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G.J.F. van Vuuren.

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HOF HERVAT : VERSKYNINGS SOOS VOORHEEN.

Die Publieke Aanklaer roep:

GERT JOHANNES FRANCOIS JANSSEN VAN VUUREN, beëdig, verklaar:
VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mnr. van Vuuren, is u werksaam by die firma African Cables te Vereeniging? --- Ja.

Ken u enige van die beskuldigde persone wat daar aan die regterkant van die Hof sit? ---Ja.

Watter een ken u? --- Thaddeus.

DEUR DIE HOF:

Watter een is hy? --- Die tweede een.

VERHOOR VERVOLG:

Vanwaar ken u hom? --- Hy was werksaam by African Cables.

As wat het hy daar gewerk? --- Hy het by African Cables gewerk as 'n nie-blanke tydhouer.

Is hy nog daar werksaam? --- Nee.

Wanneer het hy die diens van African Cables verlaat? Kan jy onthou? ---Hy het die diens van African Cables verlaat op die 11de van die tweede maand 1960.

Nou, op die tiende van die tweede maand, d.w.s. Februarie hierdie jaar, was u op nagdiens? --- Ja.

En het u deur die stoorkamers gestap? --- Ek het roetinewerk gedoen die nag van die 10de. Ek het by die store verbygeloop wat u genoem het.

Daardie aand, of daardie oggend, was daar enige gebeure wat nie normaal was sover dit African Cables se werk betref nie? --- Ja.

Wat was dit? --- Met my roetinewerk het ek by die
steer/.....

steor verbygeloop, en in die steor waar materiaal gestoor word is 'n klein kamertjie waar die drukkermasjiens is, waar hulle kaartjies afrol vir die werkorders wat ons in die fabriek gebruik. Die lig het gebrand, en dit was vir my opmerkzaam dat die lig gebrand het was nie moes gebrand het nie.

Gaan aan mr. van Vuuren asseblief? --- Ek het ondersoek ingestel en ingegaan in die steor, en die deur oopgemaak van die drukkerkamer. Daar het ek Thaddeus aangetref voor die afrolmasjiens, besig om kaartjies af te rol. Ek het hom gevra wat doen hy en sy antwoord was „Ek oefen. Ek oefen op die masjiens”.

Is dit deel van sy pligte om daardie masjiens te gebruik? ---Nee.

Gaan aan asseblief mr. van Vuuren? --- Ek het van die kaartjies geneem wat hy self oorhandig het aan my, en gesien wat op die kaartjies gedruk was deur die drukkermasjiens. Op die kaartjies het gestaan: "Africa for Africans. P.A.C."

Ek het ongeveer ses van die kaartjies by hom gevat. Daarop het ek hom gevra om in die drukkerkamer te bly. Ek het die hekwag, mr. Steyn, gaan haal as getuie. Toe ons terugkom was hy besig om die letters uit die masjiens uit te haal. Ons het die saak dadelik gerapporteer aan die hoofde van die fabriek.

Mr. van Vuuren, was u bewus ^{van} wat die betekenis was van die letters "P.A.C."? ---Op daardie oomblik nog nie.

Het u toe later uitgevind? --- Dit het ek later uitgevind.

Was dit die enigste soort kaartjies, die met die woorde "Africa for Africans. P.A.C.", het daardie tipe, of was daar enige ander tipe? --- Dit was net die een tipe wat ek daar gekry het op die oomblik by hom.

En wat het van die ses kaartjies geword wat u in beslag geneem het? --- Dit het ek ingehandig by die bestuurder

van/....

van die fabriek.

En wat is sy van? --- Mr. Coetzer.

Was dit die enigste plek wat u daardie kaartjies gesien het, in die kamer waar die drukmasjien was daardie aand?

--- Hee, ek het in die fabriek gegaan daarna, en nog vier Bantoes gekry in die fabriek wat alreeds van dieselfde kaartjies aan hulle hante vasgesteek gehad het.

Ken u die name van daardie Bantoes? --- Die een wat erken het dat hy die kaartjie by Thaddeus gekry het is Josef, en sy kloknommer is 624.

Die ander se name ken u nie? --- Die ander drie wat vir my gesê het dat hulle die kaartjies.....

Ja, ons wil nie weet wat hulle gesê het nie. --- Die se name sal ek nie kan onthou nie.

Hulle het almal rapporte aan u gemaak? Ek wil nie weet wat die inhoud van die rapporte was nie. --- Ja.

Nou, sal u asseblief na bewysstuk 38 kyk? Hee vergelyk ^{het} nr. 38 met die kaartjies wat u gesien/beskuldigde nr. 2 afrol? ~~het~~ Die kaartjie ken ek nie.

En die druk daarop? --- Die druk hierop is duideliker as die wat ek gesien het.

Dit is die druk van die drukmasjien by African Cables?

---Ja.

En in watter opsig verskil daardie bewysstuk van die kaartjie wat u by nr. 2 gesien het? --- Die kaartjie is kleiner en die kleur is anders, en die druk hierop is baie duideliker.

En as u kyk na bewysstuk 51? Is hy presies dieselfde as bewysstuk 38? --- Dit is dieselfde as die vorige bewysstuk.

Het u enige verdere gesprek met beskuldigde nr. 2 geveer in verband met die kaartjies wat hy daar besig was om te druk? --- Niks nie.

Op die 21ste van Maart hierdie jaar, d.i. die dag van die/....

die onluste by Sharpeville, was u ooit by Sharpeville mr. van Vuuren? — Nee.

Daardie dag was 'n Maandag, 'n normale werksdag. Het die Bantoes daar kom werk by die fabriek? — Baie min.

Omtrent hoeveel is daar werksaam normaalweg, d.i. by African Cables? — Op my diens is daar ongeveer 250 op 'n skof.

En watter persentasie het toe opgedaag op die 21ste? — Ons het min of meer 7 Bantoes gehad die aand op nagdiens.

Is dit op die aand van die 20ste? — Dit is die aand van die onluste.

Die aand van die 21ste.

DEUR DIE HOF:

Het jy nie op daardie dag dagskof gewerk nie? — Nee, ek was nagdiens.

O, jy was op nagdiens op Maandag? — Ja, ek was nagdiens.

VERHOOR VERVOLG:

En die Sondagand, d.w.s. die aand van die 20ste, was jy ook op nagdiens of nie? — Nee.

As ons byvoorbeeld wil weet jaar 'n sekere Bantoe gewerk het, of wat hy gedoen het op 'n besondere dag, wie sal ons moet nader? — Mr. Coetzee.

KRUISVERHOOR DEUR MR. UNTERHALTER:

The colour Mr. van Vuuren of the little ticket that you found printed, was that a blue? — A blue colour. Dit was 'n bleu kleur.

This would have happened, would it, on the date between the 9th of February and the 10th of February, i.e. the night of the 9th and the early morning of the 10th February? Would that be correct? — Dit was 2 uur die oggend van die 10de Februarie/....

Februarie.

The night shift that commenced on the 9th February?

--- Die nagdiens het begin op die 9de Februarie.

I take it that you dismissed No. 2 accused for what you had seen him doing? --- Nee.

Did somebody else do it? --- Ja.

But of course the dismissal came about because of the report that you made? --- Ek weet nie.

DEUR DIE HOF:

Ek kan darem maar sê dat mr. van Vuuren dat jy het 'n verslag ingedien, en daarna onmiddellik is hy ontslaan?

--- Dit is reg, Edelaagbare.

Seker deur die Bestuurder of iemand? --- Dit is reg.

GEEN KRUISVERHOOR DEUR BESKULDIGDES NOS. 1, 3, 4, 6, 38 EN 40.

WOUTER JOHANNES STEYN, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mr. Steyn, is u werksaam by die firma African Cables te Vereeniging? --- Ja.

In watter heedanigheid werk u daar? --- Ek is daar 'n werkspeelisionar, of werksaans eintlik; ek is in uniform.

En u ken mr. Jansen van Vuuren? --- Ja.

Ken u beskuldigde nr. 2, Thaddeus Ntempe? --- Ja.

DEUR DIE HOF:

Die man wat daar sit met die bruin baadjie aan? --- Ja, ons werk op dieselfde plek.

Verheer/....

VERHOOR VERVOLG:

Heu, vroeg op die oggend van die tiende van die tweede maand hierdie jaar, het mr. van Vuuren by u gekom en 'n rapport aan u gemaak? --- Ja.

En as gevolg van die rapport waarheen het u gegaan? --- Ek het saam met mr. van Vuuren gegaan na die afrekkanteertjie.

Is dit waar die drukmasjien is? --- Dit is waar die drukmasjien is.

En wie was toe in die kamer waar die drukmasjien was? --- Thaddeus was daar gewees.

Wat was hy besig om te doen? --- Hy was besig op daardie oomblik om letters uit te haal.

Het u met hom gepraat? --- Ja, ek het hom gevra wat hy daar doen, want dit was nie sy plek nie.

En wat het hy gesê? --- Hy het 'n klemp kaartjie opgetel van die tafel en in sy sak gesteek, en een het hy vir my gewys en gevra of ek weet wat dit beteken.

En wat was toe op daardie kaartjie wat hy vir u gewys het? --- "Africa for Africans." P.A.C. het onderaan gestaan.

Het u geweet toe mr. J beskuldigde die kaartjie vir u gewys het, wat dit beteken? --- Ek het nie geweet nie.

Hee het u vir hom geantwoord toe hy vir u gevra het of u weet wat dit beteken? --- Hy het my gevra wat beteken P.A.C., en toe sê ek vir hom, "Ek weet niks nie, en dit het niks met jou werk te doen nie. Gaan terug na jou werk toe".

Waar is sy werkplek? Hee ver van die kantjertjie waar die drukmasjien is? --- Ek sal sê ongeveer 50 "yards". Dit is nie ver nie.

Mr. Steyn, op die 20ste van Maart, d.i. die Sondag veer die dag van die eenlente en die skietery by Sharpeville

Polisiestasie/....

Polisiestasië, nou daardie Sondag, was u aan diens? Kan u onthou? --- Edelaagbare, ek kan nou nie onthou nie; ek sal eers moet gaan opkyk.

Ek sien. Wel, ek wil nou net weet was u op nagdiens of het u in die dag gewerk op die 20ste en die 21ste? --- Die 10de het ek nagdiens gehad. Ons doen een week nagdiens, een week middagdiens, en dan weer nêrediens, en dan gaan ons weer terug na nagdiens toe. So ek was nie op nagdiens daardie tyd nie.

Oor daardie tydperk, die 20ste, d.w.s. die Sondag, tot die 21ste, kan u onthou hoeveel Bantoes wel opgedaag het vir werk? Was dit die normale sterkte wat daar gekom het of nie? --- Daardie hele paar dae daar het ons min gehad by die werk. Die persentasie wat afwesig was was baie groot.

Wat se soort werk, of wat se industrie word daar gehanteer by African Cables? --- Ons maak kables, elektriese kables.

GEEN KRUISVERHOOR DEUR MNR. UNTERHALTER.

GEEN KRUISVERHOOR DEUR BESKULDIGDES MRS. 1, 3, 4, 8, 38 EN 39.

PETRUS HERMANUS JAKOBUS JANSE VAN RENSBERG, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mr. van Rensburg, is u in diens van die nie-blankesake afdeling van die Vereeniging Stadsraad? --- Ja.

Nou, op die 20ste van Maart hierdie jaar, entrent 5 n.m., het u, vergesel van mr. van der Walt, die bierdepets by die Erf- en Diensakens-afdeling van Sharpeville inspekteer?

--- Dit is reg.

En was al die deure en vensters toe? --- Ek het

perweelik/....

persoonlik gekyk dat alles tegesluit is en alles in orde is.

Was daar enige skade op daardie tydstip aan die vensters en deure? — Geen skade op daardie tydstip nie.

En op die 22ste van Maas, hierdie jaar, ontrent 7 v.m., het u weer inspeksie gaan hou by dieselfde biersale? — Dit is reg ja.

Was daar enige skade aan hulle tee? — Ja, op die 22ste was daar skade gewees.

Ek dink hulle het letters van die alfabet, die depets, "H", "F" en soos? — Ja, dit is reg.

Kan u nou net sê, by die "H" depet, is dit by die Erf- en Dienskens? — Dit is by die Erf en Diens ja.

Watter skade was aan die "H" depet?

DEUR DIE HOF:

Is dit die een naby die Polisie-stasie? — Nee, dit is die een op die heel verste ent van die Erf- en Dienskens.

Gaan maar voort? — Daar het ek gevind dat al die ruite was stukkend gegee, en daar het baie bakstene en goed daar rommels, en in die gebou was ook bakstene en goed gewees.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Was daar enige skade aan die deur van daardie een? — Nee, aan daardie een se deur was daar geen skade nie.

En wat is die letter van die een wat u toe besoek het? — "F" depet.

Is dit die een naaste aan die Polisie-stasie? — Nee, nog nie.

Watter skade het u toe daar gevind? — By daardie een het ek gevind dat daar veertien ruite stukkend was.

En was daar enige skade aan die deur van daardie een? — Die deur het nie skade gehad nie, maar daar was 'n poging aangewend om die diefpreef uit te breek.

Was/....

Was daar nog biersale wat u ondersoek het? --- Ja, "D" depot. Daar het ek gevind dat daar was 'n peging aangewend - dit is 'n houtdeur - om dit te brand, maar hulle het nie daarin geslaag nie. Hy was net gedeeltelik gebrand gewees.

Die persone wat verantwoordelik was vir die skade aan die bierdepots was nie opgesporens? --- Nie seker dit aan my bekend is nie.

Nou, op die 21ste van Maart hierdie jaar, was u teenwoordig in die lokasie? --- Dit is reg.

En was u by die Polisiestasio toe die Polisie geskiet het? --- Ek was ongeveer tussen 100 en 150 tree vanaf waar dit plaasgevind het.

Aan watter kant van die Polisiestasio? --- Aan die ek sal sê oostekant van die Polisiestasio. Ek was daar by die voertuie gewees.

GEEN KRUISVERHOOR DEUR MNR. ONTERRAATER NIE.

GEEN KRUISVERHOOR DEUR BESKULDIGDES NRS. 1, 2, 4, 8, 38 EN 39.

DEUR DIE HOF:

Mnr. van Rensburg, sê nou net vir my, daardie plek waar jy sê daar 'n peging was om die deur te brand, by depot "D"? --- Ja.

Wat was verkeerd met die deur? Waarvan lei jy af dat daar 'n peging was om dit te brand? --- Edelagbare, teen die deur veer het hulle vuur gemaak.

Het jy daar iets gekry? --- Die as en alles was daar gewees.

As veer teen die deur? --- Dit is reg, Edelagbare, en stukkie hout - dit het nie heeltemal uitgebrand nie. Daar was nog stukkie hout ook gewees.

En dan aan die deur self? --- Ja, aan die deur self

het/....

het hy gedeeltelik gebrand. Aan die binnekant het die verf
alles al swart geword; aan die binnekant van die deur, nadat
hy oopgemaak was en ek gekyk het.

Die verf aan die binnekant van die deur was swart?
--- Gebrand. Dit het al opgedop, dat dit nou heeltemal afgaan.

JOHANNES CHRISTOFFEL VAN WYK, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAGER:

Mr. van Wyk, is u 'n lid van die Vereeniging
Stadsraad? --- Nee.

Is u die eienaar van 'n hele klomp besighede te
Vereeniging, nl. die Vereeniging Battery and Tyre Service,
Progress Motors, en Preste Dry Cleaners? --- Dit is reg.

Is daar nog niskien wat ek uitgelaat het? --- Nie
in Vereeniging nie.

Nou, op die 21ste van Maart hierdie jaar, in die
oggend, het u by die Preste Dreegskeemakers gekom? --- Dit
is reg.

Nou, hoeveel Bantoes is normaalweg in diens daar?
58 maar net ongeveer? --- Dit wissel. Sowaan 'n reël.

En was daar enige van hulle aan diens toe u daar
gekom het die oggend van die 21ste? --- Nee.

Omtrent hoe laat het u daar gekom Mr. van Zyl? ---
Dit was net na agt.

Kan die dreegskeemakers beheerlik funksioneer sonder
daardie Bantoe werkmans? --- Nie sonder die "pressers" nie.

Nou, wat het u besluit om te doen? --- Ek het besluit
dat ek sou afreis na Sharpeville dorp en kyk of daar 'n
veerlikheid is dat ek van hulle in die hande kon kry.

Op/....

Op daardie stadium was u bewus van enige beplande betogings teen enige wette of soiets? — Nee. Ek het wel kennis gedra dat daar wel 'n staking sou wees.

DEUR DIE HOF:

Het u kennis gedra dat daar 'n staking op daardie dag sou gewees het? — Wel, dit was in die koerante geadverteer, almal ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En het u per motor na die Municipale kantore te Sharpeville naturelledorp gegaan? — Dit is reg.

En wie was toe saam met u in die motor? — Na Sharpeville toe was net een man; 'n verkoopsman van my was saam met my.

Wat is sy naam? — Mnr. Louw.

En toe u daar by ^{Sharpeville} /kon het u daar by die Municipale kantore stilgehou in Seesiostraat? — In die hoofstraat.

Was daar enige Bantoe skares teenwoordig toe u daar stilgehou het, d.i. voor u in die straat? — Nee.

Was daar enige lede van die Polisie teenwoordig by die Municipale kantore? — Daar was lede van die Polisie, en daar was lede van die Municipale Polisie, en ampmaats van die Municipaliteit.

En na 'n gesprek wat u daar gevoer het met persone, weer het u voortgery binne in die lokasie? — Ja, die Hoof van die nie-blanke sake het geoffer om saam met my te gaan, saam met ander lede van sy personeel. Ons was ses indie voertuig.

Wie is die Hoof van die nie-blanke sake? — Mnr. Ferreira.

En wie het u motor bestuur soontee? — Mnr. Louw.

En het u met Seesiostraat, d.w.s. die hoofstraat, opgery? — Dit is reg.

Tot/....

Tot waar? --- Wel, dit was ongeveer 'n halfmyl of so.
'n Halfmyl? --- Ja.

Waarheen wou u eintlik gaan? --- Die idee was dat daar 'n groep Polisie hoër op in die straat was, en daar was aan die hand gegee dat miskien sou ek van my werkers daar vind.
En het u toe uiteindelik ^{daarin} geslaag om by die Polisie te kom? --- Ja.

Was daar enige insident gedurende die rit vanaf die Munisipale kantore tot by die Polisie? --- Ja, ons was ongeveer 'n 100 tree van die kantore af toe daar klippe na die voertuig geslinger was van links en regs.

Wie het hierdie klippe daar gegooi? --- Ons kon sien. Ons het vinnig gery, en ons kon sien dat dit nie-blankes was, mans, kinders en vrouens.

En waar was hulle geweest? --- Op die kant van die straat.

En het enige van die klippe die motorkar getref? --- Ja, daar het verskeie.

Was enige van die glasgedeeltes van die kar stukkend geweest? --- Ja.

Op daardie geleentheid? --- Op daardie geleentheid, op die eerste geleentheid het een venster gebreek, en die kar was ingedruk aan die kante.

Was enige persoon beseer as gevolg van die klipgooiery? --- Nee.

En toe kom u by die Polisie? --- Dit is reg.

En wat het daar plaasgevind? --- Ek kon maar net daar tot die gevolgtrekking kom dat dit hopeloos was om enige van my werkers te kry.

Was daar enige skares Bantoes aan die anderkant van die Polisie? --- Wel, die Polisie was in die middel van die straat, en die Bantoes was op die hoeke van die strate, in groepe/....

groepe.

En wat was die houding van die Bantoes? --- Ek kan nie juis sê wat die houding was nie, maar hulle het geraas en geskree.

Was dit vriendelike groete wat hulle geskree het? --- Nee, dit was nie so nie. Die Polisie het wapens gehad en kort-kort as die naturelle naderkom het hulle probeer na hulle toe gaan, en dan hardloop hulle weer weg. Dit is natuurlik nie vriendelik nie.

En het u toe op daardie stadium teruggedraai om weer terug te gaan na die dorp toe? --- Met dieselfde pad ja.

En was daar enige verdere insidente toe u weer afgery het? --- O ja, dit was veel erger as die eerste keer.

Klipgooiery? --- Klipgooiery.

En was die kar weer getref? --- Hy was toe erg beskadig.

Sien u bewysstuk 11 mnr. van Wyk? --- Dit is reg ja.

Is dit u motorkar? --- Ja.

En watter gedeelte van die motorkar toon bewysstuk 11 aan? --- Ek volg nie.

DEUR DIE HOF:

Dit is die een daar in die hoek. Kyk nou maar eers na hom. --- Ja.

VERHOOR VERVOLG:

En nr. 10? Kyk net na nr. 10? --- Ja, ek sien bewysstuk 10.

En is dit ook u motorkar? --- Dit is ook my kar ja.

Kan u net beskryf hoe die kar beskadig was? Waar was hy beskadig? --- Die voor glas was gebreek. Die regter voor, by die drywer se kant, die glas was ook gebreek.

DEUR DIE HOF:

Dit meen die venster? --- Die venster ja.

Die regter voor venster? --- Ja. Die linker agter venster/....

venster was ook stukkend. Die kar het danke in gehad aan albei kante.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Sien u bewysstuk 66? --- Dit is nou hy daardie ja.

Is dit nog 'n foto wat die linker agterkant van dieself motorkar toon? ---Ja.

En daardie merke, hoe is daardie merke veroorsaak? --- Dit was daardie oggend in my rit veroorsaak.

Daar klippe en soosam? --- Ja.

Was u motorkar enigsnas beskadig of het dit enige merke aan dit gehad voordat u die lokasie binnegegaan het? --- Nee.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. van Wyk, I notice on Exhibit 66 that there are marks on the left rear mudguard of the car. Do you see them?

---Yes.

They seem to be marks of scratches, as if the car had drawn alongside something and had these marks made on it in scraping past? Would that be the case? ---No, that is not the case. It was because of the speed that I travelled, and the objects which were slung at the car were pushed away at that speed, or it was slung away I should say.

You are assuming that that is the reason for these marks having this particular form? Is that so? --- That is my assumption, with the speed that I travelled.

Does your wife drive your car Mr. van Wyk? ---No, that is not the case.

Before you went into the location, did you have any occasion to examine your car? --- Your Worship, there was not a scratch on that car.

Are you perfectly certain about that? --- Positive.

When/....

When did you last examine the car carefully before this day that you went into the location? --- Well, I drive it daily and I see it daily, and there were no marks on it.

I take it Mr. van Wyk you did not make an inspection of all portions of this car immediately before you went into the location on the morning of the 21st March? ---No, but if there were marks I would have noticed them.

You do agree don't you, irrespective of the assumption that you make, that the marks on Exhibit 66, i.e. on the left bumper, appear to be scrape marks and not dents? --- I would not say that. As I say I was in the vehicle and I saw the stones flying from the car. That is just the marks one would expect.

Now, irrespective of any conclusions you have drawn, looking at the picture as you see it before you now, do you agree that all those marks say from under the word "Fair" as you see them, there are about just three lines just immediately under the "Fair", and they do seem like lines, don't they, scratching the paint? Do you agree with that? --- That I accept was the course in which the missile went.

No Mr. van Wyk, just answer my question. I am not asking you to draw any conclusions. All I am asking you to do is to look at the photograph and agree with me or otherwise as to whether the marks as you see them on the photograph, are scratches or not? Now, look under the word "Fair", and you will see about three lines that are running roughly parallel to the word? They do seem as if they are scratch marks on the photograph? Do you agree with that? --- Yes.

As you look at the photograph, to the left of the letter "F" and almost in line with it, there appears to be a similar scratch mark? Do you agree with it? --- Yes.

Now, almost parallel to that line and below it is a rather/....

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J.C. van Wyk.

rather deeper scratch mark? Do you agree with that? ---Yes, that is correct.

And to the left of both those, in a sort of tilting direction, i.e. tilted to the left, there are a series of little marks of a similar nature? Do you agree with that? --- And a dent.

Now, we will come to the dent in a moment. Do you agree what those are the series of marks? --- Yes.

Now, you referred to a dent. Do you say that this dent is in this very last series that I have just referred you to, i.e. on the left portion of the photograph where the scratch marks come to an end? --- That is right.

I can't see it myself, but I will hand you my copy of the exhibit, and perhaps you will be kind enough to put the letter "D" on that, and later on the Court copy? Just mark with the letter "D" where you say the dent is that you were describing? --- On the photograph?

On the photograph. ---Yes, I will do so. (Witness marks the spot on the photograph).

So you ^{say} that where there is a large number of those scratches, at the top of the left portion of all ~~the~~ scratches, not only are there scratches, but there is a dent there? --- Yes.

You can't see it clearly here, but from your recollection was it a shallow dent? --- Yes, it was not deep.

And that is the only one visible on Exhibit 66, i.e. on that portion of the motor-car? --- Yes.

Thank you, Your Worship.

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

Alexander/....

ALEXANDER TAYLOR CARNIE, duly sworn, states:

EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. Carnie, are you the Production Manager of the firm South African Farm Implements trading at Vereeniging? --- I am.

Approximately how many natives are engaged by your factory? --- It varies from 450 to 500.

Now, on the afternoon of the 20th March, i.e. the Sunday, did you receive information from one of the boss-boys? --- Yes, I did.

And as a result did you start making enquiries? --- I did.

What exactly were you enquiring about? What was it that was worrying you, that set you off on your enquiries? I don't want to know the contents of any reports, I want to know what was compelling you in your own mind to make these enquiries? --- There seemed to be a certain amount of seriousness in the boss-boys' message, and I wanted to be sure that I would have labour for the Monday morning.

And where did you make your enquiries? --- I went to the Manager of manufacturing, and we contacted the local bus service people.

And I take it you received certain information from which you understood that there might be a possibility of nobody turning up for work on Monday? --- That is correct.

And on Monday were you at the office, i.e. on Monday morning the 21st? --- Yes, I was.

And did anything like your normal native staff turn up? --- I had taken the precaution of being at work at half past five that morning, and the early morning shift for furnaces usually comes in at about four o'clock, and at half past five I had no labour.

Was that no labour for the furnaces? --- No labour for/....

for the furnaces.

And in regard to labour for other sections, did they turn up? --- No labour at all.

And what did you do to try and get some labour? --- I took a Security Officer, and myself, and we went in a van and went to Sharpeville to find out what the position was.

Was that Mr. Rabie who accompanied you? --- Mr. Raath.

And what time did you arrive at Sharpeville? --- I would estimate it would have been about a quarter to six in the morning.

I take it you went straight to the Municipal offices?

--- I asked one of the officials for permission to go into Sharpeville.

And was that permission granted? --- It was.

Where did you actually want to go to in Sharpeville?

--- My intention was to go to the hostel where there are quite a few of our employees.

And were there any natives congregated in the streets on your arrival at Sharpeville? --- I only proceeded into Sharpeville about a hundred yards, and in that area there was an accumulation of people, in the area of the hostel; otherwise the streets were deserted.

When you say people are you referring to Bantus, to natives? --- Yes.

And did you proceed to the hostel to look for your employees? --- I did.

Were you involved in any incidents at that stage at all? --- None whatsoever.

What was the attitude of the natives towards you as you proceeded past them or amongst them at the hostel? --- They took no action whatsoever. They seemed a bit reticent at the beginning to get into the van.

Did/....

Did any get into the van? --- Yes, I took a full load.
 And was there any reaction from the others who were standing about outside, when they saw these people getting into the van? ---At that time no.

And did you take this van load back to the factory?
 ---Yes, I did.

Did you return for anymore? --- On arriving back at S.A.F.I. I was under the impression that I could get more labour, and I arranged to bring in a trailer and a Comet, a big Comet truck, and with that transport plus the Chief Store-keeper I went back to Sharpeville at about a quarter past six.

And on your arrival was there any change in the numerical number of natives who were in the vicinity of the hostel? ---Yes, there was.

A greater number or a lesser number? --- No, there was a far greater number.

Was there any change in their frame of mind or attitude? --- Yes, there was a definite change in the whole atmosphere.

Had it improved or deteriorated? --- It had deteriorated.

How did they behave towards you as you went through with your truck? --- The officials at the entrance to Sharpeville were rather dubious about my going in. They would only give me permission under escort. I accepted the escort and went in.

Just pause there for a moment please Mr. Carnie.
 Yes, and then? --- We were shouted at by various people. I turned the van around and we called on the hostel people to get into the van. I got one to get into the van. Mr. Olivier, the Store-keeper, was sitting on my left, and he said "You had better get moving". I looked towards the back and there were/....

were natives advancing on this truck. There was some interchange of remarks between the boy that was already in the van and the people approaching him. The exchange seemed to be of a threatening nature, and I immediately put the clutch in and put the car in gear, and I got out in a hurry.

Were you involved in any stone-throwing incidents at all that day? --- No.

Did you see anybody else being involved in incidents where stones were thrown? --- Yes.

Was this on the second occasion? --- I stayed behind to see whether there would be any improvement in the situation, and whilst there until half past eight I did observe various incidents.

Will you describe those incidents to the Court? --- I observed three cars coming and going. One in particular I can recall was an elderly native with a big beard. It was a brown 1934 Ford. This car was stoned. The other transport was also stoned and the ingress and egress from this location was impeded by small children, who were pushed in the way of this transport.

Who pushed them in the way? --- It seemed to be an organised arrangement by their elders. These natives, the young natives, were dancing in the middle of the road, impeding the movement of traffic.

Could you see any reason at all why the natives persisted or were working themselves up in this fashion? Who was responsible for their conduct? --- This would only be my opinion, but the impression I got ^{was} that it was being instigated by their elders.

Will you have a look at Exhibit 8, Mr. Carnie? That is a motor-car. Do you recognise that car, or does it appear familiar? --- Yes, this is the car that I referred to. I think

it/....

it is a 1934 Ford.

BY THE COURT:

The one driven by the elderly man with the big beard?

---Yes.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Was that car allowed to proceed unimpeded down the street in the direction that it was going, or was it brought to a stop? --- In either direction the driver's progress was impeded, but the stoning took place on his return.

Of this particular Ford? ---Yes.

And did you eventually leave the township, or what time did you leave? --- I left at about twenty-five past, half past eight the morning.

Up to that stage did you know or did you see whether the Police used teargas bombs or effected any baton charges?

--- I noticed a patrol car leaving the scene, and I was informed that they were going to fetch teargas.

And then you left? ---Then I left.

And did you return to Sharpeville again during the course of the day, or was that the end of the matter? --- No, I did not.

TEA ADJOURNMENT.

COURT RESUMES:

ALEXANDER TAYLOR CARNIE, under his former oath, continues:

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Carnie, I am not clear on one point. You made two journeys into Sharpeville? --- That is correct.

On the second occasion Mr. Louw, who was with you, intimated to you it would be safer if you got out, and you got out? Is that correct? --- Mr. Olivier told me that yes.

No/....

No, you will remember your saying that sitting on your left I think it was? --- Mr. Olivier.

Oh, was it Mr. Olivier.

BY THE COURT:

Who said you had better get moving. --- Yes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And then you got moving? --- I got moving.

And you got out and you took these men back to the factory? --- No, there was only one at the time. This was on the second trip. We are talking about the second trip?

I am discussing the second trip? --- On the second trip we only got one to get into the van.

Yes, and then you were told to get moving and you got moving? --- Yes.

Now, having got moving did you carry on moving until you came back to Vereeniging? --- No, we stopped outside the administrative offices of Sharpeville location.

Oh, I see. Then do I understand that having removed yourself from the immediate zone of danger, you stood and looked until about half past eight? --- That is correct.

You have described small children coming in front of the vehicles that were moving on the road? --- That is correct.

Now, is it possible that these children may have got in the path of these vehicles because they were part of a large crowd and the pressure of the crowd from the back may have pushed these children into the path of these vehicles? --- I am quite clear about that point, that they were dancing in the road, and that there was no pressure from anyone at all. They were in the road deliberately.

You know you sometimes have a large crowd, and portions in front can't really help themselves as they are propelled forward/....

forward because there is a movement at the back of the crowd in a certain direction, and it moves the front portion in that direction, whether the front portion wants it or not? You are familiar with that, you have probably seen it at rugby crowds and so on? — Oh yes.

Now, what I want to ask you is this. Was this crowd of a similar formation, such that if people at the back had wanted to move in a particular direction or were moving in a particular direction, that affected the children who were in the front? — No, it would not have affected them at all, in that the veld on the left was quite open; there was no pressure on them at all.

Mr. Carnie, you must listen carefully to my question please. I am not asking you for your opinion as to whether it would or would not have affected them, but I am asking you please to report what you yourself observed. Did in fact any movement of portion of that crowd affect people in front of that crowd? — At that time emphatically no, it did not affect them.

So you say that the children were dancing in the roadway where these cars were passing? — That is correct.

And because they were dancing in the roadway, which is normally reserved for traffic, they impeded the movement of traffic in the road? — That is correct.

Now, that is all that you can actually report, i.e. that you saw these children dancing in the road? — Apart from the movement of traffic, the one incident I saw yes.

Now, you have drawn certain conclusions in regard to that from what you have seen. I am not asking you what those conclusions are, but they left a certain impression with you? — That is correct.

And/....

And it is only from that that you gather your impression? — It is not an impression, it is what I actually saw.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. Carnie, these children that were dancing in the road, did they make any effort to get out of the way of any vehicles when they came along, and when the progress of the vehicle became apparent to them? — They only gave way at the last minute.

And was there any room for these children to have stood for example on the sides of the road, without having to dance in the road? I mean was there room for them to have done their dancing perhaps on the sidewalks or on little bits of open ground, without having to get into the roadway to do it? — There was any amount of room.

And you mentioned that only one man got into the van. On the second occasion you went there with a large vehicle, to take a considerable number back, did you not? — I went with two vehicles.

And was there any reason why only one man got into the van? — Yes.

What was that reason? — They were being threatened at the hostel by these people.

BY THE COURT:

Did more than one try to or express readiness to get in on that occasion? — On that occasion only one tried to get in.

Only one tried to get in? — Yes.

Willen/....

WILLEM JACOBUS OLIVIER, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER

Mr. Olivier, is u Hoof Stoorman by die firma "Safin"?

—Ja.

Is dit South African Farm Implements? —Ja.

Fraat u enige naturelletale mr. Olivier? — Ja.

Watter tale? — Sesuthu.

Nou, ek verstaan daar is twee tipes Sesuthu, d.i. die noordelike Sesuthu en die suidelike Sesuthu? — Wel, ek sal sê dit is die suidelike Sesuthu, want ek kom uit die Vrystaat uit.

Nou, op die 21ste van Maart hierdie jaar, het u mr. Carnie vergeesel na Sharpeville naturelledorp? —Ja.

Was dit met die groot verveer, die groot trok, of die klein trokkie? — Nee, dit was met die groot een.

En ek verstaan julle wou daar na die hostel gaan en werksnense te gaan soek? — Ja, ons wou gekyk het wie wou kom werk het.

Was daar enige naturelle daar by die hostel toe julle daar gekom het? —Ja, daar was 'n hoeveelheid naturelle.

Omtrent hoeveel was daar? — Daar was van 500 na meer gewees.

En hulle kon seker sien dat daar was blankes in die veeftuie wat daar by die hostel gekom het? — Ja, hulle kon.

Wat was hulle houding teenoor u en mr. Carnie? — Die houding was nie.... teenoor ons was daar nie iets gewees nie.

En op watter manier het u te werk gegaan om die werksnense by die hostel te soek of hulle in die hande te kry? — Toe ons daar gekom het het ons gevra of ons kan ingaan. Toe het hulle gesê ons kan nie ingaan nie. As ons self, op ons eie risike/....

risiko, wil ingaan, dan sal hulle ons "escort". Toe het mr. Carnie gesê ons moet ingaan met die klein "van", en ons moet die grote buitekant laat staan. Toe het ons daar gevra vir hulle, en daar was 'n "boytjie" wat opgeklim het toe ons ingaan. Ons het gesê hulle moet kom, die wat wil kom werk, want daar was van ons "boys" wat daar gewerk het.

O, het julle hulle gesien daar? — Wat daar gestaan het ja.

En wie het met hulle gepraat en hulle gevra dat hulle moet inklin? — Wel, ek het vir die een gesê hy moet inklin, en toe het hy vir die ander geskree hulle moet kom inklin.

In syeie Bantostaal? — Ja, in Seguthutsaal.

Het die ander ingeklim? — Nee, daar het net een opgeklim.

Was daar enige rede hoekom die ander nense nie ingeklim het nie? — Nee, ek dink hulle was half bang gewees om in te klim, vir die ander wat daar gewees het.

Het u enige woorde gehoor daar wat vanuit die skare gekom het of van die ander Bantoes, wat miskien u tot daardie gevolgtrekking laat kom het, dat hulle bang is om in te klim? — Wel, toe ons binnegant gewees het toe was die een wat op die lorry gewees het, hulle het vir hom gekree hy moet inklin, want hulle sal hom doodmaak as hy daar bly sit. Toe het hy nee, sy base sal hom help. Toe skree hulle vir hom dat hulle sal hom met sy base en al doodmaak. Toe sê ek vir mr. Carnie "Dan moet ons maar liewers ry, want dit lyk vir my onge wil verkeerd raak".

En was daar enige Polisie-eenhede in die nabyheid?

— Ja, daar was Polisie gewees.

Het u enige aanmerkings van die skare gehoor wat die Polisie betref? — Al wat ek gehoor het was net dat hulle gesê het daar kom nog meer Polisie, hulle moet terugstaan.

Is/....

Is daar enige ander aanmerkings wat u gehoor het? —
Wel, toe het ek daar gehoor dat een van hulle gesê het „Laat
hulle maar kom, ons sal die honde regies!”

„Ons sal die honde regies?” — Ja.

Het u enige klipgeciery gesien daardie nêre? — Ja.

Wat het plaasgevind? Hee het dit gebeur? — Die een
ou naturel, 'n ouerige naturel het uitgekem met ek meen dit
was 'n 1934 Ford. Hy het uitgekem van binnekant af en toe
het die jong naturelle, ek sal maar sê die kinders, toe skielik
voor hom gehardloop en die ander het hom toe tegetakel met
klippe.

In watter rigting het die ou naturel met sy motorkar
gery? Wou hy binne in die lokasie gaan of uit die lokasie
uit? — Nee, hy het uitgekem.

Hy het in die rigting gegaan om uit te gaan? — Ja,
hy het hierna toe gegaan.

Na die dorp se kant toe? — Na die dorp se kant toe.

En het enige van die klippe die voertuig getref? —
Ja, hulle het al die ruite stukkend gegoed.

Het u miskien opgelet of gesien watter stappe die
Polisie geneem het met die skare mense, en of enige Polisie-
beampte met die skare gepraat het? — Hulle het met hulle
gepraat maar ek het nie gehoor wat hulle gesê het nie, want
toe was ek verder af gewees; ek kom nie hoor wat hulle gepraat
het met hulle nie.

En wat was die houding van die skare toe die Polisie
met hulle gepraat het? — Nee, hulle was nie stemmig gewees
nie; hulle was 'n bietjie woelig gewees.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Olivier, you were able to get your lorry back
without any difficulty? You passed through the crowds without
trouble/....

trouble I take it? ---Yes.

And these threats of killing and so on that you heard, only came from certain individuals in the crowd? They did not come from the crowd as a whole? --- Actually it came out of the crowd. I can't say who it was actually.

It was one or two individuals? They did not get it as a roar from a whole large number of them? --- Well, a few were shouting at the same time. Some of them were shouting in another language which I did not understand.

The words that you heard in connection with the killing only came from a few isolated individuals? Will that be correct? --- Actually the ones that I heard were a few, but there were others shouting too at the same time that I could not understand.

Let us forget about the others shouting that you did not understand, because we can attach no significance to that as far as the meaning of words is concerned. The words that you heard that bore a relationship to killing, came from a few individuals when you heard in the crowd? --- Quite a few yes.

But not from the crowd as a whole? --- No, not as a whole.

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

WILLEM JOHANNES VAN DER MERWE, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAGER:

U is 'n Speardersersant in diens van die Suid-Afrikaanse Polisie gestasioneer te Vereeniging? --- Dit is so.

En op die 21ste van Maart hierdie jaar was u by die
Sharpsville/....

Sharpeville Polisie-aanklagkantoor? — Dit is so.

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

Kon u sien of heer wat by die parade aangegaan het terwyl dit opgestel is? — Nee, gladnie.

En toe u na die parade gebring is watter vraag is aan u gestel? — Dit was aan my gestel dat ek die persoon of persone moet uitwys, indien op parade, wie op die betrokke dag te Sharpeville aan die voerpunt van die betogers was, en die persone uitwys.

Het u enige persoon uitgewys? — Ek het een persoon uitgewys.

Sal u in staat wees vandag, as die persoon hier wel teenwoordig is, om daardie selfde persoon weer uit te wys? — Ja, ek sal.

Sal u met afstaan en die mens wat in die Hof is deursyk, en sien of die persoon hier is? — Ja. (Getuie wys beskuldigde nr. 3 uit).

U wys uit nr. 3 beskuldigde? — Ja.

Waar het u nr. 3 beskuldigde gesien op die 21ste Maart? — Hy het aan die binnekant van die Polisie-stasie, d.i. die heining en die Polisie-stasie, daar het hy beweeg, heen en weer, en hy het met die skare gepraat.

Was Luitenant Visser daar op daardie oomblik? — Ja, hy was ook daar by ons gewes. Die beskuldigde het ook met Luitenant Visser gepraat.

Het u geheer wat beskuldigde nr. 3 vir Luitenant Visser gesê het? — Ek het o.a. geheer dat hy aan Luitenant Visser gesê het dat my leier Schabwa die eerste President van Suid-Afrika sal wees.

GEEN KRUISVERHOOR DEUR MNR. ONTERRAALTERNIE.

GEEN KRUISVERHOOR DEUR BESKULDIGDES NRS. 1, 3, 4, 8, 38 EN 39.

Jan/....

AN ZACHARIAS HOEK, duly sworn, states:

EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. Hoek, are you employed by the Rand Daily Mail of Johannesburg? ---That is right.

As a reporter or a photographer? --- As a photographer.

And on the 21st March this year did you proceed to Sharpeville Native Township? --- That is right.

You had previously been to the other trouble spots in the vicinity of Bophelong and Wapheteng locations at Bvaton? --- That is right.

And was there any stage when you changed motor-cars with somebody? ---Yes, that was in Orlando Township, when we received the information that there was trouble in this vicinity.

Whose motor-car did you take? --- We took the Crime Reporter Mr. Harold Sacks' car, a small car, and he took our big car with a driver.

Now, when you handed over the big car to Mr. Sacks, was there any damage to it anywhere? ---Not to my knowledge.

And was there any damage to the small car which you took from Mr. Sacks? ---No, it was in a perfect condition.

And who accompanied you on your way to Sharpeville? --- A reporter by the name of Pogrund.

Just the two of you? ---Just the two of us yes.

And approximately what time was it that you reached Sharpeville? --- Approximately before midday, just before midday.

Who was driving? --- Up to Vanderbijlpark I was driving, and from Vanderbijlpark to Sharpeville Mr. Pogrund was driving.

And was this the first time that you had been to Sharpeville? --- That was the first time I had been to

Sharpeville.....

Sharpeville.

Now, I had better show you Exhibit 2, which is a photostatic copy of an aerial photograph of Sharpeville.

Was the last town that you came from Vanderbijlpark? --- Vanderbijlpark yes.

And to reach Sharpeville did you have to drive across any stretches of veld at all? --- Yes, we followed the Police to Sharpeville from the Parys-Vereeniging road, and halfway to Vereeniging we turned left into a northerly direction, onto a very small farm road across the veld into Sharpeville.

And when you entered the Sharpeville township, that was not in the vicinity of any public buildings, was it? You came in at the back? --- That is right.

What Police vehicles were you following? --- We followed I think three armoured vehicles and two large Police cars. I believe Colonel Spengler was in the one.

How far were you behind these vehicles? --- We were immediately behind the last armoured vehicle. We were the last in the convoy so to speak.

And did you get separated from them at all at any stage? --- No, we followed them into the township, and into the main street that runs past the Police Station, but we did not go to the Police Station at that stage. We then followed them in a northerly direction via a back route to I think it is the Superintendent's office near the beer hall, and we got out of the cars there.

Were you involved in any incidents on your way past the Police Station and to the Municipal offices? --- We did not pass the Police Station. We only saw it in the distance, but there were no incidents; I just noticed the people, the Bantus, in their houses and in their gardens.

And/....

And did you remain a while there at the Municipal offices? --- We remained a few moments yes.

And then where did you go to from there? --- Then we followed another I think two or three armoured vehicles that went back into the township along the road we came. They went along to the Police Station, and at the Police Station we had to go through the crowd. We followed them all the time, and they turned right to go into the street which leads into the main gate of the Police Station, but we carried on along the main street to the circle at the end.

And did anything happen to your vehicle at all in which you were travelling? --- Well, while we were going through nothing happened to the vehicle. There were just large groups of Bantus standing in front of the Police Station, and we got through with some difficulty. You could not go fast, you had to go slow and wait for them to get out of the way.

So you had to sort of slowly bull-doze a way through the packed crowd? --- Yes, when they saw the car was moving they would get out of the way, and we could go forward.

Did you gauge what the mood of the crowd was like towards you and Mr. Pogrand, as white occupants proceeding through an essentially native crowd? --- Well, they were excited. They shouted and made the "Africa!" sign. They did not touch the car. There was mainly an atmosphere of excitement I should imagine.

And after you had got through this crowd, where did you go to? --- We stopped at the end of this road which leads into a circle, and there we remained about a minute or two. Then we decided to come back. It is a double-lane road, and we came back on the righthand lane. We could not go right through, because the Police vehicles were parked in that road,

and/....

and so we turned left into the left-hand lane and then we passed the Police Station itself, again through crowds of Africans.

And were you involved in any incidents on this trip down? --- It was the same as going up. They shouted and things like that.

Did you take any photographs up to that stage? --- Yes, I did, going through the crowds and coming back as well.

And were these photographs handed in at the Commission of Inquiry? --- Yes, they were.

Up to that stage had you noticed any weapons amongst members of the crowd? --- How do you mean, sticks?

Yes? --- Well, not particularly. In any crowd of Africans there are always one or two carrying sticks, either walking-sticks and so on, but I did not notice any particular weapons as such.

You were driving? --- No, Mr. Pogrand.

And what were you actually concentrating on? Were you looking for material for a photograph, or...? --- Well, I was looking at the situation. I took photographs while we were driving through the crowd, and in circumstances like that you have to sort of look to see what there is and await developments.

Anyway, after you had ^{got} through this crowd on your way down, where did you go to then? --- We travelled in an easterly direction along the main street in front of the Police Station. We stopped about 200 yards beyond the Police Station, where there were few small groups of Africans, and Pogrand spoke to a few. He wanted to get some information being a reporter, and we stopped there about 10 to 15 minutes.

And were you at that spot when the firing broke out? --- No Sir. I noticed as we went past the Police Station that/.....

that the back fence of the Police Station was fairly empty; there were no people at it, i.e. the one away from the main street, and I suggested to Pogrand that we try and get to that particular spot through back roads. We then ^{went} further along this main road, and turned left, going away from the Police Station. We turned left to get around, and we were down this small road about a 100 yards when I heard a loud report quite close to us. It may have been a door closing or back-fire, or something like that. We stopped, and as we stopped and the noise of the car subsided I heard a noise of firing. At first I did not realise it was firing, and then I realised it was.

Coming from the Police Station? — Coming from the direction of the Police Station yes.

And was the Police Station in sight or were you obscured by buildings? — The Police Station was not in sight at that time.

And once you heard what happened? — We went to the next corner, and then we turned left in the direction of the Police Station, and we went forward. As we were driving along groups of natives were running towards us, away from the Police Station. We drove forward to an open.... I think it is near a church, there is an open piece of land, and I saw that there were large numbers of people running towards us. We then stopped there, and I saw that there were still a lot of Africans around the Police Station. We decided to go round to the south side of the Police Station, to get into the main road that leads from the Superintendent's office up to the circle, and before we get there we stopped and an African came up to us and asked us are we reporters, and so I said yes, and he said "Well, they are shooting our people up there". I said to Mr. Pogrand, who was speaking to some other Africans

on/....

on the other side, "Let's go!", but he did not pay much attention to me at the time, and he kept on talking to this man who was on the other side of the car. I had to sort of force my attention on Mr. Pogrud, and while I saying "Go! Go! Go!", while I was saying that somebody struck me on the ear, on the left ear with the fist, and said to me "Well, why don't you go?"

What was the class of person who struck you? --- It was an African, a male. We then went forward onto the main tarred road and turned south, and behind a hedge I told Mr. Pogrud to go slowly, so that when we get to the edge of the hedge we could see the Police Station, but before we got there a young African male from the righthand side of the road shouted at us what do we want here, "What do you want here?". With that he picked up a stone and threw it at us. That happened and then about a number of other ones also picked up stones and threw it at the car. Three stones struck the front window, a fairly large stone struck the small window on the driver's side and penetrated it, and a glass out Mr. Pogrud's right ear. A fairly elderly African male on the lefthand side of the road was just standing there with a small cane, a light cane, and he struck the top of the car with this cane and dented the top.

Dented it? --- Well, the mark of the cane is on there. We then carried on to the circle, driving fast and away from this crowd, and when we got to the circle I noticed on the lefthand side of the Police Station there were people lying in the streets, lying down, and we decided it would be the safest if we left the township, which we then did, through a back route and onto the same small gravelled road that we came with into the township.

So you never actually went near the Police Station after that incident? --- No, we did not. Will/....

Will you have a look at Exhibit 65, Mr. Hook? Is that the car in which you were travelling when it was stoned?

--- This is the car that we were travelling in.

And that shows the damage to the car? --- Yes. It does not show all the damage, but it shows mainly the damage to the windows and on the left-hand back door another stone struck the door and the paintwork was dented in.

Now, there is just another small point that I would like to clear up. We have had evidence from Colonel Pienaar that he saw a small car apparently surrounded by a crowd of natives and then bounced about. Do you recall any such incident happening to your car or did you see such an incident? --- No Sir, I don't.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Hook, I gather from what you have said that before the firing took place your passage through the various crowds in the township was a relatively unimpeded one? --- I would say that.

And it seems from the fact that Mr. Pegrund had conversations with various people whom he met on the way, that those people at least were not unfriendly? --- No, they were not unfriendly in any way. They answered questions that he put to them. There is just one point. When we stopped and spoke to them I insisted that the people we spoke to sit down, because that attracted the crowds.....

And the people obeyed you and they did sit down?

--- Yes.

Now, from what you have told us about what happened to you, you were struck on the ear and the car was damaged. All this behaviour was in very marked contrast to what you had experienced before the firing? --- Yes, that is right.

The/....

The man who said to you "They are shooting our people!", did he seem resentful or excited or distressed when he conveyed this information to you? — He seemed excited.

From having been on the spot at the time Mr. Hoek, do you think you can say whether or not this changed behaviour towards you on the part of the crowd, might have come about because these people were upset, angered and distressed by what had happened, and they were now deflecting it onto you as White people whom they saw shortly afterwards? — Well, it is possible. I was not familiar with the mood of the people so much before the crowd itself, before the actual shooting took place, because we did not stop in the crowd. We stopped outside the crowd, and the people that Mr. Pegrund spoke to were couples or three people walking together, or sitting together.

Now, you have described certain damage to the car, which you say came about as a result of the attack on the car when you and Mr. Pegrund were inside the township. Is it possible that certain of the marks might have been there before, and you are not really aware of it because you did not make a careful inspection of the car when you took it over from Mr. Sacks? — I don't think that is possible, because when we drive the Company's car we are held responsible for any damage, and I make a point of looking at the car whenever I take a new one out or take another one, whether it is damaged, and the extent of the damage on this small car that we used was such that I would have seen it before we took it.

I take it you did not see the crowd in flight while the firing was still taking place? — No, I did not.

Did you see the crowd in flight shortly after that, a couple of minutes after that? — Shortly afterwards.

Would/....

Would you put it as close as a couple of minutes after the firing, or would you say it was five or ten minutes? --- I could put it at about three minutes afterwards. Yes, three minutes after the firing had stopped we arrived in the vicinity of the Police Station.

Now, I don't know if you are familiar with the points of the compass in relation to the Police Station. Are you? ^{know} Do you which is the north and which is the south and so on? --- Yes.

Did you perhaps see the crowd in flight coming from the Police Station in roughly a northerly direction? --- No, in a

Would you like to look at the map? It may assist you. --- If I may please. (Witness looks at Exhibit 2).

You have the map before you, Exhibit 2? --- Yes.

Now, you see the Police Station as indicated by the arrow in the bottom lefthand corner? --- Yes.

You will notice that Zwane Street is the main street running to the south? Do you see Zwane Street? --- To the south?

BY THE COURT:

Yes, in front of the small gate. --- It runs west to east.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Well, if it runs west to east, is that east to the south of the Police Station? --- That is correct.

You have that. Now, there is a street running roughly north and passing the Police Station on the west of the Police Station. Do you see that? --- Yes.

And beyond that is a building, a group of buildings, designated by the arrow with the word "Winkels"? --- Yes, I

see/....

see that.

Now, that group called "Winkels" is roughly north-west of the Police Station? — That is right. We were in a position of a circle north-east of the Police Station when we first saw the crowds running towards us. The crowds running away were running in a north-easterly direction, away from the Police Station, towards us.

I would like to show you a couple of photographs that were taken, Exhibits 40, 41 and 42, and there is also Exhibit 43. You have them? — Yes.

Now, do you see ⁱⁿ the background there some Saracens - do you notice that - with some man on the top? — Yes.

And you notice people coming towards the camera? — Yes.

Now, did you notice a crowd similar to that running towards you? — Yes, but we were further away from the Police Station.

Were you further back and looking in the same direction, or were you in a completely different direction? — We were more or less in the same direction as this picture was taken, but we were much further away from the Police Station.

Do you see on your lefthand side there is a building? If you will turn and look at one or two of the other photographs that building is shown at various distances, the one on the left? — Yes.

Do you remember seeing such a building on your left? — At the time?

Yes, at the time when these crowds were fleeing and you were some distance away from them? — Well, I don't remember seeing the building at the time. I was looking more at the people running than at buildings.

Did/....

Did you later perhaps go back on the scene and look at these places? ---Yes, I know that this is the Police Station, the back of the Police Station. Since the 21st March I have been to that locality.

And does that assist you to determine the position in which you were, relative to the crowds that were fleeing, excepty that you were further back from them? --- Yes, the map assists me more than this particular picture.

But you do, on a subsequent visit, recollect that building on the left being where it is, to position you in relation to what you saw as the crowd was coming towards you? --- That is right.

And looking at these people as you see them coming towards the camera - I don't say that they are the exact people, but dass that more or less the impression that you had of the crowd as it ran away at that time? --- Well, it is not a similar impression. We were still quite close to the houses themselves, and people were also running away. It is more or less like that, but they did not have the mass in the background as this picture shows.

You mean there were then a lesser number of people? --- A lesser number and they were more spread out.

Did I understand you to say that from that north-east position you saw any people lying? ---No, not from the north-east position; from the circle, which is south-west, from the circle that I was referring to, but after the car was attacked I saw the people lying in the streets.

Now, let's be clear about the circle Mr. Hook. Will you look at Exhibit 2 again? --- Yes.

Do you see in a roughly north-east direction from the Police Station, a circle in an open piece of ground with

many/....

many paths sort of coming off that circle as tangents, going through the circle as diameters, and a group of paths as well to the west of that circle? Have you got that on the map?

--- Yes.

Is that the circle to which you refer when you say you were at a circle? --- Well, there are two. There is that one, and on the west of Zwane Street

BY THE COURT:

You will remember that there is a circle where Zwane and Seeiso Streets meet, and that is not clear on Exhibit 2 at all. There is the wing of an aeroplane obscuring that. --- It is just in front of the "Gemeenskaplike saal". There is another large circle there.

CROSS-EXAMINATION BY MR. UTTERHALTER CONTINUED:

There is another circle there. I see. Then as I to understand that at various times you were at both these circles, the one that I have described to you as being in that open space to the north-east, and the other one that is now partially obscured by the wing of the aeroplane? --- Yes, that is true.

Now, when you saw these bodies were you at the north-west one, i.e. the one obscured by the wing of the aeroplane, or the north-eastern one? --- I was at the circle at the junction of Seeiso and Zwane Streets, in front of the.....

The one obscured by the wing of the aeroplane on Exhibit 2? --- That is right.

Mr. Hoek, one other matter. At the time of the firing I rather gathered from your evidence you were somewhere to the east of the Police Station? --- That is right.

Now, if you look at Exhibit 2, and take your eye

east/....

east along Zwane Street from the Police Station, you will see a letter "X" on the map, and you will see a letter "X.1." a little to the east of that? --- That is right.

Now, using those two points could you position your car roughly at the time of the firing? --- Yes Sir, I could.

Where would you say you were? --- Taken from the marking "X.1." in Zwane Street, if you count three streets to the right, and halfway - then in a northerly direction on the map - between Zwane Street and the other street that runs parallel to it, which goes into that circle that you have described to me.

And immediately to the north of Zwane Street?

BY THE COURT:

I would suggest that the witness mark clearly this place where he was. He can just mark it with the capital letter "H". --- (Witness marks the spot on the map).

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now Mr. Hoek, standing at point "H" as you have marked it on Exhibit "F", you say that you heard certain loud reports? --- One report.

One loud report. --- It appeared to come ^{from} quite close to the right.

Quite close to your right or your left? --- To my right. We were facing.... in position "H" we were facing north.

So then would you say that it appeared to come from the east? --- Yes, quite close behind the car.

Now, would you say that coming from the east, it came more from the Zwane Street in other words, it seemed more south-east, or seemed more north-east, or seemed directly east/.....

east of you? --- Directly, it was right next to the car yards away from the car. It was just a loud report which caused us to stop.

It might have been a fire-arm? --- It might have been a fire-arm, it might have been a door closing, it might have been a back-fire.....

A back-fire of a vehicle. Would you say it was very loud indeed? --- No, it was not very loud. We at the time thought it was a fire-arm, because of the situation we were in; it was a very fluid situation.

But you could not have described it as a muffled or a soft report? It was a clear, loud report, although not very loud? --- It was a clear, loud report yes.

And was it immediately after that that you then heard the volley of firing? --- As soon as the car stopped, when we heard this report. When the noise of the car over the bumpy road, and the engine, subsided, I heard in the distance the sound of gun-firing.

That would be a few seconds after you had heard this first loud report? --- Five seconds, six seconds, the time it takes you to stop.

After the lapse of this five or six seconds, the volley that you were hearing - I assume it was a volley - was continuous from the direction of the Police Station? --- Yes, it was continuous firing.

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR:

Gysbert/....

HERBERT BOOYSEN, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is 'n Konstabel in diens van die Suid-Afrikaanse
Polisie gestacioneer te Sentraal? --- Te Hospitaalheuwel.

Te Hospitaalheuwel, Johannesburg? --- Dit is reg.

En op die 21ste Maart hierdie jaar, was u by die
Sharpeville Polisie-stasie? --- Dit is reg.

En was u ook 'n lid van die Polisie wie 'n bevel
gekry het om in 'n linie op te tree daar aan die westelike
kant van die Polisie-stasie, by die grasperk? --- Dit is reg.

Nou, as u na bewysstuk 13 kyk - dit is 'n lugfoto
van die Polisie-stasie - heel bo is noord, aan die linkerkant
se kant is die westelike heining, daar is die grasperk met die
westelike hek waar daardie klompie vermoedelik Polisiebeamptes
staan, dan die suidekant heel onder, en aan die regterkant
is die oostelike kant? --- Dit is reg.

Nou, dan is die grasperk in twee genny deur die
pad wat van die westelike hek loop vanaf oos na wes, tot by
die gebou self? --- Dit is reg.

D.W.S. ons het nou 'n noordelike gedeelte en 'n
suidelike gedeelte? --- Dit is reg.

Nou, aan watter gedeelte het u gestaan toe u in
die linie geplaan was? --- Op die suidelike gedeelte.

Omtrent hoe ver vanaf daardie hek of dié pad? ---
Ongeveer tien tree van die pad se kant af, en drie tree van
die westelike heining af.

Nou, net voordat die Polisie geskiet het, wat het
plaasgevind daar, wat het gebeur? --- Daar is 'n Bantoeman deur -
ek is nie seker nie, maar ek dink dit was Kolonel Spengler
of Pienaar, wat 'n Bantoeman daar by die hek gevat het en na
die/....

die Polisiestatie toe geneem het. Die skare Bantoes het toe teen die draad begin druk ensovoorts, en dreigende houdings ingeneem. Daar is toe met klippe na ons gegooi, waarvan 'n klip my in my gesig getref het op my regterwang, net onderkant my oog.

Omtrent hoe groot was daardie klip? — Dit was ongeveer die grootte van 'n halwe baksteen.

Wat het gebeur toe u die klip ontvang het? — Ek het op my hurke geval. Ek het my balms gehou en op my hurke geval.

DEUR DIE HOF:

Hoe het jy gesê, waar het die klip jou getref? — Net onderkant my regteroog op my regterwang. Die merk is nou nog sigbaar.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Het dit 'n oep wond veroorsaak? — Dit het 'n oep wond van ongeveer 'n halfduim na 'n driekwartduim veroorsaak.

En het dit baie gebloe of min? — Dit het baie gebloe.

Het u ooit enige mediese behandeling ontvang daarna, steks of soiets? — Nee, dit het vanself toegesoh. Ek het 'n stukkie hegpleister op hom gesit.

Nou, het u self weer op die been gekom of het iemand u gehely? — Ek het ^{op} my hurke gesit, gebly sit, en later toe ek by my bewaarsa weer kom, dat ek heeltemal reg word, het ek self weer opgestaan.

So jy was so half bedwelms toe jy daar gesit het? — Dit is reg ja.

Heu later, d.w.s. op die 19de April, by Eoksburg, het u 'n uitkenningsparade bygewoon? — Dit is reg ja.

En/....

En kon u sien of hoor wat by die parade plaasgevind het terwyl die parade opgestel is? — Nee, ek kon nie.

En toe u na die parade gebring is watter vraag is toe aan u gestel deur die persoon in bevel van die parade? — Of ek enige van die persone kan uitwys wat op Sharpeville gewees het.

8 En het u enige persone uitgewys? — Ek het niemand uitgewys nie.

Hoeveel arrestasies of wegkennings van die hek het u waargeneem? U het gesê daar was een Bantoe wat toe weggegaan is. Het dit die enigste een of was daar meer? — Daar was twee weggegaan wat ek gesien het. Later, ontrent vyf of ses minute na die eerste een, was daar weer een weggegaan.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Beoyser, just before the firing started, did you notice anything in connection with the crowd? — Ja, hulle het dreigende houdings ingeneem.

Apart from this threatening attitude, nothing else that you want to tell us? — Yes, they were forcing the wire fence in front of the Police Station.

They were pressing against the wire? — They were pressing against the wire fence of the yard.

That is all? — That is all, and then there was some throwing from the back. Stone-throwing from the back already started, and then they started from the front again as well.

Were you watching the gate just before the shooting started? — Yes, I was watching the gate.

Do you remember if there was a tug-of-war at the gate between Police trying to bring a man in from the crowd, and the crowd trying to pull the man back into the crowd? — That

is/....

is correct.

Now, what happened in connection with that tug-of-war? Who won? --- He was actually taken away.

And do you remember who was on the tug-of-war side inside the fence? --- Do you mean a Bantu male or....

Who was leading the team on the inside, i.e. on the Police side? --- Well, I don't actually know the Officer's name, but he grabbed hold of the native and pulled him in. I think it was Colonel Spengler. I am not sure, but I think it was him.

You have no doubt Constable in your own mind that this tug-of-war did take place? They were struggling to get this man, the crowd to bring him back into the crowd, and the Police to pull him into the Police Station? --- Well, it was not actually a struggle. They would just grab hold of him, and the Police took him away eventually and brought him in, and the gate was then closed.

But you also have a clear recollection of the crowd trying to prevent his being taken in by pulling on him? --- That is correct.

Towards the crowd? --- That is correct.

So although it was not actually a tug-of-war it is a fairly accurate simile to use? --- That is correct.

Now, you say the gate was then closed? --- The gate was then closed yes. They still forced the gate open but we eventually closed it.

And was it when the gate was closed that the firing started, or can you tell us what happened just before the firing started? --- Just before the gate was closed - it was closed and somebody opened it again, and then the firing started when they rushed through the gate.

So/....

So just to repeat it, the struggle had taken place, the man had been brought in, the gate had been closed, the gate was opened, some of the crowd came in through the gate, and then the firing started? --- And then the firing started.

Would that be a correct description of it? --- It is correct yes.

Did you hear any words from the crowd that might have expressed annoyance at this man having been pulled away from them? --- No, I heard no words. They were only shouting.

Now, did you hear an order to fire? --- While I was dazed on my knees yes; I heard somebody shouting "Skiet!"

Have you any idea where that sound came from Constable? --- From the middle. More or less from the road, from the footpath.

Would it be somewhere opposite the gate? --- Opposite the gate yes.

And would it have been from behind the line of men, in the line of men, or in front of the line of men? --- Well, we were not actually in a full straight line, we were mixed up a little, because we were still busy falling into one line.

Well, as far as you are concerned would it have been immediately to your ^{right,} would it have been somewhat behind you to the right, or somewhat in front of you to the right? --- Well, it was on my righthand side.

You can't say whether behind or in front? --- Whether behind or in front of me. I did not know.

Did you recognise the voice? --- No, I did not.

You can't say if it was an Officer or not? --- No, I can't.

And have you similarly a clear and distinct recollection of hearing those words "Skiet!"? --- Yes, I have that/....

that.

Was it spoken in a clear voice? --- In a clear voice

yes.

As if it was somebody giving a command? --- That is

correct yes.

Constable, we have ^{had} evidence from other people here...

One Constable, I think his name was Constable Meyer, said similarly that he heard this word "Skiet!" and he was a distance of approximately five paces from that path which runs almost opposite the gate, but then we have heard evidence from others, who were placed five paces to the south of that path, and placed approximately where you say you were, ten paces away, and they say they did not hear it at all? --- It is possible that they could not hear it with the firing.

But you have no doubt whatsoever in your own mind that you heard that word? --- That is correct, otherwise I would not have fired.

Constable, how was it that you did not have any medical attention to this wound of yours? --- It was not a very bad wound and it was not very deep. It was just like a cut, about one-eighth of an inch. It was not a bad wound and I did not think I needed medical attention for it.

And you did not need any attention to stop the bleeding? --- The bleeding stopped automatically.

Now, you say it struck you underneath your right eye, and you indicated a position on your right cheek below your right eye? --- The mark is still visible, some of it.

You are quite sure about the position, are you not? --- That is correct yes. I have also got a mark on my left elbow where I tried to stop stones.

Now, you gave evidence under oath before the

Commission/....

Commission of Inquiry, did you not? --- That is correct yes.

And there you referred to your injury as well? ---

That is correct.

You did not there mention the injury to the elbow?

--- I did.

Did you? Well, I may be mistaken but I don't see it in the report of your evidence, which is at pages 1057 and 1058 of the report. No doubt the learned Prosecutor will clear that up, but this is how you described the injury to your eye at page 1058: "Watter besering het jy opgedoen?" Your answer is: "Ek het 'n klip gekry net hier bokant my regterog, 'j halfduim lank." --- That is incorrect. I said under the eye.

If you gave your evidence in Afrikaans then I take it the words you would have said was "enderkant my regterog"?

--- That is correct yes.

Is that the language you would have used? --- That is the language I would have used.

You can't explain how the recorder has transcribed it as "bokant my regterog"? You say that is an error. --- No reply.

You say that the stone that struck you was the size of a half a brick? --- More or less the size of a half a brick yes, like this. (Witness demonstrates to the Court). If I had to keep it in my hand it would have filled my hand up.

And this half a brick struck you in the face below the right eye where you showed? --- That is right, first on the elbow, and then it caught me "skrams" on the eye, and that is where it cut me.

Oh, I see. It sort of ricocheted off the elbow onto the face? --- Onto the face yes.

Did it reach you with a great deal of force? ---

Quite/....

Quite, yes. It came from the back, and it was by force that it struck me.

And it caused no open wound to the elbow? — It caused an open wound, a scratch open wound yes.

On the elbow? — On the elbow as well.

When did you discover this? — When I came to my senses, my full senses, I saw it, because I tried to avoid the stone with my arm, and it caught me there and bumped up into my face.

Were you wearing a shirt only? — No, I was in full uniform, the same as I am now.

BY THE COURT:

You were a tunic? — I was in tunic too.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

With long sleeves? — With long sleeves.

So it must have struck the tunic at the elbow portion? — That is correct.

Of your left arm? — That is correct.

Now, you of course were busy with the firing? I take it you took part in the firing? — While I was dizzy on the ground yes; I fired when I ^{heard the word "Skiet!" I then} ~~heard the word "Skiet!" I then~~ fired in that position as I was on my knees.

And while you were firing, or just before the firing, did you realise that you had a scratch wound on your elbow? — No, not at that stage.

When did you become aware of that? — About three or four minutes later when I got up.

How did you become aware of it? — Well, I felt something hurting me or burning me on the side of my arm.

You did not have medical attention for it? — No, I did not have medical attention for it.

And/....

And there was no bruising, or was there? — No bruising; just the mark is still there.

I suppose you would say Constable that with the size of a half a brick, and for the force with which it was thrown, you got off very luckily, did you not? — Very luckily yes.

Now, you spoke about the threatening attitude of the crowd; that is the impression you conveyed to us. From what do you conclude that the attitude of the crowd was threatening? — Well, if they had to bend that fence, to push that fence over, they would have been on us and inbetween us, and they were shouting and screaming and swearing and throwing bricks at us at that stage.

So you conclude that the crowd was threatening because of the pressure on the fence, because of the shouting, and because of the stone throwing? — And they were always moving forward.

Of course the movement forward might have been caused by people at the back pushing forward to see? — I would not know. It is possible.

You agree with that. Apart from the stone throwing and this threatening attitude as you describe it immediately before the firing, there was nothing else that you noticed coming from the crowd? — Except that they were pushing their thumbs up now and then, and then shouted "Africa!"

I want to repeat the question, and I want you to listen to it carefully. Apart from the putting up of the thumbs and the shouting, the threatening attitude, the pressing of the crowd towards the fence, and the throwing of the stones, there is nothing else that you observed coming from the crowd that you wish to tell His Worship about? — No, there is nothing else.

I can therefore assume from the answer you have just given/....

given that as far as you personally are concerned, you heard no shots coming from the crowd before the firing started on the Police side? — Shots? No, I can't remember that anymore. It is possible, but I can't remember. While I was busy there I might have heard ^{it,} but I can't remember it now.

Now, just before the firing you were in your full senses? — That is correct.

You were taking an interest in what was going on, together with all your friends who were there? — That is correct.

And you noticed this struggle at the gate for example? — That is correct.

And the behaviour of the crowd, the pressure of the crowd? — Yes.

If a couple of shots had been fired out of the crowd, you would have heard these sounds coming from in front of you somewhere in the direction of the crowd? In ^{the} ordinary course you would surely have heard it, you would surely have noticed it? — I would have.

And it would have been sufficiently extraordinary for fire-arms to have been discharged from a crowd for you to remember it today? You agree with that? — That is right.

NO CROSS-EXAMINATION BY ACCUSED NOS. 1, 3, 4, 8, 18 AND 39.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

U het melding gemaak van die halwe baksteen wat van agter gekom het. U het die woorde gebruik "It came from the back". Kan u net verduidelik wat u daarmee bedoel het? — Van agter die skare.

Op van agter die skare? — Van agter die skare.

Maar van voor agter die skare? — Dit is van die

suid-westelike/....

suid-westelike kant wat dit afgekom het.

Die suid-westelike kant. Dankie. --- Agter die
kare.

DEUR DIE HOF:

Konstabel Booysen, u sê daardie wond aan u gesig
en ook die een aan u arm, het u nie mediese behandeling voor
ontvang nie? --- Nee.

Maar het u self iets daaraan gedoen? --- Ek het self
niets aan gedoen.

Self aangesit of soiets? Wat het u gedoen? --- Ek
het 'n stukkie hegpleister aan hierdie een gesit.

Hegpleister? --- Ja, net daardie sy aan die
binnekant - ek weet nie wat jy dit noem nie - daardie geel
lappie aan die binnekant. Ek weet nie hoe noem jy dit nie.

En dit mettertyd genees? --- Dit het mettertyd genees
ja.

Jy sê daar is nog 'n merk op jou? --- Die merkie
is nog half sigbaar, Edelaagbare.

Ek sal dit graag wil sien. --- (Getuie toon die
merk aan die Hof).

DEUR DIE HOF:

Die getuie het nou aan my uitgewys 'n merk. Ek
beskryf dit as skaars merkbaar, maar dit is daar onder my
regteroog.

Is daar iets soortgelyks op jou elbboeg, of is dit
nou gesond? --- Daar is iets soortgelyks op my elbboeg. Daar
sit die merk nog. (Getuie toon die merk aan die Hof).

En dan naby jou linkereelbboeg, aan die binnekant
van die arm, wys jy vir my 'n merk wat ek beskryf as ongeveer
een duim lank? --- Dit is reg, Edelaagbare.

Dit/....

Dit kon ek baie makliker reaksien as die merk onder
jou oog. Dankie, jy kan maar afstaan.

HOF VERDAAG.

HOF HERVAT:

BERNARD XINGWANE, duly sworn, states: (Witness speaks Sesuthu).

EXAMINED BY THE PUBLIC PROSECUTOR:

Is it correct that you are in the service of the
Bantu Commissioner stationed at Vereeniging? --- Yes, that
is correct.

And did you give evidence before the Judge, the
Commission that sat? --- Yes, I did.

And between that date and today have you received
certain information? --- Information like what?

Concerning yourself? --- Yes, I heard certain
information there in the location.

And does that in any way affect the fact that you
are about to give evidence here today? --- Yes, they frightened
me.

Well, what is it that you fear might happen to
you? --- Any person, or the view is that any person who appears
as a witness and gives evidence in this Court, in the minds
of the inhabitants of the Sharpeville location seems to be a
person or persons who do not have feelings for those accused
who are now appearing before the Court.

And these rumours that you have heard, and the
fears that you have, will that in any way affect the truth of
the evidence you are about to give? --- (The witness now

starts/....

starts to speak English, but his reply is inaudible as he is standing away from the microphone).

Would you remind repeating your sentence so that we could have it on record? --- I say in view of the fact that I was forcefully roused from sleep, and I was taken out of my house by force, I have to reckon with those threats.

What do you fear might happen to you as a result of these threats? --- Victimisation of some kind, or even public violence on myself or on my children.

You live in Sharpeville? Is that correct? --- That is correct, I live in Sharpeville.

How long have you been living there? --- I have lived in Sharpeville for the last five years.

And you are a Public Servant? Do you assist the Bantu inhabitants whenever they come to the Native Commissioner's Office? --- Yes, I am a Public Servant and I assist the Bantu inhabitants whenever they come there.

And you have a wife? --- I have a wife.

And how many children? --- I have four children.

Are they still of school going age, young children? --- They are very young. Only one is of school going age, and the others are very young.

Whereabouts do you live in relation to the Police Station? Near or far from the Police Station? --- Not very far. It is about ten minutes walk from my house to the Police Station.

Now, did you know at any time or did you learn at any time prior to the 21st March that a demonstration was going to take place? --- I only heard on the Sunday afternoon before the 21st.

Did you ever have any pamphlets or circular letters put/....

...ut under your door of your house? --- No, I heard of the pamphlets but I am not one of those who received the pamphlets.

Now, on the day before the shooting at Sharpeville, i.e. the Sunday night, did you go to bed as usual, at a normal hour? --- I went to bed as usual at the normal hour.

And did anything waken you up during the night?

---Yes, I was roused from sleep by violent knocks at the door of the kitchen and at the door of the diningroom.

Can you recall what time that was? --- It must have been between twelve and half past twelve, roundabout that time.

Between twelve and half past twelve at night? ---

es.

And did you get up and go to the door? --- No, I was in the bedroom and I removed the curtains from the window to see who they were.

Now, what did you see outside? --- A crowd of Zantu males.

Did you notice at that stage when you looked through the window, whether any of them were carrying any weapons, i.e. sticks or whatever they might have had, i.e. at that stage? --- No, I only noticed when I got outside.

And when you looked through the window and saw this crowd, what did you do? --- Quite a number of them were telling me I should come out of the house, take my overcoat, and follow them.

Now, are you in possession of a reference book? --- Yes, I am in possession of a reference book.

Was anything said at all about reference books that night when you received the instruction to come out? --- I was ordered to leave it on the table, I must not bring it with.

What was your reaction when they told you to come out/....

out and to leave your reference book behind? --- I delayed slightly, and I put the question "Where should I go?" before I could open the door. I was told I was going to be told when I got to the place.

BY THE COURT:

You were told you were going where? --- I was told that I will be told afterwards, because of my being roused from sleep.

EXAMINATION CONTINUED:

And when you delayed a little bit, what happened outside? --- The knocks became more violent.

Was anything broken at all? --- No.

And did you go out? --- I went out eventually.

And what happened to you once you got outside amongst this crowd? How big was the crowd outside? --- I could make a rough estimate. Between 20 to 30 males.

And did you notice whether they had any weapons with them? --- Yes, some had sticks.

And did you go with them? --- Yes, I followed them.

Did anybody say something or could you gather or find out at all as you were going along, what this all was in aid of, why you were being taken away, or why you were following these people? --- Well, I could hear from among.... there were many other people, even some of the neighbours, who had been roused from sleep, and who were following them. Then I could hear that this had been brought about by P.A.C.

By? --- By P.A.C., from the people....

Is that the Pan Africanist Congress? --- Yes.

BY MR. UNTERHALTER:

Your Worship, I submit that will not be evidence, that it was brought about by P.A.C.

By/....

BY THE PUBLIC PROSECUTOR:

Your Worship, I submit that this is a classic example of the res gestae. Any fact or statement which accompanies the main transaction in such a way as to explain it, is admissible. What the value of it is is perhaps different Sir.

BY THE COURT:

I am prepared to leave the evidence on record meanwhile.

BY MR. UNTERHALTER:

As Your Worship pleases.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And where did you go to with this crowd? --- We went a street lower than the street where my house is situated.

Did you go of your own free will with this crowd?
--- I was not forced, but I ^{feared} ~~was~~ for the safety of my children; I thought it better for the safety of my children to go.

And you say you arrived at a spot somewhere below your house? --- Yes.

And what happened there? --- They were busy with the operation of rousing people from their sleep as we walked along the main road.

What happened when you reached this spot? --- While they were getting people out of their own houses we were moving towards the main street, i.e. the main street that leads from town to the township, Seciso Street.

Just carry on? Just tell us what happened as you were moving along towards that street? --- At the crossing of a nameless street and Seciso Street somebody came to us and he addressed us.

Somebody came to you and addressed you? --- Yes.

Was/....

1,804.

B. Xingwane.

Was this a White person or a non-White person? ---

It was a non-White.

Did he say who or what he was, and what his purpose was in addressing you? --- No, he did not introduce himself to

me.
Did you notice whether he had anything attached to his clothing that he was wearing, any tickets or anything like that? --- None that I noticed.

Had you ever seen this man before? --- No, I could not identify him as one I had seen before.

And will you be able to point him out again if you saw him again? --- No, Your Worship.

What did this man say to the crowd? --- He was encouraging the crowd, saying that they should not be afraid, "We are more in numbers than the Police".

And how did the crowd react to this statement? --- Before anything could happen the Police came to us.

Can you recall who the Officer was in charge of the Police detachment that came there? --- No, I don't know the Police. I am not used to them, I don't even know who they were, except the Native Sergeant, who is a neighbour of mine, and who was with us.

What is his name? --- Sergeant Krisjan Nxumalo.

And when did you see Sergeant Nxumalo the first time that evening? --- As soon as I walked out of my yard I found him in the street.

And how was he dressed? --- He had a big Police overcoat on.

Did you notice what he had on underneath the overcoat at all? --- No, I did not notice.

And when the Police arrived, what happened? --- The crowd/....

crowd dispersed.

Did they go as soon as the Police came there, or did the Police order them to disperse or take some action against them? --- The Police were taking action against them, and as a result they dispersed.

And what did you do when the people dispersed? --- I ran to the Police for safety.

And Sergeant Nxumalo? --- He joined me.

BY THE COURT:

You ran where? --- To the Police for safety.

To the Police? --- Yes.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And you say Sergeant Nxumalo accompanied you? --- Sergeant Nxumalo accompanied me.

After making a report to the Police what did you do then? --- Well, we were ordered to get into the Police van.

And where did the Police van go to in which you were? Where did that go to then? --- They drove in the direction of the Site and Service location.

Is that in the vicinity of the sports grounds and the open piece of ground there? --- Yes.

And what happened in that vicinity? --- We found a crowd of people standing there.

And did any Police Officer speak to this crowd at all? --- He did.

Can you recall the rank of the Policeman or the Police Officer who spoke to the crowd? --- Well, I don't know the rank.

Could you tell whether he was an Officer? In other words, did he have something on his shoulders, you know the little stars they wear these days? --- I could see he was an Officer/....

officer because he was ordering the Police, and the Police were complying with his orders.

I see. Now, did this Police Officer speak to the crowd as a whole, or to any particular individual? --- He spoke to both the Police and to the crowd.

And did you hear what the Police Officer said to the crowd? --- He was telling them to disperse.

Did the crowd disperse? --- They did not.

And what happened to them? --- Now, a certain man whom I afterwards was informed was More walked forward,....

BY THE COURT:

I am sorry, you can't tell me what you were afterwards informed.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

A certain man walked forward? --- He walked forward to the Officer.

BY THE COURT:

The evidence will be taken only as a man walked forward to the Officer.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Yes, I will try to clear it up, Sir.

Apart from the fact that you subsequently learnt the name of this man, apart from that will you be able to point him out? --- I will not be able, if it was not for the fact that I was afterwards shown who More was.

I see.

BY THE COURT:

You of your own knowledge, of having observed the man there, cannot identify him? --- I had not known him before. I saw him for the first time then, and it was during the night.

Examination/....

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Anyway this man you say spoke to this Police Officer, or what happened? He walked up to him? --- He walked up to him and he addressed himself to him.

Did you hear what he said? --- I heard what he said.

What did he say? --- He said he was determined to have a meeting with the people.

Did he say anything else? --- Because he wrote several letters to Mr. Ferreira requesting a meeting to take place.

Now, can we just pause there for a moment. Mr. Ferreira, do you know anybody by the name of Ferreira? --- I know him.

What exactly is Mr. Ferreira? --- He is the Director of Bantu Affairs.

Attached to the Vereeniging Municipality? --- Yes.

So what happened after this man said that he had written to the Director, Mr. Ferreira? --- The Police Officer made a promise that he will see to it that they had their meeting the following day.

Was this man satisfied? --- No, he said he was no longer satisfied, because he wrote ^{several} letters without being replied to.

And what happened then? --- Well, the Police Officer ordered all the Police to get into this van and we left the crowd there.

And where did your van take you to then? --- We were taken to Sharpeville Police Station.

And at Sharpeville Police Station what did you do once you had arrived there? --- The Police were still on duty. They left us there, and I remained with Sergeant Nxumalo. Sergeant Nxumalo and myself remained there for a while.

And/....

And did you eventually leave? --- Eventually we left for our homes.

Do you know what time it was that you left to go home? --- I am not sure. I did not look at the watch.

Did you get home safely? --- I got home safely.

And were your wife and children still safely at home? --- They were still safely at home.

Were there still time for you to go to bed, or was it almost time to get up? --- There was still time for me to get into bed.

And did you spend the rest of the night without any further incidents or trouble? --- No, I spent the rest of the night at home without any further incidents.

Now, the following morning, i.e. the Monday morning, did you come to work? --- I attempted to come.

So you got up and you set off from your home to come to work? Is that what took place? --- Yes.

And what prevented you from getting to work? --- I saw a crowd of African people stopping people from going to work, i.e. at a distance.

In what street were they? Were they in the main street? --- In Seciso Street, the main street.

Whereabouts was this group of African people in Seciso Street? Was it anywhere near the bus stops or anything like that? --- Near a bus stop, where there is some protection for people waiting for the bus.

And as a result of that what did you do? Did you go home again, or what? --- Then I went to the Police Station, to the Sharpeville Police Station.

And how long did you stay at Sharpeville Police Station? --- I think I was there from between seven and a quarter/....

quarter past seven, until something after twelve o'clock.

Why did you go to the Police Station and stay there so long? --- I wanted to phone the Native Commissioner.

Were you able to contact him by telephone? --- No, I was told that the telephones were not operating.

Yes, but you stayed there for almost five hours, four and a half hours, i.e. from seven to twelve? --- Yes.

Now, why did you stay there so long then? It does not take very long to make a telephone call? --- I had not contacted the Native Commissioner. I thought Sharpeville Police Station would be the only possible place where the Native Commissioner could find me.

I see, did you anticipate that he would come looking for you? --- Yes.

And did you notice that the people were gathering outside the Police Station? --- I noticed it. The first portion of the people found me there.

Did you see anybody who appeared to you to be a leader or leaders of the people who were gathering there? --- Yes, there were a few young men who evidently looked like leaders.

Did you know them at all on that day? --- No, I did not know them.

But you subsequently heard who they are I suppose? --- Yes.

And did any of them speak to you? --- No.

And when you left the Police Station at twelve o'clock, where did you go to? --- I went home.

You went home. Were you at your home when the firing broke out at the Police Station? --- I was at my house.

Did you remain there or did you go back to see what had/....

had happened at the Police Station? --- I returned to the Police Station.

I suppose by them it was all over, and the people were busy being picked up and put into vans and taken away? --- Yes.

Did you lose anybody close to you at all who was at the shooting? --- No, I did not lose anybody close to me in the shooting.

Did you know any of the people who lost their lives at the Police Station? --- I knew one by sight, a girl who was coming here and fetching some money every month.

Now, there has been evidence of... we will call it a rumour, that the Africans were told that that day some highly placed official would come and speak to them at two o'clock at the Sharpeville Police Station? Had you heard that today, that suggestion, that rumour? --- I heard it.

Now, when did you first hear about that rumour? --- On the very day of the 21st, before I left my house, I heard some old ladies talking among themselves to that effect.

Was that before you left to go to work? --- Before I left the Police Station for my house.

I see. So that must have been somewhere between seven and twelve noon that you heard that at the Police Station? --- It was between eleven and twelve.

Between eleven and twelve? --- Yes.

Now, as far as your official knowledge is concerned, did you have any official knowledge that any highly placed official, perhaps from Bantu Affairs, would be coming there at two o'clock to address people? --- No, I heard nothing.

BY THE COURT:

You would not necessarily know about that surely?

You/.....

You would not know about that, even in your official capacity?

Would not the Native Commissioner be the man who would know?

--- I may know it.

You may know if he told you? ---Yes, if he told me.

And he may not tell you? ---Yes.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Kingwane, you were telling us about a meeting that you witnessed the night before, when in the company of the Police you were taken by a van somewhere into the area of Site and Service, and when somebody in the crowd made a reference to having asked for a meeting which had been refused? Do you recollect that? --- Yes.

And you said that the Police Officer said to this person that they could have a meeting the following day? Do you remember saying that in your evidence-in-chief? Have I put it to you more or less correctly?

BY THE COURT:

He did not quite put it that way. He said that he made a promise that he would see to it that they held a meeting the next day.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Words to that effect, as His Worship has put it to you? --- Words to that effect.

Mr. Kingwane, you are quite certain that you heard the Officer speak in terms similar to what I have just put to you? --- I am positive about that.

Now, there has been evidence of certain Police Officers encountering a crowd somewhere near the Site and Service Area, and near some sports field. Let me just say in parenthesis this did happen near some sports field, did it, the incident of which you speak? --- Yes.

Now/....

Now, on the occasion of which you speak, was there a baton charge? --- I beg your pardon?

On the occasion of which you speak, was there a baton charge by the Police, directed towards this crowd of people? --- None at all.

And you did not see the Officer in charge take a rifle and fire a shot into the ground in front of the crowd?

--- Not at that particular incident I am referring to.

Were you in fact present on an occasion when the Officer did fire a shot into the ground before a crowd in a similar vicinity? --- No, I don't remember that incident.

What was the language that the Officer used when he said he would see to it that a meeting took place the next day? --- It was highly polite. It was very polite.

It was polite, but the language, English, Afrikaans,? Do you remember? --- I think it was English, but I am not quite sure of it.

And you don't remember whether it was translated into an African language? --- No, there was no necessity for an interpreter. The Bantu male spoke direct to the Police, and the Police Officer also spoke direct to him. There was no interpreter used.

Do you know Mr. Labuschagae, the Superintendent of Sharpeville location? --- I know him very well.

Was he perhaps present on the occasion of which you speak? --- He was there, he was present.

BY THE COURT:

He was present when the Officer and this man spoke to each other, i.e. on that occasion? --- Yes, on that occasion I remember having seen him, but I don't know whether he was present right throughout the conversation.

Cross-examination/.....

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Do you remember perhaps his having said an application for a meeting was received, but was refused, or words to that effect? --- I did not hear those words. Perhaps it was addressed to somebody at the meeting and I did not hear it. I personally did not hear those words.

Do you remember seeing Sergeant Grobler there, the Station Commander of the Sharpeville Police Station? --- He might have been there, but I don't know who Sergeant Grobler is. There were a number of European Police.

You don't know Sergeant Grobler yourself? --- No.

In any event, in due course you went home that night and you slept till morning, and then you got up and you were making your way to your work when you heard certain words, as a result of which you did not go to work? --- Yes.

Now, you told my learned friend that you remained outside the station from approximately seven o'clock in the morning to twelve noon? That is right, is it not? --- That is the position.

And you said to him that you expected that if the Native Commissioner was looking for you, or were to come anywhere, he would come to that Police Station, and so you remained there? --- Yes.

Did you expect that the Native Commissioner might have need of you? --- I expected that because it was a working day.

Did you not also expect that the Native Commissioner was going to come there anyway? --- I did not have the expectation before I actually heard the words, and I said I heard the words between eleven and twelve o'clock.

Now, having ^{heard} heard the words between eleven and twelve/....

twelve, did you then decide that you must remain in any event because he might be coming there and might need you? --- I eventually left the place for my house.

No, let me put the question to you again; you may not have understood it. Having heard the words - I will discuss with you in a moment what the words are - did you continue to remain there because you thought the Native Commissioner might be coming and might need you? --- Yes.

Now, when you referred to words I take it you mean the words that you mentioned in your evidence-in-chief, that someone was coming to address the crowd? --- Yes.

So that in point of fact your frame of mind was this. From what you had picked up moving about among the crowd, you formed the impression that your chief, the Native Commissioner, was coming to speak to the crowd, and you thought that you as his Assistant ought to be present in case you were needed to assist him in anything that he was going to do there? Would that be a correct way of putting it? --- It is not correct.

Allright then, will you tell me what the correct position is? --- My primary object in remaining was the possibility of getting a vehicle that could take me to my place of employment.

BY THE COURT:

Just repeat that. I did not hear it. Your primary purpose was to do what? --- To get conveyance to town.

To get to town to your place of employment? --- Yes, or alternatively be able to speak to the Native Commissioner and tell him I am unable to come to work.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

I am sorry, your voice is drowned by someone speaking in the audience. Just repeat the last part of what you said?

Or/....

--- Or alternatively, if I cannot get through, then be able to communicate somehow or other with the Native Commissioner and tell him that I am not able to come to work.

Now, are those the only reasons why you remained here? --- Those are the only reasons why I remained there.

Let me read to you what you said at the Commission. It may be that you are just putting a slightly different emphasis on the reasons, but let me read this to you, and perhaps you could comment. At page 1075 of the evidence before His Lordship Mr. Justice Wessels you are reported as having said this. You were asked by His Lordship about the crowd as follows: "Were they awaiting an address by anybody, or what were they expecting would happen?" Then you say: "I heard one person saying that they expected the Bantu Commissioner to come and explain to them. That was one reason why I waited for some time after I had been to the Police Station to tell them that if I am required the Bantu Affairs Commissioner should be told I have gone home". Now, that was said at the Commission was it not? Do you agree? --- That was said.

So in effect one of the reasons why you waited was because you expected the Bantu Commissioner to come, and to come possibly to address the crowd? --- I would not deny that.

Now, you had a good opportunity during those five hours to move around among the crowd and make observations as to the behaviour of the crowd, the state of mind of the people who were there, and so on? Would you agree with that? --- I agree.

Would it be correct to say that as far as some of the people were concerned, it was for them a kind of holiday, and they went to this assembly outside the Police Station singing and in a friendly manner? --- There were people singing/....

singing. I would not deny that.

And you could describe their manner as being a friendly manner? Is that correct? ---Yes, they were friendly.

I take it that from what you observed you will also agree that certain members of the crowd were curious? They were standing about waiting to see what would happen? ---I agree.

And as you moved about in the crowd did you hear from members of the crowd that they expected the Bantu Commissioner to come? --- As I have already said I heard that they were expecting the Bantu Commissioner to come.

BY THE COURT:

Did you move amongst the people, or were you in the Police Station grounds? ---I came to the Police Station and I also came out, and I had also been moving among the people.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And it was in the course of moving about among the crowd that you learned that certain of them expected the Bantu Commissioner to come? ---Yes.

During the time that you moved about among the crowd, I take it you will agree that there were Police inside the Police Station grounds? --- There were.

And these Policemen did nothing to excite the crowd? Will you agree with that? ---They did nothing to excite the crowd, except when one was taken away from the crowd and pulled into the Police Station.

It was after that I take it that you noticed a change in the mood of the crowd? --- That is the position.

Before that, the Police having done nothing to excite the crowd, I take it that the crowd was a reasonably well behaved/....

behaved crowd? --- I made no observation that I will qualify about reasonableness on the side of the crowd.

I take it as you moved among this crowd you did not notice a high proportion of sticks in the possession of this crowd? --- No sticks at all that I saw except for a sjambok that one elderly man had.

And he was not misbehaving himself with that sjambok, was he? --- He was rather persuading or chasing the children away from the scene.

BY THE COURT:

He did not use the sjambok to chase those two young leaders away? --- No, Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, I take it from time to time during these hours you recognised acquaintances of yourself in the crowd, people whom you knew by sight or were friendly with? --- Yes, there were quite a number of those I recognised.

And being acquaintances of yours Mr. Kingwane, it is not unfair to say I presume that they certainly were not members of the agitator class? --- No, Your Worship. There were a number of Public Servants.

And if those people were there, I take it that from what you could observe of their behaviour, they were not there for any sinister purpose, they were there to see what was going on in the same way as you were? --- That is the position.

Now, you saw certain people inside the Police grounds, certain Africans inside the Police grounds near the fence, did you? --- Inside the fence?

Yes? --- Yes, on certain occasions there were two Africans who were coming inside.

Is it not correct that one of these, who seemed to

be/....

be in the position of a leader, told the crowd to stand away from the fence? --- That is correct.

And the crowd hearing him carried out his orders and moved away from the fence? --- They did, but he would tell them to go away from the fence, and they would comply with his orders, but while he moves away they would come back again, and stand in exactly the same position in which they were.

Mr. Xingwane, would you agree that that might have come about, the return of the crowd close against the fence, not because the leaders of the crowd, those nearest to the fence, deliberately moved back to the fence after this man had moved away, but because they may have been pushed forward by the great weight of the crowd that was assembled round the Police Station? Do you agree with that? --- I would not dispute that.

Thank you, Your Worship.

CROSS-EXAMINED BY ACCUSED NO. 1:

No questions.

CROSS-EXAMINED BY ACCUSED NO. 3:

There is only one point that I do not ^{clearly under-}stand from you, because you say that on the 21st March, 1960, you were unable to get to work. Can you now tell me what actually stopped you from getting to work? --- I saw a number of people being stopped on their way to work, and I returned.

When you saw those people being stopped, did you know that they had been stopped or did you just have the impression that they were being stopped? --- I saw them being stopped.

Did you then know that perhaps they had been stopped from going to work, or whether they had been stopped for other reasons? --- I associated that with the fact of my having been roused from sleep in my house, i.e. violently.

By saying what you have just said, it means that

at/....

at that particular instant you did not know for what reason those people were being stopped, whether they were being stopped from going to work or for other reasons? --- Two hours later Sergeant Nxumalo, who was for the most part with me, attempted to go to work, and I told him it would be dangerous, and when he returned he was assaulted.

I am at present not concerned with what happened to Sergeant Nxumalo. I still want to know from you what actually stopped you at that particular instant from proceeding to work? --- The fact of having been roused by force from my house, and also a later observation of having seen Sergeant Nxumalo brutally assaulted, was sufficient reason to stop me from going to work, and after I had seen a number of people telling people not to go to work.

When you arrived at the Police Station you had an intention to telephone the Native Commissioner as far as I understood you in your evidence-in-chief, but thereafter again you told His Worship that you roamed about in the midst of the crowd there. Did you know what those people wanted there? --- I did not know until I heard it from the crowd and from those I marked out as leaders.

Can you perhaps make mention or name one of the leaders of the P.I.A.C. who was present there? --- I don't say there were leaders. From the way in which they were controlling and giving orders I marked them out as leaders.

Can you perhaps then make mention of one of those persons who were acting the way as you now describe to His Worship? --- Yes, I can.

Can you then perhaps tell me, because your purpose in going to the Police Station was in order to telephone the Native Commissioner, or alternatively to obtain a vehicle which/....

which could convey you to your employment. Can you again now tell me what did you want there in the midst of the crowd? --- There were no boundaries imposed on me, as to where I should be and where I should not be.

I just want to understand it clearly. On the 21st you were an individual or a person who intended going to work? Is that so? --- That is the position.

And you went to the Police Station and there you encountered a crowd of persons who were excited and who were against to work, and you were of the intention of getting to work. What did you then want amongst the persons who were not willing to get to work? --- I already said that ^{that} would be the only place where the Native Commissioner would find me if he would leave the town and go to the location to look for me.

Would the Native Commissioner then find you in the midst of these people who had gathered there, or on the premises of the Police Station? How would he then know that you did not want to associate yourself with that crowd? --- I would see him. I mean I kept watch on all entrances of the Sharpeville Police Station. I would see the Native Commissioner should he come.

You have already told His Worship that these persons whom you described as leaders, when they spoke to the crowd the crowd obeyed their orders by moving ^{away} after being requested to move away from the fence, and thereafter a little later then came back to the fence? Is that so? --- I have said so.

Is it not perhaps possible that these persons whom you may have seen deliberately returning to the fence, may have - I don't say that you are saying so - but may have perhaps been pushed or forced from behind by these other members of the crowd? --- The possibility is there.

At/....

At the instant when the crowd was requested by the leaders to step back, were you at that stage amongst the crowd, and did you also take these orders from those persons you have described as leaders? --- It is not clear to me what you are referring to.

The orders of getting away from the fence? --- I was not along the fence. How could I comply with these orders? I was not leaning against the fence.

Then you had an intention of leaving at twelve noon? -- I had no intention. I actually left.

When you left the premises there these people did nothing to you? --- I was among them. I left them, and I left them untouched.

BY THE COURT:

You mean you left unharmed, unmolested? --- Unmolested, Your Worship.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

Seeing that these people from the crowd did not hurt you or left you unmolested, would you not then think that the crowd which you found there, that among that crowd were the persons who may have come to your home and disturbed you during the night? --- The possibility is great that quite a number of those who were knocking at my house were also present at Sharpeville Police Station.

Can you perhaps explain why you say so? --- My own opinion is it must be somebody closely associated with the campaign that will leave his sleep and go from house to house waking up the people.

BY ACCUSED NO. 3:

Your Worship, before I put this question.... I don't know, because the question I am about to put to this witness,

I/.....

I want to get his opinion about it, and I don't know whether Your Worship will allow me?

BY THE COURT:

Put the question, let me hear it.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

This campaign was a campaign of not wanting passes. Did you then fall amongst the group which wanted the passes or which did not want the passes? --- I don't see how I can possibly choose when a thing is a Law. It is a Law, and I must comply with the Law.

The position is this, that we ^{all know} know that the Law compels everybody to carry a pass, but here then in this instance I am only asking for your personal opinion, and only your opinion. I want to know from you whether you as an individual want to carry a pass or not? --- Should I answer that question Your Worship?

BY THE COURT:

Yes. --- My answer to the question is if I had a choice and if it would be possible, I would say let there be no reference books.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

Then thank you very much for having given your opinion. Now I am going to put to you what that crowd wanted there. The crowd which you saw assembled there is the crowd which said they did not want passes, and seeing that perhaps your voicing of your opinion, as I now too do here by putting these questions to you.... if those people who came and woke you up then are also associated with that campaign, I am putting it to you that it is obvious that perhaps you may be falling in that group too? --- I differ with them in the means they used to achieve their aim.

I/....

I agree with you that those persons who came and woke you up at night did a very bad thing, but then what do you say about the crowd which you have already described, and which assembled there before the Police Station? Do you also say to yourself....

BY THE COURT:

Tell the accused I think I have heard enough now about witnesses' opinions on points that I must decide. I have allowed you some laxity but I don't propose to allow you more.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

That was my last question. I want to know what is your opinion, because you were also at the Police Station and amongst the crowd which had gathered there? --- In the first place I think the elderly and respectable residents of the location were not consulted by the leaders. In actual fact I don't see how we could agree or not agree with them without consultation as to ^{what} their line of action would be. I admit communication is difficult in the Sharpeville Location, but it is difficult for him, if he says he is the leader, to expect us to follow when he did not explain the nature of his campaign and how he was going to carry it out.

BY THE COURT:

The leaders did not explain things to the inhabitants? --- They did not explain things to the inhabitants.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

In the crowd which assembled there on the 21st March, I am putting it to you that there were respectable residents of the location as well as elderly people? Are you certain, and positively certain, that there were none of the leaders who consulted with these respectable people who were there/....

there and the elderly people who were there on this day? Perhaps you have answered this question. I may agree with you. ---
What is the point you are trying to put to me?

Well, I will leave this question.

BY THE COURT:

Accused No. 3, you are obviously now in some sort of quandary or uncertainty. You and the other accused must remember that if at any stage you want a witness back for further cross-examination, you may apply to the Court for that. Is that clear to you and the other undefended accused? Whilst I will not commit myself, the Court's tendency always is to favour the accused by allowing them to cross-examine further.

CROSS-EXAMINED BY ACCUSED NO. 4:

Mr. Xingwane, you have already told His Worship in your evidence-in-chief that the man who came up in front of the Officer there on that open piece of ground, said he was determined to hold that meeting with the people there? Is that so? --- That is the position.

And that person further added that he had already made numerous applications to Mr. Ferreira to hold a meeting? --- That is the position.

And the reply of the Officer was that I should disperse the people there, that that person should then disperse that crowd, and that he should make the necessary arrangements for a meeting to be held as you said the next day, the following day? --- Not exactly that way. What happened was that the Police Officer said he should order the people to go home, and he is going to see to it that there should be a meeting the following day, but that speaker was determined, and because the Police could do nothing he left the people there/....

there. I did not hear any agreement between the Police Officer and the speaker.

I am going to put these three phrases to you Mr. Xingwane, and you should tell me if there is any difference between the three. The first one is that that man said he is determined to hold the meeting, and that he is holding the meeting, and the third one is that he wants to hold the meeting. --- The difference is there, Your Worship.

BY THE COURT:

Just repeat that?

BY ACCUSED NO. 4:

The first one Your Worship is that that person is determined to hold the meeting, that he wants to hold the meeting, and that he is holding the meeting.

BY THE COURT : TO THE WITNESS:

What did he say? Which of those three? --- The first one is an expression of holding the meeting whether permission is obtained or not, the second one is an announcement of the wish of holding the meeting, and the third one he states that he is at the meeting, he is attending the meeting; he is at it.

Yes all right now, those were the three meanings, but what did that man say, which of those three? --- To me it conveyed more a determination, "Come what may I will because I have been disappointed on several occasions".

CROSS-EXAMINATION BY ACCUSED NO. 4 CONTINUED:

I want to know from you Mr. Xingwane, at the stage when you saw that person there, was it very dark or was it dark to such an extent that you could still see? --- I could see but the vision was poor.

Was/.....

Was your vision poor because of the darkness? ---

That is the position.

Taking into the consideration the time when you were there, and taking again into consideration the conditions there, that you could not see properly and your vision was a little bit obscured, have you ever in your life seen a meeting held under those conditions? --- There is nothing stopping a meeting from taking place in the night.

Yes, I understand that, but is it not true that even if a meeting is held at night, there should be lights so that the people attending the meeting could easily be seen? --- But those people were not at a meeting. They were on the point of holding their meeting.

Mr. Xingwane, I am going to put it to you that those persons who said that I was determined to hold a meeting, and that I wanted to hold a meeting, and that I was holding the meeting, were not telling the truth, and that is what is happening to you now? --- What was your conversation between the Police Officer and yourself relating to the meeting?

BY THE COURT:

Tell the accused he need not answer that question, not yet.

Put the question again.

CROSS-EXAMINATION BY ACCUSED NO. 4 CONTINUED:

I am going to put it to you that the persons who said I was determined to hold a meeting, or wanted to hold a meeting, or was holding a meeting, were not telling the truth, and that is what is happening to you now? --- It is possible that I am not correct, and I am not quoting you correctly, but I know that you and the Police Officer spoke about the holding of/....

of a meeting.

I am then surprised if you say that you are making mention of me, because that person you are not able to identify?

--- My explanation for that is that I should not have said you. It is only that afterwards I learnt that the man who had that conversation was you, but there was a certain man who spoke about the holding of a meeting with the Police Officer.

BY THE COURT:

Accused No. 4, you have yourself put it to the man that you were holding a meeting. He has never said so.

CROSS-EXAMINATION BY ACCUSED NO. 4 CONTINUED:

I am withdrawing that remark Your Worship, if I said I was the person.

I am now putting it to you that that person whom you could not identify there..... I am going to put it to you that the person whom you say you received the information from at a later stage that I was the person who had the conversation with the Police Officer, and who may have told you that I had made various applications to Mr. Ferreira for the holding of the meeting, and that I was the person who told the Officer there ^{at} that stage that I was determined to hold the meeting there, that person may have been telling you an untruth?

--- I was not told those words, I heard those words.

I am putting it to you that your evidence which you have now given before His Worship is contradictory to the evidence given by other witnesses? I am ^{now} not putting it to you that your evidence is then not true? --- No reply.

BY THE COURT:

Yes, what is your reply? He says your evidence is contradictory to that of other witnesses and therefore not true. What do you reply to that? --- My reply to that Your Worship is that/....

that these are the words I heard.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Now, what was your object in moving around the crowd at the Police Station? You know you said you moved about the crowd at the Police Station? --- I just moved around, because I saw no reason why I should be limited to one place.

You told the Court when my learned friend put it to you that at the Inquiry you had said that you heard one person saying they expected the Bantu Commissioner to come and explain to them. Was this from a member of the crowd or from one of the apparent leaders that you heard this statement? --- No, it was a voice from among the crowd.

And was that the only reason that made you feel that the Bantu Commissioner might come there, because of what you had heard? --- No, that was not the only reason that made me expect that the Native Commissioner in person could turn up.

Now, these respectable people whom you have mentioned you have said were Public Servants and they had come there to see what was going on. Did you have an opportunity of talking to them to find out why they had come there, or is that an inference you made that they might well have come there because like you they are respectable people? --- No, in many cases they were coming there thinking that they would find a possible means of conveyance to their places of work.

BY THE COURT:

Well, that is just what you infer? --- That is my inference.

Now, these Public Servants that you saw, are they people who should have been at their work like you? --- They are/....

are people who should have been at their work.

But they were not? --- They were not, Your Worship.

RE-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, you mentioned that the people who seemed to be the leaders, or one of them, told the crowd to move back from the fence, and shortly afterwards the crowd moved back. Did you hear the leaders say anything else, besides telling them to move back from the fence? --- Yes Your Worship, I some shouting of words like "Iswe Lethu!"

And does that mean "Our country", i.e. "Iswe Lethu"? --- Yes, that is the literal translation.

And what is the significance of those shouts of "Iswe Lethu!" at that stage? --- How do you mean special significance?

You see, that is the literal translation. Well, has it any figurative meaning or anything like that? --- I think it is a claim for the Bantu people of the country of their birth.

Now, you mentioned that Sergeant Nxumalo had been assaulted. Now, did you actually see him when the assault was being perpetrated on him, or did you see him after the assault? --- I saw him shortly before and after the assault.

And did you notice whether he had any wounds on him afterwards when you saw him after he had been assaulted? --- I saw his wounds and I even helped him.

What injuries did he have? --- He was stabbed in the back here.

Stabbed at the back? --- Yes.

Now, you said you heard certain pleas.....

BY THE COURT:

May I just complete that point? Where did this take/....

...take place, in Seciso Street, at the Police Station, or where,
...this incident with Sergeant Nxumalo? --- I did not ask him
...exactly the point of the incident.

No, I know not exactly, but in what area? was it
...where you saw him injured after the alleged assault? --- I did
...not enquire Your Worship as to where.

Look, you saw the man, and when you saw him where
...were you? --- We were at the Police Station. He came back to
...the Police Station.

He came back to the Police Station injured? ---
...injured yes Your Worship.

About what time? --- About between ten and eleven.

RE-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED

Now, you mentioned that you heard certain pleas
...from the crowd and persons whom you marked out as leaders.
...what were these pleas that you heard which convinced you or
...told you what the purpose was of this crowd being present at
...the Police Station? --- For the most part it was just "Iswe
...ethu!" and singing, and from time to time one would walk to
...the non-European Police Constable and offer him a reference
...book.

THE COURT:

What did this man do who walked to the non-
...European Constable? --- He would offer him the reference book.

How do you usually go to work? By what means? ---
...by car or by bicycle, Your Worship.

And that morning what were you going to do? Were
...you on your bicycle, or were you on your way to get a car, or
...what were you going to do? --- I first went on foot because
...Seciso Street is not very far from my house, to see whether
...it would be possible for me to drive to work or not.

To/....

To get a car? — Yes.

You don't mean you would use your own car, you would

get a car? — I use my own car.

Where was your car then? — At home.

You first went and looked to see if you would be
able to drive your car? — That is the position.

And what did you conclude? — I concluded that it
was unsafe.

COURT ADJOURNS UNTIL 10.11.1960.