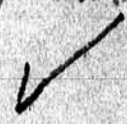


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Vol 26



1835 ——— 1911.

31 NOVEMBER 1960.HOF HERVAT : VERSKYNINGS SOOS VOORHEEN.DIE PUBLIEKE AANKLAER ROEP:WENZEL CHRISTOFFEL COETZER, beëdig, verklaar:VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mr. Coetzer, is u die Personeelbeante van die firma African Cables in Vereeniging? ---Ja.

Nou, ken u enige van die beskuldigdes? --- Ek ken 'n hele paar van hulle. Ek kan nou nie sê dat ek hulle name sal ken nie, maar ek ken die gesigte. Daar is 'n paar wat ek die name ook van ken.

Nou, die name van die wat u ken, wie is hulle? --- Die eerste een hier is Johannes - ek ken met die voornam. Die volgende een se naam is Thaddeus, en die ander ene, die derde een se naam is Michael sover ek onthou.

Dit is nr. 3 beskuldigde? ---Nr. 3 beskuldigde. Dan die laaste een in die ry ken ek ook, maar ek kan nie sy naam onthou op die oomblik nie.

DEUR DIE HOF:

Dit is beskuldigde nr. 8. Die laaste een is nr. 8.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Waarvandaan ken u hulle? ---Hulle was almal een of ander tyd werksaam by African Cables.

Nou, op die oggend van die 11de Februarie hierdie jaar, hoe laat het u diens aanvaar? ---Sewe-uur die oggend.

En toe u daar kom het mr. van Vuuren 'n rapport aan u gemaak? --- Edelagbare, om die waarheid te sê by het my vieruur die oggend gekakel en 'n rapport aan my gemaak.

O/....

O, vieruur in die oggend? ---Ja.

Het u dadelik soontoe gegaan? --- Nee, ek het eers sewe-uur ingegaan.

En toe u daar by die firma kom het u mr. van Vuuren gesien? ---Ja, ek het.

En het hy toe weer sy rapport meer in besonderhede herhaal, en iets aan u oorhandig? ---Ja, hy het 'n paar kaartjies aan my oorhandig.

Is dit die kaartjies wat hy aan u oorhandig het, bewysstuk 67? Dit bestaan uit vyf blou etikette waarop iets gedruk is, nl. "Africa for the Africans. P.A.C."? ---Ja, behalwe dat op party van die kaartjies nie die hele sinnetjie voltooi is nie.

DEUR DIE HOF:

Maar is dit die kaartjies daardie? --- Dit is die kaartjies.

Ek het die koevert gemerk, maar ek sal maar elkeen ook afwonderlik merk.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En/Is ook vyf blanke etikette? ---Ja.

Op daardie stadium was u bewus van wat P.A.C. beteken het, of wat die betekenis daarvan was? ---Ja, ek het op daardie stadium baie gehoor van die beweging onder die Bantoes, wat die Pan Africanist Congress genoem was.

As gevolg van die inligting tot u beskikking, d.w.s. die rapporte wat mr. van Vuuren aan u gemaak het, het u met enige van die werknemers gepraat? --- Ja, ek het die oggend sewe-uur met 'n paar van die wat van die kaartjies aan hulle lapelle gehad het gedurende die ^{dag in die fabriek,} ~~fabriek~~ gepraat.

En het hulle verdere rapporte aan u gemaak oor hoe hulle/....

hulle die goed gekry het? ---Ja.

DEUR DIE HOF:

In ander woorde daar was ook 'n paar van die kaartjies wat van die werkers alreeds aan hulle klere gedra het? ---Ja, dit is eintlik die rapport wat mr. van Vuuren die nag aan my gemaak het.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Het u sal ek sê die bron van die kaartjies opgespoor daar by die fabriek? --- Wel, ek kan net, soos mr. van Vuuren aan my gerapporteer het.....

Ek wil nie hê wat mr. van Vuuren aan u gesê het nie? ---Nee, ek wil net verduidelik dat die plek waar die drukwerk gedoen word vir die fabriek.....

Maar het u met enige van die werkmense daarvoor gepraat? --- Ek het die aand sewe-uur of half-sewe, het ek weer ingekom fabriek toe en ek het met Thaddeus, die persoon wat verantwoordelik was, gepraat.

Ja, dit is beskuldigde nr. 2? ---Beskuldigde nr. 2.

Waar het u die onderhoud met beskuldigde nr. 2 gevoer?

In 'n kantoor of waar? ---In my kantoor.

Was dit net u wat teenwoordig was, en hy? --- Ja, dit was net ons twee gewees.

Wat het u vir hom gesê? --- Ek moet erken dit is so 'n lang tyd gelede, ek kan nie..... ek wil nie graag sê wat ek nie seker van is nie, want dit was in Februarimaand en ek het nie weer persoonlik daarvoor gedink nie, maar die rede waarom ek oorspronklik teruggekom het was om vir hom te vra waarom hy die drukmasjiene gebruik het, en ook terselfdertyd hom te ontslaan.

En het u toe vir hom gevra of hy die persoon is wie die drukmasjiene gebruik het? ---Ja.

En/....

En het hy enige antwoord daarop gegee of nie? —
Hy het erken dat hy die drukwerk gedoen het, en dat hy wou
oefen op die drukmasjien ingeval hy gevra word om drukwerk te
doen.

Het hy hierdie vraag heeltemal vrywilliglik geant-
woord of nie? — Heeltemal vrywilliglik.

Het u miskien enige ander vrae aan beskuldigde nr. 2
gerig in verband met die ander werkmense wie etikette gedra
het? — Toe ek hom gevra het het hy erken dat hy die ander
etikette ook aan die ander kōrels in die fabriek gegee het,
die ander Bantoes in die fabriek.

En het u hom daar en dan ontslaan? — Ja.

Nou, wat was die rede, hoekom het u beskuldigde
nr. 2 ontslaan? — Die saak het ek met die Bestuur bespreek,
en hulle het gevoel dat die drukplek, die kantoor waar die
drukmasjiene is, is gesluit in die nag, en ons kan nie toelaat
dat enigiemand daar ingaan en die papier mors en die masjiene
miskien beskadig nie.

Is dit die papier van die firma? — Die papier van
die firma.

So dit is, as ek u reg verstaan, alleenlik vir die
onreëlmatige gebruik van die masjiene en die papier van die
firma wat u hom ontslaan het? — Ja.

Het u beskuldigde nr. 1 gesien daardie oggend,
d.i. Johannes? — Ja, Johannes was een van die wat ek die
oggend mee gepraat het.

Het hy enigiets aan sy oorpak gedra? — Ek het hom
gesien as gevolg van 'n opdrag aan hom van mr. van Vuuren,
en ek kan nie onthou of hy die etiket aan sy baadjie gehad het
of nie.

Het u 'n gesprek met hom gevoer? — En het met hom
en drie ander 'n gesprek gevoer.

Was/....

Was dit met die doel om uit te vind vanwaar of van wie hulle enige kaartjies miskien gekry het? — Ja.

Het nr. 1 iets vertel van waar hy die kaartjies gekry het? — Hy het vir my gesê dat hy dit in Sharpeville gekry het. Ek meen dit was die storie van alvier van die wat ek mee gepraat het. Hulle het gesê hulle het dit in Sharpeville opgetel.

Nou, daar is net nog 'n vragie. Op die 10de van Januarie hierdie jaar, kan u sê of beskuldigde nr. 2 wel gewerk het of nie, en indien hy gewerk het wanneer, op watter skof? — Ek is bevrees ek sal nie daardie vraag kan antwoord nie, tensy ek teruggaan en die kaarte nagaan.

Daardie inligting sal wel beskikbaar wees? — Dit sal beskikbaar wees.

DEUR DIE PUBLIEKE AANKLAER:

Edelagbare, op hierdie stadium het ek geen verdere vrae nie. Ek wil graag hê dat die getuie moet, as my geleerde vriend klaar is met sy kruisverhoor.....

BY THE COURT:

Mr. Unterhalter, would you rather get the evidence completed before you cross-examine the witness?

BY MR. UNTERHALTER:

As far as I am concerned Your Worship, there are no questions I have to ask.

BY THE COURT:

Well, it depends on the other evidence we are going to hear, does it not?

(Die getuie staan nou af tot op 'n latere stadium).

David/....

DAVID NTSAMAE, duly sworn, states: (Interpreted)1.

EXAMINED BY THE PUBLIC PROSECUTOR:

Are you employed by the Vereeniging Municipality?

--- Yes..

As what? --- I am a gate-keeper..

Now, on the 21st March, i.e. the Monday morning that there was trouble and there was shooting at the Police Station at Sharpeville, in the morning were you in the vicinity of the hostel and the Municipal offices? --- Yes..

Do you know Detective Sergeant Wessels of the South African Police, who belongs to the Special Branch? --- Yes..

Now, did you see him there in the morning when you were at the Municipal offices, in that vicinity? --- Yes, I did..

Did you see or notice whether Sergeant Wessels arrested or took anybody away? --- Yes, I noticed there in the vicinity of the hostel that Sergeant Wessels arrested a person and took him inside a van..

Could you just repeat that last answer? --- I saw Sergeant Wessels in the vicinity of the hostel arresting a person and putting him inside a van..

Now, was there anybody else inside the van at the time that Sergeant Wessels arrested this man that you saw? --- I did not notice; I cannot say..

Did you see any other arrests being effected by Sergeant Wessels? --- No..

Will you be able to point out this man if he is present here today, whom you saw Sergeant Wessels arrest? --- No, I will not be able to point him out because I do not know him.

Did you hear any conversation take place between Sergeant/....

DAVID NTSAMAE, duly sworn, states: (Interpreted)1.

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Now, did you see him there in the morning when you were at the Municipal offices, in that vicinity? --- Yes, I did..

Did you see or notice whether Sergeant Wessels arrested or took anybody away? --- Yes, I noticed there in the vicinity of the hostel that Sergeant Wessels arrested a person and took him inside a van..

Could you just repeat that last answer? --- I saw Sergeant Wessels in the vicinity of the hostel arresting a person and putting him inside a van..

Now, was there anybody else inside the van at the time that Sergeant Wessels arrested this man that you saw? --- I did not notice; I cannot say..

Did you see any other arrests being effected by Sergeant Wessels? --- No..

Will you be able to point out this man if he is present here today, whom you saw Sergeant Wessels arrest? --- No, I will not be able to point him out because I do not know him.

Did you hear any conversation take place between Sergeant/....

Sergeant Wessels and this man who had been arrested? ---I did not hear any conversation between the Sergeant and this person.

Did you notice at all whether this man had anything attached to his clothing? --- I was near them, and the only thing I saw was a ticket here. (Witness indicates on his left chest).

BY THE COURT:

In the vicinity of his lapel? --- Yes.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Can you recall what colour that ticket was? --- No.

Did you notice whether there was any writing on this ticket? --- They were actually at that stage a distance away from me. I could not have noticed.

Did you ever get any closer to the man? --- I did not come near the person, because it was only the South African Police who were immediately before us; who were ^{right} ~~arrived~~ at the back.

Could you see any reason at all why this man was arrested by Sergeant Wessels? --- I did not see for what reason he was being arrested.

How was your attention drawn to the fact that there was an arrest being effected by Sergeant Wessels? --- It was Sergeant Wessels who said to us "Arrest that person!"

Oh, he gave you instructions to arrest him? --- Yes. And did you in fact arrest him, or was it Sergeant Wessels who actually effected the arrest? Who took him away? Who confined his body? --- We in fact arrested this man. We caught hold of him and took him.

Now, you say we. How many of you were there? --- We were two.

Who was the other man? --- He has already been in Court/....

Court. I do not know who was the other person who assisted me.

Is he also a Municipal employee? --- Yes.

Do I understand you correctly that you and this other man actually went up to this man, and took hold of him and brought him to where Sergeant Wessels was? --- Yes.

Now, when Sergeant Wessels said to you "Go and arrest that man and bring him here", and pointed the man out to you, what was the man doing at that stage? --- He was saying "Africa!" and that they did not want passes. That is all he said.

Now, when you caught hold of this man, did he raise any query at all as to why you were taking him away? --- He said nothing at all.

He said nothing at all? --- At the time when we caught hold of the person he did not say a word. He only kept quiet, and we took him away.

Did he say anything later to you? --- He said nothing, even at a later stage.

And where exactly did you take this man to? --- He was taken to inside the van.

And did you leave him there? --- Yes.

Did you notice whether there was anybody else inside the van when you took this man there? --- Immediately he was taken into the van I left. I did not notice whether there was any person in the van or not.

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

Did you have any knowledge before this particular day that there was going to be trouble on this day, the 21st? --- I only heard that there would be some trouble, but I did not know what trouble, or what kind of trouble that would be.

Did/....

Did you ever get any letters, circular letters or pamphlets put under the door or in the post box of your house?

--- No, I never received any documents.

Now, on the Sunday night just before this particular Monday, where did you sleep? At your home or elsewhere? --- I was doing night duty, I was at work.

At the Municipal offices in Seeiso Street or somewhere else? --- At the gate.

And the only gate where they post a guard, is that the one in Seeiso Street? --- Yes.

It is not actually a gate, but you have got a chain which you can raise and lower just near the Municipal Offices and at the beer hall, to stop vehicles coming in and out of the location? Is that correct? --- Yes, we only refer to it as a gate.

Now, what time did you go on duty that night? --- I went on duty at 10 p.m.

And before 10 p.m. whereabouts were you? --- I was at home.

And on your way to work did you notice anything taking place in the streets? --- I saw nothing.

Were there any people in the streets when you went to work? --- The people I came across were the usual people who were going to work and returning from work and proceeding to their homes.

And what time did you come off duty? --- At 6 a.m.

Did you go home or did you remain in the vicinity of the Municipal Offices? --- I remained at the offices, and I did not return to my home.

Was there any reason why you did not go home? --- At that time there was some confusion among the people there, and that is why I did not return home.

Could/....

Could you be more explicit and explain what you mean by confusion amongst the people there? --- The people I am referring to were those who were shouting "Africa!" and that they did not want passes.

Where were these people? --- They were at the hostel.

Were there a few or a lot of people there? --- There were a lot of people.

And in relation to the time when you saw these people at the hostel shouting as you have already said, when did you effect the arrest of this man? --- This person was arrested at that stage.

BY THE COURT:

About what time? You came off duty at six o'clock?

--- The time could approximately have been eight o'clock.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did you eventually leave the vicinity of the Municipal Offices? --- Yes.

And did you go to the Sharpeville Police Station?

--- Yes.

Approximately what time was that that you left the Municipal Offices to go to Sharpeville Police Station? --- I am not certain but I would say that we arrived at the Police Station at about 2 p.m.

Well, let's put it this way. Did you arrive at the Sharpeville Police Station before or after the shooting? --- Before the shooting.

Now, how did you proceed from the Municipal Offices to Sharpeville Police Station? Did you go on foot, by bicycle, or by a vehicle? --- I proceeded to the Police Station in a van.

And did these vans go up Secise Street? --- Yes.

Did/....

Did anything happen to the van or were you involved in any incidents as the vans proceeded up Seeiso Street? --- No, nothing happened.

Were there any people there on the sides of the streets or in the streets when the vans proceeded up? --- Most of the people had by then left for the Police Station.

Were there any left in the streets as you proceeded up in the van? --- Yes, there were some left at their homes; they were at their homes.

Now tell me, did you see any stones at all that day? Whereabouts?

In the vicinity of the Municipal Offices and the hostel? --- There in the vicinity of the hostel the tribe called ^{Bacas} ~~Nabasas~~ were throwing stones at us.

Where did they get the stones from? --- They were picking up these stones on the premises of the hostel, because they were on the premises.

Why did they throw stones at you? --- It was because we were ordered to disperse those people there, and that is why they threw stones at us.

Now, what time was that that you were stoned? Was it before or after you had arrested this man? --- That was after we had arrested this man.

Now, do you know Zwane Street? --- Yes.

That is the street that goes past the front of the Police Station? --- Yes.

Now, when you got to the Police Station whereabouts did you go? --- We approached the Police Station on the eastern side, from the street that runs from north to south, i.e. from the beer hall's direction and running from north to south in the direction of the Police Station.

Anyway, did you actually go into the Police Station grounds/....

grounds? That is what I am trying to find out? --- No, we never entered the Police Station premises. When the vans were parked in a line there, I was in the very last van which was parked opposite the Police quarters.

BY THE COURT:

Opposite the Police quarters, the married quarters?
--- The married quarters.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

9 You went there with a detachment of the South African Police? --- The South African Police left before us. We found them there at that spot on our arrival. I then fell asleep in the van because I felt a little bit drowsy.

And were you woken up by the shooting? --- Yes, I was then woken up by the shooting. I woke up there and then I saw people lying on the ground.

CROSS-EXAMINED BY MR. UNTERHALTER:

At the time that you say you arrested the person pointed out to you by Sergeant Wessels, were you quite close to Sergeant Wessels? --- Yes, I was quite close to him, near him.

How close? As close as the Interpreter is to you, or....? --- He was as far as where you are Sir.

A distance of about three paces? Would that be correct Your Worship?

BY THE COURT: TO MR. UNTERHALTER:

From the witness to yourself? --- Yes.

Well, I would put it at about five paces, or four to five paces.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Were you standing at that distance from him when he ordered you to arrest this particular person? --- Yes.

Now/....

Now, the particular person that you arrested, was he standing next to Sergeant Wessels, was he standing next to you, or was he away from the two of you? --- He was standing the distance which I am now indicating, i.e. from where I stand to that door, the small door leading to the galley. i.e. from where I stood, I and Sergeant Wessels: (Witness indicated about 7 paces).

Now, for how long before he pointed out this man to you, had you been looking at Sergeant Wessels? A few minutes, a few seconds.....? --- We were not looking at Sergeant Wessels, because at the time when he ordered us he only said "Arrest that person and put him in the van".

Now, before that had you perhaps seen Sergeant Wessels talking to that person? --- I do not know about before my arrival there, because I arrived at a later stage, whether there had been any discussion between the two of them.

You had not seen any talking yourself between the two of them? --- No, I did not see any talking between them.

This particular person whom you arrested, was he standing apart from the crowd, or was he in front of the crowd, or was he inside the crowd? --- He was standing in front of the crowd.

And close to the crowd? --- Yes.

COURT ADJOURNS.

COURT RESUMES:

DAVID NTSAMAE, under his former oath, continues:

BY THE COURT:

I think you were about to go into the question as to where that man was standing when the witness arrested him, Mr. Unterhalter.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You said that this man was standing in the front of the crowd? --- Yes.

Did you observe him doing anything in particular? --- What he was doing which I observed was he was shouting "Africa!" and that he did not want a pass.

Is that all the description you can give of what this man was doing? --- That is the only description and explanation I can give of what I heard.

Now, when he said these words you say Sergeant Wessels gave you an instruction? --- Yes.

Do you remember the instruction as you heard it from Sergeant Wessels? --- He spoke in Afrikaans and he said "Arrest that person and put him in the van".

Are you quite sure that he used the words "Arrest that person and put him in the van"? --- We arrested this person as the instructions said which were given to us, and placed him in the van.

What I want to know is are you quite sure that the words that you heard coming from Sergeant Wessels and directed towards you were: "Arrest that man"? --- Yes..

You are quite certain that what was said was not merely an instruction to you to lead the man to the van, without placing him under arrest? --- No, he said we should arrest him..

Now, in carrying out this instruction, how did you in fact arrest this person? Did you seize his arm, or did you go up to him and touch him and say "I place you under arrest", or what? --- When I got up to this person I caught him from behind and led him away..

BY THE COURT:

Show me how you caught him on the Interpreter? --- (Witness demonstrates to the Court).. I lifted him up by placing/.....

placing my hands around his waist; I lifted him up from the ground.

Did you carry him away, or did you then let him go onto his feet again? --- We carried him away, Your Worship.

You lifted him and carried him away.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Which means, can I assume, that as you moved with him towards the Police van, his feet were actually off the ground? Is that correct? --- Yes, they were not on the ground.

And you did this believing that in so doing you were carrying out the instructions that you had heard from Sergeant Wessels directed towards you to arrest that man? --- Yes.

Now, Sergeant Wessels gave evidence in the Court and he said that a certain person was taken away, was brought to the Police van by an African Constable. --- Yes.

And in his evidence he denied that he arrested anybody. Now, he may have meant that he did not arrest anybody personally, but he may also have meant that he did not cause anybody to be arrested. Now, if he in fact did mean that he did not cause anyone to be arrested, then either he is making a mistake or you are making a mistake? ---Your Worship, I went there according to the instructions he gave me.

And you arrested him? ---Yes.

He did not tell you to lead that person away? --- he did not say that. He only said "Arrest that person".

If he would have told you to lead this person away, take it you would not have picked the person up bodily and carried him and you have demonstrated, but you would have just suggested to him that he should walk along with you? Is that so? --- Yes, but he did not explain to me what he meant by "arrest him".

And if he has said in his evidence that certain persons/....

persons were led away, then is he mistaken? — Yes, he is mistaken because he was the person who said "Arrest that person"

BY MR. UNTERHALTER:

Your Worship, for the convenience of the Court the relevant passages will be found on pages 1020, 1022, 1036 and 1063. of the record in this trial.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

When you took this person away to the van, did Sergeant Wessels accompany you? — Yes, he opened the van.

BY THE COURT:

Did he accompany you, walk with you to the van? — Yes, he did.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

While he walked with you, did no conversation at all take place between the man you had arrested and Sergeant Wessels? — No.

Now, when the two of you and the person you had arrested arrived at the van, was the man put in the van? — When I immediately placed him down on the ground he on his own then got into the van.

You did not observe Sergeant Wessels searching him during the time that you were bringing him to the van or when you put him down at the van? — No, I did not see him searching the man.

Now, when you brought him there did Sergeant Wessels remain, or did Sergeant Wessels immediately go when this man got into the van? — He, together with other Europeans, remained there. They had discussions with this person. I left immediately.

Do I understand you to say that before this person whom/....

whom you had arrested got into the van Sergeant Wessels and other Europeans spoke to this person? --- At that stage when they spoke to him he was already inside the van.

Oh, did they speak to him...? Well, let me put it this way. Did you personally see Sergeant Wessels himself speaking to this person whom you had arrested? --- I left them standing there and I then walked away to other people.

So you can't say whether you saw Sergeant Wessels speaking to him or not? --- No, I cannot say whether they did speak to one another or not; I cannot say.

But at the stage that you left, the person whom you had arrested was inside the van and Sergeant Wessels was outside the van? --- Yes.

You did not see Sergeant Wessels get into the van perhaps? ---No.

Did you see any other African Constable have anything to do with the person whom you had arrested? --- No other person.. or there are no other persons who remained there. We all left at that stage.

Did it seem to you that you had been called upon to arrest this person only because this person was using the words that you have said you heard him use, and for no other reason? --- I do not know whether it was because of those words he used or not.

But apart from those words there is nothing else that you can suggest to His Worship that might have been the reason for your having been ordered to arrest that person? --- No, I do not know.

NO CROSS-EXAMINATION BY ACCUSED NO. 1.

Cross-examined/.....

CROSS-EXAMINED BY ACCUSED NO. 3:

Can you say where does this tribe known as the Baga tribe live here in Sharpeville? ---They live in the hostel.

How far is the hostel from the location? ---It is a distance from the office.

I heard you saying that the Baga tribe stoned you there at the hostel? ---Yes.

I am sure you know that the Baga tribe is a tribe which keeps itself in isolation and which still adheres to tribalism, and it does not mix with the other races in the location? ---Yes, that is so.

I am sure then you will agree with me that at the stage when the Bacas stoned you with stones, they were the only tribe which was there? --- I did not say they were together with you or amongst you; they were alone at that stage.

Again I heard you saying in your evidence-in-chief that when you woke up there in the vicinity of the Police Station where the vehicles were parked, you saw a number of bodies lying there on the ground? ---Yes.

Does that then mean that while you were in the vicinity of Zwane Street, you saw people in Zwane Street lying there, as well as a distance away from that area? --- Yes, that is so.

BY THE COURT:

There were people lying in Zwane Street? Is that right? --- There were people lying in the street that runs past the clinic and the Police Station, i.e. on the western side.

Oh, in the street that runs past the clinic? Do you mean between the clinic and the Police Station? ---Yes.

Well, let me tell you that that is not Zwane Street.

I/....

I thought you knew which is Zwane Street? --- I am only referring to the spot where these people were lying.

Zwane Street is the tarred road in front of the small gate of the Police Station. It runs past the Police Station and past the clinic, right past the communal hall, until it meets Seeiso Street.

Do you now know which street I am talking about? ---

Yes, Your Worship.

Were there any dead or wounded people lying in that street? --- The only bodies I saw were those which were lying in the street between the clinic and the Police Station, i.e. on the western side of the Police Station. That street later on joins up into Zwane Street.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

Did you know that that street where you were was called Zwane Street? --- No, I did not know before then. I now know because I have heard it here in Court that it is Zwane Street.

Why then, in your evidence-in-chief you kept on making mention of Zwane Street, and it means that you did not actually know it was Zwane Street? --- Yes, I was supposed to because I heard the Court making mention of Zwane Street here in Court today.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Why did you find it necessary to pick up this man whom you arrested and carry him bodily as you have demonstrated? --- Your Worship, what made me pick up this man and carry him in the manner I have demonstrated to the Court, was because I was afraid that perhaps these other people may cause some trouble, and I thought it necessary to lift him up in that way

so/....

so as to carry him away immediately.

BY THE COURT:

Now, you say that Sergeant Wessels gave you instructions in Afrikaans to arrest that man? --- Yes.

Do you understand Afrikaans? --- Yes, I understand it.

Very well, what were the Sergeant's direct Afrikaans words? --- "Vang julle daardie man".

"Vang julle daardie man", is dit reg? --- Yes.

These Bacas, they are usually the gentlemen who do a certain nocturnal job, is that right? --- Yes, Your Worship, they do.

When they stoned were you Municipal Police only, or South African Police mixed up with you? --- We were mixed with the South African Police, who were in a van proceeding to Pelandaba.

Were you all non-Europeans, or were there European Police with you? --- There were also European Police.

Were these Bacas who threw stones at you by themselves, or near any other people, or far away from other people?

--- At that place it was only the Bacas.

Were there no other people nearby? --- The other people who were there were on the premises.....

About how far away? --- The street runs in the middle of the houses occupied by the other races and the hostel. The Bacas were inside the premises.

They were alone in the hostel grounds or outside the hostel grounds? --- They were inside in the yard of the hostel.

And there were no other people inside the hostel grounds then at that stage? --- That I do not know, whether there/....

there were other people with the exception of the Basas in the grounds of the hostel. I did not look to see.

Anyway, the Basas were a separate group throwing these stones? --- Yes.

Are these Basas Municipal employees? --- Yes, they are Municipal employees.

And as men without their families here they live in the hostel I suppose? --- That is correct.

Tell me, are they known to be a bit of a rough crowd? compared with others? or are they peaceful men usually? --- Yes, they are known as people who are not full of peace.

Did you see any heaps of stones anywhere in the vicinity of the hostel? --- No, I did not see any heaps of stones in the vicinity of the hostel.

And really during all these proceedings at one stage you fell asleep? --- At the Police Station?

Yes? --- Yes.

Did you know why all the people went to the Police Station? --- No.

You may stand down, thank you.

WENTZEL CHRISTOFFEL COETZER, beëdig, verklaar: (Herroep).

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mr. Coetzer, het u 'n betaalkaart gaan haal by 'n plaaslike prokureursfirma? --- Ja.

Wat is die firma se naam? --- Ek is nie seker nie. Dit is Smullen en Smijman.

Smijman en Smullen? --- Ja.

In elk geval daardie twee name. --- Ek het die kaart by mr. Smullen gekry.

Die/....

1,856.

W.C. Coetzer.

Die kaart is gemerk African Cables Limited? --- Ja.

Nou, wie is belas met die hou van hierdie kaart

u firma? Wie is eintlik die persoon onder wie se beheer

u toesig sulke kaart gehou word? --- Die kaart wat klaar

gegewerk is word weggepak in 'n stoorkamer.

DEUR DIE HOF:

Is dit so 'n kaart hierdie, d.i. een wat weggepak

is? --- Dit is een wat weggepak was.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En as Personeelhoof sou daardie stoorkamer waar
hierdie kaart weggepak word onder u toesig en beheer wees? ---
Nee.

Wie is die man eintlik? --- Dit is onder die beheer
van die rekeningafdeling.

In elk geval, dit is die kaart wat u vandag gaan
aanklaar het by mrs. Smijman en Smullen? --- Ja.

BY THE COURT:

Are they not the attorneys for certain of the
accused, Mr. Unterhalter?

BY MR. UNTERHALTER:

That is so, Your Worship.

BY THE COURT:

--- No. 2 and No. 30.

DEUR DIE PUBLIEKE AANKLAER:

Dit is bewysstuk 68 Edelaars.

DEUR DIE HOF: AAN DIE GETUIE:

Is daardie firma u firma se prokureurs? --- Nee.

Ek mag miskien net verduidelik hoe dit gekom het.

BY MR. UNTERHALTER:

I am objecting to its admission, Your Worship, I

may say.

By/....

BY THE PUBLIC PROSECUTOR:

Then I won't proceed to have it admitted, Your
Worship.

DEUR DIE HOF:

Wel, dan val bewysstuk 68 weg, en dit is nie 'n
gedeelte van die rekord nie. Dit kan maar teruggaan na waar
dit vandaan kom.

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

Die Publieke Aanklaer doen aansoek dat mr. van Vuuren herroep
word.

Aansoek word toegestaan deur die Hof.

GERT JOHANNES FRANCOIS JANSSEN VAN VUUREN, beëdig, verklaar:
(Herroep).

DEUR DIE PUBLIEKE AANKLAER:

Mr. van Vuuren, u het alreeds getuienis gegee
in hierdie saak? — Ja.

Sien u bewysstuk 67, wat nou voor u is? Dit bestaan
uit vyf kaarte met sekere letters op, en vyf kaarte wat geen
skrif op het nie. Herken u daardie bewysstuk? — Ja.

Is dit die bewysstuk wat u aan mr. Coetzer oor-
handig het op die 10de of die 11de, die oggend van die 11de
Februarie hierdie jaar? — Dit was hierdie tipe kaartjies
gewees.

DEUR DIE HOF:

En is dit dan die tipe kaartjie wat jy by beskuldigde
nr. 2 gekry het? — Ja, Edelagbare.

GEEN KRUISVERHOOR NIE.

GEORGE STEFANUS ANNANDALE, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is nou Meneer Annandale? U het afgetree, nie waar nie Sersant? --- Dit is so.

Wanneer het u afgetree Sersant? --- Die 22ste van hierdie maand.

Sersant, op die 21ste Maart hierdie jaar was u gestasioneer te Vereeniging? --- Ek was.

En op daardie dag het u 'n motorkar bestuur? --- Ek het.

Kan u die registrasienommer onthou van die motorkar wat u bestuur het? --- T.V. 474.

Wie se kar is dit? Wie gebruik daardie motorkar gewoonlik? --- Die Distrikskommandant. Dit is die Distrikskommandant se kar, die amptelike kar.

En is hierdie 'n kiekie van daardie besondere motorkar, bewysstuk 68, wat ek nou aan u toon? --- Dit is die kar.

Nou, hoe vroeg op die oggend van die 21ste Maart het u by daardie motorkar gekom om dit te bestuur? --- Dit was vieruur die oggend, op daardie datum.

Is u die enigste drywer van daardie kar Sersant? --- Op daardie dag was ek gewees.

Op daardie dag? --- Ja.

En die dag net voor die 21ste, d.w.s. die Sondag, het u daardie motorkar bestuur? --- Nee, daardie Sondag nie.

Weet u of 'n ander bestuurder hom gebruik het op daardie Sondag? --- Ek sal nie kan sê nie.

In elk geval toe u by die motorkar kom op die 21ste Maart, was daar enige skade aan die motorkar? --- Hy was onbeskadig.

Was/....

Was die motorkar ooit beskadig op die 21ste Maart?

--- Dit was.

Was u die bestuurder ten tye van die beskadiging van die kar? --- Ek was.

Waar was die kar beskadig, in watter gedeelte van Vereeniging? --- By die Sharpeville onluste.

Onder watter omstandighede was die motorkar beskadig? --- Ek was aangesê om die pad aan te wys vir Kolonel Pienaar, maar hy het voor gery. Hy het waarskynlik die pad geken, en toe het ek agterna gery. By die aankoms by Sharpeville, by die hek, was daar 'n vreeslike samedronning van Bantoes, en ek het onmiddellik agter sy kar gery. By die hek het hulle sy kar voorgekeer. Hy het tot stilstand gekom en ek het agter hom stilgehou, en daar in daardie oomblik was die beskadiging opgedoen.

Op watter manier? Hoe was dit beskadig? --- Die twee voorste.... op die modderskerms, soos u sal sien waar die kruise daar aandui, daar was twee duike in.

Na watter modderskerms verwyys u? --- Die regter, die verste Edelaagbare, na vore.

Ek sien daar is vier sirkels lyk dit vir my? --- Ja, die sirkels wat daar getrek is.

Is dit die duike? --- Dit is die duike ja, wat hier aangetoon word.

DEUR DIE HOF:

Mr. die Aanklaer, hierdie bewysstuk wat jy vir my gewys het het niks op nie?

DEUR DIE GETUIE:

In die foto, maar jy kan dit merk.
Dit is die foto, maar jy kan dit merk.

DEUR DIE HOF:

Dit wys maar baie dof op die foto vir ons. --- Dit wys dof, dit is baie lig gemeen, Edelaagbare.

Verhoor/....

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

U sê dit is duike Sersant, vier duike daar? ---Ja.

Hoe was hulle veroorsaak? ---Met 'n klerie.

Wie het die klerie hanteer? --- Een van die Bantoes
wat om die kar saangedrom het.

En hoe het hy die klerie gebruik om daardie duike
te maak? --- Nee, dit is moeilik om te sê, want hulle was om
die kar, jy kon niks beken nie. Ek het net gehoor die geluid
en die klerie gesien. Dit was uit die saamedromming gewees.

En dan net by die regterdeur is daar nog 'n sirkel?
--- Ja, en net regoor die agterste klein ruitjie. Daar was
die grootste duik.

Is dit op dieselfde manier veroorsaak? ---Die het
ek nie gesien nie, want dit was agter; ek het net die slag
gehoor.

Net die slag gehoor? --- Ek het verskillende slae
gehoor daar op die kar.

En ek sien het by die agter venster....? --- Ja,
daar op die rondte is daar nog 'n sirkel.

Nog 'n duik? --- Nog 'n duik.

Die voertuig is die eiendom van die Suid-Afrikaanse
Polisie? ---Dit is.

BY MR. UNTERHALTER : TO THE COURT:

Your Worship, before I commence my cross-examination
perhaps my learned friend could indicate where in the charge
sheet this particular damage is alleged?

(The Court reads out the relevant passage to Mr. Unterhalter).

CROSS-EXAMINED BY MR. UNTERHALTER:

You have the picture before you Mr. Annandale,
Exhibit 68? --- Ek het dit, Edelagbare.

You will admit that as far as the photograph itself
is/....

is concerned, the dents are not very conspicuous? --- Die voorste gedeelte nie, maar die agterste wel.

Mr. Annandale, I want to put it to you that if there were no white circles, dim as they are, on this motor-car, one would have to exercise one's imagination to see dents on the picture? --- Ek moet erken die portret is 'n bietjie dof as gevolg van die lig. Die kar het in die son gestaan toe dit geneem was, en dit is baie lig. Jy kan die duik nie herken nie, want die verf is nie beskadig nie, wat 'n donker kol sou veroorsaak het nie.

DEUR DIE HOF:

Sersant, was u teenwoordig toe die portret geneem is? --- Ongelukkig nie Edelagbare. Ek was net aangesê

Ek moet soek na die sirkels, en nog meer na die duikel!

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

As far as the circles themselves are concerned, were you present when they were put on? --- Ek was nie teenwoordig nie.

Do you know to what use this car had been put before you took over the duties at four o'clock in the morning? --- Ek weet nie wat hy voor op die vorige diens gebruik was nie, maar ek het hom op die 21ste vieruur die oggend oorgeneem.

DEUR DIE HOF:

Waar was die kar toe? --- In die "garage".

In die dorp Vereeniging? --- In die Polisie "garage" by die Poliestasie.

In Vereeniging, en nie in die lokasie nie? --- In Vereeniging.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And when you took it over you just got into the car

and/.....

and you drove where you had to go? — Ek gaan die kar deur elke keer as ek hom ry, om seker te maak of hy in orde is.

Now, by that do you mean that the engine is in order, or what? — Die hele kar, die hele voorkoms van die kar; het die "engine" water, olie, alles.

But do you actually make an inspection of the body work every time that you take the car over? — Elke keer Edelagbare. Dit is die Polisie se gebruik.

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

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Sersant, afgesien van die kiekie en hoe hy geneem is, was daar enige skade op die kar, d.i. afgesien van sirkels en kiekies? — Daar was skade aan die kar.

DEUR DIE HOF:

Het jy dit self gesien? — Ek het dit self gesien. Die sirkels was daar om gewees vir die fotograaf se gemak, om dit te neem.

HERVERHOOR DEUR DIE PUBLIEKE AANKLEER VERVOIG:

En weet u wat hierdie glinstering is aan die regter agter venster? — Dit is waarskynlik die son toe dit geneem was. Dit is 'n waarkanting van die son. Daar was gekke van die glas beskadig nie.

Wat is wat u vermoed Sersant? — Ja. Die skade was ook gerapporteer aan Gas Kwartiermeester.

Jeremiah/....

JEREMIAH OOSTHUIZEN, heëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is 'n Sersant in diens van die Suid-Afrikaanse Polisie en gestasioneer te? --- Sentraal, Johannesburg.

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

Hoe laat was dit wat u hier gekom het? --- Dit was ongeveer na tien, so/tussen tien en halfelf.

Het u saam met 'n vragmotor gekom vanaf Newlands? --- Dit is reg.

En het julle by die hoofingang van die lokasie gekom daar by die Munisipale kantore? --- Ja.

Was daar enige Bantoeskare daar in Seeisostraat of in daardie nabyheid toe u daar gekom het? --- Ja.

En hoe lank het u daar vertoef? --- Is dit nou voor die hek?

Ja, maar nie by die Polisiestasie nie, ek bedoel daar by die Munisipale kantore? Weet u wat ek bedoel? Die skare waarvan u praat, is dit die skare by die Polisiestasie? --- Ja.

En dink dit is beter dat u na 'n bewysstuk verwys. Dit is bewysstuk ², 'n lugfoto van die Polisiestasie en die hele natuurlike dorpsgebied te Sharpeville. Nou, sien u by die ingang van die lokasie is daar 'n plek gemerk "Kantore en Biersaal"? --- Ja.

Kan u sê, het u by daardie ingang ingekom met die vragmotor? --- Oms het by die hoofweg ingegaan. Ek vermoed dit is hierdie straat wat daar oploop. (Getuie dui aan op die foto).

DEUR DIE HOF:

Verwys u na Seeisostraat? --- Ja, Seeisostraat.

Verhoer/....

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En tot by die Polisiestacie was die trok in enige insident betrokke terwyl u met daardie straat gery het? --- Nie in daardie straat nie.

En toe kom u by die Polisiestacie. Ek sal 'n bewysstuk aan u toon, d.i. bewysstuk 13. Het die trok by daardie hek aan die westelike kant ingegaan? --- Dit is reg.

Nou, om by daardie hek in te gaan moes die trok links of regs draai? --- Die trok het links ingedraai.

En nadat u afgeklim het omtrent hoe laat was dit? --- Dit was ongeveer tussen tien en halfelf die oggend.

En het u aan die westekant gebly? --- Ja, ek was somtyds aan die suidekant ook, binne in die Polisiegronde.

En het u enige aanmerkings gehoor wat vanuit die Bantoeskare gekom het terwyl u daar was? --- Voor die hek, toe ons voor die hek gewag het om in te kom, en ook binne in, het ek uitroep van "Cato Manor!" uit die skare gehoor.

Die plekke vanwaar hierdie woorde gekom het, "Cato Manor!", was dit beperk tot enige besondere plek in die skare, of hoe? --- Nee, ek het dit aan die westekant en aan die suidekant gehoor.

En het u enige ander aanmerkings gehoor vanaf die skare? --- Ja, hulle het geskree ons is Polisiehonde en aanmerkings gemaak op ons.

Kan u hulle net meld Sersant? Ek wil net hoor wat was die aanmerkings wat u gehoor het? --- Ons het sommige van hulle by die draad gesê hulle moet weggaan, en hulle het net gesê "Ons sal nie! Ons sal julle wys!" ensovoorts.

Was daar enige dreigemente gemaak teenoor die Polisie wat u gehoor het? --- Wel, sover ek kan onthou is die enigste wat hulle gesê het "Ons sal julle wys, julle Polisiehonde/....

Polisiehonde!"

Wat was die houding van die skare teenoor die Polisie daar? --- Hulle was vyandiggesind teenoor ons. Hulle het aggressief gelyk.

Hee het hulle dit aan u getoon, op watter manier het hulle dit aan u getoon? --- Hulle het gespoeg na ons kant toe, en met die vuiste in die lug geswaai, en geskree op ons.

En aan watter kant was u toe die Polisie geskiet het? --- Ek was aan die westekant.

Waar in vergelyking met daardie hek aan die westekant, noord of suid van die hek? --- Ek het noord van die hek gestaan.

En wat het gebeur? Watter gebeure was daar wat plaasgevind het voordat die Polisie geskiet het? --- Kolonel Spengler het een van die Bantoes gearresteer wat aan die binnekant van die draad was, en toe het die skare vorentoe gestorm teen die draad en baie klippe na ons gegooi, en toe het die skietery plaasgevind.

Was u deur enige van die klippe getref? --- Nee.

Die persoon wie Kolonel Spengler gearresteer het, sal u in staat wees om hom uit te wys? --- Ja Edelagbare, ek dink ek sal in staat wees.

U het toe 'n uitkenningsparade bygewoon by Boksburg tronk op die 19de April? --- Ja.

En het u enige persone daar uitgewys? --- By die Boksburg tronk het ek een persoon uitgewys.

Nou, as daardie persoon wel hier is vandag, sal u in staat wees om hom weer uit te wys? --- Ja.

Sal u net deur die Hof kyk Sersant en sien of daardie persoon teenwoordig is?

DEUR DIE HOF:

U kan maar afstaan en na al die Bantoes in die Hof

kyk/....

kyk. --- (Getuie dui beskuldigde nr. 3 aan).

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

U wys beskuldigde nr. 3 uit? ---Ja.

Is dit die persoon wie u gesien het Kolonel Spengler arresteer, of ten minste wie Kolonel Spengler gearresteer het?
--- Ja, toe hy hom gevat het het ek hom net van agteraf gesien, sy kleredrag, maar hy het dieselfde kleredrag aangehad as toe ek hom vroeër gesien het in die gesig.

Afgesien van daardie geval, het u nr. 3 voor dit gesien? ---Ja.

Waar was hy? ---Hy was aan die binnekant van die heining rondom die Polisiestasie.

Wat het hy daar gedoen? --- Hy het op en neer aan die binnekant van die draad geloop, en vir die skare met sy hande gewaai en so gewys. (Getuie dui aan).

Soos u nou aan die Hof wys? --- Ja.

En hoe het die skare reageer toe hy so maak? --- Hulle het baie hard geskree en sommige het nader gekom.

Het u geskiet daardie dag, Sersant? ---Ja.

Hoekom het u geskiet? --- Ek het geskiet omdat ons lewes in gevaar was.

CROSS-EXAMINED BY MR. UNTERHALTER:

Sergeant Oosthuizen, you saw Colonel Spengler arrest No. 3 accused? ---Ja.

Do you remember how you saw him arrest him? ---Ek het gesien hy het hom aan sy arm by die skouer gevat en hom weggelei na die Polisiestasie toe, binnekant die Polisiestasie.

There was no struggle I take it? --- Nee.

Did you say he took him by the shoulder? ---Ja, hy het hom omtrent hier gevat. (Getuie dui aan).

The higher portion of the top part of the arm? ---

Dit/....

Dit is reg.

Did you see whether he had the clothing of the accused clenched in his hands as I demonstrate to you? — Ek het nie dit gesien nie.

But you are quite clear it was there and not under the elbow that he took him? — Nee.

Now, you arrived at about a quarter to ten? — Kwart-oor-tien.

A quarter past ten. You were in a position to observe the crowd from about a quarter past ten until the firing started roundabout half past one? — Dit is reg.

You have described the attitude of the crowd as being hostile. Would you say that the crowd was continuously hostile from the time that you arrived until the firing, or only at a certain period? — Kan u asseblief die vraag herhaal? Ek sal sê vandat ons daar gekom het tot kort voor die skietery was hulle... hulle het ons minagtend behandel, en net voor die skietery begin het was hulle baie vyandig-gesind en het dit gelyk of hulle ons wou aanval.

So until just before the shooting I take it there was not a really serious threatening situation? According to you it became so just before the shooting? Is that correct? — Dit was ernstig, maar net voor die skietery was dit baie ernstig.

Are you then saying that it was serious from a quarter past ten when you arrived? — Dit was nie kwart-oor-tien ernstig nie. Die toestand was redelik ernstig, maar die spanning het opgelaaai hoe later dit geword het.

Well, there was a certain stage Sergeant I presume when you were not worried at all about this crowd? There was a stage when you began to be worried, and there was a stage when you were very seriously worried? Would that be a correct way/....

way of putting it? --- Daar was nie een tydstop wat ons gladnie bekommerd was nie.

Now, in the period when you were somewhat disturbed then, if you say that you were always disturbed, how long did that first period last when you were disturbed but not seriously? --- Ek sou sê tot omtrent half-oen. Van half-oen af het dit baie ernstiger begin word.

To put it in other words, you were worried until about an hour before the shooting, but from an hour before the shooting you were very seriously worried? Would that be a fair way of putting it as you observed it? --- Ja, ek sal so sê.

Now, what was it that happened roundabout half past twelve, if you can tell us, that made the situation alter to one of gravity, or great gravity? --- Die skare het tot 'n baie groot menigte aangegroei daardie tyd, en hulle het beslis meer aggressief gelyk as die oggend vroeër.

Apart from the crowd having grown in size, there was nothing that you can mention that happened about an hour before the shooting, that might have led to the deepening of the crisis, if I can put it that way? --- Hulle het nog steeds baie meer van hulle met die vuiste in die lug geswaai, sommige het kleries gehad, en hulle het baie meer geskree as vroeër die oggend.

Sergeant, I am trying to elicit from you if I can if there is any cause that you know that might have made things worse. What you have done is you have described what had happened, but can you assign any reason to it other than the mere fact of the crowd having grown bigger? --- Die oorsaak van die skietery?

No, no, no. Just listen to me carefully. You said that things were reasonably serious, to use your own words "redelik ernstig", until a certain stage which you have put

approximately/....

approximately an hour before the shooting. From then you say it became very serious, and I asked you was there any cause for it. Now, you have said "Well, the crowd became larger", and you have described that they were shouting and there were "kieries" and so on. Now, what I want to ask you is this. Did anything happen about an hour before the shooting that could have made the crowd become more aggressive than what they had been before? — Ek het nie iets gesien wat dit kon veroorsaak het nie.

And do you say that from then, that hour before the shooting until the shooting, the crowd was in a very dangerous mood? — Ja.

Now, if you had been a Senior Officer there, having regard to the mood of the crowd as you say you observed it, would you have thought it reasonable to have done anything to upset that crowd, or annoy that crowd, or make that crowd angry, or would you rather have thought "This crowd is in a dangerous mood, I had better not do anything that will upset them"? — As ek die Senior Offisier was sou ek miskien so gedink het.

Now, when you say "Jy sou so gedink het", are you then trying to say to me that you would have done nothing to upset the crowd? — Ja.

DEUR DIE HOF:

Laat ek dit so stel. Jy persoonlik sou niks gedoen het om hulle om te krap nie? — Nee.

CROSS-EXAMINATION BY MR. UNTERHALFER CONTINUED:

Now, you have set the time at about an hour before the shooting, when you say the crowd became very dangerous? What is it that enables you to remember today, many months since this incident, that it was about an hour before that the mood changed to one of greater danger? — Ek het net naasteby/....

naasteby gedink wat die tyd was, ek is nie seker daaromtrent nie; ek is gladnie seker daaromtrent nie.

Sergeant, may it not perhaps be that giving evidence today, and it is more than eight months since the shooting, your estimate about the time of the change of the mood of the crowd, is inaccurate, and that the mood may have changed not an hour before, but a very much shorter period before the shooting? Would you perhaps agree with that? — Ja, die houding van die skare het kort voor die skietery baie verander, maar dit was nog ernstig van 'n hele rukkie voor die skietery gewees.

Now, when you say „dit was nog ernstig van 'n hele rukkie voor die skietery“, do you mean by that that there was a distinct change noticeable as you claim about an hour before? — Die definitiewe houding het eers.....'n skielike verandering het ingetree kort, baie kort voor die skietery.

Now Sergeant, may it not be that this definite change that you say took place a short time before the shooting, might have been caused by the crowd seeing the man arrested and becoming angry? — Dit is moontlik.

Sergeant, can you put it higher than that perhaps, and say today that the crowd definitely changed its mood after this man was arrested? — Ek kan nie sê nie, maar dit is moontlik dat hulle daar asgevolg van die arrestasie kwaad-geword het.

Well, you see possibility is a logical concept. I want to get from you evidence of what you saw with your own eyes. Anything is possible I suppose, but did you notice, after this man was arrested, that the noise got louder, that you saw more hands shaking, or the crowd more angry, anything like that? — Net na die arrestasie het hulle meer oproerig geword.

Now/.....

Now, at that stage I take it you were all tensed up? and on the alert? — Ja.

You were paying careful attention to what was going on about you? — Yes.

Did you have your attention directed at all at the gate, towards the gate, i.e. the gate on the western side, the double gate through which your vehicle had come? — Ek het somtyds net na die hek se kant toe gekyk, maar die meeste van die tyd het ek my aandag voor my bepaal.

Now, just before the shooting, possibly a half a minute or a minute before the shooting, did you observe any incident at the gate that you think you can describe to the Court today? — Daar het baie Bantoes by die hek ingestorm.

What caused these Africans to come in through the gate? — Dit was ongeveer gelyktydig met die arrestasie.

When you talk about the arrest, do you mean the arrest that you described in your evidence-in-chief of accused No. 3? — Ja.

Was accused No. 3 still there at the gate when the crowd came in? — ^{Hy was in} Hy was in die weg van die hek af.

Just one or two paces, or five or six paces? — Nee, verder weg.

The crowd were not trying to get hold of him, were they? — Moontlik was dit hulle plan gewees.

Mr. Oosthuizen, as I have said earlier, I don't want you to give me answers in regard to possibilities. When I said to you just now "Was the crowd trying to get hold of him", what I meant you to understand was whether you actually saw members of the crowd grabbing towards this man to try to seize him, or not? — Nee Edelagbare, hy was te ver buitendien van hulle af.

Were they trying to grab hold of anybody else that you/....

you saw, or were they just storming through the gate? —Hulle het deur die hek gestorm. Ek het nie gesien dat hulle na enigiemand gryp of slaan nie.

Now, was it as they stormed through the gate that the shooting started, or was this crowd pushed back behind the gate before the shooting started? —Ek het nie my eë die hele tyd op die hek gehou nie, en ek kan nie presies alles vertel wat by die hek gebeur het nie. Ek het nie alles gesien nie.

Well, as far as you can recollect it. We are now at the stage that this group of Africans had stormed through the gate. What happened ^{next} as far as you can remember? Did the firing start, did they get pushed back? Whatever you remember, please tell us? —Sommige Polisiemanne het probeer om die skare terug te hou.

Mr. Oosthuizen, how many Police would you say were trying to hold the crowd back? —Ek kan nie meer onthou nie. Ek weet nie hoeveel Polisiemanne was daar nie. Ek kan nie sê nie.

Well, would it just be one or two, would it be five or six? —Nee, miskien....

Ten or fifteen? — Nee, miskien vyftien.

I am not holding you to an exact figure, but as far as you can recollect, it was certainly a large number of Police, and as you estimate it in the vicinity of ten or fifteen? —Ja.

Were these uniformed men? —Ja.

African or European or mixed? — Blanke Polisie-beamptes.

Europeans? —Ja.

Now, how did they set about holding this crowd back? Did they link their arms as Policemen do when you have crowds in/....

in a street, and pushed them back as they were joined together, or did they each of them operate separately, picking out an individual who was in the crowd, or how? ---Die wat ek gesien het het nie hande vasgehou nie. Sommige het hulle so probeer terugdruk, en andere het met hulle gewere hulle so dwars probeer terugdruk. (Getuie dui aan).

As you describe it was this group of ten or fifteen European Policemen more or less in a line moving forward and pressing that crowd as they went forward? ---Hulle was nie in 'n reguit lyn nie. Die skare was effens ovaalvormig.

But they were close together as I understand you, the European Police? --- Hulle was nie baie ver van mekaar af nie.

And they acted together as a group would you say? --- Ja, hulle het saam gewerk.

Did they succeed in pushing this crowd behind the gate before the firing commenced? --- Nee, nie sover ek onthou nie.

And as I to understand that while this group of European Policemen were in the act of pushing these Africans back towards the gate, the firing started? ---Ja, dit was omtrent daardie tyd.

Now, by that do you mean that it happened at that time, or after that time? --- Alles het in 'n paar sekondes se tyd gebeur. Ek kan nie presies alles onthou van daardie tyd nie, maar dit was ongeveer gelyktydig met die terugstotery wat hulle begin skiet het.

You were not among the group of White Policemen engaged in pushing the Africans back through the gate? ---Nee.

Now, what was the next incident that you remember? These men, these Policemen, are busy pushing the Africans towards/....

towards the gate. Is the next thing as far as you are concerned that the firing commenced? — Ja, die skare het vorentoe gestorm en op die draad gelê en hom vorentoe gedruk, en terselfdertyd het hulle ons begin gooi met klippe.

Were the stones being thrown from the crowd as this group of Policemen were pushing these Africans back towards the gate? — Ja.

Do you know if any of the European Policemen who were pushing this crowd back were themselves injured by the stones? — Ek weet nie.

And was it as the stones started to come over that the firing started? — Ja, daar het al 'n hele klomp klippe geval voordat die skietery begin het; hulle het vinnig geval.

But again it was just a matter of seconds between the throwing of the stones and the commencement of the firing? — Niskien was dit gelyktydig, 'n gedeelte van 'n sekonde, maar dit het baie vinnig op mekaar gevolg.

Well, the stones came either simultaneously with the firing, or the firing followed a very few seconds after the stones were thrown? It is one or other of those two? Is that correct? — Edelagbare, ek sal sê die skietery het begin nadat die eerste klippe algeval het.

A second or two after those stones fell? — Ja.

Is there anything else that came out of that crowd that you wish to tell this Court this morning, apart from the stones and that happened just before the firing? — Nee, dit is al wat ek onthou.

If there had been anything else of a serious nature you would have noticed it, and you would presumably have remembered it today? — Ja, as ek gekyk het moes ek dit gesien het, en dan sou ek dit onthou het.

Now/....

Now, other witnesses have given evidence that just almost immediately before the firing they heard, some say one, some say two shots come out of the crowd. You did not hear that? --- Ek het dit nie gehoor nie.

Some witnesses have said that it came from a westerly direction, somewhere near the clinic, i.e. the buildings opposite the west gate towards which you were facing. Now, if that had been so as far as you personally are concerned, there is no reason why you should not have heard it? --- Ek weet nie. Die skare het baie hard geraas. Dit kon moontlik gewees het dat ek dit nie gehoor het nie.

But whether it was possible or not, in fact you did not hear these shots? --- Ek het dit nie gehoor nie.

It is the one shot which some witnesses have said came from a small calibre fire-arm, and another shot which seemed to be louder, and you heard neither? --- Ek het dit nie gehoor nie.

And taking your position from the gate, the double gate through which your vehicle came, you told us in your evidence-in-chief you were standing somewhat to the north of that gate. That means that as you were facing the gate, you were to the right of the gate? --- Dit is reg ja.

The gate was somewhere on your left? --- Ja.

Approximately how many paces from that gate in a northerly direction? Right is north according to the map. How many paces would you have been? Have a look at Exhibit 13? You will see a path running from west to east across the yard where you were stationed. --- Edelagbare, ek sou sê omtrent sewe, ses of sewe tree van die hek af.

Now, I want to be quite clear as to your position Sergeant. When you say you were six or seven paces from the gate/....

gate do you mean that you were six or seven paces, or seven paces from that path which you see on Exhibit 13, and in a northerly direction more or less? —Ja, miskien 'n bietjie verder; ek kan niemet sekerheid sê nie.

Well, it might have been eight or nine, or something like that? Is that correct? Approximately? —Ja.

Now, taking the fence itself, the western fence in which that double gate was, you would of course have been to the east of that fence, inside the grounds? —Ja.

How many paces from that fence in roughly an easterly direction were you stationed? — Ongeveer vyf, ses tree.

Approximately? — Ongeveer ja.

Now, did you hear an order to fire? — Ek het nie die bevel gehoor nie.

Other people have given evidence and they placed themselves at the time of the firing approximately at a similar distance from that central path that you see running across Exhibit 13, ^{and} two of them have said that they heard the word "Skiet!" You did not hear that? — Ek het dit nie gehoor nie.

But be that as it may, the firing then started and you took part in the firing? —Ja.

Now, the men were lined up across the whole of that yard in a line roughly running north to south? —Ja.

And I take it that that pathway you see in the middle of Exhibit 13, was crossed by this line of men going roughly north to south? — Ja, maar dit is moontlik dat dit van die Polisiemanne was wat oor die pad gestaan het wat die skare probeer uitdruk het by die hek.

DEUR DIE HOF:

Was die lyn so lank dat dit van die eenkant af dwarsoor/....

dwarsoor die pad na die anderkant toe gestaan het, d.i. die linie van Polisie wat daar opgestel was? --- Ek het nie gekyk of hy dwarsoor die pad gestaan het nie, die hele lengte nie, maar ons was taamlik baie en dit kon die hele lengte van die pad gewees het.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

There were approximately we understand from other witnesses about 70 men lined up? Would you agree with that figure? --- Ongeveer.

They were all facing in a westerly direction towards the crowd on the west side outside the fence? --- Ja.

And when they fired I presume that the fire was directed in a westerly direction towards that crowd? --- Ja.

Now, did you see any men falling during the firing? --- Ja.

When I say men I really mean people - I am not holding you to a sex. Did they fall outside the fence? --- Ja.

Did you see any fall in the area of the gate itself? --- Na die skietery het daar voor die hek gels, maar ek het hulle nie gesien toe hulle geval het nie.

The persons who fell in the area of the gate, did they fall inside the Police Station grounds or outside on the pavement or the street beyond the gate? --- Buitekant.

No Policemen fell? --- Ek het nie gesien enige Polisiebeampte val nie.

HOF VERDAAG.

HOF HERVAT:

JEREMIAH OOSTHUIZEN, onder sy vorige eed, vervolgt:

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Sergeant, there is no explanation that you can give as/....

as to why in the circumstances that you have described, not a single Policeman was hit by gunfire? ---Nee, ek kan nie 'n rede gee daarvoor nie.

You see, if I understood your evidence correctly, there were apparently a group of European Policemen, approximately ten or fifteen in number, acting as a group, trying to push the crowd back behind the gate, stones came over from the crowd, in a matter of seconds the firing started, the Policemen were facing west and their guns were pointed in a westerly direction, and one would have expected in circumstances like that, that the Police, if they were in the position as you have described, must inevitably themselves have got caught in the cross-fire? Am I wrong in putting it to you that way? --- Ek dink elkeen het net vorentoe geskiet, reg vorentoe.

Now, perhaps you have not understood me. I am under the impression from what you have said, and I may be wrong, that here was a group of Policemen pushing the crowd back towards the gate, there were other Policemen behind them who were firing, and therefore the Policemen who were pushing the crowd back stood in danger themselves of being injured by the fire of the other Police who were behind them? Do you understand me? Can you give me an explanation? --- Ek het nie Polisiebeamptes/^{gesien} wat agter die gestaan het wat probeer/^{het} die skare by die hek uitdruk nie, en wat geskiet het nie.

Then am I to understand that if the Policemen who were pushing the crowd back were not hit, it was either a miracle or there were no Police at all behind them, and the Police who were firing fired in such a way as to miss any people anywhere near the gate at all? --- Edelaagbare, soos ek gesê het alles het baie vinnig gebeur, en ek het nie alles gesien wat by die hek gebeur het nie, en ek het ook nie

Polisiebeamptes/....

Polisiebeamptes gesien wat reg op die skare gevuur het wat by die hek gestaan het nie.

You did tell us earlier that there were people injured beyond the gate in the street. You admit having said that this morning, did you not? —Ja.

From that it would appear that some gunfire must have been directed at the gate, and hit people beyond the gate? Do you agree with that? —Ja, maar ek het gesê kyk dit mag wees dat sommige van die Polisiemanne wat toe ons ingeval het in die ry gestaan het wat oor die straat gestaan het, en dat dit hulle is wat probeer het om die skare terug te druk, so daar was niemand wat geskiet het agter hulle nie.

Sergeant, is it possible that the description that you have given to His Worship of this group of ten or fifteen European Policemen, pushing the crowd back towards the gate, is completely wrong? — Ek glo nie dit is heeltemal verkeerd nie. Ek dink daar was omtrent soveel.

You see Sergeant, apart from this extraordinary situation that not a single one of these ten or fifteen men being caught in the cross-fire, there is another factor, and it is this. We have not heard from a single other witness who has described the events of what took place at the gate, the facts as given by you, that there was a group of ten or fifteen European Policemen trying to push the crowd back, and one would have expected, if such were the case, that we would have heard it from one or other of the numerous witnesses that have been called. Now, can it have escaped their attention, or is it that you are in fact, as I suggested to you, completely wrong in describing it as you have done? — Daar was Polisiebeamptes wat die skare probeer terugdruk het. Ek weet nie hoeveel daar was nie, maar daar was Polisiebeamptes wat probeer het.

By/....

BY THE COURT:

Mr. Unterhalter, I do now know who the witness is, but there is one other witness at least whose evidence I seem to recollect suggests something like this "Police trying to close the gate". That is what one witness said. Anyway, just proceed. I am not sure who it is, but a perusal of the record should show it.

BY MR. UNTERHALTER:

My recollection Sir was of some Bantu Constable at the gate, not of the team of Europeans. I may be wrong. The record will show it in due course.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Do I understand Sergeant that despite what I have put to you, you persist in the general description of this team of European Policemen as you gave it to us earlier? --- Ja.

Do you also persist in your general description of the crowd as being fairly seriously dangerous about an hour before the shooting? ---Ja.

I want to suggest to you Sergeant, that you are likewise wrong when you give that evidence describing the crowd an hour before the shooting, and I want to tell you why. I put to you earlier what your behaviour would have been as Senior Officer. Now, a Senior Officer in the person of Colonel Spengler, gave evidence in this Court about the arrests which he carried out, and he said that he would never have acted in a manner that would have provoked the crowd if the mood of the crowd would have been such as to warn him that it would have been foolish to do so, and I am putting it to you that he did that because in fact the crowd was not in that dangerous condition that you would have us believe from your evidence/....

vidence. Now, in the light of what Colonel Spengler himself has said, do you want to revise the evidence that you gave this morning about your estimate of the danger of that crowd? --- Colonel Spengler het baie meer diens as ek en hy het miskien meer ondervinding van groot skares. Ek het nog nie so baie ondervinding nie, en ek bly by die punt dat ek gesê het in my opinie dat dit so was as wat ek gesê het.

But in the light of your admission that Colonel Spengler is more experienced than you are, and bearing in mind the evidence as I have put it to you, do you care to withdraw the opinion that you gave earlier, and to say that having thought it over you don't think now that the crowd was as dangerous as you might have estimated it? --- In my opinion as die toestand ernstig. Kolonel Spengler mag miskien anders bedink het.

Now, this crowd I understood you to say was pressing against the fence? ---Ja.

What did the crowd do to the fence? --- Net na die antoe gearrester is het hulle vorentoe gestorm en sommige van die voorstes het die draad met hulle hande vasgevat bo-op en hulle het gedruk teen die draad.

Now, they never actually pressed the fence flat on the ground, did they? --- Nee.

That is to use the Afrikaans expression "Hulle het die die heining platgedruk nie"? ---Nie heeltemal plat nie.

When you say "Nie heeltemal plat nie", I am putting it to you that it was not anywhere near being flat on the ground? Do you agree with that? ---Nee, dit was nie naby die grond nie.

Now, was the fence at any stage pressed flat? --- Nie waar ek gesien het nie.

Now/....

Now, I am asking you that Sergeant because I have read the evidence that you gave before the Commission of Inquiry. You did give evidence under oath there did you not?
--- Ja.

At the bottom of page 1,004 and at the top of page 1,005 the following is recorded. I will read it to you "Maar nou die klomp wat jy sê wat by die hek ingekom het, wat het van hulaa geword?" Your answer: "Alles het in 'n paar sekondes se tyd gebeur, en feitlik 'n paar sekondes daarna, toe Kolonel Spengler die leier arresteer het die klippe begin val. Toe hulle inmaal toe gooi hulle met die klippe ook, en hulle druk die draad plat. Toe het die skietery begin, alles in 'n paar sekondes se tyd". You did say that, did you not? --- Ja, maar met plat het ek nie bedoel op die grond nie, baie skuins. Hulle het hom oorgedruk.

Does that mean that it was pressed very near the ground or not very near the ground? --- Nie baie naby nie. Hulle het dit baie skuins oorgedruk.

Why did you use that phrase at all ^{stead of} in describing it as you described it in this Court today? --- Edelaagbare, ek het dieselfde bedoel as wat ek nou bedoel. Hulle het hom net baie skuins oorgedruk. Hy was nie plat nie.

You see, to me it conveys the meaning that the fence was pressed in flat against the ground? Does that not ordinarily convey that meaning to you? --- Ja, plat meen natuurlik plat op die grond, maar ek het dit nogtans nie bedoel nie.

In any event, as far as this crowd that were coming through the gate are concerned, can you in fact today remember what happened to that crowd as the Police were trying to push them back? Did the Police succeed in getting them out or not?

Ek/....

--- Ek weet nie. Ek kan nie onthou nie.

You see, the evidence as I recall it having been given by Colonel Spengler was that after the arrest of accused No. 3, the guard at the gate was able to close the gate and exclude people from coming in for some little while before the shooting started. Now, would he be wrong in saying that? --- Ek weet nie. Soos ek gesê het voorheen ek het nie die hele tyd my oë op die hek gehou nie. Nadat Kolonel Spengler die Bantoe gearresteer het het ek nog na hulle gekyk, en toe ek weer sien toe bondels die Bantoes by die hek in, en daarna het die skietery begin.

Did you at any time notice a man with a straw hat being brought in by the Police? --- Dit mag wees. Ek kan nie onthou nie.

Did you notice a man in a red waistcoat or shirt being brought in? --- Nee, ek kan nie onthou nie.

Did you at any time see a struggle taking place between any of the Africans who might have been arrested by the Police and the Police themselves? --- Nee.

Or an attempt to trip up a man while he was being taken towards the Police Station buildings? --- Nee.

Now, you yourself fired did you not? --- Ja.

How did it come about that you fired Sergeant? --- Edelagbare, na die arrestasie het die klippe begin val, en die Bantoes het vorentoe gestorm en met hulle hande aan die draad gevat bo en dit vorentoe gedruk. Die draad het baie skuins gekom en as hulle oor die draad gekom het sou hulle ons oorrompel het en ek is seker daar sou lewensverlies gewees het of hulle sou ons miskien almal uitgemeor het, en ons het toe begin skiet.

Let me put various propositions to you. Did you perhaps shoot because you completely lost your head? --- Nee.

Did/....

Did you shoot because you heard other people shooting? --- Nee.

Did you shoot because other people were shooting and you assumed that a command have been given which you did not hear, and that therefore you ought to shoot? ---Nee.

And did you shoot entirely on your own, as an independent act of judgment made by you? ---Ja.

And did you do that because you thought that such a serious situation had arisen, because of the behaviour of the crowd and its movement towards you, that you had to do it to protect yourself? --- Ek is seker as ons nie geskiet het nie sou hulle oor die heining gekom het, en hulle sou ons aangeval het en dan was dit te laat, en dan sou ons niks kon doen nie.

Do I understand from that ^{that you shot} /not because you were in the act of being attacked, but because you thought that in a very short time you were about to be attacked? ---Ja, dit sou miskien net 'n sekonde of wat gewees het, en as hulle oor die draad gekom het sou hulle ons aangeval het.

Sergeant Oosthuizen, try to answer the question if you can. I don't know if you are following me in English; I will put it to you again and you can have it translated if you wish. Did you shoot because you were actually in the act, the crowd was in the act of attacking you, or did you make up your mind that it will be a matter of seconds before they actually start attacking you and you had better get in first? --- Ek dink hulle was klaar besig om aan te val toe hulle die draad vorentoe gedruk het.

You did not see anyone actually climbing over the fence? --- Ek het nie gesien iemand oorklim nie.

Nobody was trying to climb over the fence? --- Die skare wat voor my was, al het hy ook probeer oorklim hy was so styf teen die draad, daar gestaan, dat hy nie sou kon oorgeklim/....

oorgeklim het nie.

Nobody could climb over because of the pressure, and the front portion of the crowd were pressing against the fence? --- Ja.

It is possible that they were being pushed from behind? The sheer size of the crowd and the movement at the back might have pushed the people in front? Do you agree with that? ---Dit kan waar wees.

You did not at that time take that into account as a possibility, that they were not really a hostile crowd moving towards you, but a crowd that were being pushed forward involuntarily? --- Hulle het baie vyandiggesind gelyk.

But you did not take that into account, what I put to you a moment ago, namely that the back of the crowd may have been pushing the front forward and the front moved involuntarily? You did not take that into account? --- Sommige van die voorstes was miskien gedruk, maar die ander is ek seker het met opset vorentoe gekom.

You made that assumption at that time? ---Daar was nie veel tyd vir dink nie Edelagbare. Hulle was baie vyandiggesind het dit gelyk.

Now, just to go back a little bit. When Colonel Pienaar came he gave an order to load? ---Ja.

How did you hear him give that order? --- Hy was nie ver van my af nie.

And you heard him? ---Ja.

What did he say? ---Hy het geskree "Laai!"

Did he not say "Load five rounds"? ---Ek het dit nie gehoor nie. Ek het net die bevel "Laai!" gehoor.

You were aware that he was the Senior Officer in charge of the unit? --- Ja.

He/....

He had earlier given an order telling you to fall in? --- Ja.

And when he gave that order you paid attention to what he was saying as the Senior man and you obeyed his order? ---Ja.

When he started to give this order about loading you similarly gave careful attention to what he was saying as the Senior Officer on the grounds? --- Ek het nie spesiaal net na hom gestaan en luister nie. Ek het na die skare voor my gekyk, maar ek het dit gehoor.

But surely Sergeant you must have listened carefully to him? I am putting it to you that you must have given your full attention to your Commanding Officer's words? --- Jy kan nie op so 'n oomblik net jou aandag alles aan die Bevelvoerende Offisier skenk nie. Jy moet na die mense voor jou ook kyk en sien wat die posisie is.

But he spoke clearly and you could hear the words?

---Ja.

He has told us Sergeant Oosthuizen that the command he issued was for five rounds to be loaded, "Load five rounds!"? --- Dit is moontlik. Die bevel kom partykeer.... sommige tye dan sê hulle "Vyf rondes" sagter as die woord "Laai"; dit skree hulle hard, en ek het net die woord "Laai" gehoor.

Anyway, you then shot? --- Ja.

Now, other people have described what happened just immediately before the firing, and they have said that the stones came over and a group of people were coming in through the gate, and then they fired. What do you say to that? --- Ja, ek het al baie gesê alles het baie vinnig gebeur. Die arrestasie was gemaak, die Bantoes het ingestorm by die hek, en die klippe

het/....

het geval, en net na die eerste klippe geval het het ons begin skiet.

Now, as you fired did you notice the effect of your firing upon the crowd? --- Ek het nie my skiet se effek waargeneem nie.

But Sergeant, in shooting you were obviously, according to your own evidence, shooting to check the advance of the crowd and the danger that was threatening you and your colleagues? Is that correct? --- Ja.

And it is quite unnecessary to say to you that you were not shooting for the fun of it? You will agree with that? --- Nee.

And therefore as soon as the shooting had achieved its effect, you would obviously have stopped? --- Ja.

Well then was it not obviously your duty to have watched most carefully the effect that the shooting was having upon the crowd, so that you could be able to judge yourself when sufficient shots had been fired, so that you could stop? --- My geweervuur het omtrent drie sekondes geduur, en teen daardie tyd was daar nog baie mense reg voor my voor die draad wat na my kant toe gekyk het.

DEUR DIE HOF:

Wat het drie sekondes geduur? --- Die vuur van die magasyn wat ek mee geskiet het.

Jou eie geweer se magasyn? --- Ja.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Do you give that as a reason why you were not able to observe the effect on the crowd, i.e. it happened so quickly? It was all over before you could really look at it; is that what you are saying? --- Edelagbare, toe ons begin skiet/....

skiet het het hulle in die rondte gemaak, party van hulle, en ander het nog by die draad gestaan, en die agterstes het begin weghardloop.

Sergeant, your firing was over in three seconds.

Were you using a Sten gun? --- Ja.

Did you use all the bullets in the magazine? --- Ja.

How many bullets are there in a magazine? --- Ek weet nie hoeveel nie. Die magasyn was klaar gelaai gewees. Ek het dit nie self gelaai nie. Ek weet nie hoeveel was daarin gewees nie; ongeveer 22 tot 25.

So you discharged approximately 25 bullets into that crowd in roughly 3 seconds? --- Ja.

Which means Sergeant Oosthuizen that the gun must have been on quick fire and not for single shots? --- Ja.

Why in fact was it on quick fire, why was it not used for single shots? Can you tell us? --- Die toestand, soos ek reeds gesê het, was baie ernstig, en dit sou nie die uitwerking gehad het wat outomaties sou gehad het nie.

This you give as your own independent judgment of the state of affairs? --- Ja.

Now Mr. Oosthuizen, you can accept it from me that Colonel Pienaar himself gave evidence in this Court, in which he ordered that five rounds should be loaded. He was principally directing this order to men with .303 guns. I am putting it to you that in his opinion, as a responsible Officer in charge, if he gave that order he must have thought that the state of the crowd was such that the loading and the possible use of five bullets in a .303 rifle, would have been adequate for whatever measures he thought were necessary, and that he did not think that it would be necessary for 25 bullets approximately to be discharged into the crowd in a period of 3 seconds.

Do/....

Do you want to say anything to what I have just put to you? —
 Ek het voorheen gesê my opinie was nie dieselfde nie. Hy het
 'n ander opinie miskien gevorm van die saak as ek.

I take it that you give that opinion because of the
 estimate you formed of the grave danger to you and your
 colleagues of the crowd? Is that correct? — Ja.

If you had thought the crowd was less dangerous,
 you may perhaps only have used single shots from the Sten gun?
 — As hulle minder gevaarlik was ja.

Or perhaps you might not even have fired at all
 if the crowd were not really dangerous? — Ja.

Now, Colonel Pienaar in his evidence said that he was
 going to give an order sooner or later, but he had not given
 an order at that stage. I am putting it to you that he must
 have had a different view of the danger of the crowd to
 yourself, a less serious view, and that is what I shall submit
 to His Worship when I argue the case. Do you want to say any-
 thing ^{about} /this? — Dit is moontlik.

Now, I take it that you saw the crowd pressing
 towards the fence immediately in the area in front of you? —
 Ja.

That is in the portion just opposite where you were
 standing? — Ja.

According to you that is where the danger was
 coming from? — Ja.

And is that where you fired your shots? — Ja.

Did you fire them straight into that section opposite
 you? — Nee.

How did you fire your shots Sergeant? — Ek het
 dit van kant tot kant beweeg.

In other words, so to speak you sprayed the crowd
 in front of you with bullets as you fired? — Ja.

Why/....

Why did you execute that side movement in stead of firing straight into the crowd from where you saw the danger was coming? — Dit help nie om reg voor jou te skiet nie, want dan kan jy die hele skare beheer, lievers as om net een persoon op een plek te skiet.

But you had not observed those other portions of the crowd who were sprayed with your bullets, also moving towards you in the dangerous fashion you have described? — As jy reg voor jou kyk kan jy 'n hele stuk sien, en die hele klomp wat ek gesien het die afstand voor my het teen die draad gedruk en hom oorgedruk.

You knew of course that your magazine contained approximately 25 bullets? — Ja, hy was gelaai. Ek het nie geweet hoeveel was daarin nie, maar hy was gelaai gewees.

DEUR DIE HOF:

Maar gewoonlik....? — Gewoonlik laai hulle tussen 22 en 25, Edelagbare.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Did you keep your figure pressed on the trigger until the whole magazine was empty? — Ja.

You did not think perhaps, before you exhausted the whole magazine, just to fire a couple of shots and watch the effect of that before you continued? — Nee, want die mense het nog reg voor die draad baie gestaan, teen die draad, toe ek geskiet het.

It did not strike you perhaps that your first shot should be in the ground in front of the crowd to try and frighten them, and then if there was no reaction perhaps you would have to do something more drastic? — Nee, moontlik sou dit die skare net meer moed gegee het.

You see, we have had evidence here from an
experienced/....

experienced Officer in the person of Captain Cawood, who was describing certain events of the night before, when he encountered a crowd. It was not a crowd such as the one that you have described, but the Captain said that what he did was to fire a shot into the ground first, and apparently that succeeded in getting that crowd to move. Now, you say that if you would have fired a shot into the ground, it would perhaps have given them courage, given the crowd courage? Is that what you are saying? ---Ja.

Did you not think it was even worth a trial in a last minute effort to save the lives of these people, before you had to do the last thing and that is fire on them? Did you not think it was worth an experiment? ---Daar was nie baie tyd om te dink nie, en as hulle tussen ons gekom het sou daar geen kans gewees het nie.

Now, just to go back again briefly. When you came there at a quarter past ten, did you report to any Officer? --- Ek dink ons het aan 'n Offisier gerapporteer.

In uniform? --- Ja.

Did you personally go up to him and say that you are present? ---Ja.

You don't know the Officer's name? ---Nee.

You are reasonably satisfied that the time was roundabout a quarter past, half past ten? --- Dit was ongeveer. Dit is naasteby.

You see, there has been evidence that Officers did come on the scene, and I am under the impression that they came much later than that, but you are definite that you reported to an Officer roundabout that time? ---Ja.

You said you saw a lot of "kieries" in the crowd? ---

Ja.

On/....

On the west side? Was this on the west side? ---
Ja, aan die westekant was meer as aan die suidekant.

And also on the south side. Were they obvious to
you from about a quarter past ten, half past ten when you
arrived? ---Ja.

Large numbers of them? ---Ja.

And anyone present there would have noticed that
a feature of this crowd was that a very large number of men
were armed with "Kieries"? Would that be a correct way of
putting it according to you? --- Ja, nie geweldig baie nie,
maar daar was baie.

You are quite sure about that Mr. Oosthuizen? ---
Ja.

We had the evidence yesterday of a witness for the
Crown, who is an African in the employ of the Bantu Affairs
Department. He said that he was there from an early hour
until about twelve o'clock. He was probably there later than
twelve, because he speaks to having seen an arrest by Colonel
Spengler, and he told His Worship that he only saw one person
with a stick, and he moved around in that crowd for about five
hours. Now, are you wrong or is he wrong? --- Ek het meer
gesien as een.

You saw more than one are you saying Mr. Oosthuizen?
--- Ja, daar was baie.

Are you perhaps meaning you saw two? ---Nee, meer
as twee ook.

So that this other witness must be wrong according
to you? ---Ja.

Now, you were telling us before the luncheon
adjournment in reply to questions by me, that you thought the
crowd were trying to rescue a man from Colonel Spengler, the
man he was arresting? You did say that did you not? ---Ja.

Now/....

Now, what basis did you have for so thinking that they were trying to rescue this man from Colonel Spengler? — Edelagbare, omdat hulle ingestorm het by die hek en sommige het gewys en hulle het geskree.

You are clear there was no laying of hands upon the man that they were trying to rescue? —Nee.

Now, you say that this crowd gave you the impression—that is what led ultimately to your firing — that they wanted to get at you people? —Ja.

At that time the Saracens were in the Police grounds? — Ja.

Their Brownings from the turrets, the gun turrets, were pointed towards the crowd? —Ja.

There were approximately 70 uniformed Police lined up facing the crowd? —Ja.

An order had been given in a fairly distinct tone of voice by Colonel Pienaar if not to load five rounds, at least to load? —Ja.

The voice was sufficiently clear I take it for at least the people in the front of the crowd to have heard Colonel Pienaar give that order? —Ja.

Seventy men each had either a rifle, a Sten gun or a revolver? —Ja.

And these guns were pointed towards the crowd? — Ja.

Do you then say that in the light of this very formidable armament pointed towards the crowd, this crowd was nevertheless, according to you, just in the act of attempting to overwhelm these armed Police? —Ja.

Now Mr. Oosthuizen, you yourself were not injured by a stone? —Nee.

Did you avoid the stone that was thrown? —Ja.

Now, what basis did you have for so thinking that they were trying to rescue this man from Colonel Spengler? — Edelagbare, omdat hulle ingestorm het by die hek en sommige het gewys en hulle het geskree.

You are clear there was no laying of hands upon the man that they were trying to rescue? —Nee.

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Do you then say that in the light of this very formidable armament pointed towards the crowd, this crowd was nevertheless, according to you, just in the act of attempting to overwhelm these armed Police? —Ja.

Now Mr. Oosthuizen, you yourself were not injured by a stone? —Nee.

Did you avoid the stone that was thrown? —Ja.

Were you able to avoid it by keeping your eye on the person or the stone as it came, and ducked or go to one side? ---Ek het gekoets ja.

You had no difficulty in watching the flight of the stone and avoiding it? ---Nee.

Did you have to move your feet or did you just have to sway your body to one side or another? ---Ek het net my lyf beweeg.

You were not prevented in doing that by the fact that there were other men either alongside of you or behind you? --- Herhaal net die vraag asseblief?

You were not prevented in swaying and so avoiding the stone because of the fact that there were men alongside you or behind you? --- Nee, die klip is baie naby my verby.

I take it that you obviously did that in preference to shooting down the man who was throwing the stone at you? --- Toe die klip gegooi is was dit al in die lug toe ek dit gesien het, en baie klippe het van die middel of van agteraf gekom, en ek kon nie sien wie het dit gegooi nie.

I see. You said during your evidence that the crowd "het vorentoe gestorm"? Did I understand you correctly? Did you use those words or words to that effect? ---Is dit nou by die hek?

Yes? ---Ja.

And immediately before the firing? --- Ja.

Now, by that did you mean that the crowd were moving forward through the gate, or that they were also moving forward against the fence? --- Op die tydstip toe ek hulle gesien het by die hek was dit net by die hek gewees wat hulle vorentoe gekom het.

You are not suggesting that the movement of the

crowd/....

crowd "toe hulle vorentoe gestorm het", was directed towards the fence and making the fence go flat? You did not intend to convey that? —Herhaal net die vraag asseblief?

You did not intend when you used the phrase "Hulle het vorentoe gestorm" that they were also moving against the fence and were making the fence flat? —Dit is moontlik dat hulle die heining toe ook kon oorgedruk het.

No, I am not asking if it was possible, I just want to get the sense in which you are using those words. Were you using them to convey that people were moving forward through the gate, and you were not intending that to apply to storming the fence? — Sommige het teen die heining gestaan, en dit is moontlik dat ander hulle van agter af kon gedruk het, en toe die heining oorgedruk het, maar sommige van die voorstes het aan die heining gevat en dit beslis oorgedruk.

Perhaps you don't understand me clearly. The crowd "het vorentoe gestorm". "Die skare het vorentoe gestorm." Now, when you said that did you mean that they were moving forward through the gate firstly? —Ja.

Did you in addition to that also mean that they were moving forward against the fence, and causing it to lean over? —Nie dadelik nie. 'n Sekonde of wat later.

Thank you, Your Worship.

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

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Sersant, u het gesê dat blykbaar wou die skare inbars om die prisoner, d.w.s. beskuldigde nr. 3, te probeer red, nie waar nie? —Ja.

Kon beskuldigde nr. 3 sien dat die mense by die hek ingestorm het? — Dit is moontlik dat hy omgekyk het, maar ek

het/....

het hom nie gesien omkyk nie.

En u het gesê dat toe hierdie mense by die hek ingestorm het, het hulle gewys en sommige van hulle het geskree.

Wat het hulle gewys? Hoe het hulle gewys? — Edelagbare, hulle het net na die Polisiestatie — ek kon nie sê of hulle direk na die beskuldigde gewys het nie — hulle het gewys en hulle het geskree.

Nou, sekere vrae is deur die geleerde Advokaat aan u gestel in verband met die woord "platgedruk". Ek wil ^u net verwys. Onder kruisverhoor by die Kommissie se verhoor, op bladsy 1017 en 1018, het die Advokaat daar vir u gevra: "You said that the people outside pushed the wire down? "Platgedruk" was the expression you used?" Toe antwoord u en u sê "Ja". Toe vra hy u: "What did you mean by that, that they pushed the wire down?" Toe sê u "Nee, hulle het dit baie skuins oorgedruk en as hulle meer vorentoe gestorm het nog sou hulle die heining heeltemal platgedruk het". Is dit reg? —Dit is reg.

Nou, by die Sharpeville Polisiestatie tydens die skietery, was die Polisiestatie deur die Bantoes omsingel? — Ja.

U sien ek wil u net vertel dat toe Kaptein Cawood sy geweerskote in die grond voor die skare — dit was 'n skare van omtrent 500 hier in die natuuredorp — gevuur het, was hy nie omsingel nie. Sal u miskien onder daardie omstandighede anders opgetree het as wat u wel opgetree het die dag van die onluste self? — Ek sou besluit.

Nou, my geleerde vriend het 'n skokkende prentjie geskilder van die linie van 50 manne met hulle gewere en die kanonne van die Saracens wat na die skare gewys het. Stem u saam dit is 'n tasmalike skokkende prentjie vir enige persoon

wat/....

wat daar aan die anderkant van die draad gestaan het? ---Dit moes gewees het.

As u daar gestaan het sou u daar gebly het? --- Ek sou nie.

Dankie Edelaagbare.

BY MR. UNTERHALTER:

Your Worship, may one further question be put through the Court?

BY THE COURT:

Yes, you may put it.

BY MR. UNTERHALTER : THROUGH THE COURT:

Mr. Oosthuizen, you are quite sure that it was No. 3 accused who was in the course of being moved away by Colonel Spengler when this crowd broke through and immediately thereafter the firing started? ---Ja, ek het gesê ek het nie sy gesig gesien nie, maar dit is die enigste een.... ek het hom aan sy kleredrag herken.

DEUR DIE HOF:

Die kwessie is nou nie of jy seker van sy identiteit is nie, maar of jy seker is dit is daardie man wat jy in gedagte het, dat hy die persoon is wat verwyder is toe die moeilikheid begin het? ---Ja.

BY MR. UNTERHALTER : THROUGH THE COURT:

You see, the evidence that has been given in this Court is that No. 3 accused was removed some little while before that, others were removed after him, and it was either when the last of these were being removed, or when still a fourth one was about to be removed, that the crowd became terribly excited, stones were thrown, people came through the gate, and the firing started. Now, would that be wrong? --- Die man/....

man wat ek in gedagte het toe die moilikhed begin het, is
beskuldigde nr. 3.

DEUR DIE HOF:

Sersant, die getuienis van Kolonel Spengler en
andere is dat nr. 3 was die eerste man wat aangekeer was, en
ingeneem was. Die Kolonel het uitgekem en hy het nog 'n man
kom haal - dit was 'n ander beskuldigde - en hom ingeneem.
Hy het uitgekem en volgens hom was dit omtrent vier of vyf
keer, maar volgens andere drie keer, en dit was heeltemal 'n
ander man wat hy mee besig was by die hek toe die ding gebeur
het? ---Ditmag moontlik wees dat ek iets vergeet het, maar ek
het hom gesien wegstap met die man. Hy het 'n bruin baadjie
aangehad, en kort daarna het hy....

Ja, dit is reg. Sover is die getuienis dat Kolonel
Spengler het met nr. 3 ingestap? ---Ja.

Maar die getuienis van al die ander getuies is dat
dit nie op daardie stadium was net voor die skietery nie, maar
'n aansienlik tydperk voor dit, en dat die Kolonel doenig was
met iemand anders net voor die skietery. --- Sover dit my
geheue strek is dit wat ek onthou. Ek mag verkeerd wees.

Soes jy onthou moet dit nr. 3 wees? --- Ek mag
verkeerd wees, Edelagbare.

LOUIS CHRISTIAAN VAN WYK, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

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

Hoe lank diens het u in die Polisionag? --- Dit

sal/....

sal die 10de April drie jaar wees.

Op die 21ste Maart hierdie jaar was u by die Sharpeville Polisiestasie tydens die skietery? ---Dit is reg.

En was u een van die Polisielede wie in linie gestaan het daar aan die westelike kant voor die groot hek? --- Dit is reg.

Nou, voor die skietery plaasgevind het, voor die Polisie geskiet het, wat het gebeur daar? ---Daar was 'n groot skare nie-blankes gewees rondom die Polisiestasie, die suidekant, die westekant, en aan die noordekant, en hulle het terwyl ons ingekom het met die radiomotor geskree en op die kar geslaan.

DEUR DIE HOF:

Is dit terwyl daar 'n radiokar ingekom het? --- Terwyl ons ingekom het. Dit was myself en 'n Sersant en nog 'n Konstabel.

Terwyl jy inkom in 'n radiokar? --- In 'n radiokar ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Omtrent hoe laat het jy daar aangekom? ---Dit was min of meer 9.30.

Kon u enige aanmerkings vanuit die skare hoor terwyl u ingekom het? ---Ja.

Wat se aanmerkings het u gehoor? ---Ek het gehoor dat hulle skree "Gato Manor!" en "Meyebuya Afrika!" Hulle het hulle duime so opgesteek.

Het die woorde "Gato Manor" enige spesiale betekenis vir jou daardie dag gehad? Het jy dit geken, het jy daardie woorde voorheen geken? ---Ja, ek het hulle geken.

En moes die kar deur die skare beweeg om by die hek in te kom? ---Ja, hulle het die pad heeltemal toe gestaan.

Ons/....

Ons moes baie stadig beweeg om nie van hulle raak te ry nie.

Het enige lid van die skare die beweging van die motorkar verhinder toe dit deurgegaan het? --- Ja, hulle het so styf gestaan partykeer dat ons moes stop dat hulle kon gepad voor. Baie van hulle het op die kar geslaan met hulle hande, plathande, bo-op die kar se kap.

Nou, u het daar gebly die hele tyd tot die skietery plaasgevind het? --- Dit is reg.

Omtrent hoe laat het die skietery plaasgevind? ---

Omtrent 1.35.

Nou, net kort voor die skietery plaasgevind het het julle 'n bevel gekry om in gelid of in linie in te val? ---

Dit is reg.

En wat was die volgende ding wat daarna gebeur het, daar by die skare? --- Wel, hulle het so geraas en te kere gegaan en nader gestorm teen die draad, en hulle het die draad heeltemal platgedruk. (Getuie dui aan).

Nou, u gebruik die woord platgedruk en wat se beweging het u gemaak met u hande? Kan u net vir die Hof wys? --- Hulle het die draad so oorgedruk. (Getuie demonstreer aan die Hof).

Hy was nie plat op die grond nie, maar so skuins? I, dit wat u bedoel het? --- Ja, hy was nie heeltemal plat nie, maar ek meen dit sou min gekes het om hom toe plat te druk.

Ja, gaan aan asseblief? --- Wel, toe het ons geskiet.

Het u self geskiet? --- Ja.

Hoekom het u geskiet? --- Ons het in gevaar verkeer, en om daardie rede het ons geskiet.

Watter gevaar was daar wat u gedreig het, of wat u oorreed het om te skiet? --- Wel, as daardie skare oor die draad/....

draad gekom het sou daar vir ons nie kans gewees het om ooit nog te dink aan skiet nie. Ons sou vernoor gewees het voor ons nog enigiets verder kon gedoen het.

Nou, voor ons aangaan laat ons net jou posisie probeer stel daar by die westelike kant. Ek wil jou bewysstuk 13 toon. Dit is 'n lugfoto van die Sharpeville Polisiestasie. Nou, heel bo sal jy sien is noord, aan jou linkerkant se kant is dit die westelike heining, en jy sal sien dat daar is die pad wat loop vanaf die westelike heining tot daar by die gebou. Is dit reg? — Ja, dit is reg.

En dit verdeel daardie grasperk daar in twee. So ons het nou 'n noordelike gedeelte en 'n suidelike gedeelte weerskante van die pad, is dit reg? — Dit is reg ja.

Nou, aan watter kant het u gestaan, aan die noordelike kant of aan die suidelike kant? — Aan die noordelike kant.

En omtrent hoe ver vanaf daardie middelpaadjie wat die grasperk in twee sny? — Omtrent ses tree.

En was daar enige persone wat voor u gestaan het toe u daar aangetree het in linie? — U meen blankes?

Ja? — Ja, daar was.

Was daar blankes voor u? Kyk, u was gevra om in gelid in te tree, nie waar nie? — U meen

DEUR DIE HOF:

Toe u klaar in 'n ry staan, was daar mense nog voor u, voordat u by die skare kon kom? — Nee.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En het jy gesien wat by die hek, daardie groot hek, plaasgevind het net voor die skietery gebeur het? — Daar was 'n gemaal gewees van die nie-blankes, en ek het nie juis opgemerk wat daar gebeur het presies nie.

En/....

En kort nadat daardie gemaal plaasgevind het by die hek, wat het gebeur daar, d.i. voor die Polisie geskiet het en net kort nadat die gemaal by die hek plaasgevind het? — Wel, daar was 'n nie-blanke, van die leiers, in hegtenis geneem.

Hoeveel het u gesien wat in hegtenis geneem is van die leiers? — Net een.

Net een. Nou daardie dag het u enige beserings opgedoen? — Nee, ek was wel raakgegooi maar ek het geen beserings opgedoen nie.

Jy was raakgegooi deur wat? — Net 'n klip.

En vanwaar het die klip gekom? — Uit die skare uit.

En waar het die klip jou getref? — Voor my bors hier so aan die regterkant. (Gedui aan).

Op die bors? — Ja.

Kan jy miskien vir die Hof 'n idee gee hoe groot die klip was wat u getref het? — So groot soos 'n man se vuus.

Het u op die been gebly of het u geval? — Nee, ek het omtrent so twee tree agteruit gestoer.

Het u die klip gesien kom of deur die lug trek voordat dit u geraak het? — Nee, toe ek voel toe is die klip teen my.

Het u enige oop wonde opgedoen of kousplekke? — Nee, niks nie.

Was dit die enigste klip wat u getref het?

DEUR DIE HOF:

Sy Polisie-uniform was sterk geneeg om dit te verby.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Was dit die enigste klip wat gegooi is daardie dag wat/....

wat u gesien het? — Nee, daar is meer gegooi. Ek het meer gesien kom, maar ek het nie sal ek sê almal opgemerk wat gegooi is nie. Ek kan nie seker sê hoeveel klippe daar gegooi is nie, maar daar is wel meer gegooi.

En daarna, d.w.s. op die 19de April hierdie jaar, en by die Boksburg tronk, het u 'n uitkenningsparade bygewoon?

— Dit is reg.

BY THE PUBLIC PROSECUTOR:

Your Worship, there is just one point that I would like to enquire from my learned friend, i.e. if he is canvassing the procedure adopted at the parade, otherwise I must go through a lot of formalities....?

BY THE COURT:

I don't know. Are you not calling the man who conducted the parade? — Yes, he will obviously be called.

You have been asking each witness the same question I don't know what Mr. Unterhalter's attitude is, but I think you could leave it to him to raise anything he wants to in cross-examination.

BY THE PUBLIC PROSECUTOR:

As Your Worship pleases.

VERHOOR DEUR DIE PUBLIEKRAANKLAER VERVOLG:

En toe u na die parade gebring is, watter vraag was aan u gestel? — U meen die uitkenningsparade?

Ja, die uitkenningsparade? — Daar is aan my gevra om enige persone uit te ken wat ek kan herken wat die dag by die betogings gewees het by Sharpeville lokasie.

En het u enige persone uitgewys? — Ja.

Hoeveel? — Twee. Dit was een by Boksburg en een hierse.

Ja, ons sal nou met eers handel met die parade op die/....

die 19de by Boksburg. U sê op daardie parade het u net een uitgewys? ---Net een uitgewys.

Nou, op die 19de Mei sê jy het jy 'n uitkenningsparade bygewoon hierse by die plaaslike tronk te Vereeniging? ---Ja.

Of die nuwe tronk wat hulle besig is om te bou? --- Dit is reg ja.

En het u enige persone daar uitgewys? --- Ook een.

Nou, sal u in staat wees om die twee persone wie u by die twee verskillende parades uitgewys het weer vandag uit te wys indien hulle teenwoordig is? --- Wel, ek is seker van een wat ek weer sal kan uitwys. Ek is nie seker van die tweede een nie. Dit is 'n bietjie lank terug.

Sal u net afstaan en deur die Hof kyk en sien of die persone vandag teenwoordig is? --- (Getuie wys beskuldigde nr. 3 uit).

VERHOOR VERVOLG:

U wys nou beskuldigde nr. 3 uit, en wat sê u in verband met die ander persoon? --- Ek is nie seker nie.

DEUR DIE HOF:

Van die ander persoon is jy nie seker nie? --- Ek is nie seker nie.

Ek het hier 'n aantekening gemaak dat die getuie saamlik lank na die ander beskuldigdes gekyk het, en ook selfs na die Polisie.

Nr. 3 is jy seker van? ---Ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Wat het u nr. 3 beskuldigde gesien doen op die 1ste Maart?

DEUR DIE HOF:

Laat ons nou eers uitvind. Beskuldigde nr. 3, waar het/....

het jy hom uitgeken, op Boksburg of hier? — Op Boksburg ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Waar het u beskuldigde nr. 3 gesien op die 21ste Maart? — Ek het hom gesien voor die skare op Sharpeville op en af beweeg.

En wat het hy nog gedoen terwyl hy op en af beweeg het voor die skare? — Hy het met sy hande so gewys vir die skare. (Getuie demonstreef aan die Hof).

DEUR DIE HOF:

Jy sien soos 'n persoon wat nense wink om aan te kom? — Ja.

VERHOOR VERVOLG:

En hoe het die skare reager toe hy so vir hulle gewink het? — Daar het 'n oerverdowende lawaai daarna gevolg.

Het u gesien wat het van beskuldigde nr. 3 geword? Kyk, u het hom gesien op en af loop daar, en hy het sekere gebare gemaak daar voor die skare. Wat het toe van hom geword? Het u opgeliet wat het uiteindelik van hom geword? — Die eerste keer wat ek hom toe weer gesien het was die aand in die aanklagkantoor.

Die aand in die aanklagkantoor toe sien u hom weer?

— Ja.

Toe was hy in hegtenis geneem al? — Ja, toe was hy in hegtenis geneem.

Nou, die ander persoon, die tweede persoon van wie u nou nie vandag seker is nie, waar het u daardie persoon gesien? — Ek is nie dood seker nie, maar ek dink dit is die persoon wat gestaan het aan die noordekant van die paadjie, d.w.s. waar ek gestaan het, aan dieselfde kant, aan die noordekant, buitekant die draad op die hoek.

En wat het hy gedoen? — Ek is nie seker nie, maar

dit/....

dit is een wat met 'n fiets daar gestaan het, al persoon omtrent wat 'n fiets daar gehad het, op daardie hoek.

Het u miskien opgelet hoe hy gekleed was, wat se klere hy aangehad het? of die kleur van die klere wat hy gedra het? — Nee.

Afgesien van die feit dat hy daar gestaan het met 'n fiets, wat het hy gedoen? — Hy het ook maar saam geskree met die ander een.

U kyk elke keer na die beskuldigde persone as u praat van hierdie man. Is daar enige rede daarvoor? — U meen dat ek seentoe kyk?

Ja? — Wel, die persoon wat die naaste lyk aan die een die/wat ek die dag hier uitgeken het, sien ek hierse, maar ek kan nie sê met sekerheid dit is hy nie.

DEUR DIE HOF:

Maar laat dit maar so. Op Vereeniging op die parade het jy iemand uitgeken, en vandag is jy nie seker of daardie persoon hier is of nie? — Die een wat ek hier uitgeken het ja, hy is hier.

Die Aanklaer wil weet wat daardie persoon gedoen het wie jy op dieparade op Vereeniging uitgeken het, of hy nou hier is of nie maak nie saak nie? Wat het daardie persoon gedoen op die 21ste? — Hy het ook maar saam met die skare geraas en soaan.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. van Wyk, did I understand you to say that you arrived at the Police Station grounds where the shooting subsequently took place, at about half past nine in the morning? — Dit is reg.

Did you also say that you had difficulty in getting through the crowd with your car, and the car moved slowly?

Dit/....

1,907.

L.C. van Wyk.

--- Dit is reg.

Was there then a very large crowd around the Police Station at that time? --- Dit is reg ja.

Now, what do you estimate the size of the crowd was then when you arrived with your radio car? --- Dit was duisende gewees. Ek kan nie sê presies hoeveel dit was nie.

More than ten thousand? --- Ek is maar swak om te skat met mense. Ek kan nie juis sê nie. Dit kon meer gewees het of minder.

Let me put ^{it} to you another way. The western street, i.e. the street where the double gate is on the western side of the Police Station, do you see it on Exhibit 13? --- Ja.

Was the crowd at that time filling the whole of that street? --- Ja, hy was min of meer gelyk.... as daar 'n kar kom dan kom hulle nader na die kar toe. Hulle kom in die pad as hy naderkom.

Was the southern street opposite the main entrance to the Police Station, i.e. where the small gate is, was it also completely full? I am talking about when you arrived at half past nine? --- Ek het nie eintlik eenseer aan die suidekant beweeg nie, maar daar het oek baie gestaan.

I am not sure that I heard your answer clearly as far as the western side is concerned. Did you say that the whole street was packed? --- Ja.

You see on Exhibit 13 the street running up the photograph, i.e. the street on the western side opposite the double gate? Have you understood my reference? --- Ha.

Do you see that street? --- Ja.

Now, you notice that the crowd is fairly closely packed on the eastern side of the street, i.e. on the side where that group of men are standing near the gate on the path/....

path? --- Ja.

And you will notice on the other side of that street, although there are groups of people standing about, there are also a fair number of open spaces showing that the crowd is not tightly packed on the western side of that street? You agree with that, don't you? --- Ja.

Now, what I want to ask you is are you saying to His Worship that when you arrived that western part which now has, according to the photograph, several gaps in it, was in fact tightly packed with people? --- Ek het gepraat van waar ons geskiet het, reg voor die groot hek.

Say that again please? --- Ek het gesê dat hulle gepak was daarse, daar waar ons geskiet, met die pad waar ons inkom; dit is die pad waar jy inkom daardie.

That is at the gate? --- Ja, by die groot hek.

Yes, but what I want to know is that as you drove towards the Police Station, was the whole of that western street packed with people? Apart from people around the gate was the whole of the street packed? --- Wel, soos die karre ingekom het, toe ons ingekom het, het die Bantoes van die hek af gee pad en na die kar toe gekom, en dan het hulle om die kar, rondom die kar gestaan. Nou, dit is baie moeilik om uit die kar uit te sien - die kar is laag - hoeveel Bantoes daar nou dieper in die straat in was soos ons ingekom het, want jy sit laag en hulle staan jou kant toe.

Mr. van Wyk, you had to drive in that street that I call the western street before you reached the gate? --- Ja.

Let us try and get the direction of your approach. Did you come from the top of the photograph, i.e. from the northern side, or did you come or approach the gate from the southern side, i.e. the bottom part of that street? --- Ek het afgekom met die noordekant, daardie hoofstraat, so deur.

Bo/

1,909.

L.C. van Wyk.

Bokant, daar is die winkels. Ek het om daardie heek gekom, hier af, by daardie hek in, en ek het die kar binne in die Polisiestatie geparkeer, daar. (Getuie dui aan op die plan).

Now, I have seen what you have indicated on the photograph to me. I just want to repeat it. You came down the main street which is on the northern side of the Police Station? ---Ja.

You turned left and you passed the shops that are approximately north-west of the Police Station? ---Ja.

You came into the street that runs to the west of the Police Station grounds, you turned left through the double gates in the western fence, and you drove right into the court yard which is surrounded by the Police Station buildings? Is that correct? ---Ja.

Now, what I want to know is this. As you passed the shops and came into the street which runs past those double gates, was the whole of that street packed from pavement to pavement with people, preventing your car getting through? ---Nee, hy was darem nie so dig nie.

So it was only the people on the side where the double gate is that were thickly packed? ---Ja.

And were they packed as closely when you came at half past nine as you see in this photograph, Exhibit 13? ---Dit is moeilik om te sê, want ek het nie so opgelet aan die suidekant nie. Soos ek reeds gesê het ek was baie min aan die suidekant gewees.

Yes, you are not certain how thick the crowd was packed round that gate as you drove through? --- Aan die suidekant ja. Aan die westekant was ek taamlik seker, want daar het ek deurgekom.

Now, when you got into the Police Station grounds
and/

you parked your car about half past nine, what did you do?
 Ek het my Sten-geweer uitgehaal en ek het vorentoe beweeg,
 or na die twee grasperke toe weerskante van die sypaadjie
 ar jy nou uitry.

Would you speak a little more loudly so that we can
 I hear you please? --- Ek het die Sten-geweer gevat en ek
 t beweeg na die dubbele hekke se kant aan die westekant
 n die Palsiestasie, en ek het daar rond maar rondgestaan.

Was your gun loaded? --- Nee.

Was there any Officer present at that time when
 ou arrived? --- Ja, daar was.

A uniformed Officer? --- Nee, ek weet nie of daar
 n Uniformoffisier was nie, maar ek weet daar was Speurder-
 offisiere, een persoonlik wat ek ken.

Do you remember his name? --- Hy is van "The
 Greys". Ek dink dit is of as ek dit nie mis het nie is
 dit Kolonel Spengler.

You think it was Colonel Spengler? --- Ja.

This was when you arrived at half past nine? ---
 Ja, ek het hom nie op die moment daar gesien onmiddellik nie.
 Ek het hom gesien omtrent ek is nie seker of dit ongeveer
 'n uur of 'n driekwart uur later was nie, maar terwyl ons
 daar rondgestaan en gesels het onder mekaar het ek hom
 opgemerk daar.

I take it you are having difficulty in remembering
 these details because it is quite a long time ago that these
 things happened? --- Ja.

Did you report to the Officer that you were present?
 --- Ek het nie persoonlik aan iemand gesê dat ek daar is nie,
 want ek is gestuur deur die Beheerkamer in Johannesburg
 hiernatoe.

This/....

1, 911.

L. J. VAN DYK.

This particular officer did not give you any orders upon your arrival when you first came? — Yes, sir by me. I saw that under the car and got of 'a order passed but not my own. I saw that the car was within the zone and the driver was in the car with me at the bar about, so the driver or the manager by one hand.

Do you know who it was who gave you this order? — Yes, sir, it was the man who was with me. It was a man who was in the bar.

Now, you were there about half past nine, the shooting took place at about half past one, a few minutes after half past one, and that means you were there for roughly four hours? — Ja.

During that time did you have an opportunity to smoke, or to drink a cup of coffee or tea? — Yes, sir, I did. I had a cup of coffee and a cup of tea. I had a cup of coffee and a cup of tea. I had a cup of coffee and a cup of tea.

And during most of that period did you just stand around and talk with other policemen? — Ja.

Now, at a certain stage other officers came on the scene? — Yes, sir, they came on the scene. They came on the scene. They came on the scene.

THE END OF THE MATTER.