie? --- Ek
kan dit geensins sê nie, want al wat ek kan onthou is ek het
hem daar gesien.

Jy sê net jy het hem daar by die Polisiestasie gesien?

---Ja.

Buitekant of binnekant? --- Ek kan nie onthou presies
of dit binne in die Polisiestasie of buite was nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 39 VERVOLG:

Kan u miskien die klare beskryf wat ek die dag
aangehad het? --- Nee.

Die tydstop toe u my daar in die omgewing gesien het,
het u miskien spesiaal observasie op my geheue?

DEUR DIE HOF:

Het jy hem miskien spesiaal deegheue toe jy hem
sien of nie? --- Nee Edelagbare, as 'n mens daar redbeweeg is
daar nie 'n spesifieke perseen wat jy kan dephou nie.

KRUISVERHOOR DEUR BESKULDIGDE NR. 39 VERVOLG:

U het die uitkenningsparade te Boksburg bygewoon,
waar u tevrede was dat u my op die 21ste te Sharpeville gesien
het? --- Ja, ek het hem daar uitgewys, en ek het hem daar gesien.

Is u seker dat u my daar uitgewys het? --- Wel, ek
sal nie presies sweer daareop nie.

Ek/.....

Ek stel dit aan u dat al die getuienis wat u hier gelewer het nie die waarheid is nie? ---Dit is die waarheid.

Ek stel dit aan u dat u het my nie by die uitkenningsparade daar uitgewys nie? --- Dit is meentlik.

Dit is meentlik dat u kon my destyds nie daar by die parade uitgewys het nie? U is nie seker daarvan nie? --- Ek het verskeie beskuldiges daar uitgewys, maar ek kan nie presies sê watter ek daar uitgewys het nie.

Ek stel dit aan u dat u het my nie daar uitgewys nie? --- Ek sal nie sê ek het hom daar uitgewys nie, maar ek het hom definitief die 21ste Maart op Sharpeville gesien.

Op die 21ste Maart 1960, ek stel dit aan u dat ek was nie daar teenwoordig nie? --- Hy was.

Geen verdere vrae nie.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Geen vrae nie.

BY MR. UNTERHALTER:

Your Worship, before the witness is excused there may be one other question. I would just like to get an instruction on it.

FURTHER CROSS-EXAMINED BY MR. UNTERHALTER:

Constable, I have just been instructed by accused No. 43 that you did not point him out on the parade. Now, is it possible that you are making a mistake when you say that you did point him out on the parade? ---Nee, ek het hom definitief uitgewys.

Harold/....

HAROLD SACKS, duly sworn, states:

EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. Sacks, are you the Crime Reporter on the Rand Daily Mail, Johannesburg? --- I am.

Now, just a little bit about your military career. Did you serve with military forces during the 1939-1945 war? --- I did.

Was it with foot units or mobilized units? --- First of all artillery, then foot.

And were any of the units with which you served engaged in action? ---Yes, the Sixth Battalion, the Black Watch.

So you were with the Sixth Battalion, the Black Watch? --- That is correct.

And what rank did you hold there Mr. Sacks? --- Lieutenant Commander, Lieutenant.

So you have some experience as to what a gun sounds like when it goes off and so on? --- I have all types of guns.

Now, is it correct Mr. Sacks that on the 21st March this year, you, accompanied by Mr. Robinson, i.e. the photographer, and a native driver, proceeded first of all to I think it was.....? --- Orlando.

Orlando? --- Orlando. Well, actually we were without the native driver up to Orlando, but from Orlando the native driver took over another car.

I just want to sketch your progress quickly until you came to Sharpeville. You first of all went to the trouble spots at Evaton and Vanderbijl and so on? --- Not Vanderbijl, no.

Not Vanderbijl? --- No, Orlando, Evaton, and then Sharpeville.

And/....

And when you arrived at Sharpeville, who all were in your car? --- Mr. Robinson, the photographer, and the native driver Paul.

And did you make your entrance at the Sharpeville Native Township at the Municipal Offices, along that way? --- I stopped at the Municipal Offices. There was a gathering of Policemen there, Policemen and Police officers.

Approximately what time was that? --- That was about ten to one.

And who was the Officer in charge there? --- Well, I don't know who was in charge. The senior Officer was Colonel Pienaar.

And from there did you proceed to enter the location? --- Well, subsequently.

Now, I would like to show you an exhibit. Will you look at Exhibit 2? That is a photostatic copy of the aerial photograph of Sharpeville. You can see the Municipal Offices are marked, and just opposite "Biersaal", and then "Hostel", and so on; the public buildings are mentioned all the way up. If you will just orientate yourself as far as the Police Station is concerned, and the shops on the corner? --- Yes.

Now, did you proceed along the main street, which is called Seeiso Street? --- That is correct yes, from the Municipal Offices, from east to west.

Now, did anything happen to you as your vehicle proceeded along Seeiso Street? --- As we were driving up the hill crowds of natives came from the direction of the Police Station. Some were running, some were walking, others were jogtrotting, and spread over the pavements; some crossed over the road and went on to the righthand side of the pavements, coming towards us, and others on the....

Can you pause there a moment Mr. Sacks? Yes, and/....

1,717.

H. Sacks.

and then? --- Others on the lefthand side of the road, coming towards us as well.

Now, up to that stage had you heard any firing at the Police Station? --- Not at the Police Station. When I was at the Municipal Offices I heard firing.

Where did the firing appear to come from? --- From the direction of the Police Station.

Was that just isolated shots? --- No, they were volleys of firing.

Whereabouts were you approximately according to that plan, Exhibit 2, when you noticed these people running at jogtrots from the direction of the Police Station? Could you find some public building which is nearest to the place? --- I would say between where the bus stop is marked on the main road and the street itself is. It is about midway between where the street is marked on the photograph, and where the bus stop is. That is approximately.

And did anything happen to you on your way when you passed these people running? --- Yes, I heard a shot being fired, a small calibre shot being fired. I heard the tingle.

I heard the shot, there was a tingle, and then stones were thrown at us, more shots, and inbetween the natives were making peculiar signals, waving their arms, shouting.... They were in groups, and some of the groups were just apparently the people who had been standing there all the time; natives stood there, but the crowd moving toward us, they were giving all sorts of signs and flinging stones at us, on both sides of the road.

And were there any any Policemen insight at that stage when the shots were fired and the stones thrown at you? --- No, I saw no Policemen there.

Now/....

Now, you mentioned that you heard a shot fired and then you added something that I did not quite catch, something like a tingle? — A tingle, a tingle of metal falling.

A ping of metal falling on a car? — Not a ping, a tingle .

A tingle? — Yes, that is so.

And did any of the stones strike the car? — Yes, this car was struck on both sides, and on the hood.

Was any damage done to the glass portions of the car at all? — No, there were ^{two} stones that struck the door next to me, two on the top of the hood above my head, and then others on the righthand side of the car.

Anyway, were you able to proceed through this crowd to reach the Sharpeville Police Station? — Well, we had to shoot straight along the road, past the Police Station, and then come back to the Police Station.

When you use the word "shoot", do you mean travelling in a vehicle? — Well, travelling at a high speed.

You see, people are sensitive about the word "shoot"!

BY THE COURT:

Do you mean along that main road? — Along the main road.

Until you were past the Police Station? — Well, we actually went right past the Police Station to get out of this crowd and the stoning, and then swung back again.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And when you reached the Police Station the firing was all over, and it was just a question of the wounded and the dead lying there? Were they still lying in the street? — They were.

Did you notice any other men of the Press present at the/....

the Police Station when you arrived? --- I saw nobody else at that stage.

Did you ever see Mr. Hoek or Mr. Pogrund at all? --- The last I saw of them was of course I saw them subsequently -- was at the Municipal Offices, when they followed.... Well, I spoke to them there, and then they followed Colonel Pienaar and his reinforcements in the direction of the Police Station.

BY THE COURT:

And they followed Colonel Pienaar's car? --- Not his car. Well, he had Saracens, four Saracens. He was in a car, that is correct, and then the Police reinforcements followed behind him.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, when you saw them at the Municipal Offices, did either of them have any injuries, particularly Mr. Hoek? --- No.

And when did you subsequently see Mr. Hoek? --- I saw Mr. Hoek and Mr. Pogrund about five o'clock that afternoon in the Rand Daily Mail offices in Johannesburg.

And did Mr. Hoek have any injuries? --- No, Mr. Pogrund had ... I did not notice any on Mr. Hoek; I noticed Mr. Pogrund had a torn ear, with blood down his shirt.

Were you ever able to examine your car Mr. Sacks? --- I saw the car in the offices when I saw them. They pointed out the car to me. Actually my car was handed over to them at Orlando, the car I normally use.

At what stage was that? --- I don't quite follow.

What I am trying to find out is when did you examine your car to see what damage had been done to it? --- At five o'clock that afternoon, when I saw Mr. Hoek and Mr. Pogrund.

Now, I am talking about the car that you were travelling in when it was stoned and shots were apparently fired/....

fired? --- Yes.

I would like to show you an Exhibit, which will be Exhibit 63. Is that the car Mr. Sacks in which you were travelling when shots were fired and you heard the sound of metal falling and stones struck the car in Seese Street? --- I cannot see the number, the registration number, but from all appearances this is the same car, and from the marks on the lefthand door.

Did you find any bullet hole marks in your car? --- I did. I found two. One was on the left front bumper, and one on the right rear bumper.

Are any of them visible in that photograph? --- And of course a bit of heading was off on the righthand side of the car, near the window, near the rear window.

The Exhibit 64 shows the lefthand side of the car? --- Yes, it shows the stone marks but it does not show the bumpers.

And does it show the bullet holes at all? --- No, the bullet holes were on the bumpers, the bullet marks were on the bumpers.

How many bullet holes were there in the car? --- Well, as I say there were.....

BY THE COURT:

Mr. Prosecutor, the witness talks about bullet marks, and not holes.

BY THE WITNESS:

There were the two marks on the bumpers, which I identified as bullet marks, ^{and} the third one was a bit of heading which was missing.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And do you know how much it cost to restore the damage to that vehicle? --- Well, that is difficult to say, because/.....

because the....

BY THE COURT:

I am not concerned with that. --- I am sorry. The car was smashed up subsequently as well!

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

As I understand you changed cars? This was a car which you exchanged, and you handed your car to Mr. Heck and Mr. Pegrund? --- That is correct, yes.

And Exhibit 65 is a photograph of that car when you saw it later at the Rand Daily Mail offices? --- That is the car.

When you last saw the car, when you handed it over to these two gentlemen, did it have any of the damage which is shown on the photograph? --- When I saw it at the Municipal Offices at Sharpeville it was undamaged. When I saw it at five o'clock that afternoon the windscreen was smashed and the side windows on the driver's side.

Who is the gentleman shown in the photograph? --- That is Mr Pegrund.

And is that his car which you are talking about, which looks a little bit....?--- I did not look at it in such detail.

Was that the first time that particular day that you were stoned and shot at? --- Yes, the first time we were stoned and shot at. We were actually interfered ^{with} before that, but no.....

You were ~~with~~ interfered with before that? --- Yes.

COURT ADJOURNS.

Harold/....

COURT RESUMES:

HAROLD SACKS, under his former oath, continues:

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Sacks, when did you get news that there were disturbances in the Johannesburg district and neighbourhood? — Well, on the Friday before the 21st. I received information that there was going to be this stay-at-home strike or campaign.

And were you aware that the events would in all probability take place on the 21st March? — Yes, well my information was that the Africans or natives, the Bantus, had been instructed by the Pan Africanists not to go to work on the morning of the 21st, but to stay at home.

On the morning of the 21st, i.e. the Monday, did you on your own initiative go into African areas to see what was going on? — No, I had made arrangements on the Friday evening, Friday afternoon, Friday evening, with the News Editor of the Rand Daily Mail, and we obtained permission to go into the locations from the Johannesburg Municipal Non-European Affairs Department.

Now, you went to Orlando, and was it there that you met Mr. Hoek and Mr. Pogrund? — That is so.

I take it that you were quite keen to learn what was afoot? — That is correct, except that Mr. Pogrund had actually been designated to cover that area, Orlando. He had certain inside information that that was going to be the start of the campaign, and he was virtually in charge of that section. I went there virtually as overseer.

But nevertheless as the Senior Crime Reporter you were anxious to be on the spot as quickly as possible, wherever violence would break out, so that you could get first-hand information/.....

information of what was happening? --- That is correct. I actually started out at four o'clock that morning. I did not know where the trouble would take place, or whether it would. I started at four o'clock that morning from Alexandra Township and my intention was to make my way right throughout all the locations.

Now, you proceeded originally in your own car but at a certain stage you exchanged cars with Messrs. Pogrand and Hoek? --- That is correct.

Where was it? Did this happen at Orlando? --- That was at Orlando yes.

Now, had you received news there of things happening at Evaton, and is that why you proceeded there? --- That is correct.

And I take it that you were anxious to get there as quickly as possible, to be on the spot and see what was happening? --- That is correct.

So you changed cars. Did you leave Pogrand and Hoek behind and you went on your way? --- I left them the smaller car and took the bigger car.

And then you proceeded to Evaton, and from there you went on to Sharpeville? --- That is so.

Now, I believe you met them again at Sharpeville outside the Municipal Offices? --- That is correct.

Did they give you a report that everything was all right as far as they were concerned? --- They told me that everything was all right. I asked them what had happened at Orlando, and they said that everything was quiet there, and I told them to carry on here.

When they said everything was all right, did you gather that they were also expressing a view in regard to things at Sharpeville, in so far as they had encountered them?

I/....

--- I did not really ask them about Sharpeville. I had already obtained information about Sharpeville at Evaton.

Now, let's get this quite clear. You wished to go into the location at Sharpeville, but you were not given permission originally? --- That is correct.

You were actually at or near the Municipal Offices when the firing at the Police Station took place? --- That is correct.

And it was from there that you heard the volleys as you have described them? ---Yes.

And it was after that that you were given permission to go in, and that you availed yourself of it and proceeded down the main street? ---Yes.

Now, it was while you were proceeding down that street you say that you encountered the crowds that you have described? --- That is so.

About how long after the shooting would you say that you met these crowds? Five minutes, ten minutes....? --- No, it was not as long as that. Virtually as the shooting stopped, so the Superintendent and Major van Zyl came out of the Municipal Offices and gave me permission, and I suppose about thirty seconds after the shooting stopped I left the Municipal offices, so I should say about a minute after leaving, or a minute and a half after the shooting, I was stoned and shot at.

Now, you said that certain portions of the crowd when you met in this main street, were running? ---Some were running, some were walking, and some were sort of walking fast, jogging along; others were standing.

Those that were running, did you gather that they were running away from something? ---Well, I got the impression that all these that were moving or running were coming from

the/....

the direction of the Police Station; well, moving away from the Police Station.

So they might have been the vanguard of those in flight from the Police Station? --- It could well have been.

It was fairly obvious I take it, to passersby, that there was a European in your car in the person of yourself and in the person of the photographer, Mr. Robinson? --- And the African driver.

Yes, but as far as Europeans were concerned, you could be seen? --- That is correct.

Now, you say that your car was stoned, and that you also heard a small calibre fire-arm? --- That is so.

All this took place in the vicinity of Secise Street? --- It was in the street actually.

In the street itself. You say on the plan between the words "bus stop" and the commencement of the words "Secise Street"? Is that correct? --- Approximately.

Mr. Sacks, is it possible that the stone-throwing might have been carried out in a fit of anger by people who had themselves been shot at and were in flight, and were therefore venting their anger on you as a European coming down that street, as one of the first Europeans they had seen? --- That would have been one of the possibilities. The second one was the fact that the native driver was driving that car.

Now, I take it you did not actually see any member of the crowd in possession of a fire-arm, and aiming it at the car or any of its occupants? --- I could not see that because the sun was already in the west, and as I was coming up they were going this way, and I should imagine they had the revolvers on the righthand side, and it is impossible for me to say. As I say I saw these peculiar hand movements; what they meant or whether.... I saw no pistols, if that is what you mean.

Is/....

Is it possible Mr. Sacks that the small calibre fire-arms that you heard discharged, were actually discharged at a far greater distance from you, and you thought they were small calibre because the sound was dulled by distance? ---No, they were definitely coming from either side of the pavement.

I take it that similarly you saw no flash from the barrel of a pistol? --- I did not.

Now, is it possible again that stones impinged upon the side of your car, you heard this dull sound of what you thought was a small calibre pistol, or revolver, and associating the sound impinging on your car with these sounds from small calibre fire-arms, you came to the conclusion that bullets must be striking at your car, whereas what might have been the case was that stones were struck against the car, and these shots were discharged a longer distance away, and hence sounded dull? Do you understand the suggestion that I am putting to you? --- I understand it. That is not so. They were definitely shots. The street was tarmaced, and had been "tarmaced" some considerable time before. As far as I could see there were no loose stones on the road.

No, I did not mean stones thrown up by the car as it passed. I meant that stones may have been flung at your car by the crowd. These stones impinged against the side of the car. You heard these fire-arms reports at the same time, and you assumed therefore that these were the bullets that were striking your car, whereas it may have been that what was striking your car were stones, and what you were hearing were fire-arms dulled because dimmed by distance and hence discharged quite a long way away from you? --- I did not actually hear any bullets strike the car. The only sounds I heard were the stones clattering against the sides, the sounds of the shots, and then as I said when the first shots went off, or just immediately

after the first shot... that tingle, as was subsequently discovered, had been the piece of the beading which fell off the car. As I say I did not hear any shots actually strike the car. I heard no ricochets either.

Well, if that is so, would you not agree that it strengthens the suggestion I am putting to you, namely, that hearing these sounds which as you thought came from small calibre fire-arms, it may be that they came from a greater distance, and you imagined in the excitement of the moment that they were discharged closeby to you? ---I am positive from my experience that they were actually fired from the pavements.

It sometimes does happen, however, does it not, that a shot that you think is being discharged closeby, and is dull sounding and of small calibre, may in fact have been discharged at a greater distance, and might be of a larger calibre, and your ear is deceived? That can happen, is that not so? --- Well, you cannot dispute that.

Now, as regards the car itself, you point on the Exhibit ⁶⁴ to certain marks on the lefthand front door? --- That is correct.

Are these marks caused by stones that were thrown at you? --- Both are caused by stones.

You said similarly that something struck the hood of the car I think? --- That is correct, from the lefthand side of the hood there were two stone marks as well. They actually sheered across the top of the hood.

As far as the damaged caused by bullets are concerned, the only tangible evidence of that is the displacing of the beading? --- No, the beading and the left front bumper and the right rear bumper.

What were the marks on the bumpers? --- On the left front bumper/....

front bumper, if from my experience I concluded that the bullet had virtually struck it straight - it might have been at 90 degrees - and it struck the metal and went off that way. (Witness demonstrates to the Court). The one on the rear bumper came from the side and ploughed a sort of furrow into the bumper.

Now, may it not have been that the damage that you noticed to both these bumpers, might have been caused by a jagged stone? --- No.

Why do you say that it might not have been caused like that? --- Because of the size, the markings, there was lead, fresh lead.

Do you say that lead remained in these bumpers? --- Yes.

Do you know if this was recorded by means of a photograph or whether it was observed subsequently by the Police? --- Yes, I pointed it out at the time to Colonel Spengler; he was in the grounds and I drove up on the side of the Police Station, and he made some remarks about "Ek sien hulle het jou onder die klippe gehad nê?" So I said to him "Well, they also shot at us. You had better come and have a look". I showed it to him, and he said "We don't want you to have the car repaired. We want to have it photographed". So I said "Well, I can see no objection to that", and I showed it to various other Police Officers and Policemen who were at the Police Station at the time. Mr. Robinson actually took some of the photographs, and subsequently we were asked to call at The Greys Police Headquarters, Johannesburg, where a Police photographer re-photographed the car.

Do you know if there were close-up photographs taken of these bumpers, so as to show the presence of lead in them? --- The Police photographer did take close-ups of the stone marks/....

marks, the bullet marks, and they all turned out to be dud.

The photographs turned out to be dud? ---Yes.

Do you know what the name of that photographer was?

--- Unfortunately not. It was done through Major Lamprecht. He phoned for the photographer, and the photographer, I don't know what his name is.

And were you present when these photographs were actually taken? --- That is correct.

Do you know if lead was subsequently removed for any chemical analysis to establish that the substance was in fact lead? --- No, nothing of that nature was done.

Was it just left there? --- Just the photographs.

Now, both the stone throwing and the shooting occurred in the section of Secise Street that you have indicated on Exhibit 2, i.e. the map? --- That is so.

And thereafter you proceeded further down the street, and did I understand you to say you passed the station on your left keeping straight on, and by some circuitous route you finally found your way to the neighbourhood of the Police Station? --- That is correct. We could not take the left turn to the Police Station. The natives were still coming towards us from that direction. Our only hope was to get out of the mess and to carry straight on.

And did you actually see the crowd in flight on your left as you passed down Secise Street? --- Well, they were coming down towards us.

Mr. Sacks, if you will accept that Secise Street runs from east to west, and that you were going in a westerly direction, the crowd that you would have seen would have been a crowd on your south, on your left? --- On my south, correct.

And they would have been coming roughly in a northerly direction towards you? --- Correct.

They/....

They were very obviously a crowd in flight, running away? ---Well, some were running, some were as I say hobbling along as a matter of fact; they were wounded. From a run to a walk.

Do you know whether at that particular stage Mr. Robinson took advantage of the situation to take photographs of this crowd in flight? ---He certainly did not.

Mr. Sacks, I wonder if you would look at Exhibits 41 and 42? Now, these are pictures of the crowd in flight during the firing, or almost immediately thereafter. The crowd that you saw - I don't say that they are the exact people - but was their motion or were their motions and their speed and such like, similar to what you see in these photographs? --- Correct, until they saw my car.

Anyway, you then made your way to the Police Station, and parked your car a little way from there? Is that correct? --- That is correct.

And then you walked into the Police Station grounds? --- Correct. Well, I first had a look round and then went into the Police grounds.

You saw what had happened. If you will have a look at the map again you will see that the street to the south of the Police Station is Zwane Street? --- Is that the tarred road?

That is the tarred road running to the south of the Police Station. Did you park your car somewhere in Zwane Street? --- I parked the car in Zwane Street on the southwestern corner. I could not get it ^{I parked} ~~parked~~ behind that parked car. I could not get any closer to the Police Station because ^{of} the bodies and the wounded lying all over the street and pavements. Subsequently the Police patrol came out and asked/....

asked me to move. I said it was impossible. Subsequently when the wounded and the bodies had been moved out of the way the driver took the car and parked it on the southern side of the Police Station in Zwane Street; in other words, on the south-eastern corner. No, I am wrong. It is the north-western corner and the north-eastern corner.

That is where he parked it subsequently? --- Subsequently yes. He first parked it on the north-western corner, then beyond, well, east of the north-eastern corner.

I don't want you to get yourself confused with the points of the compass. I understood you to say a few moments ago it was the south-western side, and that seems to accord with your presence in Zwane Street, because Zwane Street is on the south, and the main double gate is on the west. Do have a look at the map. --- I have it very clear in my mind, and why I said south-western corner was I meant in relation to the Police Station, south of the Police Station and west, but actually in relation to the street it was the north-western corner where we first stepped, and then the north-eastern corner where we finally parked.

BY THE COURT:

I think the witness is talking about the corners of the intersections of the two streets? --- Yes, Your Worship.

As two streets intersect they have four corners? --- That is correct.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Well, we'll be more precise about the exact spot in the intersection in a moment, but in all events it was at the south-western corner of the Police Station that you first parked your car? --- Not of the Police Station. Yes well, the south-westerly corner of the Police Station.

It will make it easier for you if you will look at
the/....

the map. You will see Zwane Street there. Do you see where the Police Station is indicated by the arrow? ---Yes.

Now, you see Zwane Street runs to the south? ---Yes.

There is then a street without a name that runs roughly north from Zwane Street, past the double gate? Do you see that? --- Yes, in other words, the western side of the Police Station.

Yes. Now, I take it then, having looked at the map, you have orientated yourself, and you are satisfied that your car came or you parked it originally on the south-west corner? --- That is correct, the south-western corner in relation to the Police Station, but the north-western corner in relation to the intersection.

Now, did you go past the south-western fence of the Police Station on your way into the grounds of the Police Station

--- I first stood on the intersection of the two streets, the north-western corner of the intersection. I stood next to Mr. Robinson while he took photographs of the wounded and dead lying in the streets and pavements, and then I walked across.

That is you went in an easterly direction across the street? --- Well, north-easterly towards the double gates. The Police then started coming out.

Did you at any time find yourself opposite the south-west corner of the Police Station itself, near the south-west fencing pole? --- I did subsequently.

And did you find the fence there in an erect position? --- It was erect yes, but damaged.

Bodies were lying nearby there too? --- There were bodies in the vicinity, bodies and wounded.

And from there you made your way into the Police Station grounds? --- That is correct.

And you had some conversations with Police Officers there/....

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here? --- Correct.

You are in fact on terms of friendship with Senior Police Officers, are you not? --- Correct.

Now, I take it that when you changed cars with Messrs. Pegrund and Heck, you gave them your car and they gave you their car, and you got into the car and you drove off? --- Correct.

Now, may it not be Mr. Sacks, that the particular damage that you referred to as having occurred to the car which you were driving in the Sharpeville location, may have been sustained by the vehicle while in the charge of Pegrund and Heck and before they gave it over to you? --- I would not be able to say about the heading and the bullet marks and the damage on the righthand side, but the damage on the lefthand side were definitely not there when I got into that car.

How is it that you are so sure that the damage on the lefthand side was not there? --- Because I approached the car when I got into the car from that side, from the lefthand side.

It was not your car, the one that you were approaching to get into, was it? --- No.

Assuming that certain dents would have been there, you were not in the frame of mind to apply attention to them then, you were intent upon getting on with your journey and pressing towards Evaton and Sharpeville? --- These marks on the hood and the lefthand front door were so obvious, that I would have ^{had} to be blind not to have spotted them, but the others I could have missed.

I am not suggesting that you did not see them. What I am putting to you is that they may have been there, you may have seen them, but the fact of whether you did or not, or the fact of their presence, did not register with you, because you were/....

were intent on other things, namely, your journey to Evaton and Sharpeville, and if I could put it in this way, you are not an insurance assessor looking at a motor-car for damage. What do you say to that? --- I am certain that these marks were there, the ones I referred to on the lefthand door, and the hood.

There was some discussion during your evidence-in-chief about your car and Mr. Pegrand's car. The position I take it is this. The car which you usually drive is the car that you gave over to Mrs Heek and Mr. Pegrand before your entry into Sharpeville, and the car that you actually drove while you were in Sharpeville, is not the car that you ordinarily drive, it is the car that either they or other members of the staff drive? --- That is correct. The position is the car I handed over was a Prefect, a small car, and the car I took over was a sedan Ford.

Now, you saw this terrible sight of these dead bodies in the street, and of the wounded lying there? --- That is correct.

You had a good view I take it of the whole of the unnamed street to the west of the Police Station, that runs past the double gates in the western fence? --- Correct.

I take it that you also had a view of a portion of Zwane Street somewhere near the south-west corner? --- Correct.

Did you perhaps go a little way down Zwane Street, past the entrance to the Police Station, where the single gate is on the south side? --- I used that gate on occasion. I parked my car finally opposite that gate.

Now, it is correct is it not Mr. Sacks, that among the dead and the wounded you say littered little benches of people who might have used them for sitting on? --- Yes, what I call "bankies", i.e. little wooden "bankies". I saw some

of/....

of those yes.

Which might have been used by people who had come to settle down so to speak outside the Police Station to wait, and who might have got tired and who wanted to rest on those as they waited? --- That is possible.

Now, I believe that in this extent of street that I have described to you just now, you saw no "kieries"? --- Not that I can recall.

But I believe that you saw shoes? --- Plenty of shoes.

And that you saw trousers? --- Shoes, trousers, bicycles.

Abandoned by people in flight? --- Correct, and stones.

Now, the stones that you saw, I think you will concede Mr. Sacks in fairness, may not necessarily have been abandoned by people in flight, they may have been stones that were there? --- Correct. I don't know where they came from, I simply saw them in the streets and on the pavements.

How far from the fence do you estimate the nearest body was? --- A couple of feet. That was on the north-western corner, where the fence so to speak is cut off. Not the northwestern, the south-western; I am sorry.

BY THE COURT:

Where the fence cuts the corner off? --- Well, there is a fence and it comes this way and that way. (Witness demonstrates to the Court).

You will see it on Exhibit 13 there. That is not so clear there, it will be on one of those two where the fence is, and it will either be No. 12 or No. 14. --- Exhibit 12. Yes, it shows it on Exhibit No. 12.

A considerable distance from the big gate? --- Not so far. About 40, 50 yards.

Cross-examination/....

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now Mr. Sacks, certain of the wounded were assisted by the Police into vans and in due course were taken away? --- That is correct.

I understand that virtually nobody of the wounded, with possibly the exception of one man, were carried into the Police Station itself? --- I know of no wounded that were taken into the Police Station.

And on the contrary, however, many of them would you say in stead of going off in the ambulances provided by the Police, hobbled off on their own, and made their own way wherever they were going? --- I did not see them & actually since I got to the Police Station I did not see them going away here, but as I was approaching the Police Station I saw wounded making their way away from the Police Station.

BY THE COURT:

You might just repeat that. Did you see any wounded hobbling away from the Police Station? --- Not when I was at the Police Station, but as I was approaching the Police Station originally there were quite a few wounded I saw moving away.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Yes, this was as you were coming towards the Police Station? --- As a matter of fact I asked directions to the Police Station from an elderly wounded African.

Yes, you saw an old man who was being supported by a young native girl, and who appeared to be wounded in the leg? --- Correct.

And when the ambulances came lots of the Africans emerged from the surrounding backyards, and allowed themselves to be transported by these vehicles? --- Correct. Some of them came there and some were carried. There were a couple of children/....

children carried.

Thank you, Your Worship.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. Sacks, at the time that you heard the first shot, and the tingle of what later turned out to be the beading, were any stones clattering on the car at that stage? --- No, the first noise was the sound of the shots.

And the beading, could you perhaps tell the Court how much beading was missing? --- Well, it was about just under half an inch wide, and about two to three inches long.

And were there any marks on there from which you could make any deductions? --- Yes, there was nothing on either side of where the beading was missing to indicate that it had been struck by a stone. It was absolutely clean, and that gave me the impression that it must have been removed by a bullet or a spear, or something sharp.

Now, the photographs of these bullet marks that were taken, I take it you were present when the actual Police photographer used his camera to take these photographs? --- That is correct.

But did you thereafter see any prints of these photographs? --- I saw some when I was called up to give evidence here at the Commission of Inquiry, and that is when I saw they were duds.

Could you see any reason why Mr. Robinson did not take photographs at the stage when your car was going past and this crowd was there? --- He did actually take photographs. The photographs you showed me are photographs he took of the cars, but Colonel Spengler said to him when I suggested that

we/....

we should take it, "No, no, we will have it done ourselves".

Yes, I don't think you understood me. At one stage you said to my learned friend you were going past when this crowd came hobbling and running and so on? --- Oh, I am sorry yes.

And Mr. Robinson did not take any photographs at that stage? ---No.

Could you see any reason for him not taking any?
--- We were being too heavily stoned.

Now, the stones that you noticed, whereabouts were they? --- The stones which I noticed? What stones?

At the Police Station you said you saw stones and shoes lying around? ---Well, I saw stones among the wounded and the dead in the streets and on the pavements. There were also stones in the Police Station grounds, which were being collected by some of the African Policemen.

Now Mr. Sacks, in a street that is frequently used by motor-cars, what effect does the passage of tyres and vehicular traffic have on any stones that are lying around? --- Either to crush them or to knock them out of the way.

Now, the stones that you saw lying around there? --- No, that was not normal.

It was not normal.

BY THE PUBLIC PROSECUTOR : TO THE COURT:

If I might put the next question through Your Worship? It does not really arise strictly out of cross-examination. I am interested in finding out from the witness what the condition of the fence was on the western side?

BY THE COURT:

Yes.

BY THE PUBLIC PROSECUTOR : THROUGH THE COURT:

Mr. Sacks, did you notice what the condition of the fence on the western side of the Police Station was like on your/....

our arrival there? --- Yes Your Worship, it looked as though
bullets had been fired through the fence, which was also leaning
in towards the Police Station.

It was leaning in towards the Police Station? --- Yes,
and there were places where the wires had been apparently shot
away.

Could you give the Court any indication of the degree
that it was bent over towards the Police Station? --- I would
say about thirty degrees.

About thirty degrees from the perpendicular? --- Yes.

BY THE COURT:

The angle between the fence and the ground would be
sixty degrees? --- Yes, at some spots actually on the southern
side of the double gates it was worse; it was very badly
pushed in there.

And whilst you were in the Police Station you did not
see any weapons there? You did not see any weapons that had
gathered
been/or that were supposed to have been gathered already in
the Police Station? ---Your Worship, I saw the dagger which
was.....

You saw a dagger which you have seen about just now?
Is that correct? --- Yes, Your Worship.

Anything else perhaps that was shown to you? ---
There were stones, lumps of iron, there were "kieries" there,
"knopkieries", staks, shoes - thousands of shoes, or I
should not say thousands, but hundreds of shoes.

Thank you very much.

BY MR. UNTERHALTER:

Your Worship, before the witness is excused, arising
out of the question of my learned friend, may I put a question?

BY THE COURT:

Yes, certainly Mr. Unterhalter. Further/....

FURTHER CROSS-EXAMINATION BY MR. UNTERHALTER:

Now Mr. Sacks, you have said that the fence was worse on the southern side? --- On the southern side of the double gate there was a sort of bulge in it. In addition to the fence being bent... how shall I put it? In addition to the fence being bent over like that, it was all bent over, a bulge in the diamond mesh. (Witness demonstrates to the Court

You did not notice the state of the fence on the southern side of the Police Station grounds, i.e. on the Zwame Street side, somewhere near where that single gate is that gives you access to the main entrance to the Police Station?

--- I noticed nothing unusual there. I noticed on the southwestern corner though that the wire had been badly shot away.

It was only shot away, but the fence was still erect?

--- As far as I can recall the southern fence was there (was nothing otherwise abnormal about it.

Thank you, Your Worship.

GEORGE FREDERIK REYNEKE, bevestig dat hy die waarheid sal praat:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Is u 'n Speurdersersant in diens van die Suid-Afrikaanse Polisie gestasioneer te Vanderbijlpark? --- Te Vereeniging.

Op die 21ste Maart hierdie jaar, omtrent 6 n.m., het u 'n verklaring geneem van 'n naturel by Sharpeville aanklagkanteor? --- Dit is reg.

Nou, sal u daardie naturel kan uitwys? --- Moontlik as ek hom weer sien.

Ja, ons sal seker later daarby kom. Nou, waar het u

die naturel gekry voor u die verklaring van hom geneem het?
 Waar was hy? --- Ek vermoed hy was in die aanklagkantoor.

In die aanklagkantoor? --- Hy was aan my oerhandig
 net buitekant die aanklagkantoor en ek het toe na 'n kantoor op
 my eie gegaan, waar ek en hy alleen was.

En vir watter doel wou u 'n verklaring neem van die
 naturel? --- Ek was aangesê om getuienis te probeer inwin
 van wat die Bantoes die dag daar kom soek het.

Was u bewus van die feit dat die naturel toe aangehou
 was? op enige klagtes? --- Nee, ek glo nie hy was aangehou nie.

En toe u die naturel ontvang het, was daar enige
 beserings of merke aan hom wat sigbaar was? --- Nee.

Het hy saam met u geloop vanaf die plekkwaar u hom
 gekry het tot by hierdie kantoor waar u die verklaring wou
 neem? --- Dit is reg.

Was daar enigiets verkeerd met die manier waarop hy
 geloop het, d.i. die naturel? --- Nee, hy was heeltemal normaal
 in alle opsigte.

En wat was die toestand van die naturel sover as
 bedwelvende drank of verdowingsmiddels aangaan? --- Hy het nie
 na drank gebruik nie, en hy het my heeltemal nugter voorgekom.

En by hierdie kanteertjie, het u uself aan hom
 voorgestel miskien? --- Ek het.

As wat? --- Ek het hom gesê dat ek 'n Sersant in die
 Suid-Afrikaanse Speurdiens is.

Watter taal het u gebesig? --- Ek het hom gepraat of
 hy Afrikaans of Engels verstaan, en hy het te kenne gegee
 deur woord en daad dat hy Afrikaans praat en verstaan, maar ek
 het ook 'n Bantoespeurder by my gehad; indien daar enige woorde
 sou wees wat hy nie verstaan nie, dan sou dit vertelk gewees
 het, maar ek en hy het in Afrikaans gepraat.

En het die Banteetelk daar gebly die hele tyd wat u

die/....

...verklaring geneem het? ---Die hele tyd.

Ken u die naam van die Banteekonstabel? --- Ja, dit Philemon Ntlape. Hy het as 'n getuie op die verklaring

teken. Sy naam kom op die verklaring voor.

Maar dit was nie nodig om hom te gebruik as 'n tolk

...? --- Nee, maar hy was by.

En het u die naturel enige waarskuwing gegee? --- Ek het hom gesê wat ek ondersoek, en dat ek van hom wou weet wat

hy my kan vertel. Ek het hom gesê dat dit 'n ernstige saak is, en dat hy versigtig moet wees wat hy sê. Ek het hom goed

laat verstaan dat hy verplig is om my te sê wat hy weet.

Dat hy verplig is of nie verplig is nie? --- Verplig.

Op daardie stadium was hy nie 'n beskuldigde seker dit my aangegaan het nie.

Ek kan dit nou nie mooi verstaan nie. Ek wil dit net mooi verstaan. Het u vir hom gesê dit is verpligtend

dat hy moet nou praat? ---Ja.

DEUR DIE HOF:

Mnr. die Aanklaer, die getuie het noual tweekeer so gesê.

Met ander woorde, jy het hom ^{dit} duidelik laat verstaan dat hy moet praat as 'n getuie, as 'n meentlik getuie? --- Ja, ek het hom duidelik laat verstaan dat daar is geen klagte teen hom seker as my betref nie, maar in dieselfde tyd het ek inligting gehad dat hy daar was tussen die skare, en ek wou van hom weet wat die posisie was.

Waarom die skare daar was? Is dit reg? --- Ja.

In terme van die Regtersreëls het ek opgetree. Die Regtersreëls maak voorsiening reëlenswaardig daarvoor.

VERHOOR DEERDIE PUBLIEKE AANKLAER VERVOLG:

En watter metode het u gebruik om die verklaring van hom te neem, Sersant? Het hy seker net aanhoudend gepraat, of/....

of het u hom gehelp met vrae stel hier en daar? --- Ek het die verklaring begin. Ek het eers aan hom duidelik laat verstaan wat ek van hom wil hê, en toe hy té kenne gee dat hy vir my sal sê hoe hy daar gekom het, en wat gebeur het, het ek toe die verklaring min of meer soos hy my vertel het afgeneem.

En daarna het hy die verklaring geteken? --- Dit is reg.

Het u op enige stadium enige beloftes aan die man gemaak om die verklaring van hom te kry? --- Nee.

DEUR DIE HOF:

U het gesê u sal hommentlik kan uitwys. Kyk of dit moontlik is, en of hy in die Hof is. Gaan maar af. --- (Getuie wys beskuldigde nr. 36 uit).

Jy dink dit is nr. 36. Ek het gesit en kyk en dit lyk my jy het goed deurgekyk? --- Ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Het u enige ander verklarings geneem daardie aand behalwe daardie een? --- Nee, ek het net die een geneem.

Nou, ek wil net 'n verklaring aan u toon. Sal u net vir my vertel of dit die verklaring is wat u daardie aand geneem het? --- Ja, dit is die verklaring.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Reyneke, I have been instructed.....

BY THE COURT: TO THE PUBLIC PROSECUTOR:

Can I just get one point from the Prosecutor?
Are you contending that that statement was made by an accused person? --- Yes, Your Worship.

And you are contending that it is admissible against himself? Is that right? --- Yes, Your Worship.

BY MR. UNTERHALTER:

Your Worship, just as preliminary to any objection

I/....

I may have in regard to this, I would like to ask the witness this.

Mr. Reyneke, I want to put it to you on instructions I have received from accused No. 36, that he did not make the statement? --- It is possible. I am not positive that he is the man. I said I think he is the man.

Yes, I have got that recorded. --- I saw the man once that evening, and I never saw him again until today.

You will give evidence under oath that he did not make the statement? --- Well, I might be mistaken. As I say I am not sure whether he is the man.

BY MR. UNTERHALTER : TO THE COURT:

Your Worship, my learned friend informs me that he intends to hand it in. I will of course object to that, but I must say in the situation that has arisen I think I might require five minutes to consider my position. Perhaps the Court could give me that adjournment?

BY THE COURT:

Yes, as I see the position now Gentlemen there is still the possible witness Philemon Ntlape who might be called I suppose. You had better provide for the position, of the Prosecutor establishing the identity of the accused who made the statement, and then its admissibility naturally must be decided.

BY MR. UNTERHALTER:

Your Worship, I don't wish to waste the time of the Court. If I may respectfully make a suggestion. It is not for me of course to direct the running of the case....

BY THE COURT:

Perhaps I had better adjourn for a while. You might make any suggestions you want to meanwhile first to the Prosecutor.

COURT ADJOURNS.

COURT RESUMES:

GEORGE FREDERIK REYNEKE, onder sy vorige bevestiging, vervolgt:

BY MR. UNTERHALTER:

Your Worship, I just wish to put one question, and then perhaps my learned friend and myself can address the Court.

Mr. Reyneke, was this a general part of your duty to try to get information from various sources and from the people who were there present on the day of the shooting, as to what had happened? or was this a special assignment in this one particular case only? --- Well, yes and no. You see, this particular man.....

You will be careful in what you are saying? You won't reveal the contents of the statement, I am sure? --- No, no, but I might have to to answer you. I might have to.

Well, then I won't ask any further questions.

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

BY THE PUBLIC PROSECUTOR : TO THE COURT:

Your Worship, I don't propose to press the procedure I was about to embark on, to proceed to have this statement admitted, and to prove who made this statement. I would like to abandon my attempts.

BY THE COURT:

In other words, the statement will not be exhibited to the Court? --- No, Your Worship.

Julius/....

1,745.

J. Pokwane.

JULIUS POKWANE, duly sworn, states: (Witness speaks Sesuthu).

EXAMINED BY THE PUBLIC PROSECUTOR:

Are you a Bantu Constable in the South African Police stationed at Vereeniging? --- That is correct.

Now, on the 21st March this year, were you on duty at the Police Station? --- That is correct.

And did you search the prisoners? --- Yes.

How many did you search? --- I searched two young boys who were from Sharpeville.

Now, what time of the day was it that you searched them? Give us just the approximate time? --- It was approximately 8 a.m.

Will you be able to point out the two persons whom you searched if they are present here today? --- Yes, I will be in a position to point them out.

Will you just stand down and have a look at the people in Court, to see if those two are present? --- Yes. (Witness stands down and points out accused Nos. 1 and 2).

BY THE COURT:

I have made a note that he passed them first, and then he seemed to look at all the accused, row by row, and then he came back to them. Is that right Gentlemen?

BY THE PUBLIC PROSECUTOR:

That is so, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And did you take away anything that was in their possession? --- When I searched them on the same day?

Yes well, did you take away anything in their possession? --- Yes.

First of all, whereabouts did you search them? At the charge office or somewhere else? --- Inside the charge office/....

office.

And can you recall what it was that you took away from accused No. 1? --- I think I found a belt on the person of accused No. 1.

A belt? --- Yes.

Anything else? --- With the exception of the belt I found no other articles.

And on accused No. 2? --- On the person of accused No. 2 I found a belt as well as a torn reference book. (The witness calls the reference book a pass).

BY THE COURT:

A torn pass book? --- Yes.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, will you have a look at Exhibit 54? --- Yes, this is the reference book I found in the possession of accused No. 2.

And have a look at Exhibit 53 whilst you are there? Take it out of its envelope and open it. Do you know where that comes from? --- I do not know where this Exhibit No. 53 comes from.

Is there any name inside Exhibit 53? --- Your Worship, my eyesight is not so good. I cannot see what is written in the book.

BY THE COURT:

Mr. Prosecutor, my eyesight, with the help of my glasses I can make out what is written in the book. He says he has not seen it, so what is the purpose of his telling me what is in the book!

BY THE WITNESS:

I now see Your Worship, as a result of spectacles being lent to me by the Captain! There is written T.L. toampe.

No/....

CROSS-EXAMINATION BY MR. UFFENHATER.

CROSS-EXAMINATION BY ACCUSED NOS. 1, 3, 4, 8, 18 AND 32.

THE COURT:

I take it that the belts that these people had they were wearing? They were wearing the belts, these two men, to hold their trousers up? — Yes, Your Worship.

They were not carrying them loose in their hands like weapons? — No.

COURT ADJOURNS UNTIL 29.11.1960.

And you saw him
accused No. 1?
accused No. 1?
A belt?
Anything else
and no other articles
And on accused
I found a belt
the text calls the text
THE COURT:
A torn piece
EXAMINATION BY THE PROSECUTOR
Now, will you
in the reference
accused No. 2.
And have a
it out of its
that comes from
from.
Is there any
weight is not so
the book.
THE COURT:
Mr. Prosecutor
I can make out
not seen it, so
in the book!
THE WITNESS:
I now see Y
lent to me by
...
charges of...